

State of Arkansas
90th General Assembly
Fiscal Session, 2016

A Bill

HOUSE BILL 1108

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE PROFESSIONAL BAIL
BONDSMAN LICENSING BOARD FOR THE FISCAL YEAR ENDING
JUNE 30, 2017; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE PROFESSIONAL BAIL BONDSMAN
LICENSING BOARD APPROPRIATION FOR THE
2016-2017 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Professional Bail Bondsman Licensing Board for the 2016-2017 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2016-2017 |
|----------|------------|--|--------------------------|--|
| (1) | X022C | BAIL BONDSMAN BOARD EXECUTIVE DIRECTOR | 1 | GRADE C124 |
| (2) | X168C | BAIL BONDSMAN BOARD INVESTIGATOR | 1 | GRADE C113 |
| (3) | C056C | ADMINISTRATIVE SPECIALIST III | 1 | GRADE C112 |
| (4) | A098C | FISCAL SUPPORT SPECIALIST | <u>1</u> | GRADE C112 |
| | | MAX. NO. OF EMPLOYEES | 4 | |

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,



to the Professional Bail Bondsman Licensing Board, to be payable from the Bail Bondsman Board Fund, for personal services and operating expenses of the Professional Bail Bondsman Licensing Board - Operations for the fiscal year ending June 30, 2017, the following:

| ITEM NO. | FISCAL YEAR 2016-2017 |
|---------------------------------|--------------------------|
| (01) REGULAR SALARIES | \$172,324 |
| (02) PERSONAL SERVICES MATCHING | 57,326 |
| (03) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 103,386 |
| (B) CONF. & TRAVEL | 3,000 |
| (C) PROF. FEES | 35,000 |
| (D) CAP. OUTLAY | 24,500 |
| (E) DATA PROC. | <u>0</u> |
| TOTAL AMOUNT APPROPRIATED | <u><u>\$395,536</u></u> |

SECTION 3. APPROPRIATION - TREASURY CASH REIMBURSEMENTS. There is hereby appropriated, to the Professional Bail Bondsman Licensing Board, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, to process security deposits and pay outstanding judgments of bail bonds companies that go out of business by the Professional Bail Bondsman Licensing Board - Treasury Cash Reimbursements for the fiscal year ending June 30, 2017, the following:

| ITEM NO. | FISCAL YEAR 2016-2017 |
|-----------------------------|--------------------------|
| (01) REFUNDS/REIMBURSEMENTS | <u><u>\$500,000</u></u> |

SECTION 4. APPROPRIATION - BAIL BOND RECOVERY. There is hereby appropriated, to the Professional Bail Bondsman Licensing Board, to be payable from the Bail Bond Recovery Fund, for personal services and operating expenses for the recovery of forfeited professional bail bonds of the Professional Bail Bondsman Licensing Board - Bail Bond Recovery for the fiscal year ending June 30, 2017, the following:

| ITEM NO. | FISCAL YEAR 2016-2017 |
|---|--------------------------|
| (01) RECOVERY OF FORFEITED PROFESSIONAL BAIL BONDS | <u>\$3,500,000</u> |

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. The Professional Bail Bondsman Licensing Board shall deposit as special revenues sufficient fees and penalties directly into the Bail Bondsman Board Fund to provide for the personal services and operating expenses of the board. At the end of each fiscal year, the Professional Bail Bondsman Licensing Board shall be allowed to retain a fund balance sufficient to cover the personal services and operating expenses of the board for the following fiscal year. Seventy-five percent (75%) of any funds remaining in excess of this balance shall be transferred to the General Revenue Fund Account in the State Treasury.

The provisions of this section shall be in effect only from July 1, ~~2015~~ 2016 through June 30, ~~2016~~ 2017.

SECTION 6. 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 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 Procurement 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 and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016.

APPROVED: 05/03/2016