

**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 1792 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 149

5 By: Joint Budget Committee
6
7

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 BIENNIAL PERIOD ENDING
JUNE 30, 2007; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS BUILDING
AUTHORITY APPROPRIATION FOR THE
2005-2007 BIENNIUM.

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 2005-2007 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.

Maximum Annual



1			Maximum	Salary Rate		
2	Item	Class	No. of	Fiscal Years		
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9903	ABA DIRECTOR	1	\$107,813	\$110,340
5	(2)	9749	ABA STATE ENGINEER	1	\$89,974	\$92,233
6	(3)	6611	ABA STATE ARCHITECT	1	\$89,974	\$92,233
7	(4)	9006	ABA DEPUTY DIRECTOR	1	\$87,464	\$89,675
8	(5)	8811	ABA SPECIAL PROJECTS ANALYST	1	\$50,221	\$51,727
9	(6)	692Z	ABA STATE CONSTRUCTION ADMR	1	GRADE 25	
10	(7)	695Z	ABA ADMR OF REAL ESTATE SERVICES	1	GRADE 25	
11	(8)	R170	ATTORNEY SPECIALIST	1	GRADE 25	
12	(9)	A046	AGENCY CONTROLLER – LARGE/COMPLEX A	1	GRADE 25	
13	(10)	N330	LICENSED ARCHITECT	4	GRADE 23	
14	(11)	R485	ABA HUMAN RESOURCE MANAGER	1	GRADE 23	
15	(12)	X428	ABA CONTRACT & CONST MGR	1	GRADE 22	
16	(13)	V080	MGR PURCHASING & PROPERTY MGT	1	GRADE 21	
17	(14)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
18	(15)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21	
19	(16)	G197	ABA BUILDING MAINT PRGM COORD	1	GRADE 20	
20	(17)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
21	(18)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
22	(19)	A122	ACCOUNTING SERVICES REP I	1	GRADE 19	
23	(20)	X306	CHIEF CONSTRUCTION INSPECTOR	2	GRADE 19	
24	(21)	V008	BUYER III	1	GRADE 19	
25	(22)	V022	LEASING SPECIALIST II	2	GRADE 19	
26	(23)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18	
27	(24)	V020	LEASING SPECIALIST	1	GRADE 18	
28	(25)	X315	CONSTRUCTION INSPECTOR	3	GRADE 18	
29	(26)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
30	(27)	Y003	AUTO/DIESEL MECHANIC	1	GRADE 17	
31	(28)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
32	(29)	K153	SECRETARY II	<u>1</u>	GRADE 13	
33			MAX. NO. OF EMPLOYEES	37		

34

35 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,

36 to the Arkansas Building Authority, to be payable from the Miscellaneous

1 Agencies Fund Account, for personal services and operating expenses of the
 2 Arkansas Building Authority for the biennial period ending June 30, 2007, the
 3 following:

4 ITEM	FISCAL YEARS	
	2005-2006	2006-2007
5 NO.		
6 (01) REGULAR SALARIES	\$ 1,645,655	\$ 1,692,395
7 (02) PERSONAL SERVICES MATCHING	463,810	472,936
8 (03) MAINT. & GEN. OPERATION		
9 (A) OPER. EXPENSE	38,594	38,594
10 (B) CONF. & TRAVEL	6,200	6,200
11 (C) PROF. FEES	0	0
12 (D) CAP. OUTLAY	0	0
13 (E) DATA PROC.	<u>0</u>	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,154,259</u>	<u>\$ 2,210,125</u>

15
 16 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby
 17 established for the Arkansas Building Authority for the 2005-2007 biennium,
 18 the following maximum number of regular employees whose salaries shall be
 19 governed by the provisions of the Uniform Classification and Compensation Act
 20 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
 21 thereto. Provided, however, that any position to which a specific maximum
 22 annual salary is set out herein in dollars, shall be exempt from the
 23 provisions of said Uniform Classification and Compensation Act. All persons
 24 occupying positions authorized herein are hereby governed by the provisions
 25 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 26 101), or its successor.

29 Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2005-2006	2006-2007
31 (1)	694Z	ABA BUILDING OPERATIONS ADMR	1	GRADE 25	
32 (2)	055Z	DP MANAGER	1	GRADE 23	
33 (3)	918Z	ABA REAL ESTATE MGR	1	GRADE 22	
34 (4)	Y008	ABA MAINT & OPER MANAGER	1	GRADE 22	
35 (5)	X338	ENGINEER, PE	2	GRADE 22	
36 (6)	Y092	ABA MAINT & CONSTRUCTION PROJ MGR	1	GRADE 20	

1	(7)	G007	ABA BUILDING & PLANT MAINTENANCE CO	2	GRADE 20
2	(8)	G120	PLANT MAINTENANCE COORDINATOR	1	GRADE 20
3	(9)	V008	BUYER III	1	GRADE 19
4	(10)	G009	ABA BUILDING & PLANT MAINTENANCE SU	8	GRADE 19
5	(11)	Y007	ABA TRADES SUPERVISOR	5	GRADE 19
6	(12)	Y021	STATIONARY ENGINEER	1	GRADE 17
7	(13)	Y039	HEATING & A/C MECHANIC	1	GRADE 17
8	(14)	Y053	JOURNEYMAN CARPENTER	4	GRADE 17
9	(15)	Y055	JOURNEYMAN ELECTRICIAN	2	GRADE 17
10	(16)	Y057	JOURNEYMAN PAINTER	2	GRADE 17
11	(17)	Y061	JOURNEYMAN PLUMBER	2	GRADE 17
12	(18)	G016	ABA BUILDING & PLANT MAINTENANCE WO	12	GRADE 17
13	(19)	G089	LANDSCAPE SUPERVISOR II	1	GRADE 17
14	(20)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
15	(21)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
16	(22)	G111	MAINT WORK PLANNER & SCHEDULER	<u>2</u>	GRADE 11
17			MAX. NO. OF EMPLOYEES	53	

18

19 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,
 20 for the Arkansas Building Authority for the 2005-2007 biennium, the following
 21 maximum number of part-time or temporary employees, to be known as "Extra
 22 Help", payable from funds appropriated herein for such purposes: nine (9)
 23 temporary or part-time employees, when needed, at rates of pay not to exceed
 24 those provided in the Uniform Classification and Compensation Act, or its
 25 successor, or this act for the appropriate classification.

26

27 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 28 appropriated, to the Arkansas Building Authority, to be payable from the
 29 Arkansas Building Authority Maintenance Fund, for personal services and
 30 operating expenses of the Arkansas Building Authority for the biennial period
 31 ending June 30, 2007, the following:

32

33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
35	(01) REGULAR SALARIES	\$ 1,740,746	\$ 1,792,658
36	(02) EXTRA HELP	75,000	75,000

1	(03)	PERSONAL SERVICES MATCHING	560,607	570,824
2	(04)	OVERTIME	40,000	40,000
3	(05)	MAINT. & GEN. OPERATION		
4	(A)	OPER. EXPENSE	7,309,725	7,309,725
5	(B)	CONF. & TRAVEL	56,700	56,700
6	(C)	PROF. FEES	86,700	86,700
7	(D)	CAP. OUTLAY	79,100	79,100
8	(E)	DATA PROC.	0	0
9	(06)	DEBT SERVICE	390,000	390,000
10	(07)	RENT OF SPACE	121,000	121,000
11	(08)	LEASE PURCHASE EXPENSE	<u>385,457</u>	<u>385,457</u>
12		TOTAL AMOUNT APPROPRIATED	<u>\$ 10,845,035</u>	<u>\$ 10,907,164</u>

13
 14 SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is
 15 hereby established for the Arkansas Building Authority for the 2005-2007
 16 biennium, the following maximum number of regular employees whose salaries
 17 shall be governed by the provisions of the Uniform Classification and
 18 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 19 all laws amendatory thereto. Provided, however, that any position to which a
 20 specific maximum annual salary is set out herein in dollars, shall be exempt
 21 from the provisions of said Uniform Classification and Compensation Act. All
 22 persons occupying positions authorized herein are hereby governed by the
 23 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 24 Code §21-5-101), or its successor.

25					Maximum Annual	
26				Maximum	Salary Rate	
27	Item	Class	No. of	Fiscal Years		
28	No.	Code	Title	Employees	2005-2006	2006-2007
29	(1)	G009	ABA BUILDING & PLANT MAINTENANCE SU	1	GRADE 19	
30	(2)	G016	ABA BUILDING & PLANT MAINTENANCE WO	<u>2</u>	GRADE 17	
31			MAX. NO. OF EMPLOYEES	3		

32
 33 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby
 34 appropriated, to the Arkansas Building Authority, to be payable from the
 35 Arkansas Building Authority Maintenance Fund, for personal services and
 36 operating expenses of the Arkansas Building Authority for the biennial period

1 ending June 30, 2007, the following:

2

3 ITEM	FISCAL YEARS	
	4 NO.	2005-2006
5 (01) REGULAR SALARIES	\$ 89,155	\$ 91,829
6 (02) PERSONAL SERVICES MATCHING	29,074	29,602
7 (03) MAINT. & GEN. OPERATION		
8 (A) OPER. EXPENSE	495,335	495,335
9 (B) CONF. & TRAVEL	0	0
10 (C) PROF. FEES	0	0
11 (D) CAP. OUTLAY	0	0
12 (E) DATA PROC.	<u>0</u>	<u>0</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 613,564</u>	<u>\$ 616,766</u>

14

15 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby
 16 appropriated, to the Arkansas Building Authority, to be payable from the
 17 Justice Building Fund, for maintenance of the Justice Building of the
 18 Arkansas Building Authority for the biennial period ending June 30, 2007, the
 19 following:

20

21 ITEM	FISCAL YEARS	
	22 NO.	2005-2006
23 (01) SPECIAL MAINTENANCE	<u>\$ 573,544</u>	<u>\$ 573,544</u>

24

25 SECTION 9. APPROPRIATION - CRITICAL MAINTNENANCE. There is hereby
 26 appropriated, to the Arkansas Building Authority, to be payable from the
 27 Arkansas Building Authority Maintenance Fund, for critical maintenance of
 28 various state buildings of the Arkansas Building Authority for the biennial
 29 period ending June 30, 2007, the following:

30

31 ITEM	FISCAL YEARS	
	32 NO.	2005-2006
33 (01) SPECIAL MAINTENANCE	<u>\$ 1,630,000</u>	<u>\$ 1,630,000</u>

34

35 SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby
 36 appropriated, to the Arkansas Building Authority, to be payable from the

1 Arkansas Building Authority Real Estate Fund, for acquisition and maintenance
2 of facilities of the Arkansas Building Authority for the biennial period
3 ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(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>

16 SECTION 11. FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION. There is
17 hereby appropriated, to the Arkansas Building Authority, to be payable from
18 revenues collected and transferred to the Arkansas Building Authority for any
19 program as set out in Section 17 of this Act, as designated by the Chief
20 Fiscal Officer of the State, for use in responding to the infrastructure
21 needs of Arkansas State Government, for the biennial period ending June 30,
22 2007, the sum of\$250,000.

24 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 OF FUNDS. Arkansas Building Authority State Building Services may from time
27 to time as may be necessary and in such amounts as may be necessary and with
28 the approval of the Chief Fiscal Officer of the State, request a transfer of
29 funds from the State Central Services Fund to the Arkansas Building Authority
30 ~~State Building Services~~ Maintenance Fund for operation of the Justice
31 Building for actual expenditures, in an amount not to exceed the dollar
32 amount appropriated in Section 7 for each of the fiscal years. Upon his
33 approval, the Chief Fiscal Officer of the State shall then initiate the
34 necessary transfer documents to reflect the transfer upon the fiscal records
35 of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the
36 State and Arkansas Building Authority State Building Services. The

1 provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
 2 through June 30, ~~2005~~ 2007.

3
 4 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 6 FORWARD-CRITICAL MAINTENANCE. At the close of the fiscal year ending June 30,
 7 ~~2004~~ 2006, any unexpended appropriation and funds provided for Critical
 8 Maintenance shall be carried forward and made available for the same purposes
 9 for the fiscal year ending June 30, ~~2005~~ 2007. The provisions of this section
 10 shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

11
 12 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 14 RESTRICTIONS. Arkansas ~~Building Authority State Building Services~~ shall not
 15 demolish the Aegon building but shall retain the building as suitable office
 16 space to be used by state agencies, boards, commissions, offices and
 17 departments. The provisions of this section shall be in effect only from July
 18 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

19
 20 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 22 OF FUNDS. The Arkansas ~~State Building Services~~ Authority is hereby
 23 authorized, after seeking the approval of the Chief Fiscal Officer of the
 24 State and the Arkansas Legislative Council or Joint Budget Committee to
 25 request transfer from the appropriation made in Section 5 for Building
 26 Maintenance to the APPROPRIATION - ACQUISITION AND MAINTENANCE appropriation
 27 in Section 10 and to receive from another state agency that seeks like
 28 approvals its authority, appropriation and the transfer of funds to be
 29 deposited into the ~~State Building Services~~ Arkansas Building Authority Real
 30 Estate Fund to become part of the APPROPRIATION - ACQUISITION AND MAINTENANCE
 31 appropriation, and to be used for any purposes as set forth by law for said
 32 Real Estate Fund.

33 Determining the maximum number of employees and the maximum amount of
 34 appropriation and general revenue funding for a state agency each fiscal year
 35 is the prerogative of the General Assembly. This is usually accomplished by
 36 delineating such maximums in the appropriation act(s) for a state agency and

1 the general revenue allocations authorized for each fund and fund account by
 2 amendment to the Revenue Stabilization law. Further, the General Assembly
 3 has determined that the Arkansas ~~Building Authority State Building Services~~
 4 may operate more efficiently if some flexibility is provided to the Arkansas
 5 ~~Building Authority State Building Services~~ authorizing broad powers under
 6 this section. Therefore, it is both necessary and appropriate that the
 7 General Assembly maintain oversight by requiring prior approval of the
 8 Legislative Council or Joint Budget Committee as provided by this section.
 9 The requirement of approval by the Legislative Council or Joint Budget
 10 Committee is not a severable part of this section. If the requirement of
 11 approval by the Legislative Council or Joint Budget Committee is ruled
 12 unconstitutional by a court of competent jurisdiction, this entire section is
 13 void.
 14 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
 15 through June 30, ~~2005~~ 2007.

16
 17 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 19 ~~BUILDING AUTHORITY STATE BUILDING SERVICES~~ CONTINGENCY APPROPRIATION TRANSFER
 20 AUTHORITY. The Arkansas ~~Building Authority State Building Services~~ may
 21 transfer appropriation and funds as needed from the Facilities Management
 22 Contingency Appropriation in Section 11 of this Act to any appropriation
 23 authorized for the Arkansas ~~Building Authority State Building Services~~ for
 24 the ~~2003-05~~ 2005-07 biennium. The provisions of this section shall be in
 25 effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

26
 27 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 29 TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to
 30 provide a more cost effective method to address the emerging infrastructure
 31 needs of Arkansas State Government, appropriations and funds transferred to
 32 the Facilities Management Contingency Appropriation are to be used in the
 33 event that the Arkansas ~~State Building~~ Authority Services executes one or
 34 more building contracts or maintenance agreements with State Agencies, and
 35 the appropriations or funds otherwise provided for the Arkansas ~~State~~
 36 ~~Building Authority Services~~ are not sufficient to address those needs, and it

1 is more cost effective for the Arkansas ~~State Building Authority Services~~ to
 2 execute these services. Any State Agency may transfer or deposit funds and
 3 appropriations to the Arkansas ~~State Building Authority Services~~ - Facilities
 4 Management Contingency Appropriation authorized in Section 11 of this Act to
 5 execute one or more building contracts or maintenance agreements with said
 6 State Agencies. The Arkansas ~~State Building Authority Services~~ shall provide
 7 justification to the Chief Fiscal Officer of the State for the need of such
 8 appropriations and funds transfers and seek and receive approval of the Chief
 9 Fiscal Officer of the State. Arkansas ~~State Building Authority Services~~ shall
 10 then seek and receive the approval of the Arkansas Legislative Council or
 11 Joint Budget Committee. The requirement of approval by the Arkansas
 12 Legislative Council or Joint Budget Committee is not a severable part of the
 13 section. If the requirement of approval by the Arkansas Legislative Council
 14 or Joint Budget Committee is ruled unconstitutional by a court of competent
 15 jurisdiction, this entire section is void.

16 (b) The Chief Fiscal Officer of the State shall make the necessary
 17 adjustments on his or her books and the books of the Auditor of the State for
 18 the transfer or deposit of the funds and appropriations from each State
 19 Agency to the appropriation authorized in Section 11 of this Act and to the
 20 various Arkansas ~~State Building Authority Services~~ accounts to be used
 21 exclusively by the Arkansas ~~State Building Authority Services~~ for each fiscal
 22 year of the ~~2003-2005~~ 2005-2007 biennium.

23 At the close of the first fiscal year of the biennium any unexpended
 24 appropriation for the Facilities Management Contingency Appropriation shall
 25 be carried forward and made available for the same purpose during the second
 26 fiscal year of the biennium. The provisions of this section shall be in
 27 effect only from July 1, 2005 through June 30, 2007.

28

29 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
 31 POOL. To address the emerging infrastructure needs of Arkansas state
 32 government, the Arkansas ~~State Building Authority Services~~ shall establish
 33 and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of twenty (20)
 34 classified positions, payable from funds appropriated herein for such
 35 purposes. These positions are to be used in the event the Arkansas ~~State~~
 36 Building ~~Authority Services~~ executes one or more building contracts or

1 maintenance agreements with state agencies, and the number and level of
2 positions regularly authorized for the Arkansas ~~State Building Authority~~
3 ~~Services~~ are not sufficient to address these needs. The Arkansas ~~State~~
4 ~~Building Authority Services~~ shall provide justification to the Department of
5 Finance and Administration's Office of Personnel Management (OPM) for the
6 need to allocate titles from this position pool. No classifications will be
7 assigned to the pool until such time as specific positions are requested and
8 justified by the Arkansas ~~State Building Authority Services~~, recommended by
9 OPM and approved by the Arkansas Legislative Council. The Arkansas ~~State~~
10 ~~Building Authority Services~~ may transfer positions from this pool to any
11 appropriation/pay schedule the agency currently maintains or any
12 appropriation/pay schedule the agency receives for the ~~2003-2005~~ 2005-2007
13 biennium. If the agency requests continuation of a "Growth Pool" position(s)
14 as established herein during the next biennium, the position(s) must be
15 requested as a new position(s) in the agencies biennial budget request.
16 Determining the number of personnel to be employed by a state agency is the
17 prerogative of the General Assembly and is usually accomplished by
18 delineating the maximum number of personnel by identifying job titles and the
19 maximum grade or salary attached to those titles. The General Assembly has
20 determined that the Arkansas ~~State Building Authority Services~~ could be
21 operated more efficiently if some flexibility is given to that agency. That
22 flexibility is being accomplished by providing growth pools as in this
23 section and since the General Assembly has granted the agency broad powers
24 under the growth pool concept, it is both necessary and appropriate that the
25 General Assembly maintain oversight of the utilization of the growth pool by
26 requiring prior approval of the Legislative Council in the utilization of the
27 growth pool. Therefore, the requirement of approval by the Legislative
28 Council is not a severable part of this section. If the requirement of
29 approval by the Legislative Council is ruled unconstitutional by a court of
30 competent jurisdiction, this entire section is void. The provisions of this
31 section shall be in effect only from July 1, 2005 through June 30, 2007.
32

33 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
34 by this act shall be limited to the appropriation for such agency and funds
35 made available by law for the support of such appropriations; and the
36 restrictions of the State Procurement Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
2 Procedures and Restrictions Act, or their successors, and other fiscal
3 control laws of this State, where applicable, and regulations promulgated by
4 the Department of Finance and Administration, as authorized by law, shall be
5 strictly complied with in disbursement of said funds.

6
7 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General Assembly
8 that any funds disbursed under the authority of the appropriations contained
9 in this act shall be in compliance with the stated reasons for which this act
10 was adopted, as evidenced by the Agency Requests, Executive Recommendations
11 and Legislative Recommendations contained in the budget manuals prepared by
12 the Department of Finance and Administration, letters, or summarized oral
13 testimony in the official minutes of the Arkansas Legislative Council or
14 Joint Budget Committee which relate to its passage and adoption.

15
16 SECTION 21. EMERGENCY CLAUSE. It is found and determined by the General
17 Assembly, that the Constitution of the State of Arkansas prohibits the
18 appropriation of funds for more than a two (2) year period; that the
19 effectiveness of this Act on July 1, 2005 is essential to the operation of
20 the agency for which the appropriations in this Act are provided, and that in
21 the event of an extension of the Regular Session, the delay in the effective
22 date of this Act beyond July 1, 2005 could work irreparable harm upon the
23 proper administration and provision of essential governmental programs.
24 Therefore, an emergency is hereby declared to exist and this Act being
25 necessary for the immediate preservation of the public peace, health and
26 safety shall be in full force and effect from and after July 1, 2005.

27
28
29
30 APPROVED: 4/06/2005

1