

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

A Bill

SENATE BILL 35

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
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, 2011; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS BUILDING
16 AUTHORITY APPROPRIATION FOR THE 2010-
17 2011 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 2010-2011 fiscal
25 year, the following maximum number of regular employees whose salaries shall
26 be governed by the provisions of the Uniform Classification and Compensation
27 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws
28 amendatory thereto. Provided, however, that any position to which a specific
29 maximum annual salary is set out herein in dollars, shall be exempt from the
30 provisions of said Uniform Classification and Compensation Act. All persons
31 occupying positions authorized herein are hereby governed by the provisions
32 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
33 101), or its successor.
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36
Maximum Annual
Maximum Salary Rate



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

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

31 to the Arkansas Building Authority, to be payable from the Miscellaneous

32 Agencies Fund Account, for personal services and operating expenses of the

33 Arkansas Building Authority for the fiscal year ending June 30, 2011, the

34 following:

35

36 ITEM FISCAL YEAR

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

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

23

24			Maximum Annual
25		Maximum	Salary Rate
26	Item Class	No. of	Fiscal Year
27	<u>No. Code Title</u>	<u>Employees</u>	<u>2010-2011</u>
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	

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6 SECTION 4. EXTRA HELP - BUILDING MAINTENANCE. There is hereby authorized,
 7 for the Arkansas Building Authority for the 2010-2011 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.

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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, 2011, the following:

20	ITEM	FISCAL YEAR	
21	<u>NO.</u>	<u>2010-2011</u>	
22	(01) REGULAR SALARIES	\$	1,855,455
23	(02) EXTRA HELP		75,000
24	(03) PERSONAL SERVICES MATCHING		620,718
25	(04) OVERTIME		40,000
26	(05) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE		7,743,818
28	(B) CONF. & TRAVEL		15,000
29	(C) PROF. FEES		40,000
30	(D) CAP. OUTLAY		79,100
31	(E) DATA PROC.		0
32	(06) DEBT SERVICE		386,683
33	(07) FACILITIES MANAGEMENT CONTINGENCY		125,000
34	(08) RENT OF SPACE		121,000
35	(09) LEASE PURCHASE		<u>1,920,500</u>
36	TOTAL AMOUNT APPROPRIATED	\$	<u>13,022,274</u>

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SECTION 6. REGULAR SALARIES - JUSTICE BUILDING OPERATIONS. There is hereby established for the Arkansas Building Authority for the 2010-2011 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 No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(1)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
(2)	S037C	ABA BUILDING MAINTENANCE SPECIALIST	<u>2</u>	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, 2011, the following:

ITEM NO.		FISCAL YEAR 2010-2011
(01)	REGULAR SALARIES	\$ 104,342
(02)	PERSONAL SERVICES MATCHING	34,832
(03)	MAINT. & GEN. OPERATION	
(A)	OPER. EXPENSE	584,953
(B)	CONF. & TRAVEL	0
(C)	PROF. FEES	0
(D)	CAP. OUTLAY	0

1 (E) DATA PROC. 0
 2 TOTAL AMOUNT APPROPRIATED \$ 724,127

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, 2011, the
 8 following:

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2010-2011</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, 2011, the following:

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

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 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, 2011, the following:

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2010-2011</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>

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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, 2011, the following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2010-2011</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. Upon his
 30 approval, the Chief Fiscal Officer of the State shall then initiate the
 31 necessary transfer documents to reflect the transfer upon the fiscal records
 32 of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the
 33 State and Arkansas Building Authority.

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

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

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

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

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

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

26 (4) Thereupon, the Department of Finance and Administration shall include
27 all information obtained in item (3) above in the budget manuals and/or a
28 statement of non-compliance by the Agency, Board, Commission or Institution.
29

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

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

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

1 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

2
 3 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 5 OF FUNDS. The Arkansas Building Authority is hereby authorized, after seeking
 6 the approval of the Chief Fiscal Officer of the State and the Arkansas
 7 Legislative Council or Joint Budget Committee to request transfer from the
 8 appropriation made in Section 5 for Building Maintenance to the Acquisition
 9 and Maintenance appropriation in Section 10 and to receive from another state
 10 agency that seeks like approvals its authority, appropriation and the
 11 transfer of funds to be deposited into the Arkansas Building Authority Real
 12 Estate Fund to become part of the Acquisition and Maintenance appropriation,
 13 and to be used for any purposes as set forth by law for said Real Estate
 14 Fund.

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

31 The provisions of this section shall be in effect only from July 1,
 32 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

33
 34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 36 BUILDING AUTHORITY CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The

1 Arkansas Building Authority may transfer appropriation and funds as needed
 2 from the Facilities Management Contingency Appropriation in Section 5 of this
 3 Act to any appropriation authorized for the Arkansas Building Authority.

4 The provisions of this section shall be in effect only from July 1,
 5 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

1 Arkansas Building Authority for fiscal year.

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

4
5 SECTION 18. 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 19. 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 20. 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 one (1) year period; that the
27 effectiveness of this Act on July 1, 2010 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 legislative session, the delay in the
30 effective date of this Act beyond July 1, 2010 could work irreparable harm
31 upon the proper administration and provision of essential governmental
32 programs. Therefore, an emergency is hereby declared to exist and this Act
33 being necessary for the immediate preservation of the public peace, health
34 and safety shall be in full force and effect from and after July 1, 2010.