

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 91 of the Regular Session

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

A Bill

HOUSE BILL 1040

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 STATE
11 BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
12 AND LAND SURVEYORS FOR THE BIENNIAL PERIOD ENDING
13 JUNE 30, 2007; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE STATE BOARD OF
17 REGISTRATION FOR PROFESSIONAL ENGINEERS
18 AND LAND SURVEYORS APPROPRIATION FOR THE
19 2005-2007 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 Engineers and Land Surveyors for the
27 2005-2007 biennium, the following maximum number of regular employees whose
28 salaries shall be governed by the provisions of the Uniform Classification
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
30 and all laws amendatory thereto. Provided, however, that any position to
31 which a specific maximum annual salary is set out herein in dollars, shall be
32 exempt from the provisions of said Uniform Classification and Compensation
33 Act. All persons occupying positions authorized herein are hereby governed
34 by the provisions of the Regular Salaries Procedures and Restrictions Act
35 (Arkansas Code §21-5-101), 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)	9309	ENG & LAND SURV EXECUTIVE DIRECTOR	1	\$75,870 \$77,861
(2)	9308	ENG & LAND SURV ASST EXEC DIRECTOR	1	\$34,860 \$35,905
(3)	9307	ENG & LAND SURV ADMN ASSISTANT II	<u>2</u>	\$23,884 \$24,600
MAX. NO. OF EMPLOYEES			4	

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board of Registration for Professional Engineers and Land Surveyors 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 Engineers and Land Surveyors, 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 Engineers and Land Surveyors for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
NO.		
(01)	REGULAR SALARIES	\$ 158,498 \$ 162,966
(02)	EXTRA HELP	10,000 10,000
(03)	PERSONAL SERVICES MATCHING	49,518 50,453
(04)	MAINT. & GEN. OPERATION	
(A)	OPER. EXPENSE	156,451 162,451
(B)	CONF. & TRAVEL	7,927 7,927

1	(C) PROF. FEES	8,744	8,744
2	(D) CAP. OUTLAY	0	0
3	(E) DATA PROC.	<u>7,600</u>	<u>7,600</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 398,738</u>	<u>\$ 410,141</u>

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

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

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

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

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26 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
28 BALANCES. PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD CASH FUND DEPOSITED
29 IN THE STATE TREASURY AS DETERMINED BY THE CHIEF FISCAL OFFICER OF THE STATE.

30 (A) For all appropriations as provided in this Act, the agency disbursing
31 officer shall monitor the level of fund balances in relation to expenditures
32 on a monthly basis. If any proposed expenditures would cause the
33 Professional Engineers and Land Surveyors Board cash fund deposited in the
34 State Treasury as determined by the Chief Fiscal Officer of the State to
35 decline below Two Hundred Six Thousand Four Hundred Fifty Two Dollars
36 (\$206,452), the disbursing officer shall immediately notify the executive

1 head of the agency. Prior to any obligations being made under these
 2 circumstances, the agency head shall file written documentation with the
 3 Chief Fiscal Officer of the State requesting approval of the expenditures.
 4 Such documentation shall provide sufficient financial data to justify the
 5 expenditures and shall include the following:

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

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

18 The provisions of this section shall be in effect only from July 1, ~~2003~~
 19 2005 through June 30, ~~2005~~ 2007.

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

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 31 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
 32 that any funds disbursed under the authority of the appropriations contained
 33 in this act shall be in compliance with the stated reasons for which this act
 34 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 35 and Legislative Recommendations contained in the budget manuals prepared by
 36 the Department of Finance and Administration, letters, or summarized oral

1 testimony in the official minutes of the Arkansas Legislative Council or
2 Joint Budget Committee which relate to its passage and adoption.

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

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18 APPROVED: 2/10/2005
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