

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 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1136

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 COSMETOLOGY FOR THE BIENNIAL PERIOD  
12 ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15  
16 AN ACT FOR THE STATE BOARD OF  
17 COSMETOLOGY APPROPRIATION FOR THE  
18 2003-2005 BIENNIUM.  
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 State  
24 Board of Cosmetology for the 2003-2005 biennium, the following maximum number  
25 of regular employees whose salaries shall be governed by the provisions of  
26 the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et  
27 seq.), or its successor, and all laws amendatory thereto. Provided, however,  
28 that any position to which a specific maximum annual salary is set out herein  
29 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.  
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Maximum Annual  
Maximum Salary Rate



Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2003-2004	2004-2005
(1)	9937	DIRECTOR COSMETOLOGY BOARD	1	\$47,937	\$49,232
(2)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
(3)	R440	BUSINESS CONTROLLER II	1	GRADE 16	
(4)	X319	COSMETOLOGY INSPECTOR	5	GRADE 13	
(5)	K039	DOCUMENT EXAMINER II	<u>2</u>	GRADE 12	
		MAX. NO. OF EMPLOYEES	10		

SECTION 2. APPROPRIATION. There is hereby appropriated, to the State Board of Cosmetology, to be payable from the Cosmetology Operating Fund, for personal services and operating expenses of the State Board of Cosmetology for the biennial period ending June 30, 2005, the following:

ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 232,939	\$ 239,228
(02) PERSONAL SERV MATCH	74,853	75,967
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	246,300	204,000
(B) CONF. & TRAVEL	6,349	6,349
(C) PROF. FEES	24,750	24,750
(D) CAP. OUTLAY	9,245	48,260
(E) DATA PROC.	<u>26,432</u>	<u>26,432</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 620,868</u>	<u>\$ 624,986</u>

SECTION 3. APPROPRIATION - CASH. There is hereby appropriated, to the State Board of Cosmetology, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses and expenses of conducting disciplinary hearings of the State Board of Cosmetology for the biennial period ending June 30, 2005, the following:

ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005

1	(01) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	\$ 3,764	\$ 3,764
3	(B) CONF. & TRAVEL	0	0
4	(C) PROF. FEES	0	0
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	(02) EXP. OF DISCIPLINARY HEARINGS	<u>1,050</u>	<u>1,050</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,814</u>	<u>\$ 4,814</u>

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 10 SECTION 4. SPECIAL LANGUAGE. Arkansas Code 19-6-413 is amended to read  
 11 as follows:

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 13 19-6-413. Cosmetology ~~Contingent~~ Operating Fund.  
 14 The Cosmetology ~~Contingent~~ Operating Fund shall consist of those special  
 15 revenues as specified in subdivision (41) of § 19-6-301, and the unexpended  
 16 balance of monies remaining in the Cosmetology Board Construction Fund on  
 17 July 1, 2003, there to be used for the maintenance, operation, and  
 18 improvement of the Cosmetology Board.

19  
 20 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 21 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CASH FUND  
 22 TRANSFER: The Arkansas State Board of Cosmetology may transfer an amount not  
 23 to exceed One Hundred Twenty Eight Thousand Three Hundred Five Dollars  
 24 (\$128,305) from the Board's Cash Fund Account to the Cosmetology Operating Fund  
 25 to cover the cost of the Board's Office Technology and Data Processing  
 26 Appropriations.

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 29 SECTION 6. SPECIAL LANGUAGE. Arkansas Code 17-26-201(e) is amended to  
 30 read as follows:

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 32 (e) Each member of the board may receive expense reimbursement and  
 33 stipends in accordance with § 25-16-901 et seq. All compensation and  
 34 necessary traveling expenses shall be paid by the board out of the  
 35 Cosmetology ~~Contingent~~ Operating Fund only.

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1 SECTION 7. SPECIAL LANGUAGE. Arkansas Code 17-26-210 is amended to read  
 2 as follows:

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 4 17-26-210. Disposition of funds.

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 6 (a) All fees collected on behalf of the State Board of Cosmetology and  
 7 all receipts of every kind and nature shall be paid into the State Treasury  
 8 and shall be credited to the Cosmetology ~~Contingent~~ Operating Fund. The  
 9 Cosmetology ~~Contingent~~ Operating Fund shall be for the general uses of the  
 10 board and out of it shall be paid all salaries and all other expenses  
 11 necessarily incurred in carrying into effect the provisions of this chapter.  
 12 Expenditures from the Cosmetology ~~Contingent~~ Operating Fund shall be  
 13 substantiated by vouchers and itemized statements at the end of each fiscal  
 14 year or at any other time when demand therefore is made by the Department of  
 15 Finance and Administration.

16 ~~(b) The unencumbered balance of the revenues remaining in the Cosmetology~~  
 17 ~~Contingent Fund on June 30, 1991, together with the excess of any revenues~~  
 18 ~~deposited in the fund for each fiscal year thereafter shall remain in the~~  
 19 ~~Cosmetology Contingent Fund and shall be used by the board as provided in~~  
 20 ~~subsection (a) of this section. The Cosmetology Board Construction Fund~~  
 21 ~~shall be used by the board for construction or purchase of facilities for the~~  
 22 ~~use of the board, as in the board's discretion is deemed necessary to further~~  
 23 ~~the ends of this chapter.~~

24 ~~(c) The board, upon notification to the Chief Fiscal Officer of the State on~~  
 25 ~~July 1 of each year, may transfer an amount not to exceed one half (1/2) of~~  
 26 ~~the annual operating budget of the board from the Cosmetology Board~~  
 27 ~~Construction Fund to the Cosmetology Contingent Fund, there to be used for~~  
 28 ~~operating expenses for the board for the first six (6) months of each fiscal~~  
 29 ~~year. The amount shall be repaid on or before June 30 of each fiscal year~~  
 30 ~~from current revenues received by the board.~~

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 33 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
 35 TRANSFER. Immediately upon the effective date of this Act the Chief Fiscal  
 36 Officer of the State shall transfer on his books and those of the State

1 Treasurer and Auditor of State the unexpended balance of monies remaining in  
 2 the Cosmetology Board Construction Fund to the Cosmetology Operating Fund  
 3 there to be used for the general uses of the board including the payment of  
 4 salaries and all other expenses necessarily incurred in carrying out the  
 5 duties of the State Board of Cosmetology.

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7 SECTION 9. SPECIAL LANGUAGE. Arkansas Code 19-6-414 is repealed.

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9 ~~19-6-414. Cosmetology Board Construction Fund.~~

10 ~~The Cosmetology Board Construction Fund shall consist of the unexpended~~  
 11 ~~balances in the fund on June 30, 1991, there to be used for the construction~~  
 12 ~~or purchase of facilities for the use of the board and for temporary loans to~~  
 13 ~~the Cosmetology Contingent Fund as authorized by law and for such other~~  
 14 ~~purposes as may be authorized by law.~~

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16 SECTION 10. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
 17 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - COSMETOLOGY  
 18 OPERATING FUND. (A) For all appropriations as provided in this Act, the  
 19 agency disbursing officer shall monitor the level of fund balances in  
 20 relation to expenditures on a monthly basis. If any proposed expenditures  
 21 would cause the Cosmetology Operating Fund to decline below One Hundred  
 22 Ninety Seven Thousand One Hundred Nine Dollars (\$197,109) a fund balance to  
 23 ~~decline to less than fifty percent (50%) of the balance available on July 1,~~  
 24 ~~2001,~~ the disbursing officer shall immediately notify the executive head of  
 25 the agency. Prior to any obligations being made under these circumstances,  
 26 the agency head shall file written documentation with the Chief Fiscal  
 27 Officer of the State requesting approval of the expenditures. Such  
 28 documentation shall provide sufficient financial data to justify the  
 29 expenditures and shall include the following:

- 30 1) a plan that clearly indicates the specific fiscal impact of such
- 31 expenditures on the fund balance.
- 32 2) information clearly indicating and explaining what programs would be cut
- 33 or any other measures to be taken by the agency to restore the fund balance.
- 34 3) the extent to which any of the planned expenditures are for one-time costs
- 35 or one-time purchase of capitalized items.
- 36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent  
 2 depletion of the fund balance.

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

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

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

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

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28 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
 29 Assembly, that the Constitution of the State of Arkansas prohibits the  
 30 appropriation of funds for more than a two (2) year period; that the  
 31 effectiveness of this Act on July 1, 2003 is essential to the operation of  
 32 the agency for which the appropriations in this Act are provided, and that in  
 33 the event of an extension of the Regular Session, the delay in the effective  
 34 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
 35 proper administration and provision of essential governmental programs.  
 36 Therefore, an emergency is hereby declared to exist and this Act being

1 necessary for the immediate preservation of the public peace, health and  
2 safety shall be in full force and effect from and after July 1, 2003.

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