

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

Act 1206 of 2003
SENATE BILL 82

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 EXAMINERS IN COUNSELING FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2005; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS BOARD OF
17 EXAMINERS IN COUNSELING APPROPRIATION
18 FOR THE 2003-2005 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
25 Board of Examiners in Counseling for the 2003-2005 biennium, the following
26 maximum number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
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Maximum Annual



Item	Class	Maximum No. of Employees	Salary Rate Fiscal Years 2003-2004	2004-2005
(1)	7245 COUNSELING BD SECRETARY I	<u>3</u>	\$21,085	\$21,655
	MAX. NO. OF EMPLOYEES	3		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Board of Examiners in Counseling for the 2003-2005 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: two (2) 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. APPROPRIATION - CASH. There is hereby appropriated, to the Arkansas Board of Examiners in Counseling, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Arkansas Board of Examiners in Counseling for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 63,210	\$ 64,917
(02) EXTRA HELP	19,000	19,000
(03) PERSONAL SERV MATCH	22,739	23,042
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	62,760	62,760
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	10,000	10,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	5,000	5,000
(05) TESTING	<u>1,000</u>	<u>1,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 183,709</u>	<u>\$ 185,719</u>

SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 17-27-310(c), concerning the

1 deposit of fees collected by the Board of Examiners in Counseling is amended to
 2 read as follows:

3
 4 (c) All fees collected or gifts or grants shall be deposited in the
 5 State Treasury via electronic transfer from a financial institution in this
 6 state, chosen by the board, to the credit of the board. Expenses shall be paid
 7 under written direction of the chair and the secretary of the board in
 8 accordance with usual state procedures.

9
 10 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 11 this Act for Maintenance and General Operation shall be expended in payment
 12 for services of attorneys, unless the agency shall first make a request in
 13 writing to the Attorney General of the State of Arkansas to provide the
 14 required legal services. The Attorney General's Office shall provide the
 15 requested legal services, or, if the Attorney General's Office shall
 16 determine that sufficient personnel are not available to provide the
 17 requested legal services, the Attorney General shall certify the same to the
 18 agency and may authorize the agency to employ legal counsel and to expend
 19 monies appropriated for Maintenance and General Operations therefor, if:

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

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

29
 30 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 31 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - BOARD OF
 32 EXAMINERS IN COUNSELING CASH FUND. (A) For all appropriations as provided
 33 in this Act, the agency disbursing officer shall monitor the level of fund
 34 balances in relation to expenditures on a monthly basis. If any proposed
 35 expenditures would cause the Board of Examiners in Counseling Cash Fund to
 36 decline below Sixty Thousand Two Hundred Thirty Two Dollars (\$60,232.00) a

1 ~~fund balance to decline to less than fifty percent (50%) of the balance~~
 2 ~~available on July 1, 2001~~, the disbursing officer shall immediately notify
 3 the executive head of the agency. Prior to any obligations being made under
 4 these circumstances, the agency head shall file written documentation with
 5 the Chief Fiscal Officer of the State requesting approval of the
 6 expenditures. Such documentation shall provide sufficient financial data to
 7 justify the expenditures and shall include the following:

- 8 1) a plan that clearly indicates the specific fiscal impact of such
 9 expenditures on the fund balance.
- 10 2) information clearly indicating and explaining what programs would be cut
 11 or any other measures to be taken by the agency to restore the fund balance.
- 12 3) the extent to which any of the planned expenditures are for one-time costs
 13 or one-time purchase of capitalized items.
- 14 4) a statement certifying that the expenditure of fund balances will not
 15 jeopardize the financial health of the agency, nor result in a permanent
 16 depletion of the fund balance.

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

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

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 23 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 24 by this act shall be limited to the appropriation for such agency and funds
 25 made available by law for the support of such appropriations; and the
 26 restrictions of the State Purchasing Law, the General Accounting and
 27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 28 Procedures and Restrictions Act, or their successors, and other fiscal
 29 control laws of this State, where applicable, and regulations promulgated by
 30 the Department of Finance and Administration, as authorized by law, shall be
 31 strictly complied with in disbursement of said funds.

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 33 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly
 34 that any funds disbursed under the authority of the appropriations contained
 35 in this act shall be in compliance with the stated reasons for which this act
 36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a two (2) year period; that the
9 effectiveness of this Act on July 1, 2003 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2003 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2003.

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19 APPROVED: 4/10/2003
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