

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 110

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
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 FISCAL
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16
17 AN ACT FOR THE ARKANSAS STATE BOARD OF
18 DENTAL EXAMINERS APPROPRIATION FOR THE
19 2009-2010 FISCAL YEAR.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
25 the Arkansas State Board of Dental Examiners for the 2009-2010 fiscal year,
26 the following maximum number of regular employees whose salaries shall be
27 governed by the provisions of the Uniform Classification and Compensation Act
28 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
29 thereto. Provided, however, that any position to which a specific maximum
30 annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
35

36 Maximum Annual



Item Class	Maximum No. of Employees	Salary Rate Fiscal Year 2009-2010
(1) X027C DENTAL EXAMINERS BD EXEC DIR	1	GRADE C123
(2) X103C DENTAL EXAMINERS BD INVESTIGATOR	1	GRADE C117
(3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
MAX. NO. OF EMPLOYEES	3	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas State Board of Dental Examiners, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Board of Dental Examiners, for personal services and operating expenses of the Arkansas State Board of Dental Examiners for the fiscal year ending June 30, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 161,537
(02) PERSONAL SERVICES MATCHING	44,102
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	114,637
(B) CONF. & TRAVEL	7,166
(C) PROF. FEES	42,126
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) REFUNDS/REIMBURSEMENTS	<u>10,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 379,568</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS STATE DENTAL EXAMINERS BOARD 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

1 shall determine that sufficient personnel are not available to provide the
2 requested legal services, the Attorney General shall certify the same to the
3 agency and may authorize the agency to employ legal counsel and to expend
4 monies appropriated for Maintenance and General Operations therefore, if:

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

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

9 (3) The Attorney General determines that the agency re-advertises
10 annually for legal counsel if outside legal counsel is hired and that any
11 amount to be paid for outside legal counsel has been reviewed and approved by
12 the Arkansas Legislative Council or Joint Budget Committee.

13 Such certification shall be required with respect to each instance of the
14 employment of special legal counsel, or shall be required annually with
15 respect to legal counsel employed on a retainer basis. A copy of such
16 certification shall be entered in the official minutes of the agency, and
17 shall be retained in the fiscal records of the agency for audit purposes.
18 Determining the maximum number of employees and the maximum amount of
19 appropriation and general revenue funding for a state agency each fiscal year
20 is the prerogative of the General Assembly. This is usually accomplished by
21 delineating such maximums in the appropriation act(s) for a state agency and
22 the general revenue allocations authorized for each fund and fund account by
23 amendment to the Revenue Stabilization law. Further, the General Assembly
24 has determined that the Arkansas State Dental Examiners Board may operate
25 more efficiently if some flexibility is provided to the Arkansas State Dental
26 Examiners Board authorizing broad powers under this Section. Therefore, it is
27 both necessary and appropriate that the General Assembly maintain oversight
28 by requiring prior approval of the Legislative Council or Joint Budget
29 Committee as provided by this section. The requirement of approval by the
30 Legislative Council or Joint Budget Committee is not a severable part of this
31 section. If the requirement of approval by the Legislative Council or Joint
32 Budget Committee is ruled unconstitutional by a court of competent
33 jurisdiction, this entire section is void.

34
35 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

1 made available by law for the support of such appropriations; and the
 2 restrictions of the State Procurement Law, the General Accounting and
 3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 4 Procedures and Restrictions Act, or their successors, and other fiscal
 5 control laws of this State, where applicable, and regulations promulgated by
 6 the Department of Finance and Administration, as authorized by law, shall be
 7 strictly complied with in disbursement of said funds.

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

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 18 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
 19 Assembly, that the Constitution of the State of Arkansas prohibits the
 20 appropriation of funds for more than a one (1) year period; that the
 21 effectiveness of this Act on July 1, 2009 is essential to the operation of
 22 the agency for which the appropriations in this Act are provided, and that in
 23 the event of an extension of the Regular Session, the delay in the effective
 24 date of this Act beyond July 1, 2009 could work irreparable harm upon the
 25 proper administration and provision of essential governmental programs.
 26 Therefore, an emergency is hereby declared to exist and this Act being
 27 necessary for the immediate preservation of the public peace, health and
 28 safety shall be in full force and effect from and after July 1, 2009.