

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
4

A Bill

HOUSE BILL 1209

5 By: Joint Budget Committee
6
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, 2005; 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 2003-2005 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 2003-2005 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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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2003-2004	2004-2005
(1)	9309	ENG & LAND SURV EXECUTIVE DIRECTOR	1	\$71,973	\$73,916
(2)	9308	ENG & LAND SURV ASST EXEC DIRECTOR	1	\$32,233	\$33,845
(3)	9307	ENG & LAND SURV ADMN ASSISTANT II	<u>2</u>	\$22,085	\$23,189
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 2003-2005 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. 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, 2005, the following:

ITEM NO.		FISCAL YEARS	
		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 148,376	\$ 154,139
(02)	EXTRA HELP	10,000	10,000
(03)	PERSONAL SERV MATCH	40,488	41,509
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	115,951	115,951
(B)	CONF. & TRAVEL	7,927	7,927
(C)	PROF. FEES	8,744	8,744
(D)	CAP. OUTLAY	0	0
(E)	DATA PROC.	<u>6,850</u>	<u>6,850</u>

1 TOTAL AMOUNT APPROPRIATED \$ 338,336 \$ 345,120

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

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

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

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

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23 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
24 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES.

25 PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD CASH FUND DEPOSITED IN THE
26 STATE TREASURY AS DETERMINED BY THE CHIEF FISCAL OFFICER OF THE STATE. (A)

27 For all appropriations as provided in this Act, the agency disbursing officer
28 shall monitor the level of fund balances in relation to expenditures on a
29 monthly basis. If any proposed expenditures would cause the Professional
30 Engineers and Land Surveyors Board cash fund deposited in the State Treasury
31 as determined by the Chief Fiscal Officer of the State to decline below Two
32 Hundred Six Thousand Four Hundred Fifty Two Dollars (\$206,452) a fund balance
33 ~~to decline to less than fifty percent (50%) of the balance available on July~~
34 ~~1, 2001,~~ the disbursing officer shall immediately notify the executive head
35 of the agency. Prior to any obligations being made under these
36 circumstances, the agency head shall file written documentation with the

1 Chief Fiscal Officer of the State requesting approval of the expenditures.
 2 Such documentation shall provide sufficient financial data to justify the
 3 expenditures and shall include the following:

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

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

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

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

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 29 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
 30 that any funds disbursed under the authority of the appropriations contained
 31 in this act shall be in compliance with the stated reasons for which this act
 32 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 33 and Legislative Recommendations contained in the budget manuals prepared by
 34 the Department of Finance and Administration, letters, or summarized oral
 35 testimony in the official minutes of the Arkansas Legislative Council or
 36 Joint Budget Committee which relate to its passage and adoption.

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SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2003 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2003 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2003.