

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 87

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS STATE BOARD
10 OF DENTAL EXAMINERS FOR THE FISCAL YEAR ENDING JUNE
11 30, 2014; AND FOR OTHER PURPOSES.
12
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Subtitle

14 AN ACT FOR THE ARKANSAS STATE BOARD OF
15 DENTAL EXAMINERS APPROPRIATION FOR THE
16 2013-2014 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. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Arkansas State Board of Dental Examiners for the 2013-2014 fiscal
24 year, the following maximum number of regular employees.
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| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2013-2014 |
|----------|------------|-----------------------------------|--------------------------|--|
| 30 | (1) X027C | DENTAL EXAMINERS BD EXEC DIRECTOR | 1 | GRADE C123 |
| 31 | (2) X103C | DENTAL EXAMINERS BD INVESTIGATOR | 1 | GRADE C117 |
| 32 | (3) C056C | ADMINISTRATIVE SPECIALIST III | <u>1</u> | GRADE C112 |
| 33 | | MAX. NO. OF EMPLOYEES | 3 | |

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35 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,
36 to the Arkansas State Board of Dental Examiners, to be payable from cash



1 funds as defined by Arkansas Code 19-4-801 of the Arkansas State Board of
 2 Dental Examiners, for personal services and operating expenses of the
 3 Arkansas State Board of Dental Examiners for the fiscal year ending June 30,
 4 2014, the following:

| 6 ITEM | FISCAL YEAR |
|-----------------------------------|-------------------------|
| 7 <u>NO.</u> | <u>2013-2014</u> |
| 8 (01) REGULAR SALARIES | \$169,278 |
| 9 (02) PERSONAL SERVICES MATCHING | 50,058 |
| 10 (03) MAINT. & GEN. OPERATION | |
| 11 (A) OPER. EXPENSE | 264,637 |
| 12 (B) CONF. & TRAVEL | 7,166 |
| 13 (C) PROF. FEES | 42,126 |
| 14 (D) CAP. OUTLAY | 0 |
| 15 (E) DATA PROC. | 0 |
| 16 (04) REFUNDS/REIMBURSEMENTS | <u>10,000</u> |
| 17 TOTAL AMOUNT APPROPRIATED | <u><u>\$543,265</u></u> |

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19 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 21 STATE DENTAL EXAMINERS BOARD EMPLOYMENT OF ATTORNEYS. None of the funds
 22 appropriated in this Act for Maintenance and General Operation shall be
 23 expended in payment for services of attorneys, unless the agency shall first
 24 make a request in writing to the Attorney General of the State of Arkansas to
 25 provide the required legal services. The Attorney General's Office shall
 26 provide the requested legal services, or, if the Attorney General's Office
 27 shall determine that sufficient personnel are not available to provide the
 28 requested legal services, the Attorney General shall certify the same to the
 29 agency and may authorize the agency to employ legal counsel and to expend
 30 monies appropriated for Maintenance and General Operations therefore, if:

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

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

35 (3) The Attorney General determines that the agency re-advertises
 36 annually for legal counsel if outside legal counsel is hired and that any

1 amount to be paid for outside legal counsel has been reviewed and approved by
2 the Arkansas Legislative Council or Joint Budget Committee.

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

8 Determining the maximum number of employees and the maximum amount of
9 appropriation and general revenue funding for a state agency each fiscal year
10 is the prerogative of the General Assembly. This is usually accomplished by
11 delineating such maximums in the appropriation act(s) for a state agency and
12 the general revenue allocations authorized for each fund and fund account by
13 amendment to the Revenue Stabilization law. Further, the General Assembly
14 has determined that the Arkansas State Dental Examiners Board may operate
15 more efficiently if some flexibility is provided to the Arkansas State Dental
16 Examiners Board authorizing broad powers under this section. Therefore, it is
17 both necessary and appropriate that the General Assembly maintain oversight
18 by requiring prior approval of the Legislative Council or Joint Budget
19 Committee as provided by this section. The requirement of approval by the
20 Legislative Council or Joint Budget Committee is not a severable part of this
21 section. If the requirement of approval by the Legislative Council or Joint
22 Budget Committee is ruled unconstitutional by a court of competent
23 jurisdiction, this entire section is void.

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25 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
26 authorized by this act shall be limited to the appropriation for such agency
27 and funds made available by law for the support of such appropriations; and
28 the restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

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35 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for
2 which this act was adopted, as evidenced by the Agency Requests, Executive
3 Recommendations and Legislative Recommendations contained in the budget
4 manuals prepared by the Department of Finance and Administration, letters, or
5 summarized oral testimony in the official minutes of the Arkansas Legislative
6 Council or Joint Budget Committee which relate to its passage and adoption.

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8 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2013 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the legislative session, the delay in the
14 effective date of this Act beyond July 1, 2013 could work irreparable harm
15 upon the proper administration and provision of essential governmental
16 programs. Therefore, an emergency is hereby declared to exist and this Act
17 being necessary for the immediate preservation of the public peace, health
18 and safety shall be in full force and effect from and after July 1, 2013.

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21 **APPROVED: 04/18/2013**
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