

**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.
Act 1385 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1072

4
5 By: Joint Budget Committee
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7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 AUCTIONEERS LICENSING BOARD FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE AUCTIONEERS LICENSING
17 BOARD APPROPRIATION FOR THE 2005-2007
18 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
25 Auctioneers Licensing Board for the 2005-2007 biennium, the following maximum
26 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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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2005-2006	2006-2007
(1)	7555	AUCTIONEER BD SECRETARY	<u>1</u>	\$34,859	\$35,904
		MAX. NO. OF EMPLOYEES	1		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Auctioneers Licensing Board for the 2005-2007 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: one (1) 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. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the Auctioneers Licensing Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Auctioneers Licensing Board, for personal services and operating expenses of the Auctioneers Licensing Board for the biennial period ending June 30, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 34,859	\$ 35,904
(02)	EXTRA HELP	15,780	15,780
(03)	PERSONAL SERVICES MATCHING	11,609	11,806
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	46,208	46,208
(B)	CONF. & TRAVEL	3,000	3,000
(C)	PROF. FEES	13,688	13,688
(D)	CAP. OUTLAY	3,500	0
(E)	DATA PROC.	0	0
(05)	REFUND/REIMBURSEMENTS	500	500
(06)	CLAIMS	<u>50,000</u>	<u>50,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 179,144</u>	<u>\$ 176,886</u>

1 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 2 this Act for Maintenance and General Operation shall be expended in payment
 3 for services of attorneys, unless the agency shall first make a request in
 4 writing to the Attorney General of the State of Arkansas to provide the
 5 required legal services. The Attorney General's Office shall provide the
 6 requested legal services, or, if the Attorney General's Office shall
 7 determine that sufficient personnel are not available to provide the
 8 requested legal services, the Attorney General shall certify the same to the
 9 agency and may authorize the agency to employ legal counsel and to expend
 10 monies appropriated for Maintenance and General Operations therefor, if:

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

15 Such certification shall be required with respect to each instance of the
 16 employment of special legal counsel, or shall be required annually with
 17 respect to legal counsel employed on a retainer basis. A copy of such
 18 certification shall be entered in the official minutes of the agency, and
 19 shall be retained in the fiscal records of the agency for audit purposes.
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21 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 23 AUCTIONEERS LICENSING BOARD CASH FUND. (A) For all appropriations as
 24 provided in this Act, the agency disbursing officer shall monitor the level
 25 of fund balances in relation to expenditures on a monthly basis. If any
 26 proposed expenditures would cause the Auctioneers Licensing Board Cash Fund
 27 to decline below fifty-three thousand, three hundred thirty-two dollars
 28 (\$53,332.00), the disbursing officer shall immediately notify the executive
 29 head of the agency. Prior to any obligations being made under these
 30 circumstances, the agency head shall file written documentation with the
 31 Chief Fiscal Officer of the State requesting approval of the expenditures.
 32 Such documentation shall provide sufficient financial data to justify the
 33 expenditures and shall include the following:

- 34 1) a plan that clearly indicates the specific fiscal impact of such
 35 expenditures on the fund balance.
- 36 2) information clearly indicating and explaining what programs would be cut

- 1 or any other measures to be taken by the agency to restore the fund balance.
- 2 3) the extent to which any of the planned expenditures are for one-time costs
- 3 or one-time purchase of capitalized items.
- 4 4) a statement certifying that the expenditure of fund balances will not
- 5 jeopardize the financial health of the agency, nor result in a permanent
- 6 depletion of the fund balance.

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

10 The provisions of this section shall be in effect only from July 1, 2003
 11 2005 through June 30, ~~2005~~ 2007.

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 13 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 14 by this act shall be limited to the appropriation for such agency and funds
 15 made available by law for the support of such appropriations; and the
 16 restrictions of the State Procurement Law, the General Accounting and
 17 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 18 Procedures and Restrictions Act, or their successors, and other fiscal
 19 control laws of this State, where applicable, and regulations promulgated by
 20 the Department of Finance and Administration, as authorized by law, shall be
 21 strictly complied with in disbursement of said funds.

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

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 32 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
 33 Assembly, that the Constitution of the State of Arkansas prohibits the
 34 appropriation of funds for more than a two (2) year period; that the
 35 effectiveness of this Act on July 1, 2005 is essential to the operation of
 36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 2005 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 2005.

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9 APPROVED: 3/30/2005
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