

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/1/07 S3/23/07

A Bill

SENATE BILL 125

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 BUILDING AUTHORITY FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2009; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS BUILDING
16 AUTHORITY APPROPRIATION FOR THE
17 2007-2009 BIENNIUM.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
24 established for the Arkansas Building Authority for the 2007-2009 biennium,
25 the following maximum number of regular employees whose salaries shall be
26 governed by the provisions of the Uniform Classification and Compensation Act
27 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
28 thereto. Provided, however, that any position to which a specific maximum
29 annual salary is set out herein in dollars, shall be exempt from the
30 provisions of said Uniform Classification and Compensation Act. All persons
31 occupying positions authorized herein are hereby governed by the provisions
32 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
33 101), or its successor.
34

35 Maximum Annual
36 Maximum Salary Rate



Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2007-2008	2008-2009
(1)	9903	ABA DIRECTOR	1	\$112,546	\$114,796
(2)	9749	ABA STATE ENGINEER	1	\$94,077	\$95,958
(3)	6611	ABA STATE ARCHITECT	1	\$94,077	\$95,958
(4)	9006	ABA DEPUTY DIRECTOR	1	\$91,468	\$93,297
(5)	8811	ABA SPECIAL PROJECTS ANALYST	1	\$52,761	\$53,816
(6)	692Z	ABA STATE CONSTRUCTION ADMR	1	GRADE	25
(7)	695Z	ABA ADMR OF REAL ESTATE SERVICES	1	GRADE	25
(8)	A046	AGENCY CONTROLLER - LARGE/COMPLEX A	1	GRADE	25
(9)	R170	ATTORNEY SPECIALIST	1	GRADE	25
(10)	N330	LICENSED ARCHITECT	4	GRADE	23
(11)	055Z	DP MANAGER	1	GRADE	23
(12)	R485	ABA HUMAN RESOURCE MANAGER	1	GRADE	23
(13)	X338	ENGINEER, PE	1	GRADE	22
(14)	X428	ABA CONTRACT & CONST MGR	1	GRADE	22
(15)	918Z	ABA REAL ESTATE MGR	1	GRADE	22
(16)	D036	SR PROGRAMMER/ANALYST	1	GRADE	21
(17)	V080	MGR PURCHASING & PROPERTY MGT	1	GRADE	21
(18)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE	21
(19)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE	20
(20)	G197	ABA BUILDING MAINT PRGM COORD	1	GRADE	20
(21)	R150	RESEARCH PROJECT ANALYST	1	GRADE	19
(22)	A122	ACCOUNTING SERVICES REP I	1	GRADE	19
(23)	V008	BUYER III	1	GRADE	19
(24)	X306	CHIEF CONSTRUCTION INSPECTOR	2	GRADE	19
(25)	V022	LEASING SPECIALIST II	2	GRADE	19
(26)	X315	CONSTRUCTION INSPECTOR	2	GRADE	18
(27)	V020	LEASING SPECIALIST	1	GRADE	18
(28)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE	18
(29)	Y003	AUTO/DIESEL MECHANIC	1	GRADE	17
(30)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE	14
(31)	K153	SECRETARY II	<u>1</u>	GRADE	13
		MAX. NO. OF EMPLOYEES	38		

35

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

1 to the Arkansas Building Authority, to be payable from the Miscellaneous
 2 Agencies Fund Account, for personal services and operating expenses of the
 3 Arkansas Building Authority for the biennial period ending June 30, 2009, the
 4 following:

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

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

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
34	(1) 694Z	ABA BUILDING OPERATIONS ADMR	1	GRADE 25	
35	(2) X338	ENGINEER, PE	1	GRADE 22	
36	(3) Y008	ABA MAINT & OPER MANAGER	1	GRADE 22	

1	(4)	G120	PLANT MAINTENANCE COORDINATOR	1	GRADE 20
2	(5)	Y092	ABA MAINT & CONSTRUCTION PROJ MGR	1	GRADE 20
3	(6)	G007	ABA BUILDING & PLANT MAINTENANCE CO	2	GRADE 20
4	(7)	G009	ABA BUILDING & PLANT MAINTENANCE SU	7	GRADE 19
5	(8)	Y007	ABA TRADES SUPERVISOR	5	GRADE 19
6	(9)	V008	BUYER III	1	GRADE 19
7	(10)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
8	(11)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
9	(12)	Y021	STATIONARY ENGINEER	1	GRADE 17
10	(13)	Y039	HEATING & A/C MECHANIC	1	GRADE 17
11	(14)	Y053	JOURNEYMAN CARPENTER	4	GRADE 17
12	(15)	Y055	JOURNEYMAN ELECTRICIAN	2	GRADE 17
13	(16)	Y057	JOURNEYMAN PAINTER	2	GRADE 17
14	(17)	Y061	JOURNEYMAN PLUMBER	2	GRADE 17
15	(18)	G016	ABA BUILDING & PLANT MAINTENANCE WO	10	GRADE 17
16	(19)	G089	LANDSCAPE SUPERVISOR II	1	GRADE 17
17	(20)	G111	MAINT WORK PLANNER & SCHEDULER	<u>2</u>	GRADE 11
18			MAX. NO. OF EMPLOYEES	47	

19

20 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,
 21 for the Arkansas Building Authority for the 2007-2009 biennium, the following
 22 maximum number of part-time or temporary employees, to be known as "Extra
 23 Help", payable from funds appropriated herein for such purposes: nine (9)
 24 temporary or part-time employees, when needed, at rates of pay not to exceed
 25 those provided in the Uniform Classification and Compensation Act, or its
 26 successor, or this act for the appropriate classification.

27

28 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 29 appropriated, to the Arkansas Building Authority, to be payable from the
 30 Arkansas Building Authority Maintenance Fund, for personal services and
 31 operating expenses of the Arkansas Building Authority for the biennial period
 32 ending June 30, 2009, the following:

33

34	ITEM	FISCAL YEARS	
35	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
36	(01) REGULAR SALARIES	\$ 1,676,345	\$ 1,709,851

1	(02)	EXTRA HELP	75,000	75,000
2	(03)	PERSONAL SERVICES MATCHING	567,105	573,960
3	(04)	OVERTIME	40,000	40,000
4	(05)	MAINT. & GEN. OPERATION		
5	(A)	OPER. EXPENSE	6,801,985	6,943,196
6	(B)	CONF. & TRAVEL	15,000	15,000
7	(C)	PROF. FEES	40,000	40,000
8	(D)	CAP. OUTLAY	79,100	79,100
9	(E)	DATA PROC.	0	0
10	(06)	DEBT SERVICE	363,059	366,683
11	(07)	RENT OF SPACE	121,000	121,000
12	(08)	LEASE PURCHASE EXPENSE	<u>367,157</u>	<u>363,157</u>
13		TOTAL AMOUNT APPROPRIATED	<u>\$ 10,145,751</u>	<u>\$ 10,326,947</u>

15 SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is
 16 hereby established for the Arkansas Building Authority for the 2007-2009
 17 biennium, the following maximum number of regular employees whose salaries
 18 shall be governed by the provisions of the Uniform Classification and
 19 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 20 all laws amendatory thereto. Provided, however, that any position to which a
 21 specific maximum annual salary is set out herein in dollars, shall be exempt
 22 from the provisions of said Uniform Classification and Compensation Act. All
 23 persons occupying positions authorized herein are hereby governed by the
 24 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 25 Code §21-5-101), or its successor.

27			Maximum Annual
28			Salary Rate
29	Item Class	No. of	Fiscal Years
30	No. Code Title	Employees	2007-2008 2008-2009
31	(1) G009 ABA BUILDING & PLANT MAINTENANCE SU	1	GRADE 19
32	(2) G016 ABA BUILDING & PLANT MAINTENANCE WO	<u>2</u>	GRADE 17
33	MAX. NO. OF EMPLOYEES	3	

35 SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. There is hereby
 36 appropriated, to the Arkansas Building Authority, to be payable from the

1 Arkansas Building Authority Maintenance Fund, for personal services and
 2 operating expenses of the Arkansas Building Authority for the biennial period
 3 ending June 30, 2009, the following:

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

16

17 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby
 18 appropriated, to the Arkansas Building Authority, to be payable from the
 19 Justice Building Fund, for maintenance of the Justice Building of the
 20 Arkansas Building Authority for the biennial period ending June 30, 2009, the
 21 following:

22

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

26

27 SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby
 28 appropriated, to the Arkansas Building Authority, to be payable from the
 29 Arkansas Building Authority Maintenance Fund, for critical maintenance of
 30 various state buildings of the Arkansas Building Authority for the biennial
 31 period ending June 30, 2009, the following:

32

33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
35	(01) SPECIAL MAINTENANCE	<u>\$ 1,630,000</u>	<u>\$ 1,630,000</u>

36

SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Real Estate Fund, for the acquisition and maintenance of facilities and land of the Arkansas Building Authority for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 300,000	\$ 300,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) CONSTRUCTION/RENOVATIONS	<u>1,200,000</u>	<u>1,200,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>

SECTION 11. APPROPRIATION - FACILITIES MANAGMENT CONTINGENCY APPROPRIATION. There is hereby appropriated, to the Arkansas Building Authority, to be payable from revenues collected and transferred to the Arkansas Building Authority for any program as set out in Section 18 of this Act, as designated by the Chief Fiscal Officer of the State, for use in responding to the infrastructure needs of Arkansas State Government, for the biennial period ending June 30, 2009, the sum of \$250,000.

SECTION 12. APPROPRIATIONS - JUSTICE BUILDING CONSTRUCTION - CASH. There is hereby appropriated, to the Arkansas Building Authority, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Building Authority, for operating expenses of the Arkansas Building Authority for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 55,000	\$ 55,000
(B) CONF. & TRAVEL	0	0

1	(C) PROF. FEES	35,000	35,000
2	(D) CAP. OUTLAY	0	0
3	(E) DATA PROC.	0	0
4	(02) DEBT SERVICE	<u>1,200,000</u>	<u>1,200,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,290,000</u>	<u>\$ 1,290,000</u>

6

7 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 OF FUNDS. Arkansas Building Authority may from time to time as may be
10 necessary and in such amounts as may be necessary and with the approval of
11 the Chief Fiscal Officer of the State, request a transfer of funds from the
12 State Central Services Fund to the Arkansas Building Authority Maintenance
13 Fund for operation of the Justice Building for actual expenditures, in an
14 amount not to exceed the dollar amount appropriated in Section 7 for each of
15 the fiscal years. Upon his approval, the Chief Fiscal Officer of the State
16 shall then initiate the necessary transfer documents to reflect the transfer
17 upon the fiscal records of the State Auditor, the State Treasurer, the Chief
18 Fiscal Officer of the State and Arkansas Building Authority. The provisions
19 of this section shall be in effect only from July 1, ~~2005~~ 2007 through June
20 30, ~~2007~~ 2009.

21

22 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
24 FORWARD-CRITICAL MAINTENANCE. At the close of the fiscal year ending June 30,
25 ~~2006~~ 2008, any unexpended appropriation and funds provided for Critical
26 Maintenance shall be carried forward and made available for the same purposes
27 for the fiscal year ending June 30, ~~2007~~ 2009.

28 Any carry forward of unexpended balance of appropriation and/or funding as
29 authorized herein, may be carried forward under the following conditions:
30 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
31 its reason(s) for the need to carry forward said appropriation and/or funding
32 to the Department of Finance and Administration Office of Budget;
33 (2) The Department of Finance and Administration Office of Budget shall
34 report to the Arkansas Legislative Council all amounts carried forward from
35 the first fiscal year of the biennium to the second fiscal year of the
36 biennium by the September Arkansas Legislative Council or Joint Budget

1 Committee meeting in the second fiscal year of the biennial period which
2 report shall include the name of the Agency, Board, Commission or Institution
3 and the amount of the appropriation and/or funding carried forward from the
4 first fiscal year to the second fiscal year, the program name or line item,
5 the funding source of that appropriation and a copy of the written request
6 set forth in (1) above;

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

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

19 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
20 through June 30, ~~2007~~ 2009.

21
22 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
24 RESTRICTIONS. Arkansas Building Authority shall not demolish the 501
25 Building, formerly known as the Aegon building, but shall retain the building
26 as suitable office space to be used by state agencies, boards, commissions,
27 offices and departments. The provisions of this section shall be in effect
28 only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

29
30 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
32 OF FUNDS. The Arkansas Building Authority is hereby authorized, after seeking
33 the approval of the Chief Fiscal Officer of the State and the Arkansas
34 Legislative Council or Joint Budget Committee to request transfer from the
35 appropriation made in Section 5 for Building Maintenance to the APPROPRIATION
36 - ACQUISITION AND MAINTENANCE appropriation in Section 10 and to receive from

1 another state agency that seeks like approvals its authority, appropriation
2 and the transfer of funds to be deposited into the Arkansas Building
3 Authority Real Estate Fund to become part of the APPROPRIATION - ACQUISITION
4 AND MAINTENANCE appropriation, and to be used for any purposes as set forth
5 by law for said Real Estate Fund.

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

22 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
23 through June 30, ~~2007~~ 2009.

24
25 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
27 BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The
28 Arkansas Building Authority may transfer appropriation and funds as needed
29 from the Facilities Management Contingency Appropriation in Section 11 of
30 this Act to any appropriation authorized for the Arkansas Building Authority
31 for the ~~2005-07~~ 2007-09 biennium.

32 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
33 through June 30, ~~2007~~ 2009.

34
35 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

1 TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to
2 provide a more cost effective method to address the emerging infrastructure
3 needs of Arkansas State Government, appropriations and funds transferred to
4 the Facilities Management Contingency Appropriation are to be used in the
5 event that the Arkansas Building Authority executes one or more building
6 contracts or maintenance agreements with State Agencies, and the
7 appropriations or funds otherwise provided for the Arkansas Building
8 Authority are not sufficient to address those needs, and it is more cost
9 effective for the Arkansas Building Authority to execute these services. Any
10 State Agency may transfer or deposit funds and appropriations to the Arkansas
11 Building Authority - Facilities Management Contingency Appropriation
12 authorized in Section 11 of this Act to execute one or more building
13 contracts or maintenance agreements with said State Agencies. The Arkansas
14 Building Authority shall provide justification to the Chief Fiscal Officer of
15 the State for the need of such appropriations and funds transfers and seek
16 and receive approval of the Chief Fiscal Officer of the State. Arkansas
17 Building Authority shall then seek and receive the approval of the Arkansas
18 Legislative Council or Joint Budget Committee. The requirement of approval
19 by the Arkansas Legislative Council or Joint Budget Committee is not a
20 severable part of the section. If the requirement of approval by the
21 Arkansas Legislative Council or Joint Budget Committee is ruled
22 unconstitutional by a court of competent jurisdiction, this entire section is
23 void.

24 (b) The Chief Fiscal Officer of the State shall make the necessary
25 adjustments on his or her books and the books of the Auditor of the State for
26 the transfer or deposit of the funds and appropriations from each State
27 Agency to the appropriation authorized in Section 11 of this Act and to the
28 various Arkansas Building Authority accounts to be used exclusively by the
29 Arkansas Building Authority for each fiscal year of the ~~2005-2007~~ 2007-2009
30 biennium.

31 (c) At the close of the first fiscal year of the biennium any unexpended
32 appropriation for the Facilities Management Contingency Appropriation shall
33 be carried forward and made available for the same purpose during the second
34 fiscal year of the biennium.

35 (d) The provisions of this section shall be in effect only from July 1,
36 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

1
2 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
4 POOL. To address the emerging infrastructure needs of Arkansas state
5 government, the Arkansas Building Authority shall establish and maintain for
6 the ~~2005-2007~~ 2007-2009 biennium a pool of twenty (20) classified positions,
7 payable from funds appropriated herein for such purposes. These positions
8 are to be used in the event the Arkansas Building Authority executes one or
9 more building contracts or maintenance agreements with state agencies, and
10 the number and level of positions regularly authorized for the Arkansas
11 Building Authority are not sufficient to address these needs. The Arkansas
12 Building Authority shall provide justification to the Department of Finance
13 and Administration's Office of Personnel Management (OPM) for the need to
14 allocate titles from this position pool. No classifications will be assigned
15 to the pool until such time as specific positions are requested and justified
16 by the Arkansas Building Authority, recommended by OPM and approved by the
17 Arkansas Legislative Council. The Arkansas Building Authority may transfer
18 positions from this pool to any appropriation/pay schedule the agency
19 currently maintains or any appropriation/pay schedule the agency receives for
20 the ~~2005-2007~~ 2007-2009 biennium. If the agency requests continuation of a
21 "Growth Pool" position(s) as established herein during the next biennium, the
22 position(s) must be requested as a new position(s) in the agencies biennial
23 budget request. Determining the number of personnel to be employed by a
24 state agency is the prerogative of the General Assembly and is usually
25 accomplished by delineating the maximum number of personnel by identifying
26 job titles and the maximum grade or salary attached to those titles. The
27 General Assembly has determined that the Arkansas Building Authority could
28 be operated more efficiently if some flexibility is given to that agency.
29 That flexibility is being accomplished by providing growth pools as in this
30 section and since the General Assembly has granted the agency broad powers
31 under the growth pool concept, it is both necessary and appropriate that the
32 General Assembly maintain oversight of the utilization of the growth pool by
33 requiring prior approval of the Legislative Council in the utilization of the
34 growth pool. Therefore, the requirement of approval by the Legislative
35 Council is not a severable part of this section. If the requirement of
36 approval by the Legislative Council is ruled unconstitutional by a court of

1 competent jurisdiction, this entire section is void. The provisions of this
2 section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~
3 2009.

4
5 SECTION 20. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
6 by this act shall be limited to the appropriation for such agency and funds
7 made available by law for the support of such appropriations; and the
8 restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

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

23
24 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly, that the Constitution of the State of Arkansas prohibits the
26 appropriation of funds for more than a two (2) year period; that the
27 effectiveness of this Act on July 1, 2007 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 2007 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 2007.

35
36 /s/ Joint Budget Committee