

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Joint Budget Committee**
5
6

A Bill

HOUSE BILL

For An Act To Be Entitled

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

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

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

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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
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No.	Code	Title	Employees	1991-92	1992-93
30	(1)	7555 AUCTIONEER BD SECRETARY	<u>1</u>	\$ 18,055	\$ 18,957
31		MAX NO. OF EMPLOYEES	1		

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34 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the
35 Auctioneers Licensing Board, to be payable from cash funds as defined by

1 Arkansas Code 19-4-801 of the Auctioneers Licensing Board, for personal
2 services and operating expenses of the Auctioneers Licensing Board for the
3 biennial period ending June 30, 1993, the following:

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ITEM	FISCAL YEARS	
NO.	1991-92	1992-93
(01) REGULAR SALARIES	\$ 17,015	\$ 17,015
(02) PERSONAL SERV MATCHING	4,550	4,670
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 10,460	\$ 11,056
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	10,000	10,000
(D) CAPITAL OUTLAY	2,000	2,000
(E) DATA PROCESSING	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.	22,460	23,056
(04) FEE REFUNDS	<u>500</u>	<u>500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 44,525</u>	<u>\$ 45,241</u>

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

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

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

33 Such certification shall be required with respect to each instance of
34 the employment of special legal counsel, or shall be required annually with
35 respect to legal counsel employed on a retainer basis. A copy of such

1 certification shall be entered in the official minutes of the agency, and
2 shall be retained in the fiscal records of the agency for audit purposes.

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5 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
6 authorized by this Act shall be limited to the appropriation for such agency
7 and funds made available by law for the support of such appropriations; and
8 the restrictions of the State Purchasing 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 control
11 laws of this State, where applicable, and regulations promulgated by the
12 Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

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

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

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

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

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SECTION 9. HEALTH PREMIUMS. The Auctioneers Licensing Board shall not, during the 1992-93 fiscal year, spend more for health insurance per employee than the amount being contributed to the State Employees Health Insurance Program.

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.

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