

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 149

By: Joint Budget Committee

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, 2010; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS BUILDING
AUTHORITY APPROPRIATION FOR THE
2009-2010 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby established for the Arkansas Building Authority for the 2009-2010 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

	Maximum Annual
Maximum	Salary Rate



1	Item	Class	No. of	Fiscal Year
2	No.	Code Title	Employees	2009-2010
3	(1)	U052U ABA DIRECTOR	1	\$120,535
4	(2)	U080U ABA DEPUTY DIRECTOR	1	\$97,961
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	

29

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, 2010, the
34 following:

35

36 ITEM

FISCAL YEAR

1	NO.	2009-2010
2	(01) REGULAR SALARIES	\$ 1,858,312
3	(02) PERSONAL SERVICES MATCHING	540,634
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.	0
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,453,740</u>

11

12 SECTION 3. REGULAR SALARIES - BUILDING MAINTENANCE. There is hereby
 13 established for the Arkansas Building Authority for the 2009-2010 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	Title	No. of Employees	2009-2010
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	

5

6 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,

7 for the Arkansas Building Authority for the 2009-2010 fiscal year, the

8 following maximum number of part-time or temporary employees, to be known as

9 "Extra Help", payable from funds appropriated herein for such purposes: nine

10 (9) temporary or part-time employees, when needed, at rates of pay not to

11 exceed those provided in the Uniform Classification and Compensation Act, or

12 its successor, or this act for the appropriate classification.

13

14 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby

15 appropriated, to the Arkansas Building Authority, to be payable from the

16 Arkansas Building Authority Maintenance Fund, for personal services and

17 operating expenses of the Arkansas Building Authority for the fiscal year

18 ending June 30, 2010, the following:

19

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2009-2010</u>
22	(01) REGULAR SALARIES	\$ 1,816,289
23	(02) EXTRA HELP	75,000
24	(03) PERSONAL SERVICES MATCHING	613,382
25	(04) OVERTIME	40,000
26	(05) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	7,415,030
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	376,683
33	(07) FACILITIES MANAGEMENT CONTINGENCY	125,000
34	(08) RENT OF SPACE	121,000
35	(09) LEASE PURCHASE	<u>1,905,400</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,621,884</u>

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

Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	S017C MAINTENANCE COORDINATOR	1	GRADE C117
(2)	S037C ABA BUILDING MAINTENANCE SPECIALIST	2	GRADE C115
	MAX. NO. OF EMPLOYEES	3	

SECTION 7. APPROPRIATION - JUSTICE BUILDING OPERATIONS. 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, 2010, the following:

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

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

3

4 SECTION 8. APPROPRIATION - JUSTICE BUILDING MAINTENANCE. There is hereby

5 appropriated, to the Arkansas Building Authority, to be payable from the

6 Justice Building Fund, for maintenance of the Justice Building by the

7 Arkansas Building Authority for the fiscal year ending June 30, 2010, the

8 following:

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

13

14 SECTION 9. APPROPRIATION - CRITICAL MAINTENANCE. There is hereby

15 appropriated, to the Arkansas Building Authority, to be payable from the

16 Arkansas Building Authority Maintenance Fund, for critical maintenance of

17 various state buildings by the Arkansas Building Authority for the fiscal

18 year ending June 30, 2010, the following:

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

23

24 SECTION 10. APPROPRIATION - ACQUISITION AND MAINTENANCE. There is hereby

25 appropriated, to the Arkansas Building Authority, to be payable from the

26 Arkansas Building Authority Real Estate Fund, for the acquisition and

27 maintenance of facilities and land by the Arkansas Building Authority for the

28 fiscal year ending June 30, 2010, the following:

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

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

4

5 SECTION 11. APPROPRIATION - JUSTICE BUILDING CONSTRUCTION - CASH. There

6 is hereby appropriated, to the Arkansas Building Authority, to be payable

7 from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Building

8 Authority, for operating expenses of the Arkansas Building Authority for the

9 fiscal year ending June 30, 2010, the following:

10		
11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2009-2010</u>
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>

21

22 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

24 OF FUNDS. Arkansas Building Authority may from time to time as may be

25 necessary and in such amounts as may be necessary and with the approval of

26 the Chief Fiscal Officer of the State, request a transfer of funds from the

27 State Central Services Fund to the Arkansas Building Authority Maintenance

28 Fund for operation of the Justice Building for actual expenditures, in an

29 amount not to exceed the dollar amount appropriated in Section 7 ~~for each of~~

30 ~~the fiscal years~~. Upon his approval, the Chief Fiscal Officer of the State

31 shall then initiate the necessary transfer documents to reflect the transfer

32 upon the fiscal records of the State Auditor, the State Treasurer, the Chief

33 Fiscal Officer of the State and Arkansas Building Authority.

34 The provisions of this section shall be in effect only from July 1,

35 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

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

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

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

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

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

7
8 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
10 OF FUNDS. The Arkansas Building Authority is hereby authorized, after seeking
11 the approval of the Chief Fiscal Officer of the State and the Arkansas
12 Legislative Council or Joint Budget Committee to request transfer from the
13 appropriation made in Section 5 for Building Maintenance to the Acquisition
14 and Maintenance appropriation in Section 10 and to receive from another state
15 agency that seeks like approvals its authority, appropriation and the
16 transfer of funds to be deposited into the Arkansas Building Authority Real
17 Estate Fund to become part of the Acquisition and Maintenance appropriation,
18 and to be used for any purposes as set forth by law for said Real Estate
19 Fund.

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

36 The provisions of this section shall be in effect only from July 1,

1 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

2
3 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
5 BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The
6 Arkansas Building Authority may transfer appropriation and funds as needed
7 from the Facilities Management Contingency Appropriation in Section 5 of this
8 Act to any appropriation authorized for the Arkansas Building Authority ~~for~~
9 ~~the 2007-09 biennium~~.

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

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

1 void.

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

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

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

15
16 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
17 by this act shall be limited to the appropriation for such agency and funds
18 made available by law for the support of such appropriations; and the
19 restrictions of the State Procurement Law, the General Accounting and
20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
21 Procedures and Restrictions Act, or their successors, and other fiscal
22 control laws of this State, where applicable, and regulations promulgated by
23 the Department of Finance and Administration, as authorized by law, shall be
24 strictly complied with in disbursement of said funds.

25
26 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly
27 that any funds disbursed under the authority of the appropriations contained
28 in this act shall be in compliance with the stated reasons for which this act
29 was adopted, as evidenced by the Agency Requests, Executive Recommendations
30 and Legislative Recommendations contained in the budget manuals prepared by
31 the Department of Finance and Administration, letters, or summarized oral
32 testimony in the official minutes of the Arkansas Legislative Council or
33 Joint Budget Committee which relate to its passage and adoption.

34
35 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
36 Assembly, that the Constitution of the State of Arkansas prohibits the

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