

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.

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

# A Bill

SENATE BILL 125

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 FOR THE BIENNIAL PERIOD ENDING  
12 JUNE 30, 2009; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT FOR THE ARKANSAS BUILDING  
16 AUTHORITY APPROPRIATION FOR THE  
17 2007-2009 BIENNIUM.  
18  
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  
36 Maximum Salary Rate



1	Item Class		No. of	Fiscal Years	
	No.	Code Title		Employees	2007-2008
3	(1)	9903 ABA DIRECTOR	1	\$112,546	\$114,796
4	(2)	9749 ABA STATE ENGINEER	1	\$94,077	\$95,958
5	(3)	6611 ABA STATE ARCHITECT	1	\$94,077	\$95,958
6	(4)	9006 ABA DEPUTY DIRECTOR	1	\$91,468	\$93,297
7	(5)	8811 ABA SPECIAL PROJECTS ANALYST	1	\$52,761	\$53,816
8	(6)	692Z ABA STATE CONSTRUCTION ADMR	1	GRADE	25
9	(7)	695Z ABA ADMR OF REAL ESTATE SERVICES	1	GRADE	25
10	(8)	A046 AGENCY CONTROLLER - LARGE/COMPLEX A	1	GRADE	25
11	(9)	R170 ATTORNEY SPECIALIST	1	GRADE	25
12	(10)	N330 LICENSED ARCHITECT	4	GRADE	23
13	(11)	055Z DP MANAGER	1	GRADE	23
14	(12)	R485 ABA HUMAN RESOURCE MANAGER	1	GRADE	23
15	(13)	X338 ENGINEER, PE	1	GRADE	22
16	(14)	X428 ABA CONTRACT & CONST MGR	1	GRADE	22
17	(15)	918Z ABA REAL ESTATE MGR	1	GRADE	22
18	(16)	D036 SR PROGRAMMER/ANALYST	1	GRADE	21
19	(17)	V080 MGR PURCHASING & PROPERTY MGT	1	GRADE	21
20	(18)	R298 AGENCY PROGRAM COORDINATOR	1	GRADE	21
21	(19)	R266 MANAGEMENT PROJECT ANALYST II	1	GRADE	20
22	(20)	G197 ABA BUILDING MAINT PRGM COORD	1	GRADE	20
23	(21)	R150 RESEARCH PROJECT ANALYST	1	GRADE	19
24	(22)	A122 ACCOUNTING SERVICES REP I	1	GRADE	19
25	(23)	V008 BUYER III	1	GRADE	19
26	(24)	X306 CHIEF CONSTRUCTION INSPECTOR	2	GRADE	19
27	(25)	V022 LEASING SPECIALIST II	2	GRADE	19
28	(26)	V040 PURCHASE AGENT II/PURCHASE AGENT	1	GRADE	18
29	(27)	X315 CONSTRUCTION INSPECTOR	2	GRADE	18
30	(28)	V020 LEASING SPECIALIST	1	GRADE	18
31	(29)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE	18
32	(30)	Y003 AUTO/DIESEL MECHANIC	1	GRADE	17
33	(31)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE	14
34	(32)	K153 SECRETARY II	<u>1</u>	GRADE	13
35		MAX. NO. OF EMPLOYEES	39		

36

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 biennial period ending June 30, 2009, the following:

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

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

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	694Z	ABA BUILDING OPERATIONS ADMR	1	GRADE 25	
(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	8	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	12	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	50	

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		6,161,574		6,261,574
7	(B)	CONF. & TRAVEL		7,000		7,000
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>363,157</u>		<u>363,157</u>
14		TOTAL AMOUNT APPROPRIATED	\$	<u>9,493,340</u>	\$	<u>9,637,325</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

		Maximum Annual		
		Maximum	Salary Rate	
		No. of	Fiscal Years	
Item	Class	Employees	2007-2008	2008-2009
No.	Code Title			
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:

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

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:

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

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:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(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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