

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
4

A Bill

HOUSE BILL 1098

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, 2005; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE AUCTIONEERS 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 Auctioneers 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



01162003TWV0925.TWV063

Item	Class	Maximum No. of Employees	Salary Rate Fiscal Years 2003-2004	2004-2005
(1)	7555 AUCTIONEER BD SECRETARY	<u>1</u>	\$31,961	\$32,824
	MAX. NO. OF EMPLOYEES	1		

SECTION 2. APPROPRIATIONS. 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, 2005, the following:

ITEM NO.		FISCAL YEARS	
		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 31,961	\$ 32,824
(02)	PERSONAL SERV MATCH	9,020	9,173
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	37,072	37,072
(B)	CONF. & TRAVEL	2,000	2,000
(C)	PROF. FEES	13,688	13,688
(D)	CAP. OUTLAY	3,500	0
(E)	DATA PROC.	0	0
(04)	REFUNDS/REIMBURSE	500	500
(05)	CLAIMS	<u>50,000</u>	<u>50,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 147,741</u>	<u>\$ 145,257</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 (1) The Attorney General determines, and certifies in writing, that such
 2 agency needs the advice or assistance of legal counsel, and

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

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

10
 11 SECTION 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 12 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. AUCTIONEERS
 13 LICENSING BOARD CASH FUND. (A) For all appropriations as provided in this
 14 Act, the agency disbursing officer shall monitor the level of fund balances
 15 in relation to expenditures on a monthly basis. If any proposed expenditures
 16 would cause the Auctioneers Licensing Board Cash Fund to decline below fifty-
 17 three thousand, three hundred thirty-two dollars (\$53,332.00) a fund balance
 18 ~~to decline to less than fifty percent (50%) of the balance available on July~~
 19 ~~1, 2001~~, the disbursing officer shall immediately notify the executive head
 20 of the agency. Prior to any obligations being made under these
 21 circumstances, the agency head shall file written documentation with the
 22 Chief Fiscal Officer of the State requesting approval of the expenditures.
 23 Such documentation shall provide sufficient financial data to justify the
 24 expenditures and shall include the following:

- 25 1) a plan that clearly indicates the specific fiscal impact of such
- 26 expenditures on the fund balance.
- 27 2) information clearly indicating and explaining what programs would be cut
- 28 or any other measures to be taken by the agency to restore the fund balance.
- 29 3) the extent to which any of the planned expenditures are for one-time costs
- 30 or one-time purchase of capitalized items.
- 31 4) a statement certifying that the expenditure of fund balances will not
- 32 jeopardize the financial health of the agency, nor result in a permanent
- 33 depletion of the fund balance.

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

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

3
4 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
5 by this act shall be limited to the appropriation for such agency and funds
6 made available by law for the support of such appropriations; and the
7 restrictions of the State Purchasing Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

13
14 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
15 that any funds disbursed under the authority of the appropriations contained
16 in this act shall be in compliance with the stated reasons for which this act
17 was adopted, as evidenced by the Agency Requests, Executive Recommendations
18 and Legislative Recommendations contained in the budget manuals prepared by
19 the Department of Finance and Administration, letters, or summarized oral
20 testimony in the official minutes of the Arkansas Legislative Council or
21 Joint Budget Committee which relate to its passage and adoption.

22
23 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly, that the Constitution of the State of Arkansas prohibits the
25 appropriation of funds for more than a two (2) year period; that the
26 effectiveness of this Act on July 1, 2003 is essential to the operation of
27 the agency for which the appropriations in this Act are provided, and that in
28 the event of an extension of the Regular Session, the delay in the effective
29 date of this Act beyond July 1, 2003 could work irreparable harm upon the
30 proper administration and provision of essential governmental programs.
31 Therefore, an emergency is hereby declared to exist and this Act being
32 necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after July 1, 2003.