

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 230 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 60

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, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS BOARD OF
17 EXAMINERS IN COUNSELING APPROPRIATION
18 FOR THE 2005-2007 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 Arkansas
25 Board of Examiners in Counseling for the 2005-2007 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.
35



Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2005-2006	2006-2007
(1)	7245	COUNSELING BD SECRETARY I	<u>3</u>	\$22,304	\$22,973
		MAX. NO. OF EMPLOYEES	3		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Board of Examiners in Counseling 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: 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 - OPERATIONS. 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, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 66,912	\$ 68,919
(02) EXTRA HELP	19,000	19,000
(03) PERSONAL SERVICES MATCHING	27,257	27,673
(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>\$ 191,929</u>	<u>\$ 194,352</u>

1 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 3 BALANCES - BOARD OF EXAMINERS IN COUNSELING CASH FUND. (A) For all
 4 appropriations as provided in this Act, the agency disbursing officer shall
 5 monitor the level of fund balances in relation to expenditures on a monthly
 6 basis. If any proposed expenditures would cause the Board of Examiners in
 7 Counseling Cash Fund to decline below Sixty Thousand Two Hundred Thirty Two
 8 Dollars (\$60,232.00), the disbursing officer shall immediately notify the
 9 executive head of the agency. Prior to any obligations being made under
 10 these circumstances, the agency head shall file written documentation with
 11 the Chief Fiscal Officer of the State requesting approval of the
 12 expenditures. Such documentation shall provide sufficient financial data to
 13 justify the expenditures and shall include the following:

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

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

26 The provisions of this section shall be in effect only from July 1, 2003
 27 2005 through June 30, ~~2005~~ 2007.

28
 29 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 30 this Act for Maintenance and General Operation shall be expended in payment
 31 for services of attorneys, unless the agency shall first make a request in
 32 writing to the Attorney General of the State of Arkansas to provide the
 33 required legal services. The Attorney General's Office shall provide the
 34 requested legal services, or, if the Attorney General's Office shall
 35 determine that sufficient personnel are not available to provide the
 36 requested legal services, the Attorney General shall certify the same to the

1 agency and may authorize the agency to employ legal counsel and to expend
2 monies appropriated for Maintenance and General Operations therefor, if:

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

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

7 Such certification shall be required with respect to each instance of the
8 employment of special legal counsel, or shall be required annually with
9 respect to legal counsel employed on a retainer basis. A copy of such
10 certification shall be entered in the official minutes of the agency, and
11 shall be retained in the fiscal records of the agency for audit purposes.
12

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.
22

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.
31

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.

7
8
9
10 **APPROVED: 2/17/2005**
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