

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 754 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 746

5 By: Senator Broadway
6 By: Representative Webb
7

For An Act To Be Entitled

10 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
11 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
12 BUILDING AUTHORITY - SUSTAINABLE BUILDING DESIGN
13 PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2010;
14 AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT FOR THE ARKANSAS BUILDING
17 AUTHORITY - SUSTAINABLE BUILDING DESIGN
18 PROGRAM APPROPRIATION FOR THE 2009-2010
19 FISCAL YEAR.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. REGULAR SALARIES - SUSTAINABLE BUILDING DESIGN PROGRAM. There
27 is hereby established for the Arkansas Building Authority for the 2009-2010
28 fiscal year, the following maximum number of regular employees whose salaries
29 shall be governed by the provisions of the Uniform Classification and
30 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
31 all laws amendatory thereto. Provided, however, that any position to which a
32 specific maximum annual salary is set out herein in dollars, shall be exempt
33 from the provisions of said Uniform Classification and Compensation Act. All
34 persons occupying positions authorized herein are hereby governed by the
35 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas



1 Code §21-5-101), or its successor.

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Item	Maximum	Maximum Annual
No.	No. of	Salary Rate
	Employees	Fiscal Year
		2009-2010
(1) ENERGY CONSERVATION MANAGER	<u>1</u>	GRADE C119
MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Maintenance Fund, for personal services and operating expenses of the Arkansas Building Authority - Sustainable Building Design Program for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 37,743
(02) PERSONAL SERV MATCHING	10,568
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	10,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	5,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 63,311</u>

SECTION 3. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM REVOLVING LOAN FUND. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Sustainable Building Design Revolving Loan Fund, for transfers or loans to state agencies, boards or commissions for construction, renovation, maintenance and operating expenses for the Sustainable Building Design Program for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010

1 (01) LOANS FOR THE SUSTAINABLE BUILDING DESIGN
 2 PROGRAM FOR AGENCIES, BOARDS OR COMMISSIONS
 3 FOR CONSTRUCTION, RENOVATION,
 4 MAINTENANCE AND OPERATING EXPENSES \$ 15,000,000

6 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 SUSTAINABLE BUILDING DESIGN PROGRAM - TRANSFER. In the event there is not
 9 sufficient appropriation and/or funding provided for by the General Assembly
 10 for any state agency, board or commission to participate in the Sustainable
 11 Building Design Program for renovations of state owned property which exceeds
 12 two hundred fifty thousand dollars (\$250,000), the agency may request a
 13 transfer from the Sustainable Building Design Program appropriation
 14 authorized in Section 3 of this Act from the Chief Fiscal Officer of the
 15 State. The request shall clearly state the amount required and such other
 16 information as may be required by the Chief Fiscal Officer of the State
 17 necessary to make a decision regarding the request. Upon approval of the
 18 Chief Fiscal Officer of the State and prior review by the Arkansas
 19 Legislative Council or Joint Budget Committee, the State Auditor shall be
 20 notified as of the amount and the purposes for which the appropriation and/or
 21 funding is to be transferred and shall be established upon the books of the
 22 Department of Finance and Administration and the State Auditor. If desired,
 23 the appropriation may be supplemental to those regularly appropriated for
 24 like purposes by the General Assembly for that agency.
 25 Provided further, that all state agencies, boards or commissions shall have
 26 prior approval by the Arkansas Building Authority as authorized for the
 27 Sustainable Building Design Program in accordance with established Rules and
 28 Regulations.

30 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

32 SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable
 33 Building Design Program Appropriation is intended to provide additional
 34 appropriation authority for the Sustainable Building Design Program. Funding
 35 for the program may be made available by the Chief Fiscal Officer of the
 36 State, in the form of a loan, from a transfer from the Sustainable Building

1 Design Revolving Loan Fund after the required review by the Arkansas
2 Legislative Council or Joint Budget Committee, approval by the Chief Fiscal
3 Officer of the State and approval through rules and regulations established
4 and administered by the Arkansas Building Authority. Moneys made available
5 for the repayment of a loan shall be deposited to the credit of the
6 Sustainable Building Design Revolving Loan Fund as a "Refund to Expenditure"
7 for the year in which the deposit is made. In the event that the funds for
8 the repayment of a loan are held in depositories other than the State
9 Treasury, the administrative head of the affected state agency shall issue a
10 check drawn against the funds, which shall be deposited in the Sustainable
11 Building Design Revolving Loan Fund.

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13 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 SUSTAINABLE BUILDING DESIGN PROGRAM - RULES AND REGULATIONS. Rules and
16 Regulations shall be established and administered by the Arkansas Building
17 Authority for the Sustainable Building Design Program prior to the
18 implementation of any transfers of appropriation and/or funding. The Rules
19 and Regulations shall be reviewed by the Legislative Council or Joint Budget
20 Committee prior to implementation.

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22 SECTION 7. SPECIAL LANGUAGE. Sustainable Building Design Revolving Loan
23 Fund.

24 (a) There is hereby created on the books of the Treasurer of State, Auditor
25 of State, and Chief Fiscal Officer of the State a miscellaneous fund to be
26 known as the "Sustainable Building Design Revolving Loan Fund".

27 (b)(1) The fund shall consist of funds transferred to it from the General
28 Improvement Fund or other funds, gifts, bequests, foundation grants and
29 gifts, Governor's or other emergency funds, federal grants and matching
30 funds, proceeds from bond issues, service charges or fees, interagency
31 transfers of funds, and other funds as may be appropriated by the General
32 Assembly.

33 (2) The fund shall consist of funds received from agencies, boards or
34 commissions to repay loans for the Sustainable Building Design Program, funds
35 made available by the General Assembly from time to time and such revenues as
36 may be authorized by law.

1 (c) The fund shall be used to provide loans to agencies for the Sustainable
2 Building Design Program as authorized by law and approved by the Chief Fiscal
3 Officer of the State.

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5 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
7 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
8 time on his or her books and those of the State Treasurer and the Auditor of
9 the State funding which is made available from General Improvement Funds
10 allocated and distributed to the Arkansas Building Authority in an amount not
11 to exceed three million dollars (\$3,000,000) from the General Improvement
12 Fund or its successor fund or fund accounts to the Sustainable Building
13 Design Revolving Loan Fund to provide funds for the appropriation provided
14 herein or for appropriation authority as may be provided by law to provide
15 loans to agencies for the Sustainable Building Design Program.

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17 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
19 TRANSFER. From time to time, the Chief Fiscal Office of the State may
20 transfer on his or her books and those of the State Treasurer and the Auditor
21 of the State the sum not to exceed twelve million dollars (\$12,000,000) from
22 Federal Funds as determined by the Chief Fiscal Officer of the State to the
23 Sustainable Building Design Revolving Loan Fund to provide funds for the
24 appropriations herein.

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26 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 restrictions of the State Procurement Law, the General Accounting and
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
31 Procedures and Restrictions Act, or their successors, and other fiscal
32 control laws of this State, where applicable, and regulations promulgated by
33 the Department of Finance and Administration, as authorized by law, shall be
34 strictly complied with in disbursement of said funds.

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36 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

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9 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a one (1) year period; that the
12 effectiveness of this Act on July 1, 2009 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2009 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2009.

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22 **APPROVED: 4/1/2009**
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