

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

SENATE BILL 60

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 ARKANSAS
11 BOARD OF EXAMINERS IN COUNSELING FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS BOARD OF
17 EXAMINERS IN COUNSELING APPROPRIATION
18 FOR THE 2005-2007 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
25 Board of Examiners in Counseling for the 2005-2007 biennium, the following
26 maximum 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.
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Maximum Annual



Item	Class	Maximum No. of Employees	Salary Rate Fiscal Years 2005-2006	2006-2007
(1)	7245 COUNSELING BD SECRETARY I	<u>3</u>	\$22,304	\$22,973
	MAX. NO. OF EMPLOYEES	3		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Board of Examiners in Counseling 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 3. APPROPRIATION - OPERATIONS. 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, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 66,912	\$ 68,919
(02) EXTRA HELP	19,000	19,000
(03) PERSONAL SERVICES MATCHING	27,257	27,673
(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>\$ 191,929</u>	<u>\$ 194,352</u>

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 2 BALANCES - BOARD OF EXAMINERS IN COUNSELING CASH FUND. (A) For all
 3 appropriations as provided in this Act, the agency disbursing officer shall
 4 monitor the level of fund balances in relation to expenditures on a monthly
 5 basis. If any proposed expenditures would cause the Board of Examiners in
 6 Counseling Cash Fund to decline below Sixty Thousand Two Hundred Thirty Two
 7 Dollars (\$60,232.00), the disbursing officer shall immediately notify the
 8 executive head of the agency. Prior to any obligations being made under
 9 these circumstances, the agency head shall file written documentation with
 10 the Chief Fiscal Officer of the State requesting approval of the
 11 expenditures. Such documentation shall provide sufficient financial data to
 12 justify the expenditures and shall include the following:

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

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

25 The provisions of this section shall be in effect only from July 1, ~~2003~~
 26 2005 through June 30, ~~2005~~ 2007.

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28 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 29 this Act for Maintenance and General Operation shall be expended in payment
 30 for services of attorneys, unless the agency shall first make a request in
 31 writing to the Attorney General of the State of Arkansas to provide the
 32 required legal services. The Attorney General's Office shall provide the
 33 requested legal services, or, if the Attorney General's Office shall
 34 determine that sufficient personnel are not available to provide the
 35 requested legal services, the Attorney General shall certify the same to the
 36 agency and may authorize the agency to employ legal counsel and to expend

1 monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

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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.

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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.

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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.

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