

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 36

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES - BUILDING AUTHORITY DIVISION FOR THE FISCAL YEAR ENDING JUNE 30, 2022; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES - BUILDING AUTHORITY DIVISION APPROPRIATION FOR THE 2021-2022 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 Department of Transformation and Shared Services - Building Authority Division for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
(1)	U052U	TSS ABA DIRECTOR	1	GRADE SE02
(2)	B003N	TSS STATE ARCHITECT	1	GRADE GS14
(3)	B002N	TSS STATE ENGINEER	1	GRADE GS14
(4)	U080U	TSS ABA DEPUTY DIRECTOR	1	GRADE GS13



(5)	B023C ENGINEER, P.E.	1	GRADE GS11
(6)	G036C TSS DIVISION MANAGER	2	GRADE GS10
(7)	R019C BUDGET MANAGER	1	GRADE GS09
(8)	B042C ENGINEER	1	GRADE GS09
(9)	B021C LICENSED ARCHITECT	2	GRADE GS09
(10)	S004C MAINTENANCE MANAGER	1	GRADE GS08
(11)	X047C REAL ESTATE MANAGER	1	GRADE GS07
(12)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
(13)	S022C SKILLED TRADES SUPERVISOR	1	GRADE GS06
(14)	S013C TSS BUILDING/PROGRAM SUPERVISOR	2	GRADE GS06
(15)	A088C ASSETS COORDINATOR	1	GRADE GS05
(16)	X129C CONSTRUCTION INSPECTOR	3	GRADE GS05
(17)	B090C ENGINEER TECHNICIAN	1	GRADE GS05
(18)	S031C SKILLED TRADESMAN	1	GRADE GS05
(19)	C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
(20)	R036C HUMAN RESOURCES SPECIALIST	1	GRADE GS04
(21)	X153C REAL ESTATE ANALYST	3	GRADE GS04
(22)	C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	29	

SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$1,597,415
(02) PERSONAL SERVICES MATCHING	554,249
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	45,955
(B) CONF. & TRAVEL	6,200
(C) PROF. FEES	0
(D) CAP. OUTLAY	0

(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,203,819</u></u>

SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby established for the Department of Transformation and Shared Services - Building Authority Division for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2021-2022
(1)	G036C TSS DIVISION MANAGER	1	GRADE GS10
(2)	B042C ENGINEER	1	GRADE GS09
(3)	S107C TSS BUILDING OPERATIONS ASST MANAGER	1	GRADE GS09
(4)	S106C LICENSED TRADESMAN	3	GRADE GS07
(5)	S017C MAINTENANCE COORDINATOR	6	GRADE GS07
(6)	C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
(7)	S022C SKILLED TRADES SUPERVISOR	3	GRADE GS06
(8)	S013C TSS BUILDING/PROGRAM SUPERVISOR	3	GRADE GS06
(9)	V014C BUYER	1	GRADE GS05
(10)	B090C ENGINEER TECHNICIAN	1	GRADE GS05
(11)	S031C SKILLED TRADESMAN	6	GRADE GS05
(12)	S037C TSS BUILDING MAINTENANCE SPECIALIST	9	GRADE GS05
(13)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE GS04
(14)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
(15)	S065C MAINTENANCE ASSISTANT	<u>2</u>	GRADE GS01
MAX. NO. OF EMPLOYEES		40	

SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized, for the Department of Transformation and Shared Services - Building Authority Division for the 2021-2022 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 Department of Transformation and Shared Services, to be payable from the Building Authority Division Maintenance Fund, for personal services and operating expenses of the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM NO.		FISCAL YEAR 2021-2022
(01)	REGULAR SALARIES	\$1,546,780
(02)	EXTRA HELP	15,000
(03)	PERSONAL SERVICES MATCHING	613,150
(04)	OVERTIME	40,000
(05)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	13,659,015
	(B) CONF. & TRAVEL	15,000
	(C) PROF. FEES	50,000
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
(06)	DEBT SERVICE	5,002,186
(07)	FACILITIES MANAGEMENT CONTINGENCY	125,000
(08)	RENT OF SPACE	<u>121,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$21,187,131</u>

SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is hereby established for the Department of Transformation and Shared Services - Building Authority Division for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
(1)	S017C	MAINTENANCE COORDINATOR	1	GRADE GS07

(2) S037C TSS BUILDING MAINTENANCE SPECIALIST 2 GRADE GS05
 MAX. NO. OF EMPLOYEES 3

SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the Building Authority Division Maintenance Fund, for personal services and operating expenses of the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2021-2022</u>
(01) REGULAR SALARIES	\$114,661
(02) PERSONAL SERVICES MATCHING	44,785
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	569,453
(B) CONF. & TRAVEL	0
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$743,899</u></u>

SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the Justice Building Fund, for maintenance of the Justice Building by the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2021-2022</u>
(01) SPECIAL MAINTENANCE	<u><u>\$404,293</u></u>

SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the Building Authority Division Maintenance Fund, for critical maintenance of various state buildings by the Department of Transformation

and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) SPECIAL MAINTENANCE	<u>\$5,000,000</u>

SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the Building Authority Division Real Estate Fund, for the acquisition and maintenance of facilities and land by the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$300,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	1,506,650
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) CONSTRUCTION/ACQUISITION/MAINTENANCE	<u>2,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$4,306,650</u>

SECTION 11. APPROPRIATION - JUSTICE BUILDING CONSTRUCTION - CASH. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from cash funds as defined by Arkansas Code 19-4-801, for operating expenses of the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) CONSTRUCTION	<u>\$15,290,000</u>

SECTION 12. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM. There

is hereby appropriated, to the Department of Transformation and Shared Services, 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 Department of Transformation and Shared Services - Building Authority Division - Sustainable Building Design Program for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) LOANS	<u>\$10,739,371</u>

SECTION 13. APPROPRIATION - CASH. There is hereby appropriated, to the Department of Transformation and Shared Services, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for building improvements by the Department of Transformation and Shared Services - Building Authority Division for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) BUILDING IMPROVEMENTS	<u>\$2,865,890</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 - JUSTICE BUILDING OPERATIONS ACTUAL EXPENDITURES. Building Authority Division 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 the Justice Building Operation Section. 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 Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS. Building Authority Division 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 the Building Maintenance Section for Building Maintenance to the Acquisition and Maintenance appropriation in the Acquisition and Maintenance Section and to receive from another state agency that seeks like approvals its authority, appropriation and the transfer of funds to be deposited into the Building Authority Division 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 Building Authority Division may operate more efficiently if some flexibility is provided to Building Authority Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING

AUTHORITY DIVISION CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. Building Authority Division may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in the Building Maintenance Section of this Act to any appropriation authorized for Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 17. 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 Building Authority Division executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Building Authority Division are not sufficient to address those needs, and it is more cost effective for Building Authority Division to execute these services. Any State Agency may transfer or deposit funds and appropriations to Building Authority Division - Facilities Management Contingency Appropriation authorized in the Building Maintenance Section of this Act to execute one or more building contracts or maintenance agreements with said State Agencies. Building Authority Division 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. Building Authority Division 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 the Building Maintenance Section of this Act and to the various Building Authority Division accounts to be used exclusively by Building Authority Division for the fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 18. 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 the Sustainable Building Design Program Section 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 Building Authority Division as authorized for the Sustainable Building Design Program in accordance with established Rules and Regulations.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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 - 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 Building Authority Division. 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.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER - ~~GENERAL IMPROVEMENT FUNDS~~ DEVELOPMENT AND ENHANCEMENT FUNDS. 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~~ Development and Enhancement Funds allocated and distributed to Building Authority Division in an amount not to exceed three million dollars (\$3,000,000) from the ~~General Improvement Fund~~ Development and Enhancement 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.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING

TRANSFER - FEDERAL FUNDS. 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.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER - CASH FUND ACCOUNT. Building Authority Division 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, Building Authority Division to the Building Authority Maintenance Fund to support the facility's Maintenance and Operations appropriations.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 23. 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 24. 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 25. 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, 2021 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, 2021 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, 2021.