

**Stricken language will be deleted and underlined language will be added.  
Act 277 of the Fiscal Session**

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010  
4

*As Engrossed: S2/22/10*  
**A Bill**

SENATE BILL 35

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 FISCAL YEAR ENDING  
JUNE 30, 2011; AND FOR OTHER PURPOSES.

**Subtitle**

AN ACT FOR THE ARKANSAS BUILDING  
AUTHORITY APPROPRIATION FOR THE 2010-  
2011 FISCAL YEAR.

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 2010-2011 fiscal  
25 year, the following maximum number of regular employees whose salaries shall  
26 be governed by the provisions of the Uniform Classification and Compensation  
27 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws  
28 amendatory thereto. Provided, however, that any position to which a specific  
29 maximum 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
Maximum	Salary Rate

1	Item	Class	No. of	Fiscal Year	
2	No.	Code	Title	Employees	2010-2011
3	(1)	U052U	ABA DIRECTOR	1	\$123,307
4	(2)	U080U	ABA DEPUTY DIRECTOR	1	\$100,214
5	(3)	B003N	ABA STATE ARCHITECT	1	GRADE N908
6	(4)	B002N	ABA STATE ENGINEER	1	GRADE N908
7	(5)	G036C	ABA DIVISION MANAGER	3	GRADE C127
8	(6)	A021C	AGENCY CONTROLLER I	1	GRADE C126
9	(7)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
10	(8)	B023C	ENGINEER, P. E.	2	GRADE C124
11	(9)	B021C	LICENSED ARCHITECT	3	GRADE C124
12	(10)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
13	(11)	B042C	ENGINEER	1	GRADE C121
14	(12)	R014C	PERSONNEL MANAGER	1	GRADE C121
15	(13)	X047C	REAL ESTATE MANAGER	1	GRADE C120
16	(14)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
17	(15)	S013C	ABA BUILDING/PROGRAM SUPERVISOR	2	GRADE C118
18	(16)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
19	(17)	R027C	BUDGET SPECIALIST	1	GRADE C117
20	(18)	V014C	BUYER	1	GRADE C116
21	(19)	X129C	CONSTRUCTION INSPECTOR	4	GRADE C116
22	(20)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
23	(21)	S031C	SKILLED TRADESMAN	1	GRADE C115
24	(22)	X153C	REAL ESTATE ANALYST	3	GRADE C114
25	(23)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
26	(24)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
27	(25)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
28			MAX. NO. OF EMPLOYEES	38	

30 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
 31 to the Arkansas Building Authority, to be payable from the Miscellaneous  
 32 Agencies Fund Account, for personal services and operating expenses of the  
 33 Arkansas Building Authority for the fiscal year ending June 30, 2011, the  
 34 following:

35  
 36 ITEM FISCAL YEAR

1	<u>NO.</u>	<u>2010-2011</u>
2	(01) REGULAR SALARIES	\$ 1,894,605
3	(02) PERSONAL SERVICES MATCHING	547,596
4	(03) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	48,594
6	(B) CONF. & TRAVEL	6,200
7	(C) PROF. FEES	0
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,496,995</u>

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12 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby  
 13 established for the Arkansas Building Authority for the 2010-2011 fiscal  
 14 year, the following maximum number of regular employees whose salaries shall  
 15 be governed by the provisions of the Uniform Classification and Compensation  
 16 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws  
 17 amendatory thereto. Provided, however, that any position to which a specific  
 18 maximum annual salary is set out herein in dollars, shall be exempt from the  
 19 provisions of said Uniform Classification and Compensation Act. All persons  
 20 occupying positions authorized herein are hereby governed by the provisions  
 21 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-  
 22 101), or its successor.

23

24				Maximum Annual
25				Salary Rate
26	Item	Class	Maximum	Fiscal Year
27	No.	Code	No. of	2010-2011
	No.	Code	Empl oyees	
28	(1)	G036C	ABA DIVISION MANAGER	1 GRADE C127
29	(2)	B023C	ENGINEER, P. E.	1 GRADE C124
30	(3)	S013C	ABA BUILDING/PROGRAM SUPERVISOR	5 GRADE C118
31	(4)	S017C	MAINTENANCE COORDINATOR	8 GRADE C117
32	(5)	V014C	BUYER	2 GRADE C116
33	(6)	S022C	SKILLED TRADES SUPERVISOR	5 GRADE C116
34	(7)	S037C	ABA BUILDING MAINTENANCE SPECIALIST	10 GRADE C115
35	(8)	S031C	SKILLED TRADESMAN	10 GRADE C115
36	(9)	S047C	LANDSCAPE SUPERVISOR	1 GRADE C113

1	(10)	S046C	MAINTENANCE TECHNICIAN	4	GRADE C113
2	(11)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
3	(12)	S065C	MAINTENANCE ASSISTANT	<u>3</u>	GRADE C108
4			MAX. NO. OF EMPLOYEES	51	

SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized, for the Arkansas Building Authority for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: nine (9) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Maintenance Fund, for personal services and operating expenses of the Arkansas Building Authority for the fiscal year ending June 30, 2011, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) REGULAR SALARIES	\$ 1,855,455
23	(02) EXTRA HELP	75,000
24	(03) PERSONAL SERVICES MATCHING	620,718
25	(04) OVERTIME	40,000
26	(05) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	7,743,818
28	(B) CONF. & TRAVEL	15,000
29	(C) PROF. FEES	40,000
30	(D) CAP. OUTLAY	79,100
31	(E) DATA PROC.	0
32	(06) DEBT SERVICE	2,307,183
33	(07) FACILITIES MANAGEMENT CONTINGENCY	125,000
34	(08) RENT OF SPACE	<u>121,000</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,022,274</u>

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1 SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is  
 2 hereby established for the Arkansas Building Authority for the 2010-2011  
 3 fiscal year, the following maximum number of regular employees whose salaries  
 4 shall be governed by the provisions of the Uniform Classification and  
 5 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
 6 all laws amendatory thereto. Provided, however, that any position to which a  
 7 specific maximum annual salary is set out herein in dollars, shall be exempt  
 8 from the provisions of said Uniform Classification and Compensation Act. All  
 9 persons occupying positions authorized herein are hereby governed by the  
 10 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 11 Code §21-5-101), or its successor.

			Maximum Annual
			Salary Rate
			Fiscal Year
Item	Class	Maximum No. of	2010-2011
No.	Code	Title	Employees
17	(1) S017C	MAINTENANCE COORDINATOR	1 GRADE C117
18	(2) S037C	ABA BUILDING MAINTENANCE SPECIALIST	<u>2</u> GRADE C115
19	MAX. NO. OF EMPLOYEES		3

20  
 21 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby  
 22 appropriated, to the Arkansas Building Authority, to be payable from the  
 23 Arkansas Building Authority Maintenance Fund, for personal services and  
 24 operating expenses of the Arkansas Building Authority for the fiscal year  
 25 ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
29 (01) REGULAR SALARIES	\$ 104,342
30 (02) PERSONAL SERVICES MATCHING	34,832
31 (03) MAINT. & GEN. OPERATION	
32 (A) OPER. EXPENSE	584,953
33 (B) CONF. & TRAVEL	0
34 (C) PROF. FEES	0
35 (D) CAP. OUTLAY	0
36 (E) DATA PROC.	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$ 724,127

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3 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby  
 4 appropriated, to the Arkansas Building Authority, to be payable from the  
 5 Justice Building Fund, for maintenance of the Justice Building by the  
 6 Arkansas Building Authority for the fiscal year ending June 30, 2011, the  
 7 following:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2010-2011</u>
11 (01) SPECIAL MAINTENANCE	\$ <u>504,659</u>

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13 SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby  
 14 appropriated, to the Arkansas Building Authority, to be payable from the  
 15 Arkansas Building Authority Maintenance Fund, for critical maintenance of  
 16 various state buildings by the Arkansas Building Authority for the fiscal  
 17 year ending June 30, 2011, the following:

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19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2010-2011</u>
21 (01) SPECIAL MAINTENANCE	\$ <u>3,260,000</u>

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23 SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby  
 24 appropriated, to the Arkansas Building Authority, to be payable from the  
 25 Arkansas Building Authority Real Estate Fund, for the acquisition and  
 26 maintenance of facilities and land by the Arkansas Building Authority for the  
 27 fiscal year ending June 30, 2011, the following:

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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2010-2011</u>
31 (01) MAINT. & GEN. OPERATION	
32 (A) OPER. EXPENSE	\$ 300,000
33 (B) CONF. & TRAVEL	0
34 (C) PROF. FEES	0
35 (D) CAP. OUTLAY	0
36 (E) DATA PROC.	0

1	(02) CONSTRUCTION/RENOVATIONS	1,200,000
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,500,000</u>

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4 SECTION 11. APPROPRIATION - JUSTICE BUILDING CONSTRUCTION - CASH. There  
 5 is hereby appropriated, to the Arkansas Building Authority, to be payable  
 6 from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Building  
 7 Authority, for operating expenses of the Arkansas Building Authority for the  
 8 fiscal year ending June 30, 2011, the following:

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10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2010-2011</u>
12	(01) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	\$ 55,000
14	(B) CONF. & TRAVEL	0
15	(C) PROF. FEES	35,000
16	(D) CAP. OUTLAY	0
17	(E) DATA PROC.	0
18	(02) DEBT SERVICE	<u>1,200,000</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,290,000</u>

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

33 The provisions of this section shall be in effect only from July 1,  
 34 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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36 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
2 FORWARD - CRITICAL MAINTENANCE. At the close of the fiscal year, any  
3 unexpended funds provided for Critical Maintenance shall be carried forward  
4 and made available for the same purposes.

5 Any carry forward of funding as authorized herein, may be carried forward  
6 under the following conditions:

7 (1) Prior to June 30, 2010 the Agency shall by written statement set forth  
8 its reason(s) for the need to carry forward said funding to the Department of  
9 Finance and Administration Office of Budget;

10 (2) The Department of Finance and Administration Office of Budget shall  
11 report to the Arkansas Legislative Council all amounts carried forward by the  
12 September Arkansas Legislative Council or Joint Budget Committee meeting,  
13 which report shall include the name of the Agency, Board, Commission or  
14 Institution and the amount of funding carried forward, the program name or  
15 line item, the funding source of that appropriation and a copy of the written  
16 request set forth in (1) above;

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

25 (4) Thereupon, the Department of Finance and Administration shall include  
26 all information obtained in item (3) above in the budget manuals and/or a  
27 statement of non-compliance by the Agency, Board, Commission or Institution.  
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29 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

31 RESTRICTIONS. Arkansas Building Authority shall not demolish the 501  
32 Building, formerly known as the Aegon building, but shall retain the building  
33 as suitable office space to be used by state agencies, boards, commissions,  
34 offices and departments.

35 The provisions of this section shall be in effect only from July 1,  
36 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the Arkansas Building Authority may operate more efficiently if some flexibility is provided to the Arkansas Building Authority authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Arkansas Building Authority may transfer appropriation and funds as needed

1 from the Facilities Management Contingency Appropriation in Section 5 of this  
2 Act to any appropriation authorized for the Arkansas Building Authority.

3 The provisions of this section shall be in effect only from July 1,  
4 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

1 (c) The provisions of this section shall be in effect only from July 1,  
2 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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4 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
5 by this act shall be limited to the appropriation for such agency and funds  
6 made available by law for the support of such appropriations; and the  
7 restrictions of the State Procurement Law, the General Accounting and  
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
9 Procedures and Restrictions Act, or their successors, and other fiscal  
10 control laws of this State, where applicable, and regulations promulgated by  
11 the Department of Finance and Administration, as authorized by law, shall be  
12 strictly complied with in disbursement of said funds.

13  
14 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly  
15 that any funds disbursed under the authority of the appropriations contained  
16 in this act shall be in compliance with the stated reasons for which this act  
17 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
18 and Legislative Recommendations contained in the budget manuals prepared by  
19 the Department of Finance and Administration, letters, or summarized oral  
20 testimony in the official minutes of the Arkansas Legislative Council or  
21 Joint Budget Committee which relate to its passage and adoption.

22  
23 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General  
24 Assembly, that the Constitution of the State of Arkansas prohibits the  
25 appropriation of funds for more than a one (1) year period; that the  
26 effectiveness of this Act on July 1, 2010 is essential to the operation of  
27 the agency for which the appropriations in this Act are provided, and that in  
28 the event of an extension of the legislative session, the delay in the  
29 effective date of this Act beyond July 1, 2010 could work irreparable harm  
30 upon the proper administration and provision of essential governmental  
31 programs. Therefore, an emergency is hereby declared to exist and this Act  
32 being necessary for the immediate preservation of the public peace, health  
33 and safety shall be in full force and effect from and after July 1, 2010.

34  
35 */s/ Joint Budget Committee*

**APPROVED: 2/26/2010**