

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1072

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 AUCTIONEERS LICENSING BOARD FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE AUCTIONEERS LICENSING
17 BOARD APPROPRIATION FOR THE 2005-2007
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 Auctioneers Licensing Board for the 2005-2007 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



Item	Class	Maximum No. of Employees	Salary Rate Fiscal Years 2005-2006	2006-2007
(1)	7555 AUCTIONEER BD SECRETARY	<u>1</u>	\$34,859	\$35,904
	MAX. NO. OF EMPLOYEES	1		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Auctioneers Licensing Board 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: 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. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the Auctioneers Licensing Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Auctioneers Licensing Board, for personal services and operating expenses of the Auctioneers Licensing Board for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 34,859	\$ 35,904
(02) EXTRA HELP	15,780	15,780
(03) PERSONAL SERVICES MATCHING	11,609	11,806
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	46,208	46,208
(B) CONF. & TRAVEL	3,000	3,000
(C) PROF. FEES	13,688	13,688
(D) CAP. OUTLAY	3,500	0
(E) DATA PROC.	0	0
(05) REFUND/REIMBURSEMENTS	500	500
(06) CLAIMS	<u>50,000</u>	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 179,144</u>	<u>\$ 176,886</u>

SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in

1 this Act for Maintenance and General Operation shall be expended in payment
 2 for services of attorneys, unless the agency shall first make a request in
 3 writing to the Attorney General of the State of Arkansas to provide the
 4 required legal services. The Attorney General's Office shall provide the
 5 requested legal services, or, if the Attorney General's Office shall
 6 determine that sufficient personnel are not available to provide the
 7 requested legal services, the Attorney General shall certify the same to the
 8 agency and may authorize the agency to employ legal counsel and to expend
 9 monies appropriated for Maintenance and General Operations therefor, if:

- 10 (1) The Attorney General determines, and certifies in writing, that such
 11 agency needs the advice or assistance of legal counsel, and
- 12 (2) The Attorney General consents in writing to the employment of the
 13 legal counsel to be retained by the agency.

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

20 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

22 AUCTIONEERS LICENSING BOARD CASH FUND. (A) For all appropriations as
 23 provided in this Act, the agency disbursing officer shall monitor the level
 24 of fund balances in relation to expenditures on a monthly basis. If any
 25 proposed expenditures would cause the Auctioneers Licensing Board Cash Fund
 26 to decline below fifty-three thousand, three hundred thirty-two dollars
 27 (\$53,332.00), the disbursing officer shall immediately notify the executive
 28 head of the agency. Prior to any obligations being made under these
 29 circumstances, the agency head shall file written documentation with the
 30 Chief Fiscal Officer of the State requesting approval of the expenditures.
 31 Such documentation shall provide sufficient financial data to justify the
 32 expenditures and shall include the following:

- 33 1) a plan that clearly indicates the specific fiscal impact of such
 34 expenditures on the fund balance.
- 35 2) information clearly indicating and explaining what programs would be cut
 36 or any other measures to be taken by the agency to restore the fund balance.

1 3) the extent to which any of the planned expenditures are for one-time costs
 2 or one-time purchase of capitalized items.

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

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

9 The provisions of this section shall be in effect only from July 1, 2003
 10 2005 through June 30, ~~2005~~ 2007.

11
 12 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 13 by this act shall be limited to the appropriation for such agency and funds
 14 made available by law for the support of such appropriations; and the
 15 restrictions of the State Procurement Law, the General Accounting and
 16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 17 Procedures and Restrictions Act, or their successors, and other fiscal
 18 control laws of this State, where applicable, and regulations promulgated by
 19 the Department of Finance and Administration, as authorized by law, shall be
 20 strictly complied with in disbursement of said funds.

21
 22 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
 23 that any funds disbursed under the authority of the appropriations contained
 24 in this act shall be in compliance with the stated reasons for which this act
 25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 26 and Legislative Recommendations contained in the budget manuals prepared by
 27 the Department of Finance and Administration, letters, or summarized oral
 28 testimony in the official minutes of the Arkansas Legislative Council or
 29 Joint Budget Committee which relate to its passage and adoption.

30
 31 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
 32 Assembly, that the Constitution of the State of Arkansas prohibits the
 33 appropriation of funds for more than a two (2) year period; that the
 34 effectiveness of this Act on July 1, 2005 is essential to the operation of
 35 the agency for which the appropriations in this Act are provided, and that in
 36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2005 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 2005.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36