

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 1220 of the Regular Session

As Engrossed: S2/1/07 S3/23/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 125

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 BUILDING AUTHORITY FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2009; AND FOR OTHER PURPOSES.
13

Subtitle

14
15
16 AN ACT FOR THE ARKANSAS BUILDING
17 AUTHORITY APPROPRIATION FOR THE
18 2007-2009 BIENNIUM.
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
24 established for the Arkansas Building Authority for the 2007-2009 biennium,
25 the following maximum number of regular employees whose salaries shall be
26 governed by the provisions of the Uniform Classification and Compensation Act
27 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
28 thereto. Provided, however, that any position to which a specific maximum
29 annual salary is set out herein in dollars, shall be exempt from the
30 provisions of said Uniform Classification and Compensation Act. All persons
31 occupying positions authorized herein are hereby governed by the provisions
32 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
33 101), or its successor.
34

35
Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2007-2008	2008-2009
4	(1)	9903	ABA DIRECTOR	1	\$112,546	\$114,796
5	(2)	9749	ABA STATE ENGINEER	1	\$94,077	\$95,958
6	(3)	6611	ABA STATE ARCHITECT	1	\$94,077	\$95,958
7	(4)	9006	ABA DEPUTY DIRECTOR	1	\$91,468	\$93,297
8	(5)	8811	ABA SPECIAL PROJECTS ANALYST	1	\$52,761	\$53,816
9	(6)	692Z	ABA STATE CONSTRUCTION ADMR	1	GRADE 25	
10	(7)	695Z	ABA ADMR OF REAL ESTATE SERVICES	1	GRADE 25	
11	(8)	A046	AGENCY CONTROLLER - LARGE/COMPLEX A	1	GRADE 25	
12	(9)	R170	ATTORNEY SPECIALIST	1	GRADE 25	
13	(10)	N330	LICENSED ARCHITECT	4	GRADE 23	
14	(11)	055Z	DP MANAGER	1	GRADE 23	
15	(12)	R485	ABA HUMAN RESOURCE MANAGER	1	GRADE 23	
16	(13)	X338	ENGINEER, PE	1	GRADE 22	
17	(14)	X428	ABA CONTRACT & CONST MGR	1	GRADE 22	
18	(15)	918Z	ABA REAL ESTATE MGR	1	GRADE 22	
19	(16)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
20	(17)	V080	MGR PURCHASING & PROPERTY MGT	1	GRADE 21	
21	(18)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
22	(19)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
23	(20)	G197	ABA BUILDING MAINT PRGM COORD	1	GRADE 20	
24	(21)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
25	(22)	A122	ACCOUNTING SERVICES REP I	1	GRADE 19	
26	(23)	V008	BUYER III	1	GRADE 19	
27	(24)	X306	CHIEF CONSTRUCTION INSPECTOR	2	GRADE 19	
28	(25)	V022	LEASING SPECIALIST II	2	GRADE 19	
29	(26)	X315	CONSTRUCTION INSPECTOR	2	GRADE 18	
30	(27)	V020	LEASING SPECIALIST	1	GRADE 18	
31	(28)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
32	(29)	Y003	AUTO/DIESEL MECHANIC	1	GRADE 17	
33	(30)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
34	(31)	K153	SECRETARY II	<u>1</u>	GRADE 13	
35			MAX. NO. OF EMPLOYEES	38		

36

1 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 2 to the Arkansas Building Authority, to be payable from the Miscellaneous
 3 Agencies Fund Account, for personal services and operating expenses of the
 4 Arkansas Building Authority for the biennial period ending June 30, 2009, the
 5 following:

7 ITEM	FISCAL YEARS	
8 <u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
9 (01) REGULAR SALARIES	\$ 1,733,742	\$ 1,768,683
10 (02) PERSONAL SERVICES MATCHING	517,561	524,877
11 (03) MAINT. & GEN. OPERATION		
12 (A) OPER. EXPENSE	48,594	48,594
13 (B) CONF. & TRAVEL	6,200	6,200
14 (C) PROF. FEES	0	0
15 (D) CAP. OUTLAY	10,000	10,000
16 (E) DATA PROC.	<u>0</u>	<u>0</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,316,097</u>	<u>\$ 2,358,354</u>

18
 19 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby
 20 established for the Arkansas Building Authority for the 2007-2009 biennium,
 21 the following maximum number of regular employees whose salaries shall be
 22 governed by the provisions of the Uniform Classification and Compensation Act
 23 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
 24 thereto. Provided, however, that any position to which a specific maximum
 25 annual salary is set out herein in dollars, shall be exempt from the
 26 provisions of said Uniform Classification and Compensation Act. All persons
 27 occupying positions authorized herein are hereby governed by the provisions
 28 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 29 101), or its successor.

31			Maximum Annual
32			Salary Rate
33	Maximum	Fiscal Years	
34	No. of	2007-2008	2008-2009
35	Employees	2007-2008	2008-2009
35 (1) 694Z ABA BUILDING OPERATIONS ADMR	1		GRADE 25
36 (2) X338 ENGINEER, PE	1		GRADE 22

1	(3)	Y008	ABA MAINT & OPER MANAGER	1	GRADE 22
2	(4)	G120	PLANT MAINTENANCE COORDINATOR	1	GRADE 20
3	(5)	Y092	ABA MAINT & CONSTRUCTION PROJ MGR	1	GRADE 20
4	(6)	G007	ABA BUILDING & PLANT MAINTENANCE CO	2	GRADE 20
5	(7)	G009	ABA BUILDING & PLANT MAINTENANCE SU	7	GRADE 19
6	(8)	Y007	ABA TRADES SUPERVISOR	5	GRADE 19
7	(9)	V008	BUYER III	1	GRADE 19
8	(10)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
9	(11)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
10	(12)	Y021	STATIONARY ENGINEER	1	GRADE 17
11	(13)	Y039	HEATING & A/C MECHANIC	1	GRADE 17
12	(14)	Y053	JOURNEYMAN CARPENTER	4	GRADE 17
13	(15)	Y055	JOURNEYMAN ELECTRICIAN	2	GRADE 17
14	(16)	Y057	JOURNEYMAN PAINTER	2	GRADE 17
15	(17)	Y061	JOURNEYMAN PLUMBER	2	GRADE 17
16	(18)	G016	ABA BUILDING & PLANT MAINTENANCE WO	10	GRADE 17
17	(19)	G089	LANDSCAPE SUPERVISOR II	1	GRADE 17
18	(20)	G111	MAINT WORK PLANNER & SCHEDULER	<u>2</u>	GRADE 11
19			MAX. NO. OF EMPLOYEES	47	

20

21 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,
 22 for the Arkansas Building Authority for the 2007-2009 biennium, the following
 23 maximum number of part-time or temporary employees, to be known as "Extra
 24 Help", payable from funds appropriated herein for such purposes: nine (9)
 25 temporary or part-time employees, when needed, at rates of pay not to exceed
 26 those provided in the Uniform Classification and Compensation Act, or its
 27 successor, or this act for the appropriate classification.

28

29 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 30 appropriated, to the Arkansas Building Authority, to be payable from the
 31 Arkansas Building Authority Maintenance Fund, for personal services and
 32 operating expenses of the Arkansas Building Authority for the biennial period
 33 ending June 30, 2009, the following:

34

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>

1	(01)	REGULAR SALARIES	\$	1,676,345	\$	1,709,851
2	(02)	EXTRA HELP		75,000		75,000
3	(03)	PERSONAL SERVICES MATCHING		567,105		573,960
4	(04)	OVERTIME		40,000		40,000
5	(05)	MAINT. & GEN. OPERATION				
6	(A)	OPER. EXPENSE		6,801,985		6,943,196
7	(B)	CONF. & TRAVEL		15,000		15,000
8	(C)	PROF. FEES		40,000		40,000
9	(D)	CAP. OUTLAY		79,100		79,100
10	(E)	DATA PROC.		0		0
11	(06)	DEBT SERVICE		363,059		366,683
12	(07)	RENT OF SPACE		121,000		121,000
13	(08)	LEASE PURCHASE EXPENSE		<u>367,157</u>		<u>363,157</u>
14		TOTAL AMOUNT APPROPRIATED		<u>\$ 10,145,751</u>		<u>\$ 10,326,947</u>

15

16 SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is
 17 hereby established for the Arkansas Building Authority for the 2007-2009
 18 biennium, the following maximum number of regular employees whose salaries
 19 shall be governed by the provisions of the Uniform Classification and
 20 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 21 all laws amendatory thereto. Provided, however, that any position to which a
 22 specific maximum annual salary is set out herein in dollars, shall be exempt
 23 from the provisions of said Uniform Classification and Compensation Act. All
 24 persons occupying positions authorized herein are hereby governed by the
 25 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 26 Code §21-5-101), or its successor.

27

28			Maximum Annual
29			Salary Rate
30	Item	Class	Fiscal Years
31	No.	Code Title	No. of Employees 2007-2008 2008-2009
32	(1)	G009 ABA BUILDING & PLANT MAINTENANCE SU	1 GRADE 19
33	(2)	G016 ABA BUILDING & PLANT MAINTENANCE WO	<u>2</u> GRADE 17
34		MAX. NO. OF EMPLOYEES	3

35

36 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby

1 appropriated, to the Arkansas Building Authority, to be payable from the
 2 Arkansas Building Authority Maintenance Fund, for personal services and
 3 operating expenses of the Arkansas Building Authority for the biennial period
 4 ending June 30, 2009, the following:

6	ITEM	FISCAL YEARS	
7	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
8	(01) REGULAR SALARIES	\$ 91,281	\$ 93,104
9	(02) PERSONAL SERVICES MATCHING	31,276	31,648
10	(03) MAINT. & GEN. OPERATION		
11	(A) OPER. EXPENSE	543,555	566,560
12	(B) CONF. & TRAVEL	0	0
13	(C) PROF. FEES	0	0
14	(D) CAP. OUTLAY	0	0
15	(E) DATA PROC.	<u>0</u>	<u>0</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 666,112</u>	<u>\$ 691,312</u>

17
 18 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby
 19 appropriated, to the Arkansas Building Authority, to be payable from the
 20 Justice Building Fund, for maintenance of the Justice Building of the
 21 Arkansas Building Authority for the biennial period ending June 30, 2009, the
 22 following:

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
26	(01) SPECIAL MAINTENANCE	<u>\$ 504,659</u>	<u>\$ 504,659</u>

27
 28 SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby
 29 appropriated, to the Arkansas Building Authority, to be payable from the
 30 Arkansas Building Authority Maintenance Fund, for critical maintenance of
 31 various state buildings of the Arkansas Building Authority for the biennial
 32 period ending June 30, 2009, the following:

34	ITEM	FISCAL YEARS	
35	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
36	(01) SPECIAL MAINTENANCE	<u>\$ 1,630,000</u>	<u>\$ 1,630,000</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 of the Arkansas Building Authority for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 300,000	\$ 300,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) CONSTRUCTION/RENOVATIONS	<u>1,200,000</u>	<u>1,200,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>

SECTION 11. APPROPRIATION - FACILITIES MANAGMENT CONTINGENCY APPROPRIATION. There is hereby appropriated, to the Arkansas Building Authority, to be payable from revenues collected and transferred to the Arkansas Building Authority for any program as set out in Section 18 of this Act, as designated by the Chief Fiscal Officer of the State, for use in responding to the infrastructure needs of Arkansas State Government, for the biennial period ending June 30, 2009, the sum of \$250,000.

SECTION 12. APPROPRIATIONS - 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 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 55,000	\$ 55,000

1	(B) CONF. & TRAVEL	0	0
2	(C) PROF. FEES	35,000	35,000
3	(D) CAP. OUTLAY	0	0
4	(E) DATA PROC.	0	0
5	(02) DEBT SERVICE	<u>1,200,000</u>	<u>1,200,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,290,000</u>	<u>\$ 1,290,000</u>

7

8 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 10 OF FUNDS. Arkansas Building Authority may from time to time as may be
 11 necessary and in such amounts as may be necessary and with the approval of
 12 the Chief Fiscal Officer of the State, request a transfer of funds from the
 13 State Central Services Fund to the Arkansas Building Authority Maintenance
 14 Fund for operation of the Justice Building for actual expenditures, in an
 15 amount not to exceed the dollar amount appropriated in Section 7 for each of
 16 the fiscal years. Upon his approval, the Chief Fiscal Officer of the State
 17 shall then initiate the necessary transfer documents to reflect the transfer
 18 upon the fiscal records of the State Auditor, the State Treasurer, the Chief
 19 Fiscal Officer of the State and Arkansas Building Authority. The provisions
 20 of this section shall be in effect only from July 1, ~~2005~~ 2007 through June
 21 30, ~~2007~~ 2009.

22

23 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 25 FORWARD-CRITICAL MAINTENANCE. At the close of the fiscal year ending June 30,
 26 ~~2006~~ 2008, any unexpended appropriation and funds provided for Critical
 27 Maintenance shall be carried forward and made available for the same purposes
 28 for the fiscal year ending June 30, ~~2007~~ 2009.

29 Any carry forward of unexpended balance of appropriation and/or funding as
 30 authorized herein, may be carried forward under the following conditions:
 31 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
 32 its reason(s) for the need to carry forward said appropriation and/or funding
 33 to the Department of Finance and Administration Office of Budget;
 34 (2) The Department of Finance and Administration Office of Budget shall
 35 report to the Arkansas Legislative Council all amounts carried forward from
 36 the first fiscal year of the biennium to the second fiscal year of the

1 biennium by the September Arkansas Legislative Council or Joint Budget
2 Committee meeting in the second fiscal year of the biennial period which
3 report shall include the name of the Agency, Board, Commission or Institution
4 and the amount of the appropriation and/or funding carried forward from the
5 first fiscal year to the second fiscal year, the program name or line item,
6 the funding source of that appropriation and a copy of the written request
7 set forth in (1) above;

8 (3) Each Agency, Board, Commission or Institution shall provide a written
9 report to the Arkansas Legislative Council or Joint Budget Committee
10 containing all information set forth in item (2) above, along with a written
11 statement as to the current status of the project, contract, purpose etc. for
12 which the carry forward was originally requested no later than thirty (30)
13 days prior to the time the Agency, Board, Commission or Institution presents
14 its budget request to the Arkansas Legislative Council/Joint Budget
15 Committee; and

16 (4) Thereupon, the Department of Finance and Administration shall include
17 all information obtained in item (3) above in the biennial budget manuals
18 and/or a statement of non-compliance by the Agency, Board, Commission or
19 Institution.

20 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
21 through June 30, ~~2007~~ 2009.

22
23 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 RESTRICTIONS. Arkansas Building Authority shall not demolish the 501
26 Building, formerly known as the Aegon building, but shall retain the building
27 as suitable office space to be used by state agencies, boards, commissions,
28 offices and departments. The provisions of this section shall be in effect
29 only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

30
31 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
33 OF FUNDS. The Arkansas Building Authority is hereby authorized, after seeking
34 the approval of the Chief Fiscal Officer of the State and the Arkansas
35 Legislative Council or Joint Budget Committee to request transfer from the
36 appropriation made in Section 5 for Building Maintenance to the APPROPRIATION

1 - ACQUISITION AND MAINTENANCE appropriation in Section 10 and to receive from
2 another state agency that seeks like approvals its authority, appropriation
3 and the transfer of funds to be deposited into the Arkansas Building
4 Authority Real Estate Fund to become part of the APPROPRIATION - ACQUISITION
5 AND MAINTENANCE appropriation, and to be used for any purposes as set forth
6 by law for said Real Estate Fund.
7 Determining the maximum number of employees and the maximum amount of
8 appropriation and general revenue funding for a state agency each fiscal year
9 is the prerogative of the General Assembly. This is usually accomplished by
10 delineating such maximums in the appropriation act(s) for a state agency and
11 the general revenue allocations authorized for each fund and fund account by
12 amendment to the Revenue Stabilization law. Further, the General Assembly
13 has determined that the Arkansas Building Authority may operate more
14 efficiently if some flexibility is provided to the Arkansas Building
15 Authority authorizing broad powers under this section. Therefore, it is both
16 necessary and appropriate that the General Assembly maintain oversight by
17 requiring prior approval of the Legislative Council or Joint Budget Committee
18 as provided by this section. The requirement of approval by the Legislative
19 Council or Joint Budget Committee is not a severable part of this section.
20 If the requirement of approval by the Legislative Council or Joint Budget
21 Committee is ruled unconstitutional by a court of competent jurisdiction,
22 this entire section is void.
23 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
24 through June 30, ~~2007~~ 2009.

25

26 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
28 BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The
29 Arkansas Building Authority may transfer appropriation and funds as needed
30 from the Facilities Management Contingency Appropriation in Section 11 of
31 this Act to any appropriation authorized for the Arkansas Building Authority
32 for the ~~2005-07~~ 2007-09 biennium.

33 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
34 through June 30, ~~2007~~ 2009.

35

36 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to
3 provide a more cost effective method to address the emerging infrastructure
4 needs of Arkansas State Government, appropriations and funds transferred to
5 the Facilities Management Contingency Appropriation are to be used in the
6 event that the Arkansas Building Authority executes one or more building
7 contracts or maintenance agreements with State Agencies, and the
8 appropriations or funds otherwise provided for the Arkansas Building
9 Authority are not sufficient to address those needs, and it is more cost
10 effective for the Arkansas Building Authority to execute these services. Any
11 State Agency may transfer or deposit funds and appropriations to the Arkansas
12 Building Authority - Facilities Management Contingency Appropriation
13 authorized in Section 11 of this Act to execute one or more building
14 contracts or maintenance agreements with said State Agencies. The Arkansas
15 Building Authority shall provide justification to the Chief Fiscal Officer of
16 the State for the need of such appropriations and funds transfers and seek
17 and receive approval of the Chief Fiscal Officer of the State. Arkansas
18 Building Authority shall then seek and receive the approval of the Arkansas
19 Legislative Council or Joint Budget Committee. The requirement of approval
20 by the Arkansas Legislative Council or Joint Budget Committee is not a
21 severable part of the section. If the requirement of approval by the
22 Arkansas Legislative Council or Joint Budget Committee is ruled
23 unconstitutional by a court of competent jurisdiction, this entire section is
24 void.

25 (b) The Chief Fiscal Officer of the State shall make the necessary
26 adjustments on his or her books and the books of the Auditor of the State for
27 the transfer or deposit of the funds and appropriations from each State
28 Agency to the appropriation authorized in Section 11 of this Act and to the
29 various Arkansas Building Authority accounts to be used exclusively by the
30 Arkansas Building Authority for each fiscal year of the ~~2005-2007~~ 2007-2009
31 biennium.

32 (c) At the close of the first fiscal year of the biennium any unexpended
33 appropriation for the Facilities Management Contingency Appropriation shall
34 be carried forward and made available for the same purpose during the second
35 fiscal year of the biennium.

36 (d) The provisions of this section shall be in effect only from July 1,

1 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

2
3 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
5 POOL. To address the emerging infrastructure needs of Arkansas state
6 government, the Arkansas Building Authority shall establish and maintain for
7 the ~~2005-2007~~ 2007-2009 biennium a pool of twenty (20) classified positions,
8 payable from funds appropriated herein for such purposes. These positions
9 are to be used in the event the Arkansas Building Authority executes one or
10 more building contracts or maintenance agreements with state agencies, and
11 the number and level of positions regularly authorized for the Arkansas
12 Building Authority are not sufficient to address these needs. The Arkansas
13 Building Authority shall provide justification to the Department of Finance
14 and Administration's Office of Personnel Management (OPM) for the need to
15 allocate titles from this position pool. No classifications will be assigned
16 to the pool until such time as specific positions are requested and justified
17 by the Arkansas Building Authority, recommended by OPM and approved by the
18 Arkansas Legislative Council. The Arkansas Building Authority may transfer
19 positions from this pool to any appropriation/pay schedule the agency
20 currently maintains or any appropriation/pay schedule the agency receives for
21 the ~~2005-2007~~ 2007-2009 biennium. If the agency requests continuation of a
22 "Growth Pool" position(s) as established herein during the next biennium, the
23 position(s) must be requested as a new position(s) in the agencies biennial
24 budget request. Determining the number of personnel to be employed by a
25 state agency is the prerogative of the General Assembly and is usually
26 accomplished by delineating the maximum number of personnel by identifying
27 job titles and the maximum grade or salary attached to those titles. The
28 General Assembly has determined that the Arkansas Building Authority could
29 be operated more efficiently if some flexibility is given to that agency.
30 That flexibility is being accomplished by providing growth pools as in this
31 section and since the General Assembly has granted the agency broad powers
32 under the growth pool concept, it is both necessary and appropriate that the
33 General Assembly maintain oversight of the utilization of the growth pool by
34 requiring prior approval of the Legislative Council in the utilization of the
35 growth pool. Therefore, the requirement of approval by the Legislative
36 Council is not a severable part of this section. If the requirement of

1 approval by the Legislative Council is ruled unconstitutional by a court of
2 competent jurisdiction, this entire section is void. The provisions of this
3 section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~
4 2009.

5
6 SECTION 20. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
7 by this act shall be limited to the appropriation for such agency and funds
8 made available by law for the support of such appropriations; and the
9 restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

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

24
25 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General
26 Assembly, that the Constitution of the State of Arkansas prohibits the
27 appropriation of funds for more than a two (2) year period; that the
28 effectiveness of this Act on July 1, 2007 is essential to the operation of
29 the agency for which the appropriations in this Act are provided, and that in
30 the event of an extension of the Regular Session, the delay in the effective
31 date of this Act beyond July 1, 2007 could work irreparable harm upon the
32 proper administration and provision of essential governmental programs.
33 Therefore, an emergency is hereby declared to exist and this Act being
34 necessary for the immediate preservation of the public peace, health and
35 safety shall be in full force and effect from and after July 1, 2007.

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/s/ Joint Budget Committ APPROVED: 4/5/2007e