

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 768 of 2001
SENATE BILL 133

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE ARKANSAS STUDENT LOAN
11 AUTHORITY FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2003; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS STUDENT LOAN
16 AUTHORITY APPROPRIATION FOR THE 2001-2003
17 BIENNIAL PERIOD.
18
19
20

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

23 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
24 Student Loan Authority for the 2001-2003 biennium, the following maximum
25 number of regular employees whose salaries shall be governed by the provisions
26 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201
27 et seq.), or its successor, and all laws amendatory thereto. Provided,
28 however, that any position to which a specific maximum annual salary is set
29 out herein in dollars, shall be exempt from the provisions of said Uniform
30 Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
34
35
36

Maximum Annual

| Item Class | Maximum No. of Employees | Salary Rate Fiscal Years |
|--|--------------------------|--------------------------|
| No. Code Title | | 2001-2002 2002-2003 |
| (1) 9760 DIRECTOR STUDENT LOAN AUTHORITY | 1 | \$81,325 \$83,439 |
| (2) 9100 STUDENT LOAN CHIEF FINANCIAL OFCR | 1 | \$54,208 \$55,617 |
| (3) A032 AGENCY FISCAL MANAGER | 1 | GRADE 22 |
| (4) R490 STUDENT LOAN PROGRAM COORDINATOR | 1 | GRADE 20 |
| (5) A077 STUDENT LOAN OFFICER | 1 | GRADE 18 |
| MAX. NO. OF EMPLOYEES | 5 | |

10

11 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Arkansas
 12 Student Loan Authority, to be payable from cash funds as defined by Arkansas
 13 Code 19-4-801 of the Arkansas Student Loan Authority, for personal services
 14 and operating expenses of the Arkansas Student Loan Authority for the biennial
 15 period ending June 30, 2003, the following:

16

17

| ITEM NO. | | FISCAL YEARS | |
|-------------------------------|----|------------------|------------------|
| | | 2001-2002 | 2002-2003 |
| (01) REGULAR SALARIES | \$ | 243,637 | \$ 249,971 |
| (02) PERSONAL SERV MATCHING | | 65,204 | 66,514 |
| (03) MAINT. & GEN. OPERATION | | | |
| (A) OPER. EXPENSE | | 155,947 | 155,947 |
| (B) CONF. & TRAVEL | | 15,000 | 15,000 |
| (C) PROF. FEES | | 4,400,000 | 5,100,000 |
| (D) CAP. OUTLAY | | 10,000 | 30,000 |
| (E) DATA PROC. | | 100 | 100 |
| (04) GUARANTEE FEES FOR LOANS | | <u>200</u> | <u>200</u> |
| TOTAL AMOUNT APPROPRIATED | \$ | <u>4,890,088</u> | <u>5,617,732</u> |

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31 SECTION 3. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this
 32 Act for Maintenance and General Operation shall be expended in payment for
 33 services of attorneys, unless the agency shall first make a request in writing
 34 to the Attorney General of the State of Arkansas to provide the required legal
 35 services. The Attorney General's Office shall provide the requested legal
 36 services, or, if the Attorney General's Office shall determine that sufficient

1 personnel are not available to provide the requested legal services, the
 2 Attorney General shall certify the same to the agency and may authorize the
 3 agency to employ legal counsel and to expend monies appropriated for
 4 Maintenance and General Operations therefor, if:

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

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

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

15 SECTION 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 16 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 17 appropriations as provided in this Act, the agency disbursing officer shall
 18 monitor the level of fund balances in relation to expenditures on a monthly
 19 basis. If any proposed expenditures would cause a fund balance to decline to
 20 less than fifty percent (50%) of the balance available on July 1, 2001, the
 21 disbursing officer shall immediately notify the executive head of the agency.

22 Prior to any obligations being made under these circumstances, the agency
 23 head shall file written documentation with the Chief Fiscal Officer of the
 24 State requesting approval of the expenditures. Such documentation shall
 25 provide sufficient financial data to justify the expenditures and shall
 26 include the following:

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

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

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

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

36 (B) The Chief Fiscal Officer of the State shall review the request and

1 approve or disapprove all or any part of the request , after having sought
2 prior review by the Legislative Council.

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

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

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23 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly, that the Constitution of the State of Arkansas prohibits the
25 appropriation of funds for more than a two (2) year period; that the
26 effectiveness of this Act on July 1, 2001 is essential to the operation of the
27 agency for which the appropriations in this Act are provided, and that in the
28 event of an extension of the Regular Session, the delay in the effective date
29 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
30 administration and provision of essential governmental programs. Therefore, an
31 emergency is hereby declared to exist and this Act being necessary for the
32 immediate preservation of the public peace, health and safety shall be in full
33 force and effect from and after July 1, 2001.

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36 APPROVED: 3/14/2001