

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 88 of the Regular Session

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

A Bill

HOUSE BILL 1035

4
5 By: Joint Budget Committee

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, 2007; AND FOR
13 OTHER PURPOSES.

Subtitle

16 AN ACT FOR THE ARKANSAS BOARD OF
17 HEARING INSTRUMENT DISPENSERS
18 APPROPRIATION FOR THE 2005-2007
19 BIENNIUM.

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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 2005-2007 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 - OPERATIONS. There is hereby appropriated, to
34 the 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



1 Instrument Dispensers, for personal services and operating expenses of the
 2 Arkansas Board of Hearing Instrument Dispensers for the biennial period
 3 ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) EXTRA HELP	\$ 14,000	\$ 14,000
(02) PERSONAL SERVICES MATCHING	1,079	1,071
(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>\$ 25,115</u>

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

23 The provisions of this section shall be in effect only from July 1,
 24 ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

26 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 28 BALANCES – HEARING INSTRUMENT DISPENSERS CASH FUND. (A) For all
 29 appropriations as provided in this Act, the agency disbursing officer shall
 30 monitor the level of fund balances in relation to expenditures on a monthly
 31 basis. If any proposed expenditures would cause the Hearing Instrument
 32 Dispensers Cash Fund to decline below \$6,569.00, the disbursing officer shall
 33 immediately notify the executive head of the agency. Prior to any
 34 obligations being made under these circumstances, the agency head shall file
 35 written documentation with the Chief Fiscal Officer of the State requesting
 36 approval of the expenditures. Such documentation shall provide sufficient

1 financial data to justify the expenditures and shall include the following:

2 1) a plan that clearly indicates the specific fiscal impact of such
3 expenditures on the fund balance.

4 2) information clearly indicating and explaining what programs would be cut
5 or any other measures to be taken by the agency to restore the fund balance.

6 3) the extent to which any of the planned expenditures are for one-time costs
7 or one-time purchase of capitalized items.

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

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

14 The provisions of this section shall be in effect only from July 1, ~~2003~~
15 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

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

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 20 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
 21 Assembly, that the Constitution of the State of Arkansas prohibits the
 22 appropriation of funds for more than a two (2) year period; that the
 23 effectiveness of this Act on July 1, 2005 is essential to the operation of
 24 the agency for which the appropriations in this Act are provided, and that in
 25 the event of an extension of the Regular Session, the delay in the effective
 26 date of this Act beyond July 1, 2005 could work irreparable harm upon the
 27 proper administration and provision of essential governmental programs.
 28 Therefore, an emergency is hereby declared to exist and this Act being
 29 necessary for the immediate preservation of the public peace, health and
 30 safety shall be in full force and effect from and after July 1, 2005.

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 34 APPROVED: 2/10/2005
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