

**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 213 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 149

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 FISCAL YEAR ENDING
12 JUNE 30, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS BUILDING
16 AUTHORITY APPROPRIATION FOR THE
17 2009-2010 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
24 established for the Arkansas Building Authority for the 2009-2010 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.
34
35

Maximum Annual



1			Maximum	Salary Rate	
2	Item	Class	No. of	Fiscal Year	
3	No.	Code	Title	Employees	2009-2010
4	(1)	U052U	ABA DIRECTOR	1	\$120,535
5	(2)	U080U	ABA DEPUTY DIRECTOR	1	\$97,961
6	(3)	B003N	ABA STATE ARCHITECT	1	GRADE N908
7	(4)	B002N	ABA STATE ENGINEER	1	GRADE N908
8	(5)	G036C	ABA DIVISION MANAGER	3	GRADE C127
9	(6)	A021C	AGENCY CONTROLLER I	1	GRADE C126
10	(7)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
11	(8)	B023C	ENGINEER, P.E.	2	GRADE C124
12	(9)	B021C	LICENSED ARCHITECT	3	GRADE C124
13	(10)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
14	(11)	B042C	ENGINEER	1	GRADE C121
15	(12)	R014C	PERSONNEL MANAGER	1	GRADE C121
16	(13)	X047C	REAL ESTATE MANAGER	1	GRADE C120
17	(14)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
18	(15)	S013C	ABA BUILDING/PROGRAM SUPERVISOR	2	GRADE C118
19	(16)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
20	(17)	R027C	BUDGET SPECIALIST	1	GRADE C117
21	(18)	V014C	BUYER	1	GRADE C116
22	(19)	X129C	CONSTRUCTION INSPECTOR	4	GRADE C116
23	(20)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
24	(21)	S031C	SKILLED TRADESMAN	1	GRADE C115
25	(22)	X153C	REAL ESTATE ANALYST	3	GRADE C114
26	(23)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
27	(24)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
28	(25)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
29			MAX. NO. OF EMPLOYEES	38	

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31 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 32 to the Arkansas Building Authority, to be payable from the Miscellaneous
 33 Agencies Fund Account, for personal services and operating expenses of the
 34 Arkansas Building Authority for the fiscal year ending June 30, 2010, the
 35 following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2009-2010</u>
3	(01) REGULAR SALARIES	\$ 1,858,312
4	(02) PERSONAL SERVICES MATCHING	540,634
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	48,594
7	(B) CONF. & TRAVEL	6,200
8	(C) PROF. FEES	0
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,453,740</u>

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13 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby
 14 established for the Arkansas Building Authority for the 2009-2010 fiscal
 15 year, the following maximum number of regular employees whose salaries shall
 16 be governed by the provisions of the Uniform Classification and Compensation
 17 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws
 18 amendatory thereto. Provided, however, that any position to which a specific
 19 maximum annual salary is set out herein in dollars, shall be exempt from the
 20 provisions of said Uniform Classification and Compensation Act. All persons
 21 occupying positions authorized herein are hereby governed by the provisions
 22 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 23 101), or its successor.

24

25				Maximum Annual
26				Salary Rate
27	Item	Class	Maximum	Fiscal Year
28	No.	Code	No. of	
	<u>Title</u>			<u>2009-2010</u>
	<u>Employees</u>			
29	(1)	G036C	1	GRADE C127
30	(2)	B023C	1	GRADE C124
31	(3)	S013C	5	GRADE C118
32	(4)	S017C	8	GRADE C117
33	(5)	V014C	2	GRADE C116
34	(6)	S022C	5	GRADE C116
35	(7)	S037C	10	GRADE C115
36	(8)	S031C	10	GRADE C115

1	(9)	S047C	LANDSCAPE SUPERVISOR	1	GRADE C113
2	(10)	S046C	MAINTENANCE TECHNICIAN	4	GRADE C113
3	(11)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
4	(12)	S065C	MAINTENANCE ASSISTANT	<u>3</u>	GRADE C108
5			MAX. NO. OF EMPLOYEES	51	

6

7 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,
 8 for the Arkansas Building Authority for the 2009-2010 fiscal year, the
 9 following maximum number of part-time or temporary employees, to be known as
 10 "Extra Help", payable from funds appropriated herein for such purposes: nine
 11 (9) temporary or part-time employees, when needed, at rates of pay not to
 12 exceed those provided in the Uniform Classification and Compensation Act, or
 13 its successor, or this act for the appropriate classification.

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15 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 16 appropriated, to the Arkansas Building Authority, to be payable from the
 17 Arkansas Building Authority Maintenance Fund, for personal services and
 18 operating expenses of the Arkansas Building Authority for the fiscal year
 19 ending June 30, 2010, the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) REGULAR SALARIES	\$ 1,816,289
24	(02) EXTRA HELP	75,000
25	(03) PERSONAL SERVICES MATCHING	613,382
26	(04) OVERTIME	40,000
27	(05) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	7,415,030
29	(B) CONF. & TRAVEL	15,000
30	(C) PROF. FEES	40,000
31	(D) CAP. OUTLAY	79,100
32	(E) DATA PROC.	0
33	(06) DEBT SERVICE	376,683
34	(07) FACILITIES MANAGEMENT CONTINGENCY	125,000
35	(08) RENT OF SPACE	121,000
36	(09) LEASE PURCHASE	<u>1,905,400</u>

1 TOTAL AMOUNT APPROPRIATED \$ 12,621,884

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3 SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is
4 hereby established for the Arkansas Building Authority for the 2009-2010
5 fiscal year, the following maximum number of regular employees whose salaries
6 shall be governed by the provisions of the Uniform Classification and
7 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
8 all laws amendatory thereto. Provided, however, that any position to which a
9 specific maximum annual salary is set out herein in dollars, shall be exempt
10 from the provisions of said Uniform Classification and Compensation Act. All
11 persons occupying positions authorized herein are hereby governed by the
12 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
13 Code §21-5-101), or its successor.

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		Maximum Annual
		Salary Rate
Item	Class	Fiscal Year
No.	Code Title	2009-2010
		Maximum
		No. of
		Employees
19	(1) S017C MAINTENANCE COORDINATOR	1 GRADE C117
20	(2) S037C ABA BUILDING MAINTENANCE SPECIALIST	<u>2</u> GRADE C115
21	MAX. NO. OF EMPLOYEES	3

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23 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby
24 appropriated, to the Arkansas Building Authority, to be payable from the
25 Arkansas Building Authority Maintenance Fund, for personal services and
26 operating expenses of the Arkansas Building Authority for the fiscal year
27 ending June 30, 2010, the following:

28

ITEM	FISCAL YEAR
NO.	2009-2010
31 (01) REGULAR SALARIES	\$ 102,015
32 (02) PERSONAL SERVICES MATCHING	34,398
33 (03) MAINT. & GEN. OPERATION	
34 (A) OPER. EXPENSE	582,663
35 (B) CONF. & TRAVEL	0
36 (C) PROF. FEES	0

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 719,076</u>

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5 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby
6 appropriated, to the Arkansas Building Authority, to be payable from the
7 Justice Building Fund, for maintenance of the Justice Building by the
8 Arkansas Building Authority for the fiscal year ending June 30, 2010, the
9 following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2009-2010</u>
13	(01) SPECIAL MAINTENANCE	<u>\$ 504,659</u>

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15 SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby
16 appropriated, to the Arkansas Building Authority, to be payable from the
17 Arkansas Building Authority Maintenance Fund, for critical maintenance of
18 various state buildings by the Arkansas Building Authority for the fiscal
19 year ending June 30, 2010, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) SPECIAL MAINTENANCE	<u>\$ 1,630,000</u>

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25 SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby
26 appropriated, to the Arkansas Building Authority, to be payable from the
27 Arkansas Building Authority Real Estate Fund, for the acquisition and
28 maintenance of facilities and land by the Arkansas Building Authority for the
29 fiscal year ending June 30, 2010, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	\$ 300,000
35	(B) CONF. & TRAVEL	0
36	(C) PROF. FEES	0

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	0
3	(02) CONSTRUCTION/RENOVATIONS	<u>1,200,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,500,000</u>

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6 SECTION 11. APPROPRIATION - JUSTICE BUILDING CONSTRUCTION - CASH. There
7 is hereby appropriated, to the Arkansas Building Authority, to be payable
8 from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Building
9 Authority, for operating expenses of the Arkansas Building Authority for the
10 fiscal year ending June 30, 2010, the following:

11	ITEM	FISCAL YEAR
12	NO.	2009-2010
13	(01) MAINT. & GEN. OPERATION	
14	(A) OPER. EXPENSE	\$ 55,000
15	(B) CONF. & TRAVEL	0
16	(C) PROF. FEES	35,000
17	(D) CAP. OUTLAY	0
18	(E) DATA PROC.	0
19	(02) DEBT SERVICE	<u>1,200,000</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,290,000</u>

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

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

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2 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
4 FORWARD - CRITICAL MAINTENANCE. At the close of the fiscal year ~~ending June~~
5 ~~30, 2008~~, any unexpended ~~appropriation and~~ funds provided for Critical
6 Maintenance shall be carried forward and made available for the same purposes
7 ~~for the fiscal year ending June 30, 2009~~.

8 Any carry forward of ~~unexpended balance of appropriation and/or~~ funding as
9 authorized herein, may be carried forward under the following conditions:

10 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
11 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
12 funding to the Department of Finance and Administration Office of Budget;

13 (2) The Department of Finance and Administration Office of Budget shall
14 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
15 ~~the first fiscal year of the biennium to the second fiscal year of the~~
16 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
17 Committee meeting, ~~in the second fiscal year of the biennial period~~ which
18 report shall include the name of the Agency, Board, Commission or Institution
19 and the amount of ~~the appropriation and/or~~ funding carried forward ~~from the~~
20 ~~first fiscal year to the second fiscal year~~, the program name or line item,
21 the funding source of that appropriation and a copy of the written request
22 set forth in (1) above;

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

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

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36 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 RESTRICTIONS. Arkansas Building Authority shall not demolish the 501
3 Building, formerly known as the Aegon building, but shall retain the building
4 as suitable office space to be used by state agencies, boards, commissions,
5 offices and departments.

6 The provisions of this section shall be in effect only from July 1,
7 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

8

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

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

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

3
4 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
6 BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The
7 Arkansas Building Authority may transfer appropriation and funds as needed
8 from the Facilities Management Contingency Appropriation in Section 5 of this
9 Act to any appropriation authorized for the Arkansas Building Authority ~~for~~
10 ~~the 2007-09 biennium~~.

11 The provisions of this section shall be in effect only from July 1,
12 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

1 unconstitutional by a court of competent jurisdiction, this entire section is
2 void.

3 (b) The Chief Fiscal Officer of the State shall make the necessary
4 adjustments on his or her books and the books of the Auditor of the State for
5 the transfer or deposit of the funds and appropriations from each State
6 Agency to the appropriation authorized in Section 5 of this Act and to the
7 various Arkansas Building Authority accounts to be used exclusively by the
8 Arkansas Building Authority for ~~each~~ the fiscal year ~~of the~~ ~~2007-2009~~
9 ~~biennium~~.

10 ~~(e) At the close of the first fiscal year of the biennium any unexpended~~
11 ~~appropriation for the Facilities Management Contingency Appropriation shall~~
12 ~~be carried forward and made available for the same purpose during the second~~
13 ~~fiscal year of the biennium.~~

14 ~~(e)~~ The provisions of this section shall be in effect only from July 1,
15 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

16

17 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
18 by this act shall be limited to the appropriation for such agency and funds
19 made available by law for the support of such appropriations; and the
20 restrictions of the State Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

26

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

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36 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a one (1) year period; that the
3 effectiveness of this Act on July 1, 2009 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the Regular Session, the delay in the effective
6 date of this Act beyond July 1, 2009 could work irreparable harm upon the
7 proper administration and provision of essential governmental programs.
8 Therefore, an emergency is hereby declared to exist and this Act being
9 necessary for the immediate preservation of the public peace, health and
10 safety shall be in full force and effect from and after July 1, 2009.

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13 **APPROVED: 2/20/2009**
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