

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 90 of the Regular Session**

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

**A Bill**

HOUSE BILL 1039

4  
5 By: Joint Budget Committee  
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**For An Act To Be Entitled**

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

**Subtitle**

15  
16 AN ACT FOR THE STATE BOARD OF  
17 REGISTRATION FOR PROFESSIONAL GEOLOGISTS  
18 APPROPRIATION FOR THE 2005-2007  
19 BIENNIUM.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
26 Board of Registration for Professional Geologists for the 2005-2007 biennium,  
27 the following maximum number of regular employees whose salaries shall be  
28 governed by the provisions of the Uniform Classification and Compensation Act  
29 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory  
30 thereto. Provided, however, that any position to which a specific maximum  
31 annual salary is set out herein in dollars, shall be exempt from the  
32 provisions of said Uniform Classification and Compensation Act. All persons  
33 occupying positions authorized herein are hereby governed by the provisions  
34 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-  
35 101), or its successor.



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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	2005-2006	2006-2007
(1)	8706	GEOLOGY BRD BUSINESS CONTROLLER I	<u>1</u>	\$26,546	\$27,342
		MAX. NO. OF EMPLOYEES	1		

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board of Registration for Professional Geologists 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. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the State Board of Registration for Professional Geologists, 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 State Board of Registration for Professional Geologists for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 26,546	\$ 27,342
(02) EXTRA HELP	3,000	3,000
(03) PERSONAL SERVICES MATCHING	9,063	9,212
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	10,300	10,300
(B) CONF. & TRAVEL	1,700	1,700
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 50,609</u>	<u>\$ 51,554</u>

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

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

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

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. PROFESSIONAL GEOLOGISTS BOARD - CASH FUND DEPOSITED IN THE STATE TREASURY AS DETERMINED BY THE CHIEF FISCAL OFFICER OF THE STATE. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Professional Geologists Board cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State to decline below Eighty Four Thousand Fifty Six Dollars (\$84,056), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

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

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

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

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

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

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a two (2) year period; that the  
2 effectiveness of this Act on July 1, 2005 is essential to the operation of  
3 the agency for which the appropriations in this Act are provided, and that in  
4 the event of an extension of the Regular Session, the delay in the effective  
5 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
6 proper administration and provision of essential governmental programs.  
7 Therefore, an emergency is hereby declared to exist and this Act being  
8 necessary for the immediate preservation of the public peace, health and  
9 safety shall be in full force and effect from and after July 1, 2005.

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13 APPROVED: 2/10/2005  
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