

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
84th General Assembly
Regular Session, 2003

A Bill

SENATE BILL 82

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS BOARD OF EXAMINERS IN COUNSELING FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS BOARD OF EXAMINERS IN COUNSELING APPROPRIATION FOR THE 2003-2005 BIENNIUM.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Board of Examiners in Counseling for the 2003-2005 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



01212003KCA1718.KCA501

Item	Class	Maximum No. of Employees	Salary Rate Fiscal Years	
			2003-2004	2004-2005
No.	Code	Title		
(1)	7245	COUNSELING BD SECRETARY I	<u>3</u>	\$21,085 \$21,655
		MAX. NO. OF EMPLOYEES	3	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Board of Examiners in Counseling 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: two (2) 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 - CASH. There is hereby appropriated, to the Arkansas Board of Examiners in Counseling, 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 Arkansas Board of Examiners in Counseling for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 63,210	\$ 64,917
(02) EXTRA HELP	19,000	19,000
(03) PERSONAL SERV MATCH	22,739	23,042
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	62,760	62,760
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	10,000	10,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	5,000	5,000
(05) TESTING	<u>1,000</u>	<u>1,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 183,709</u>	<u>\$ 185,719</u>

SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 17-27-310(c), concerning the

1 deposit of fees collected by the Board of Examiners in Counseling is amended to
2 read as follows:

3
4 (c) All fees collected or gifts or grants shall be deposited in the
5 State Treasury via electronic transfer from a financial institution in this
6 state, chosen by the board, to the credit of the board. Expenses shall be paid
7 under written direction of the chair and the secretary of the board in
8 accordance with usual state procedures.

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

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

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

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

29
30 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
31 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - BOARD OF
32 EXAMINERS IN COUNSELING CASH FUND. (A) For all appropriations as provided
33 in this Act, the agency disbursing officer shall monitor the level of fund
34 balances in relation to expenditures on a monthly basis. If any proposed
35 expenditures would cause the Board of Examiners in Counseling Cash Fund to
36 decline below Sixty Thousand Two Hundred Thirty Two Dollars (\$60,232.00) 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.

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

SECTION 7. 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 of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a two (2) year period; that the
9 effectiveness of this Act on July 1, 2003 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2003 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2003.