

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 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 14 of 2001
SENATE BILL 126

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE ARKANSAS BOARD OF
11 EXAMINERS IN COUNSELING FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2003; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT FOR THE ARKANSAS BOARD OF
15 EXAMINERS IN COUNSELING APPROPRIATION
16 FOR THE 2001-2003 BIENNIUM.
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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. There is hereby established for the Arkansas
24 Board of Examiners in Counseling for the 2001-2003 biennium, the following
25 maximum number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual salary
29 is set out herein in dollars, shall be exempt from the provisions of said
30 Uniform Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
34

35 Maximum Annual
36 Maximum Salary Rate

Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2001-2002	2002-2003
(1)	7245	COUNSELING BD SECRETARY I	<u>2</u>	\$19,996	\$20,515
		MAX. NO. OF EMPLOYEES	2		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Board of Examiners in Counseling for the 2001-2003 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Board of Examiners in Counseling, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Board of Examiners in Counseling, for personal services and operating expenses of the Arkansas Board of Examiners in Counseling for the biennial period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 39,992	\$ 41,030
(02) EXTRA HELP	19,000	19,000
(03) PERSONAL SERV MATCHING	14,466	14,648
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	62,760	62,760
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	10,000	10,000
(D) CAP. OUTLAY	16,000	5,000
(E) DATA PROC.	5,000	5,000
(05) TESTING	<u>1,000</u>	<u>1,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 168,218</u>	<u>\$ 158,438</u>

SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing

1 to the Attorney General of the State of Arkansas to provide the required legal
 2 services. The Attorney General's Office shall provide the requested legal
 3 services, or, if the Attorney General's Office shall determine that sufficient
 4 personnel are not available to provide the requested legal services, the
 5 Attorney General shall certify the same to the agency and may authorize the
 6 agency to employ legal counsel and to expend monies appropriated for
 7 Maintenance and General Operations therefor, if:

8 (1) The Attorney General determines, and certifies in writing, that such
 9 agency needs the advice or assistance of legal counsel, and

10 (2) The Attorney General consents in writing to the employment of the
 11 legal counsel to be retained by the agency.

12 Such certification shall be required with respect to each instance of the
 13 employment of special legal counsel, or shall be required annually with
 14 respect to legal counsel employed on a retainer basis. A copy of such
 15 certification shall be entered in the official minutes of the agency, and
 16 shall be retained in the fiscal records of the agency for audit purposes.
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18 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 19 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 20 appropriations as provided in this Act, the agency disbursing officer shall
 21 monitor the level of fund balances in relation to expenditures on a monthly
 22 basis. If any proposed expenditures would cause a fund balance to decline to
 23 less than fifty percent (50%) of the balance available on July 1, 2001, the
 24 disbursing officer shall immediately notify the executive head of the agency.

25 Prior to any obligations being made under these circumstances, the agency
 26 head shall file written documentation with the Chief Fiscal Officer of the
 27 State requesting approval of the expenditures. Such documentation shall
 28 provide sufficient financial data to justify the expenditures and shall
 29 include the following:

30 1) a plan that clearly indicates the specific fiscal impact of such
 31 expenditures on the fund balance.

32 2) information clearly indicating and explaining what programs would be cut or
 33 any other measures to be taken by the agency to restore the fund balance.

34 3) the extent to which any of the planned expenditures are for one-time costs
 35 or one-time purchase of capitalized items.

36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent
 2 depletion of the fund balance.

3 (B) The Chief Fiscal Officer of the State shall review the request and
 4 approve or disapprove all or any part of the request , after having sought
 5 prior review by the Legislative Council.

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

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

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 26 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
 27 Assembly, that the Constitution of the State of Arkansas prohibits the
 28 appropriation of funds for more than a two (2) year period; that the
 29 effectiveness of this Act on July 1, 2001 is essential to the operation of the
 30 agency for which the appropriations in this Act are provided, and that in the
 31 event of an extension of the Regular Session, the delay in the effective date
 32 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
 33 administration and provision of essential governmental programs. Therefore, an
 34 emergency is hereby declared to exist and this Act being necessary for the
 35 immediate preservation of the public peace, health and safety shall be in full
 36 force and effect from and after July 1, 2001. APPROVED: 1/29/2001