

**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 1829 of the Regular Session**

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

A Bill

HOUSE BILL 1042

4
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
11 CONTRACTORS LICENSING BOARD FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE CONTRACTORS LICENSING
17 BOARD APPROPRIATION FOR THE 2005-2007
18 BIENNIUM.
19
20
21

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

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Contractors 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.
35



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
5	(1) 7209	CONTRACTORS LICENSE ADMR/INVEST	1	\$83,877	\$86,020
6	(2) 9020	CONTRACTORS BOARD ATTORNEY	1	\$69,799	\$71,675
7	(3) 9034	CONTRACTOR'S BD EDUCATION COORD	1	\$53,370	\$54,934
8	(4) 7272	CONTRACTORS BOARD INVESTIGATOR	5	\$44,181	\$45,506
9	(5) 7211	CONTRACTORS LICENSING SR CLERK I	5	\$34,992	\$36,041
10	(6) 7273	CONTRACTORS BOARD JUNIOR CLERK	<u>2</u>	\$28,303	\$29,152
11	MAX. NO. OF EMPLOYEES		15		

12

13 SECTION 2. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to
 14 the Contractors Licensing Board, to be payable from cash funds as defined by
 15 Arkansas Code 19-4-801 of the Contractors Licensing Board, for personal
 16 services and operating expenses of the Contractors Licensing Board for the
 17 biennial period ending June 30, 2007, the following:

18

19

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
22	(01) REGULAR SALARIES	\$ 659,517	\$ 678,668
23	(02) PERSONAL SERVICES MATCHING	181,589	185,190
24	(03) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	258,181	258,181
26	(B) CONF. & TRAVEL	5,900	5,900
27	(C) PROF. FEES	28,000	28,000
28	(D) CAP. OUTLAY	16,500	16,500
29	(E) DATA PROC.	0	0
30	(04) EDUCATION/TRAINING GRANTS	100,000	100,000
31	(05) REFUND/REIMBURSEMENTS	100,000	100,000
32	(06) INVESTMENTS	<u>156,504</u>	<u>156,504</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,506,191</u>	<u>\$ 1,528,943</u>

34

35 SECTION 3. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 36 this Act for Maintenance and General Operation shall be expended in payment

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

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

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

13 Such certification shall be required with respect to each instance of the
 14 employment of special legal counsel, or shall be required annually with
 15 respect to legal counsel employed on a retainer basis. A copy of such
 16 certification shall be entered in the official minutes of the agency, and
 17 shall be retained in the fiscal records of the agency for audit purposes.
 18

19 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 21 BALANCES - CONTRACTORS LICENSING BOARD CASH FUND. (A) For all appropriations
 22 as provided in this Act, the agency disbursing officer shall monitor the
 23 level of fund balances in relation to expenditures on a monthly basis. If
 24 any proposed expenditures would cause the Contractors Licensing Board Cash
 25 Fund to decline below one million one hundred fifty five thousand ninety
 26 three dollars (\$1,155,093), the disbursing officer shall immediately notify
 27 the executive head of the agency. Prior to any obligations being made under
 28 these circumstances, the agency head shall file written documentation with
 29 the Chief Fiscal Officer of the State requesting approval of the
 30 expenditures. Such documentation shall provide sufficient financial data to
 31 justify the expenditures and shall include the following:

- 32 1) a plan that clearly indicates the specific fiscal impact of such
- 33 expenditures on the fund balance.
- 34 2) information clearly indicating and explaining what programs would be cut
- 35 or any other measures to be taken by the agency to restore the fund balance.
- 36 3) the extent to which any of the planned expenditures are for one-time costs

1 or one-time purchase of capitalized items.

2 4) a statement certifying that the expenditure of fund balances will not
3 jeopardize the financial health of the agency, nor result in a permanent
4 depletion of the fund balance.

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

8 The provisions of this section shall be in effect only from July 1, 2003
9 2005 through June 30, ~~2005~~ 2007.

10

11 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
12 by this act shall be limited to the appropriation for such agency and funds
13 made available by law for the support of such appropriations; and the
14 restrictions of the State Procurement Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20

21 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
22 that any funds disbursed under the authority of the appropriations contained
23 in this act shall be in compliance with the stated reasons for which this act
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations
25 and Legislative Recommendations contained in the budget manuals prepared by
26 the Department of Finance and Administration, letters, or summarized oral
27 testimony in the official minutes of the Arkansas Legislative Council or
28 Joint Budget Committee which relate to its passage and adoption.

29

30 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
31 Assembly, that the Constitution of the State of Arkansas prohibits the
32 appropriation of funds for more than a two (2) year period; that the
33 effectiveness of this Act on July 1, 2005 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the Regular Session, the delay in the effective
36 date of this Act beyond July 1, 2005 could work irreparable harm upon the

1 proper administration and provision of essential governmental programs.
2 Therefore, an emergency is hereby declared to exist and this Act being
3 necessary for the immediate preservation of the public peace, health and
4 safety shall be in full force and effect from and after July 1, 2005.

5
6
7
8 APPROVED: 04/08/2005
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1