

**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 262 of 2001**  
HOUSE BILL 1304

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 STATE BOARD OF  
11 REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND  
12 SURVEYORS FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
13 2003; AND FOR OTHER PURPOSES.  
14

## **Subtitle**

15  
16 AN ACT FOR THE STATE BOARD OF REGISTRATION  
17 FOR PROFESSIONAL ENGINEERS AND LAND  
18 SURVEYORS APPROPRIATION FOR THE 2001-2003  
19 BIENNIAL PERIOD.  
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22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
26 Board of Registration for Professional Engineers and Land Surveyors for the  
27 2001-2003 biennium, the following maximum number of regular employees whose  
28 salaries shall be governed by the provisions of the Uniform Classification and  
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all  
30 laws amendatory thereto. Provided, however, that any position to which a  
31 specific maximum annual salary is set out herein in dollars, shall be exempt  
32 from the provisions of said Uniform Classification and Compensation Act. All  
33 persons occupying positions authorized herein are hereby governed by the  
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
35 Code §21-5-101), or its successor.  
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			Maximum	Maximum Annual	
			No. of	Salary Rate	
Item	Class			Fiscal Years	
No.	Code	Title	Employees	2001-2002	2002-2003
(1)	7114	ENG & LAND SURV SECY/TREAS	1	\$40,021	\$41,061
(2)	7115	ENG & LAND SURV ASST SECRETARY	1	\$29,921	\$30,698
(3)	7116	ENG & LAND SURV CLERK-STENO	1	\$20,500	\$21,033
MAX. NO. OF EMPLOYEES			3		

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board of Registration for Professional Engineers and Land Surveyors 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: one (1) 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 State Board of Registration for Professional Engineers and Land Surveyors, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the State Board of Registration for Professional Engineers and Land Surveyors, for personal services and operating expenses of the State Board of Registration for Professional Engineers and Land Surveyors for the biennial period ending June 30, 2003, the following:

ITEM	NO.	FISCAL YEARS	
		2001-2002	2002-2003
(01)	REGULAR SALARIES	\$ 90,442	\$ 92,792
(02)	EXTRA HELP	10,000	10,000
(03)	PERSONAL SERV MATCHING	25,674	26,088
(04)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSE	120,501	120,301
	(B) CONF. & TRAVEL	7,927	7,927

1	(C) PROF. FEES	8,744	8,744
2	(D) CAP. OUTLAY	8,700	2,500
3	(E) DATA PROC.	<u>0</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 271,988</u>	<u>\$ 268,352</u>

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6 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this  
7 Act for Maintenance and General Operation shall be expended in payment for  
8 services of attorneys, unless the agency shall first make a request in writing  
9 to the Attorney General of the State of Arkansas to provide the required legal  
10 services. The Attorney General's Office shall provide the requested legal  
11 services, or, if the Attorney General's Office shall determine that sufficient  
12 personnel are not available to provide the requested legal services, the  
13 Attorney General shall certify the same to the agency and may authorize the  
14 agency to employ legal counsel and to expend monies appropriated for  
15 Maintenance and General Operations therefor, if:

- 16 (1) The Attorney General determines, and certifies in writing, that such  
17 agency needs the advice or assistance of legal counsel, and
- 18 (2) The Attorney General consents in writing to the employment of the  
19 legal counsel to be retained by the agency.

20 Such certification shall be required with respect to each instance of the  
21 employment of special legal counsel, or shall be required annually with  
22 respect to legal counsel employed on a retainer basis. A copy of such  
23 certification shall be entered in the official minutes of the agency, and  
24 shall be retained in the fiscal records of the agency for audit purposes.  
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26 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
27 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
28 appropriations as provided in this Act, the agency disbursing officer shall  
29 monitor the level of fund balances in relation to expenditures on a monthly  
30 basis. If any proposed expenditures would cause a fund balance to decline to  
31 less than fifty percent (50%) of the balance available on July 1, 2001, the  
32 disbursing officer shall immediately notify the executive head of the agency.  
33 Prior to any obligations being made under these circumstances, the agency  
34 head shall file written documentation with the Chief Fiscal Officer of the  
35 State requesting approval of the expenditures. Such documentation shall  
36 provide sufficient financial data to justify the expenditures and shall

1 include the following:

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

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

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

8 4) a statement certifying that the expenditure of fund balances will not  
9 jeopardize the financial health of the agency, nor result in a permanent  
10 depletion of the fund balance.

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

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

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

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34 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
35 Assembly, that the Constitution of the State of Arkansas prohibits the  
36 appropriation of funds for more than a two (2) year period; that the

1 effectiveness of this Act on July 1, 2001 is essential to the operation of the  
2 agency for which the appropriations in this Act are provided, and that in the  
3 event of an extension of the Regular Session, the delay in the effective date  
4 of this Act beyond July 1, 2001 could work irreparable harm upon the proper  
5 administration and provision of essential governmental programs. Therefore, an  
6 emergency is hereby declared to exist and this Act being necessary for the  
7 immediate preservation of the public peace, health and safety shall be in full  
8 force and effect from and after July 1, 2001.

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11 APPROVED: 2/15/2001  
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