

Stricken language will be deleted and underlined language will be added.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 103

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE ARKANSAS BUILDING
AUTHORITY FOR THE FISCAL YEAR ENDING JUNE 30, 2014;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS BUILDING
AUTHORITY APPROPRIATION FOR THE 2013-2014
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby established for the Arkansas Building Authority for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	U052U	ABA DIRECTOR	1	\$131,161
(2)	U080U	ABA DEPUTY DIRECTOR	1	\$106,596
(3)	B003N	ABA STATE ARCHITECT	1	GRADE N908
(4)	B002N	ABA STATE ENGINEER	1	GRADE N908
(5)	G036C	ABA DIVISION MANAGER	3	GRADE C127
(6)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
(7)	B023C	ENGINEER, P.E.	3	GRADE C124



(8)	B021C	LICENSED ARCHITECT	2	GRADE C124
(9)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
(10)	B042C	ENGINEER	1	GRADE C121
(11)	R014C	PERSONNEL MANAGER	1	GRADE C121
(12)	R019C	BUDGET MANAGER	1	GRADE C120
(13)	X047C	REAL ESTATE MANAGER	1	GRADE C120
(14)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(15)	S013C	ABA BUILDING/PROGRAM SUPERVISOR	2	GRADE C118
(16)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(17)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
(18)	V014C	BUYER	1	GRADE C116
(19)	X129C	CONSTRUCTION INSPECTOR	4	GRADE C116
(20)	S022C	SKILLED TRADES SUPERVISOR	1	GRADE C116
(21)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(22)	S031C	SKILLED TRADESMAN	1	GRADE C115
(23)	X153C	REAL ESTATE ANALYST	3	GRADE C114
(24)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
(25)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(26)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	39	

SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REGULAR SALARIES	\$1,996,311
(02) PERSONAL SERVICES MATCHING	631,716
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	48,594
(B) CONF. & TRAVEL	6,200
(C) PROF. FEES	0
(D) CAP. OUTLAY	0

(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	\$2,682,821

SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby established for the Arkansas Building Authority for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	G036C	ABA DIVISION MANAGER	1	GRADE C127
(2)	S004C	MAINTENANCE MANAGER	1	GRADE C121
(3)	G232C	ENERGY CONSERVATION MANAGER	1	GRADE C119
(4)	S013C	ABA BUILDING/PROGRAM SUPERVISOR	5	GRADE C118
(5)	S017C	MAINTENANCE COORDINATOR	8	GRADE C117
(6)	V014C	BUYER	1	GRADE C116
(7)	S022C	SKILLED TRADES SUPERVISOR	4	GRADE C116
(8)	S037C	ABA BUILDING MAINTENANCE SPECIALIST	11	GRADE C115
(9)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(10)	S031C	SKILLED TRADESMAN	10	GRADE C115
(11)	S047C	LANDSCAPE SUPERVISOR	1	GRADE C113
(12)	S046C	MAINTENANCE TECHNICIAN	2	GRADE C113
(13)	A098C	FISCAL SUPPORT SPECIALIST	2	GRADE C112
(14)	S065C	MAINTENANCE ASSISTANT	3	GRADE C108
MAX. NO. OF EMPLOYEES			51	

SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized, for the Arkansas Building Authority for the 2013-2014 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: nine (9) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. 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 for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REGULAR SALARIES	\$1,847,211
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	669,374
(04) OVERTIME	40,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	8,085,890
(B) CONF. & TRAVEL	15,000
(C) PROF. FEES	40,000
(D) CAP. OUTLAY	84,100
(E) DATA PROC.	0
(06) DEBT SERVICE	2,307,186
(07) FACILITIES MANAGEMENT CONTINGENCY	125,000
(08) RENT OF SPACE	<u>121,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$13,349,761</u></u>

SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is hereby established for the Arkansas Building Authority for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>Employees</u>	<u>2013-2014</u>
(1)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
(2)	S037C	ABA BUILDING MAINTENANCE SPECIALIST	<u>2</u>	GRADE C115
		MAX. NO. OF EMPLOYEES	3	

SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. 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 for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$110,550
(02) PERSONAL SERVICES MATCHING	39,181
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	584,453
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$734,184</u></u>

SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Justice Building Fund, for maintenance of the Justice Building by the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) SPECIAL MAINTENANCE	<u><u>\$504,659</u></u>

SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Maintenance Fund, for critical maintenance of various state buildings by the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) SPECIAL MAINTENANCE	<u><u>\$3,260,000</u></u>

SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Real Estate Fund, for the acquisition and maintenance of facilities and land by the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$300,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) CONSTRUCTION/RENOVATIONS	<u>1,200,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,500,000</u></u>

SECTION 11. APPROPRIATION - JUSTICE BUILDING CONSTRUCTION - CASH. There is hereby appropriated, to the Arkansas Building Authority, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Building Authority, for operating expenses of the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$55,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	35,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) DEBT SERVICE	<u>1,200,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,290,000</u></u>

SECTION 12. APPROPRIATION - ARKANSAS SERVICES CENTER - OPERATIONS.

There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Maintenance Fund, for maintenance and operating expenses of the Arkansas Services Center by the Arkansas Building Authority for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) AR SERVICES CENTER	<u>\$995,000</u>

SECTION 13. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM. 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 Arkansas Building Authority - Sustainable Building Design Program for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) LOANS	\$5,394,621
(02) LOAN REPAYMENTS GRANTS	<u>2,414,208</u>
TOTAL AMOUNT APPROPRIATED	<u>\$7,808,829</u>

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS. Arkansas Building Authority may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the State Central Services Fund to the Arkansas Building Authority Maintenance Fund for operation of the Justice Building for actual expenditures, in an amount not to exceed the dollar amount appropriated in Section 7. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Arkansas Building Authority.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESTRICTIONS. Arkansas Building Authority shall not demolish the 501 Building, formerly known as the Aegon building, but shall retain the building as suitable office space to be used by state agencies, boards, commissions, offices and departments.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS. The Arkansas Building Authority is hereby authorized, after seeking the approval of the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee to request transfer from the appropriation made in Section 5 for Building Maintenance to the Acquisition and Maintenance appropriation in Section 10 and to receive from another state agency that seeks like approvals its authority, appropriation and the transfer of funds to be deposited into the Arkansas Building Authority Real Estate Fund to become part of the Acquisition and Maintenance appropriation, and to be used for any purposes as set forth by law for said Real Estate Fund.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Building Authority may operate more efficiently if some flexibility is provided to the Arkansas Building Authority authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative

Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Arkansas Building Authority may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in Section 5 of this Act to any appropriation authorized for the Arkansas Building Authority.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to provide a more cost effective method to address the emerging infrastructure needs of Arkansas State Government, appropriations and funds transferred to the Facilities Management Contingency Appropriation are to be used in the event that the Arkansas Building Authority executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Arkansas Building Authority are not sufficient to address those needs, and it is more cost effective for the Arkansas Building Authority to execute these services. Any State Agency may transfer or deposit funds and appropriations to the Arkansas Building Authority - Facilities Management Contingency Appropriation authorized in Section 5 of this Act to execute one or more building contracts or maintenance agreements with said State Agencies. The Arkansas Building Authority shall provide justification to the Chief Fiscal Officer of the State for the need of such appropriations and funds transfers and seek and receive approval of the Chief Fiscal Officer of the State. Arkansas Building Authority shall then seek and receive the approval of the Arkansas Legislative Council or Joint Budget Committee. The requirement of approval

by the Arkansas Legislative Council or Joint Budget Committee is not a severable part of the section. If the requirement of approval by the Arkansas Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The Chief Fiscal Officer of the State shall make the necessary adjustments on his or her books and the books of the Auditor of the State for the transfer or deposit of the funds and appropriations from each State Agency to the appropriation authorized in Section 5 of this Act and to the various Arkansas Building Authority accounts to be used exclusively by the Arkansas Building Authority for the fiscal year.

(c) The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

Regulations.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable Building Design Program Appropriation is intended to provide additional appropriation authority for the Sustainable Building Design Program. Funding for the program may be made available by the Chief Fiscal Officer of the State, in the form of a loan, from a transfer from the Sustainable Building Design Revolving Loan Fund after the required review by the Arkansas Legislative Council or Joint Budget Committee, approval by the Chief Fiscal Officer of the State and approval through rules and regulations established and administered by the Arkansas Building Authority. Moneys made available for the repayment of a loan shall be deposited to the credit of the Sustainable Building Design Revolving Loan Fund as a "Refund to Expenditure" for the year in which the deposit is made. In the event that the funds for the repayment of a loan are held in depositories other than the State Treasury, the administrative head of the affected state agency shall issue a check drawn against the funds, which shall be deposited in the Sustainable Building Design Revolving Loan Fund.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUSTAINABLE BUILDING DESIGN PROGRAM - RULES AND REGULATIONS. Rules and Regulations shall be established and administered by the Arkansas Building Authority for the Sustainable Building Design Program prior to the implementation of any transfers of appropriation and/or funding. The Rules and Regulations shall be reviewed by the Legislative Council or Joint Budget Committee prior to implementation.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. The Chief Fiscal Officer of the State may transfer from time to time on his or her books and those of the State Treasurer and the Auditor of the State funding which is made available from General Improvement Funds allocated and distributed to the Arkansas Building Authority in an amount not

to exceed three million dollars (\$3,000,000) from the General Improvement Fund or its successor fund or fund accounts to the Sustainable Building Design Revolving Loan Fund to provide funds for the appropriation provided herein or for appropriation authority as may be provided by law to provide loans to agencies for the Sustainable Building Design Program.

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

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. The Arkansas Building Authority is authorized to transfer any unspent funds remaining in any cash fund account established for the management of a state owned facility managed by, but not owned by, the Arkansas Building Authority to the Arkansas Building Authority Maintenance Fund to support the facility's Maintenance and Operations appropriations.

SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 26. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for

which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013.