

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.

State of Arkansas  
83rd General Assembly  
Regular Session, 2001

# A Bill

HOUSE BILL 1310

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
AND OPERATING EXPENSES FOR THE AUCTIONEERS LICENSING  
BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2003;  
AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE AUCTIONEERS LICENSING  
BOARD APPROPRIATION FOR THE 2001-2003  
BIENNIAL.

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

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

	Maximum Annual
Maximum	Salary Rate

Item Class	No. of	Fiscal Years
No. Code Title	Employees	2001-2002 2002-2003
(1) 7555 AUCTIONEER BD SECRETARY	<u>1</u>	\$30,333 \$31,121
MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Auctioneers Licensing Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Auctioneers Licensing Board, for personal services and operating expenses of the Auctioneers Licensing Board for the biennial period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 30,333	\$ 31,121
(02) PERSONAL SERV MATCHING	8,335	8,475
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	37,072	37,072
(B) CONF. & TRAVEL	2,000	2,000
(C) PROF. FEES	13,688	13,688
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) REFUNDS/REIMBURSEMENTS	<u>500</u>	<u>500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 91,928</u>	<u>\$ 92,856</u>

SECTION 3. 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 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (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 a fund balance to decline to less than fifty percent (50%) of the balance available on July 1, 2001, 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.

SECTION 5. 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

1 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
2 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
3 Restrictions Act, or their successors, and other fiscal control laws of this  
4 State, where applicable, and regulations promulgated by the Department of  
5 Finance and Administration, as authorized by law, shall be strictly complied  
6 with in disbursement of said funds.

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

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