

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

SENATE BILL 36

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 BUILDING AUTHORITY - SUSTAINABLE BUILDING DESIGN
12 PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2011;
13 AND FOR OTHER PURPOSES.
14
15

Subtitle

16 AN ACT FOR THE ARKANSAS BUILDING
17 AUTHORITY - SUSTAINABLE BUILDING DESIGN
18 PROGRAM APPROPRIATION FOR THE 2010-2011
19 FISCAL YEAR.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES - SUSTAINABLE BUILDING DESIGN PROGRAM. There
26 is hereby established for the Arkansas Building Authority for the 2010-2011
27 fiscal year, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.
36



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(1)	G232C	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, 2011, the following:

ITEM NO.		FISCAL YEAR 2010-2011
(01)	REGULAR SALARIES	\$ 38,611
(02)	PERSONAL SERV MATCHING	10,811
(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>64,422</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, 2011, the following:

ITEM NO.		FISCAL YEAR 2010-2011
(01)	LOANS FOR THE SUSTAINABLE BUILDING DESIGN PROGRAM FOR AGENCIES, BOARDS OR COMMISSIONS	

1 FOR CONSTRUCTION, RENOVATION,
2 MAINTENANCE AND OPERATING EXPENSES \$ 15,000,000

3
4 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

23 Provided further, that all state agencies, boards or commissions shall have
24 prior approval by the Arkansas Building Authority as authorized for the
25 Sustainable Building Design Program in accordance with established Rules and
26 Regulations.
27

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

30 SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable
31 Building Design Program Appropriation is intended to provide additional
32 appropriation authority for the Sustainable Building Design Program. Funding
33 for the program may be made available by the Chief Fiscal Officer of the
34 State, in the form of a loan, from a transfer from the Sustainable Building
35 Design Revolving Loan Fund after the required review by the Arkansas
36 Legislative Council or Joint Budget Committee, approval by the Chief Fiscal

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

10
11 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
13 SUSTAINABLE BUILDING DESIGN PROGRAM - RULES AND REGULATIONS. Rules and
14 Regulations shall be established and administered by the Arkansas Building
15 Authority for the Sustainable Building Design Program prior to the
16 implementation of any transfers of appropriation and/or funding. The Rules
17 and Regulations shall be reviewed by the Legislative Council or Joint Budget
18 Committee prior to implementation.

19
20 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
22 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
23 time on his or her books and those of the State Treasurer and the Auditor of
24 the State funding which is made available from General Improvement Funds
25 allocated and distributed to the Arkansas Building Authority in an amount not
26 to exceed three million dollars (\$3,000,000) from the General Improvement
27 Fund or its successor fund or fund accounts to the Sustainable Building
28 Design Revolving Loan Fund to provide funds for the appropriation provided
29 herein or for appropriation authority as may be provided by law to provide
30 loans to agencies for the Sustainable Building Design Program.

31
32 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
34 TRANSFER. From time to time, the Chief Fiscal Office of the State may
35 transfer on his or her books and those of the State Treasurer and the Auditor
36 of the State the sum not to exceed twelve million dollars (\$12,000,000) from

1 Federal Funds as determined by the Chief Fiscal Officer of the State to the
 2 Sustainable Building Design Revolving Loan Fund to provide funds for the
 3 appropriations herein.

4
 5 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 6 by this act shall be limited to the appropriation for such agency and funds
 7 made available by law for the support of such appropriations; and the
 8 restrictions of the State Procurement Law, the General Accounting and
 9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 10 Procedures and Restrictions Act, or their successors, and other fiscal
 11 control laws of this State, where applicable, and regulations promulgated by
 12 the Department of Finance and Administration, as authorized by law, shall be
 13 strictly complied with in disbursement of said funds.

14
 15 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly
 16 that any funds disbursed under the authority of the appropriations contained
 17 in this act shall be in compliance with the stated reasons for which this act
 18 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 19 and Legislative Recommendations contained in the budget manuals prepared by
 20 the Department of Finance and Administration, letters, or summarized oral
 21 testimony in the official minutes of the Arkansas Legislative Council or
 22 Joint Budget Committee which relate to its passage and adoption.

23
 24 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
 25 Assembly, that the Constitution of the State of Arkansas prohibits the
 26 appropriation of funds for more than a one (1) year period; that the
 27 effectiveness of this Act on July 1, 2010 is essential to the operation of
 28 the agency for which the appropriations in this Act are provided, and that in
 29 the event of an extension of the legislative session, the delay in the
 30 effective date of this Act beyond July 1, 2010 could work irreparable harm
 31 upon the proper administration and provision of essential governmental
 32 programs. Therefore, an emergency is hereby declared to exist and this Act
 33 being necessary for the immediate preservation of the public peace, health
 34 and safety shall be in full force and effect from and after July 1, 2010.