

.As Engrossed: 2/7/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Joint Budget Committee**

A Bill

HOUSE BILL 1346

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE STATE ATHLETIC COMMISSION FOR
10 THE BIENNIAL PERIOD ENDING JUNE 30, 1993; AND FOR OTHER
11 PURPOSES."

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

15 SECTION 1. REGULAR SALARIES. There is hereby established for the State
16 Athletic Commission for the 1991-93 biennium, the following maximum number of
17 regular employees whose salaries shall be governed by the provisions of the
18 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
19 seq.), or its successor, and all laws amendatory thereto. Provided, however,
20 that any position to which a specific maximum annual salary is set out herein
21 in dollars, shall be exempt from the provisions of said Uniform Classification
22 and Compensation Act. All persons occupying positions authorized herein are
23 hereby governed by the provisions of the Regular Salaries Procedures and
24 Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class	No. of	Maximum Annual		
			Maximum	Salary Rate	
No.	Code	Title	Employees	1991-92	1992-93
30	(1)	7205 ATHLETIC COMM SECRETARY	<u>1</u>	\$ 8,209	\$ 8,620
31		MAX NO. OF EMPLOYEES	1		

33 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State
34 Athletic Commission, to be payable from cash funds as defined by Arkansas Code
35 19-4-801 of the State Athletic Commission, for personal services and operating

1 expenses of the State Athletic Commission for the biennial period ending June
 2 30, 1993, the following:

4 ITEM	FISCAL YEARS	
5 NO.	1991-92	1992-93
6 (01) REGULAR SALARIES	\$ 7,594	\$ 7,800
7 (02) PERSONAL SERV MATCHING	2,880	
8 3,037 (03) MAINT. & GEN. OPERATION		
9 (A) OPER. EXPENSES \$ 4,110 \$ 4,110		
10 (B) CONF. & TRAVEL 0 0		
11 (C) PROF. FEES 0 0		
12 (D) CAPITAL OUTLAY 0 0		
13 (E) DATA PROCESSING 0 0		
14 TOTAL MAINT. & GEN. OPER. <u>4,110</u> <u>4,110</u>		
15 TOTAL AMOUNT APPROPRIATED <u>\$ 14,584</u> <u>\$ 14,947</u>		

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 17 SECTION 3. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 18 this Act for Maintenance and General Operation shall be expended in payment
 19 for services of attorneys, unless the agency shall first make a request in
 20 writing to the Attorney General of the State of Arkansas to provide the
 21 required legal services. The Attorney General's Office shall provide the
 22 requested legal services, or, if the Attorney General's Office shall determine
 23 that sufficient personnel are not available to provide the requested legal
 24 services, the Attorney General shall certify the same to the agency and may
 25 authorize the agency to employ legal counsel and to expend monies appropriated
 26 for Maintenance and General Operations therefor, if:

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

31 Such certification shall be required with respect to each instance of
 32 the employment of special legal counsel, or shall be required annually with
 33 respect to legal counsel employed on a retainer basis. A copy of such
 34 certification shall be entered in the official minutes of the agency, and
 35 shall be retained in the fiscal records of the agency for audit purposes.

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

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11 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
12 Assembly that any funds disbursed under the authority of the appropriations
13 contained in this Act shall be in compliance with the stated reasons for which
14 this Act was adopted, as evidenced by the Agency Requests, Executive
15 Recommendations and Legislative Recommendations contained in the budget
16 manuals prepared by the Department of Finance and Administration, letters, or
17 summarized oral testimony in the official minutes of the Arkansas Legislative
18 Council or Joint Budget Committee which relate to its passage and adoption.

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20 SECTION 6. CODE. All provisions of this Act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

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24 SECTION 7. SEVERABILITY. If any provision of this Act or the
25 application thereof to any person or circumstance is held invalid, such
26 invalidity shall not affect other provisions or applications of the Act which
27 can be given effect without the invalid provision or application, and to this
28 end the provisions of this Act are declared to be severable.

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30 SECTION 8. GENERAL REPEALER. All laws and parts of laws in conflict
31 with this Act are hereby repealed.

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33 SECTION 9. HEALTH PREMIUMS. The State Athletic Commission shall not,
34 during the 1992-93 fiscal year, spend more for health insurance per employee
35 than the amount being contributed to the State Employees Health Insurance
36 Program.

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SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Eighth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1991 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1991 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1991.

/s/ John E. Miller