

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

HOUSE BILL 1046

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 STATE BOARD OF REGISTRATION OF FORESTERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS STATE BOARD OF REGISTRATION OF FORESTERS APPROPRIATION FOR THE 2005-2007 BIENNIUM.

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

SECTION 1. EXTRA HELP. There is hereby authorized, for the Arkansas State Board of Registration of Foresters for the 2005-2007 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 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas State Board of Registration of Foresters, 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 State Board of Registration of Foresters for the biennial period



ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) EXTRA HELP	\$ 12,000	\$ 12,000
(02) PERSONAL SERVICES MATCHING	925	925
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	7,100	7,100
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	3,000	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 23,025</u>	<u>\$ 20,025</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. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND

1 BALANCES. REGISTRATION OF FORESTERS BOARD CASH FUND. (A) For all  
 2 appropriations as provided in this Act, the agency disbursing officer shall  
 3 monitor the level of fund balances in relation to expenditures on a monthly  
 4 basis. If any proposed expenditures would cause the Registration of  
 5 Foresters Board Cash Fund to decline below Five Thousand Two Hundred Eighty  
 6 Three Dollars (\$5,283), the disbursing officer shall immediately notify the  
 7 executive head of the agency. Prior to any obligations being made under  
 8 these circumstances, the agency head shall file written documentation with  
 9 the Chief Fiscal Officer of the State requesting approval of the  
 10 expenditures. Such documentation shall provide sufficient financial data to  
 11 justify the expenditures and shall include the following:

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

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

24 The provisions of this section shall be in effect only from July 1, 2003  
 25 2005 through June 30, ~~2005~~ 2007.

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 27 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 28 by this act shall be limited to the appropriation for such agency and funds  
 29 made available by law for the support of such appropriations; and the  
 30 restrictions of the State Procurement Law, the General Accounting and  
 31 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 32 Procedures and Restrictions Act, or their successors, and other fiscal  
 33 control laws of this State, where applicable, and regulations promulgated by  
 34 the Department of Finance and Administration, as authorized by law, shall be  
 35 strictly complied with in disbursement of said funds.

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

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10       SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
11 Assembly, that the Constitution of the State of Arkansas prohibits the  
12 appropriation of funds for more than a two (2) year period; that the  
13 effectiveness of this Act on July 1, 2005 is essential to the operation of  
14 the agency for which the appropriations in this Act are provided, and that in  
15 the event of an extension of the Regular Session, the delay in the effective  
16 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
17 proper administration and provision of essential governmental programs.  
18 Therefore, an emergency is hereby declared to exist and this Act being  
19 necessary for the immediate preservation of the public peace, health and  
20 safety shall be in full force and effect from and after July 1, 2005.