

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 1449

4
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
11 CONTRACTORS LICENSING BOARD FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2005; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE CONTRACTORS LICENSING
17 BOARD APPROPRIATION FOR THE 2003-2005
18 BIENNIUM.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Contractors Licensing Board for the 2003-2005 biennium, the following maximum
26 number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
35

36 Maximum Annual



02072003KCA0955.KCA543

| Item No. | Class Code | Title | Maximum No. of Employees | Salary Rate Fiscal Years 2003-2004 | Salary Rate Fiscal Years 2004-2005 | |
|----------|-----------------------|-------|----------------------------------|------------------------------------|------------------------------------|----------|
| 1 | (1) | 7209 | CONTRACTORS LICENSE ADMR/INVEST | 1 | \$79,857 | \$81,774 |
| 2 | (2) | 9020 | CONTRACTORS BOARD ATTORNEY | 1 | \$66,172 | \$67,958 |
| 3 | (3) | 9034 | CONTRACTOR'S BD EDUCATION COORD | 1 | \$50,477 | \$51,836 |
| 4 | (4) | 7272 | CONTRACTORS BOARD INVESTIGATOR | 5 | \$41,767 | \$42,895 |
| 5 | (5) | 7211 | CONTRACTORS LICENSING SR CLERK I | 5 | \$33,080 | \$33,973 |
| 6 | (6) | 7273 | CONTRACTORS BOARD JUNIOR CLERK | <u>2</u> | \$26,756 | \$27,479 |
| 7 | MAX. NO. OF EMPLOYEES | | | 15 | | |

SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Contractors Licensing Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Contractors Licensing Board, for personal services and operating expenses of the Contractors Licensing Board for the biennial period ending June 30, 2005, the following:

| ITEM NO. | FISCAL YEARS | | |
|---------------------------|---------------------------|---------------------|---------------------|
| | 2003-2004 | 2004-2005 | |
| (01) | REGULAR SALARIES | \$ 624,681 | \$ 641,547 |
| (02) | PERSONAL SERV MATCH | 161,031 | 164,018 |
| (03) | MAINT. & GEN. OPERATION | | |
| (A) | OPER. EXPENSE | 258,181 | 258,181 |
| (B) | CONF. & TRAVEL | 5,900 | 5,900 |
| (C) | PROF. FEES | 28,000 | 28,000 |
| (D) | CAP. OUTLAY | 16,500 | 16,500 |
| (E) | DATA PROC. | 0 | 0 |
| (04) | EDUCATION/TRAINING GRANTS | 100,000 | 100,000 |
| (05) | REFUNDS/REIMBURSEMENTS | 50,000 | 50,000 |
| (06) | INVESTMENTS | <u>156,504</u> | <u>156,504</u> |
| TOTAL AMOUNT APPROPRIATED | | <u>\$ 1,400,797</u> | <u>\$ 1,420,650</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

1 required legal services. The Attorney General's Office shall provide the
 2 requested legal services, or, if the Attorney General's Office shall
 3 determine that sufficient personnel are not available to provide the
 4 requested legal services, the Attorney General shall certify the same to the
 5 agency and may authorize the agency to employ legal counsel and to expend
 6 monies appropriated for Maintenance and General Operations therefor, if:

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

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

11 Such certification shall be required with respect to each instance of the
 12 employment of special legal counsel, or shall be required annually with
 13 respect to legal counsel employed on a retainer basis. A copy of such
 14 certification shall be entered in the official minutes of the agency, and
 15 shall be retained in the fiscal records of the agency for audit purposes.
 16

17 SECTION 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 18 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - CONTRACTORS
 19 LICENSING BOARD CASH FUND. (A) For all appropriations as provided in this
 20 Act, the agency disbursing officer shall monitor the level of fund balances
 21 in relation to expenditures on a monthly basis. If any proposed expenditures
 22 would cause the Contractors Licensing Board Cash Fund to decline below one
 23 million one hundred fifty five thousand ninety three dollars (\$1,155,093) a
 24 fund balance to decline to less than fifty percent (50%) of the balance
 25 available on July 1, 2001, the disbursing officer shall immediately notify
 26 the executive head of the agency. Prior to any obligations being made under
 27 these circumstances, the agency head shall file written documentation with
 28 the Chief Fiscal Officer of the State requesting approval of the
 29 expenditures. Such documentation shall provide sufficient financial data to
 30 justify the expenditures and shall include the following:

- 31 1) a plan that clearly indicates the specific fiscal impact of such
- 32 expenditures on the fund balance.
- 33 2) information clearly indicating and explaining what programs would be cut
- 34 or any other measures to be taken by the agency to restore the fund balance.
- 35 3) the extent to which any of the planned expenditures are for one-time costs
- 36 or one-time purchase of capitalized items.

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

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

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

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

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

28
 29 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
 30 Assembly, that the Constitution of the State of Arkansas prohibits the
 31 appropriation of funds for more than a two (2) year period; that the
 32 effectiveness of this Act on July 1, 2003 is essential to the operation of
 33 the agency for which the appropriations in this Act are provided, and that in
 34 the event of an extension of the Regular Session, the delay in the effective
 35 date of this Act beyond July 1, 2003 could work irreparable harm upon the
 36 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.

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