

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

Act 354 of 2003  
SENATE BILL 224

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 STATE BOARD OF DENTAL EXAMINERS FOR THE BIENNIAL  
12 PERIOD ENDING JUNE 30, 2005; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS STATE BOARD OF  
17 DENTAL EXAMINERS APPROPRIATION FOR THE  
18 2003-2005 BIENNIUM.  
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21

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 State Board of Dental Examiners for the 2003-2005 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.  
35

36 Maximum Annual



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Item	Class		Maximum	Salary Rate	
No.	Code	Title	No. of	Fiscal Years	
			Employees	2003-2004	2004-2005
(1)	7133	BD OF DENTAL EXAM EXEC DIRECTOR	1	\$57,415	\$58,906
(2)	8707	DENTAL BD INVESTIGATOR	1	\$43,581	\$44,757
(3)	7139	BD OF DENTAL ADMIN ASST II	1	\$26,746	\$27,468
(4)	9310	BD OF DENTAL ACCOUNTING SPECIALIST	1	\$26,500	\$27,215
(5)	7134	BD OF DENTAL ADMIN ASST I	<u>1</u>	\$26,495	\$27,210
		MAX. NO. OF EMPLOYEES	5		

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11 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Arkansas  
 12 State Board of Dental Examiners, to be payable from cash funds as defined by  
 13 Arkansas Code 19-4-801 of the Arkansas State Board of Dental Examiners, for  
 14 personal services and operating expenses of the Arkansas State Board of  
 15 Dental Examiners for the biennial period ending June 30, 2005, the following:

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ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 180,785	\$ 185,665
(02) PERSONAL SERV MATCH	48,817	49,681
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	114,637	114,637
(B) CONF. & TRAVEL	7,166	7,166
(C) PROF. FEES	42,126	42,126
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) REFUNDS/REIMBURSE	<u>2,800</u>	<u>2,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 396,331</u>	<u>\$ 402,075</u>

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30 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
 31 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. DENTAL  
 32 EXAMINERS CASH - CASH FUNDS AS DEFINED BY ARKANSAS CODE 19-4-801. (A) For  
 33 all appropriations as provided in this Act, the agency disbursing officer  
 34 shall monitor the level of fund balances in relation to expenditures on a  
 35 monthly basis. If any proposed expenditures would cause the Dental Examiners  
 36 Cash - cash funds as defined by Arkansas Code 19-4-801 to decline below one

1 hundred eighty seven thousand three hundred and ninety one dollars (\$187,391)  
 2 ~~a fund balance to decline to less than fifty percent (50%) of the balance~~  
 3 ~~available on July 1, 2001~~, the disbursing officer shall immediately notify  
 4 the executive head of the agency. Prior to any obligations being made under  
 5 these circumstances, the agency head shall file written documentation with  
 6 the Chief Fiscal Officer of the State requesting approval of the  
 7 expenditures. Such documentation shall provide sufficient financial data to  
 8 justify the expenditures and shall include the following:

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

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

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

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 24 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 25 this Act for Maintenance and General Operation shall be expended in payment  
 26 for services of attorneys, unless the agency shall first make a request in  
 27 writing to the Attorney General of the State of Arkansas to provide the  
 28 required legal services. The Attorney General's Office shall provide the  
 29 requested legal services, or, if the Attorney General's Office shall  
 30 determine that sufficient personnel are not available to provide the  
 31 requested legal services, the Attorney General shall certify the same to the  
 32 agency and may authorize the agency to employ legal counsel and to expend  
 33 monies appropriated for Maintenance and General Operations therefor, if:

- 34 (1) The Attorney General determines, and certifies in writing, that such
- 35 agency needs the advice or assistance of legal counsel, and
- 36 (2) The Attorney General consents in writing to the employment of the

1 legal counsel to be retained by the agency.

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

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

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

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

1 safety shall be in full force and effect from and after July 1, 2003.

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APPROVED: 3/13/2003