

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1078

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR OPERATING  
9 EXPENSES FOR THE ARKANSAS STATE BOARD OF SANITARIANS  
10 FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR  
11 OTHER PURPOSES.  
12  
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## Subtitle

14 AN ACT FOR THE ARKANSAS STATE BOARD OF  
15 SANITARIANS APPROPRIATION FOR THE 2011-2012  
16 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
23 to the Arkansas State Board of Sanitarians, to be payable from the cash fund  
24 deposited in the State Treasury as determined by the Chief Fiscal Officer of  
25 the State, for operating expenses of the Arkansas State Board of Sanitarians  
26 for the fiscal year ending June 30, 2012, the following:  
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| 28 | ITEM                         | FISCAL YEAR            |
|----|------------------------------|------------------------|
| 29 | <u>NO.</u>                   | <u>2011-2012</u>       |
| 30 | (01) MAINT. & GEN. OPERATION |                        |
| 31 | (A) OPER. EXPENSE            | \$8,647                |
| 32 | (B) CONF. & TRAVEL           | 0                      |
| 33 | (C) PROF. FEES               | 5,000                  |
| 34 | (D) CAP. OUTLAY              | 0                      |
| 35 | (E) DATA PROC.               | <u>0</u>               |
| 36 | TOTAL AMOUNT APPROPRIATED    | <u><u>\$13,647</u></u> |



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2 SECTION 2. SPECIAL LANGUAGE. Arkansas Code § 17-43-309 is amended to  
3 read as follows:

4 17-43-309. Grounds for suspension, revocation, or refusal to renew - Duty  
5 of board to hire independent investigator - Scope of investigation.

6 (a) The Arkansas State Board of Sanitarians may ~~refuse to renew or may~~  
7 suspend, ~~or~~ revoke, or refuse to renew a certificate of registration upon  
8 proof that the applicant:

9 (1) Is not of good character; or

10 (2) Is guilty of fraud, deceit, gross negligence, incompetency, or  
11 misconduct in relation to his or her duties as a sanitarian.

12 (b)(1) When necessary to determine whether grounds exist under this  
13 section to suspend, revoke, or refuse to renew a certificate of registration,  
14 the board shall hire and fix the compensation of an independent investigator  
15 to perform the investigation.

16 (2) The scope of the investigation shall not exceed matters that are  
17 reasonably necessary to determine whether grounds exist under this section to  
18 suspend, revoke, or refuse to renew a certificate of registration.

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20 SECTION 3. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
21 this Act for Maintenance and General Operation shall be expended in payment  
22 for services of attorneys, unless the agency shall first make a request in  
23 writing to the Attorney General of the State of Arkansas to provide the  
24 required legal services. The Attorney General's Office shall provide the  
25 requested legal services, or, if the Attorney General's Office shall  
26 determine that sufficient personnel are not available to provide the  
27 requested legal services, the Attorney General shall certify the same to the  
28 agency and may authorize the agency to employ legal counsel and to expend  
29 monies appropriated for Maintenance and General Operations therefor, if:

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

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

34 Such certification shall be required with respect to each instance of  
35 the employment of special legal counsel, or shall be required annually with  
36 respect to legal counsel employed on a retainer basis. A copy of such

1 certification shall be entered in the official minutes of the agency, and  
2 shall be retained in the fiscal records of the agency for audit purposes.

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4 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
5 authorized by this act shall be limited to the appropriation for such agency  
6 and funds made available by law for the support of such appropriations; and  
7 the restrictions of the State Procurement 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.

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

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23 SECTION 6. 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 one (1) year period; that the  
26 effectiveness of this Act on July 1, 2011 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 legislative session, the delay in the  
29 effective date of this Act beyond July 1, 2011 could work irreparable harm  
30 upon the proper administration and provision of essential governmental  
31 programs. Therefore, an emergency is hereby declared to exist and this Act  
32 being necessary for the immediate preservation of the public peace, health  
33 and safety shall be in full force and effect from and after July 1, 2011.

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36 APPROVED: 03/16/2011