

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1055

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 BOARD OF HEARING INSTRUMENT DISPENSERS FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS BOARD OF
17 HEARING INSTRUMENT DISPENSERS
18 APPROPRIATION FOR THE 2003-2005
19 BIENNIUM.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. EXTRA HELP. There is hereby authorized, for the Arkansas Board
26 of Hearing Instrument Dispensers for the 2003-2005 biennium, the following
27 maximum number of part-time or temporary employees, to be known as "Extra
28 Help", payable from funds appropriated herein for such purposes: one (1)
29 temporary or part-time employees, when needed, at rates of pay not to exceed
30 those provided in the Uniform Classification and Compensation Act, or its
31 successor, or this act for the appropriate classification.
32

33 SECTION 2. APPROPRIATIONS - CASH. There is hereby appropriated, to the
34 Arkansas Board of Hearing Instrument Dispensers, to be payable from cash
35 funds as defined by Arkansas Code 19-4-801 of the Arkansas Board of Hearing
36 Instrument Dispensers, for personal services and operating expenses of the



1 Arkansas Board of Hearing Instrument Dispensers for the biennial period
 2 ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) EXTRA HELP	\$ 14,000	\$ 14,000
(02) PERSONAL SERV MATCH	1,079	1,079
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	9,344	9,344
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	700	700
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 25,123</u>	<u>\$ 25,123</u>

15
 16 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. LEASING
 18 FROM STATE BUILDING SERVICES. The Board of Hearing Instrument Dispensers
 19 shall be exempt from Arkansas State Building Services leasing jurisdiction
 20 and procedures as set out in Arkansas Code 22-2-114.

21 The provisions of this section shall be in effect only from July 1,
 22 2003 through June 30, 2005.

23
 24 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 25 this Act for Maintenance and General Operation shall be expended in payment
 26 for services of attorneys, unless the agency shall first make a request in
 27 writing to the Attorney General of the State of Arkansas to provide the
 28 required legal services. The Attorney General's Office shall provide the
 29 requested legal services, or, if the Attorney General's Office shall
 30 determine that sufficient personnel are not available to provide the
 31 requested legal services, the Attorney General shall certify the same to the
 32 agency and may authorize the agency to employ legal counsel and to expend
 33 monies appropriated for Maintenance and General Operations therefor, if:

- 34 (1) The Attorney General determines, and certifies in writing, that such
- 35 agency needs the advice or assistance of legal counsel, and
- 36 (2) The Attorney General consents in writing to the employment of the

1 legal counsel to be retained by the agency.

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

7
 8 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 9 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES – HEARING
 10 INSTRUMENT DISPENSERS CASH FUND. (A) For all appropriations as provided in
 11 this Act, the agency disbursing officer shall monitor the level of fund
 12 balances in relation to expenditures on a monthly basis. If any proposed
 13 expenditures would cause the Hearing Instrument Dispensers Cash Fund to
 14 decline below \$6,569.00 ~~a fund balance to decline to less than fifty percent~~
 15 ~~(50%) of the balance available on July 1, 2001~~, the disbursing officer shall
 16 immediately notify the executive head of the agency. Prior to any
 17 obligations being made under these circumstances, the agency head shall file
 18 written documentation with the Chief Fiscal Officer of the State requesting
 19 approval of the expenditures. Such documentation shall provide sufficient
 20 financial data to justify the expenditures and shall include the following:
 21 1) a plan that clearly indicates the specific fiscal impact of such
 22 expenditures on the fund balance.
 23 2) information clearly indicating and explaining what programs would be cut
 24 or any other measures to be taken by the agency to restore the fund balance.
 25 3) the extent to which any of the planned expenditures are for one-time costs
 26 or one-time purchase of capitalized items.
 27 4) a statement certifying that the expenditure of fund balances will not
 28 jeopardize the financial health of the agency, nor result in a permanent
 29 depletion of the fund balance.
 30 (B) The Chief Fiscal Officer of the State shall review the request and
 31 approve or disapprove all or any part of the request, after having sought
 32 prior review by the Legislative Council.

33 The provisions of this section shall be in effect only from July 1, 2003
 34 through June 30, 2005.

35
 36 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

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

9
10 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
11 that any funds disbursed under the authority of the appropriations contained
12 in this act shall be in compliance with the stated reasons for which this act
13 was adopted, as evidenced by the Agency Requests, Executive Recommendations
14 and Legislative Recommendations contained in the budget manuals prepared by
15 the Department of Finance and Administration, letters, or summarized oral
16 testimony in the official minutes of the Arkansas Legislative Council or
17 Joint Budget Committee which relate to its passage and adoption.

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19 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
20 Assembly, that the Constitution of the State of Arkansas prohibits the
21 appropriation of funds for more than a two (2) year period; that the
22 effectiveness of this Act on July 1, 2003 is essential to the operation of
23 the agency for which the appropriations in this Act are provided, and that in
24 the event of an extension of the Regular Session, the delay in the effective
25 date of this Act beyond July 1, 2003 could work irreparable harm upon the
26 proper administration and provision of essential governmental programs.
27 Therefore, an emergency is hereby declared to exist and this Act being
28 necessary for the immediate preservation of the public peace, health and
29 safety shall be in full force and effect from and after July 1, 2003.