

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE STATE BOARD OF EXAMINERS IN
10 COUNSELING FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1993;
11 AND FOR OTHER 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 Board of Examiners in Counseling for the 1991-93 biennium, the following
17 maximum number of regular employees whose salaries shall be governed by the
18 provisions of the Uniform Classification and Compensation Act (Arkansas Code
19 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
20 Provided, however, that any position to which a specific maximum annual salary
21 is set out herein in dollars, shall be exempt from the provisions of said
22 Uniform 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.

| Item Class | | | Maximum | Maximum Annual | |
|------------|------|--------------------------------|-----------|----------------|----------|
| | | | No. of | Salary Rate | |
| No. | Code | Title | Employees | 1991-92 | 1992-93 |
| 31 | (1) | 7245 COUNSELING BD SECRETARY I | <u>1</u> | \$ 8,419 | \$ 8,839 |
| 32 | | MAX NO. OF EMPLOYEES | 1 | | |

34 SECTION 2. EXTRA HELP. There is hereby authorized, for the State
35 Board of Examiners in Counseling for the 1991-93 biennium, the following

1 maximum number of part-time or temporary employees, to be known as "Extra
 2 Help", payable from funds appropriated herein for such purposes: two (2)
 3 temporary or part-time employees, when needed, at rates of pay not to exceed
 4 those provided in the Uniform Classification and Compensation Act, or its
 5 successor, for the appropriate classification.

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7 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the State
 8 Board of Examiners in Counseling, to be payable from cash funds as defined by
 9 Arkansas Code 19-4-801 of the State Board of Examiners in Counseling, for
 10 personal services and operating expenses of the State Board of Examiners in
 11 Counseling for the biennial period ending June 30, 1993, the following:

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| ITEM | FISCAL YEARS | |
|------------------------------|--------------|-----------|
| NO. | 1991-92 | 1992-93 |
| (01) REGULAR SALARIES | \$ 8,419 | \$ 8,839 |
| (02) EXTRA HELP | 7,000 | 7,000 |
| (03) PERSONAL SERV MATCHING | 3,564 | 3,758 |
| (04) MAINT. & GEN. OPERATION | | |
| (A) OPER. EXPENSES | \$ 15,074 | \$ 15,074 |
| (B) CONF. & TRAVEL | 0 | 0 |
| (C) PROF. FEES | 0 | 0 |
| (D) CAPITAL OUTLAY | 0 | 0 |
| (E) DATA PROCESSING | 0 | 0 |
| TOTAL MAINT. & GEN. OPER. | 15,074 | 15,074 |
| (05) TESTING | 1,600 | 1,600 |
| TOTAL AMOUNT APPROPRIATED | \$ 35,657 | \$ 36,271 |

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28 SECTION 4. RESTRICTION. No funds appropriated by this Act shall be
 29 used unless psychological testing, to include interpretation of computerized
 30 testing, for diagnosis and personality appraisal is supervised by a qualified
 31 psychologist licensed under Arkansas Code 17-96-201 et seq.

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33 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 34 this Act for Maintenance and General Operation shall be expended in payment
 35 for services of attorneys, unless the agency shall first make a request in

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

8 (1) The Attorney General determines, and certifies in writing, that
9 such 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
13 the 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 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
19 authorized by this Act shall be limited to the appropriation for such agency
20 and funds made available by law for the support of such appropriations; and
21 the restrictions of the State Purchasing Law, the General Accounting and
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
23 Procedures and Restrictions Act, or their successors, and other fiscal control
24 laws of this State, where applicable, and regulations promulgated by the
25 Department of Finance and Administration, as authorized by law, shall be
26 strictly complied with in disbursement of said funds.

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

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SECTION 8. CODE. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 11. HEALTH PREMIUMS. The State Board of Examiners in Counseling 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 12. 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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