

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 149

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, 2007; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT FOR THE ARKANSAS BUILDING  
16 AUTHORITY APPROPRIATION FOR THE  
17 2005-2007 BIENNIUM.  
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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 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.  
34

35 Maximum Annual  
36 Maximum Salary Rate



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

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

1 Arkansas Building Authority for the biennial period ending June 30, 2007, the  
 2 following:

3 ITEM	FISCAL YEARS	
	2005-2006	2006-2007
4 <u>NO.</u>		
5 (01) REGULAR SALARIES	\$ 1,645,655	\$ 1,692,395
6 (02) PERSONAL SERVICES MATCHING	463,810	472,936
7 (03) MAINT. & GEN. OPERATION		
8 (A) OPER. EXPENSE	38,594	38,594
9 (B) CONF. & TRAVEL	6,200	6,200
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>\$ 2,154,259</u>	<u>\$ 2,210,125</u>

14  
 15 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby  
 16 established for the Arkansas Building Authority for the 2005-2007 biennium,  
 17 the following maximum number of regular employees whose salaries shall be  
 18 governed by the provisions of the Uniform Classification and Compensation Act  
 19 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory  
 20 thereto. Provided, however, that any position to which a specific maximum  
 21 annual salary is set out herein in dollars, shall be exempt from the  
 22 provisions of said Uniform Classification and Compensation Act. All persons  
 23 occupying positions authorized herein are hereby governed by the provisions  
 24 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-  
 25 101), or its successor.

28 Item	Class	Title	Maximum	Maximum Annual	
				No. of	Salary Rate
29 <u>No.</u>	<u>Code</u>	<u>Title</u>	<u>Employees</u>	2005-2006	2006-2007
30 (1)	694Z	ABA BUILDING OPERATIONS ADMR	1	GRADE	25
31 (2)	055Z	DP MANAGER	1	GRADE	23
32 (3)	918Z	ABA REAL ESTATE MGR	1	GRADE	22
33 (4)	Y008	ABA MAINT & OPER MANAGER	1	GRADE	22
34 (5)	X338	ENGINEER, PE	2	GRADE	22
35 (6)	Y092	ABA MAINT & CONSTRUCTION PROJ MGR	1	GRADE	20
36 (7)	G007	ABA BUILDING & PLANT MAINTENANCE CO	2	GRADE	20

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

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

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

32	ITEM	FISCAL YEARS	
33	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
34	(01) REGULAR SALARIES	\$ 1,740,746	\$ 1,792,658
35	(02) EXTRA HELP	75,000	75,000
36	(03) PERSONAL SERVICES MATCHING	560,607	570,824

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

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

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

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32 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby  
 33 appropriated, to the Arkansas Building Authority, to be payable from the  
 34 Arkansas Building Authority Maintenance Fund, for personal services and  
 35 operating expenses of the Arkansas Building Authority for the biennial period  
 36 ending June 30, 2007, the following:

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ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 89,155	\$ 91,829
(02) PERSONAL SERVICES MATCHING	29,074	29,602
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	495,335	495,335
(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>\$ 613,564</u>	<u>\$ 616,766</u>

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

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) SPECIAL MAINTENANCE	<u>\$ 573,544</u>	<u>\$ 573,544</u>

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

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(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 acquisition and maintenance

1 of facilities of the Arkansas Building Authority for the biennial period  
2 ending June 30, 2007, the following:

4 ITEM	FISCAL YEARS	
5 NO.	2005-2006	2006-2007
6 (01) MAINT. & GEN. OPERATION		
7 (A) OPER. EXPENSE	\$ 300,000	\$ 300,000
8 (B) CONF. & TRAVEL	0	0
9 (C) PROF. FEES	0	0
10 (D) CAP. OUTLAY	0	0
11 (E) DATA PROC.	0	0
12 (02) CONSTRUCTION/RENOVATIONS	<u>1,200,000</u>	<u>1,200,000</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>

14

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

22

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 State Building Services may from time  
 26 to time as may be necessary and in such amounts as may be necessary and with  
 27 the approval of the Chief Fiscal Officer of the State, request a transfer of  
 28 funds from the State Central Services Fund to the Arkansas Building Authority  
 29 ~~State Building Services~~ Maintenance Fund for operation of the Justice  
 30 Building for actual expenditures, in an amount not to exceed the dollar  
 31 amount appropriated in Section 7 for each of the fiscal years. Upon his  
 32 approval, the Chief Fiscal Officer of the State shall then initiate the  
 33 necessary transfer documents to reflect the transfer upon the fiscal records  
 34 of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the  
 35 State and Arkansas Building Authority State Building Services. The  
 36 provisions of this section shall be in effect only from July 1, ~~2003~~ 2005

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

2  
3 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
5 FORWARD-CRITICAL MAINTENANCE. At the close of the fiscal year ending June 30,  
6 ~~2004~~ 2006, any unexpended appropriation and funds provided for Critical  
7 Maintenance shall be carried forward and made available for the same purposes  
8 for the fiscal year ending June 30, ~~2005~~ 2007. The provisions of this section  
9 shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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

18  
19 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
21 OF FUNDS. The Arkansas ~~State Building Services~~ Authority is hereby  
22 authorized, after seeking the approval of the Chief Fiscal Officer of the  
23 State and the Arkansas Legislative Council or Joint Budget Committee to  
24 request transfer from the appropriation made in Section 5 for Building  
25 Maintenance to the APPROPRIATION - ACQUISITION AND MAINTENANCE appropriation  
26 in Section 10 and to receive from another state agency that seeks like  
27 approvals its authority, appropriation and the transfer of funds to be  
28 deposited into the ~~State Building Services~~ Arkansas Building Authority Real  
29 Estate Fund to become part of the APPROPRIATION - ACQUISITION AND MAINTENANCE  
30 appropriation, and to be used for any purposes as set forth by law for said  
31 Real Estate Fund.

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



1 amendment to the Revenue Stabilization law. Further, the General Assembly  
 2 has determined that the Arkansas ~~Building Authority State Building Services~~  
 3 may operate more efficiently if some flexibility is provided to the Arkansas  
 4 ~~Building Authority State Building Services~~ authorizing broad powers under  
 5 this section. Therefore, it is both necessary and appropriate that the  
 6 General Assembly maintain oversight by requiring prior approval of the  
 7 Legislative Council or Joint Budget Committee as provided by this section.  
 8 The requirement of approval by the Legislative Council or Joint Budget  
 9 Committee is not a severable part of this section. If the requirement of  
 10 approval by the Legislative Council or Joint Budget Committee is ruled  
 11 unconstitutional by a court of competent jurisdiction, this entire section is  
 12 void.

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

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

25

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

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

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

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

27  
 28 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION  
 30 POOL. To address the emerging infrastructure needs of Arkansas state  
 31 government, the Arkansas ~~State Building Authority Services~~ shall establish  
 32 and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of twenty (20)  
 33 classified positions, payable from funds appropriated herein for such  
 34 purposes. These positions are to be used in the event the Arkansas ~~State~~  
 35 ~~Building Authority Services~~ executes one or more building contracts or  
 36 maintenance agreements with state agencies, and the number and level of

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

31  
 32 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 33 by this act shall be limited to the appropriation for such agency and funds  
 34 made available by law for the support of such appropriations; and the  
 35 restrictions of the State Procurement Law, the General Accounting and  
 36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

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

5  
6 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General Assembly  
7 that any funds disbursed under the authority of the appropriations contained  
8 in this act shall be in compliance with the stated reasons for which this act  
9 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
10 and Legislative Recommendations contained in the budget manuals prepared by  
11 the Department of Finance and Administration, letters, or summarized oral  
12 testimony in the official minutes of the Arkansas Legislative Council or  
13 Joint Budget Committee which relate to its passage and adoption.

14  
15 SECTION 21. EMERGENCY CLAUSE. It is found and determined by the General  
16 Assembly, that the Constitution of the State of Arkansas prohibits the  
17 appropriation of funds for more than a two (2) year period; that the  
18 effectiveness of this Act on July 1, 2005 is essential to the operation of  
19 the agency for which the appropriations in this Act are provided, and that in  
20 the event of an extension of the Regular Session, the delay in the effective  
21 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
22 proper administration and provision of essential governmental programs.  
23 Therefore, an emergency is hereby declared to exist and this Act being  
24 necessary for the immediate preservation of the public peace, health and  
25 safety shall be in full force and effect from and after July 1, 2005.