

**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 2085 of the Regular Session**

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

# A Bill

SENATE BILL 77

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

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 APPRAISER LICENSING AND CERTIFICATION BOARD FOR  
12 THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS APPRAISER  
17 LICENSING AND CERTIFICATION BOARD  
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 Arkansas  
26 Appraiser Licensing and Certification Board for the 2005-2007 biennium, the  
27 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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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
(1)	7533	EXEC DIR APPRAISERS BOARD	1	\$74,060	\$76,017
(2)	9306	AR APPRAISER BD CHIEF INVESTIGATOR	1	\$58,476	\$60,137
(3)	7534	ADMIN ASST APPRAISER BOARD	<u>1</u>	\$34,324	\$35,353
		MAX. NO. OF EMPLOYEES	3		

SECTION 2. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the Arkansas Appraiser Licensing and Certification Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Appraiser Licensing and Certification Board, for personal services and operating expenses of the Arkansas Appraiser Licensing and Certification Board for the biennial period ending June 30, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 166,860	\$ 171,507
(02)	PERSONAL SERVICES MATCHING	42,890	43,762
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	138,478	140,578
(B)	CONF. & TRAVEL	5,700	5,700
(C)	PROF. FEES	11,500	11,500
(D)	CAP. OUTLAY	4,000	4,000
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 369,428</u>	<u>\$ 377,047</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. APPRAISER LICENSING AND CERTIFICATION CASH FUND. (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 Appraiser Licensing and Certification Cash Fund to decline below three hundred forty-seven thousand,

1 eight hundred seventy-two dollars (\$347,872.00), the disbursing officer shall  
2 immediately notify the executive head of the agency. Prior to any  
3 obligations being made under these circumstances, the agency head shall file  
4 written documentation with the Chief Fiscal Officer of the State requesting  
5 approval of the expenditures. Such documentation shall provide sufficient  
6 financial data to justify the expenditures and shall include the following:

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

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

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

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

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

19 The provisions of this section shall be in effect only from July 1, ~~2003~~  
20 2005 through June 30, ~~2005~~ 2007.

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

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

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

36 Such certification shall be required with respect to each instance of the

1 employment of special legal counsel, or shall be required annually with  
2 respect to legal counsel employed on a retainer basis. A copy of such  
3 certification shall be entered in the official minutes of the agency, and  
4 shall be retained in the fiscal records of the agency for audit purposes.  
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6 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
7 by this act shall be limited to the appropriation for such agency and funds  
8 made available by law for the support of such appropriations; and the  
9 restrictions of the State Procurement Law, the General Accounting and  
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
11 Procedures and Restrictions Act, or their successors, and other fiscal  
12 control laws of this State, where applicable, and regulations promulgated by  
13 the Department of Finance and Administration, as authorized by law, shall be  
14 strictly complied with in disbursement of said funds.  
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16 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly  
17 that any funds disbursed under the authority of the appropriations contained  
18 in this act shall be in compliance with the stated reasons for which this act  
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
20 and Legislative Recommendations contained in the budget manuals prepared by  
21 the Department of Finance and Administration, letters, or summarized oral  
22 testimony in the official minutes of the Arkansas Legislative Council or  
23 Joint Budget Committee which relate to its passage and adoption.  
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25 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
26 Assembly, that the Constitution of the State of Arkansas prohibits the  
27 appropriation of funds for more than a two (2) year period; that the  
28 effectiveness of this Act on July 1, 2005 is essential to the operation of  
29 the agency for which the appropriations in this Act are provided, and that in  
30 the event of an extension of the Regular Session, the delay in the effective  
31 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
32 proper administration and provision of essential governmental programs.  
33 Therefore, an emergency is hereby declared to exist and this Act being  
34 necessary for the immediate preservation of the public peace, health and  
35 safety shall be in full force and effect from and after July 1, 2005.  
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APPROVED: 4/13/2005