

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

HOUSE BILL 1078

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR OPERATING
EXPENSES FOR THE ARKANSAS STATE BOARD OF
SANITARIANS FOR THE FISCAL YEAR ENDING JUNE 30,
2012; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS STATE BOARD OF
SANITARIANS APPROPRIATION FOR THE 2011-2012
FISCAL YEAR.

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

SECTION 1. APPROPRIATION - OPERATIONS. There is hereby appropriated,
to the Arkansas State Board of Sanitarians, to be payable from the cash fund
deposited in the State Treasury as determined by the Chief Fiscal Officer of
the State, for operating expenses of the Arkansas State Board of Sanitarians
for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$8,647
(B) CONF. & TRAVEL	0
(C) PROF. FEES	5,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$13,647</u></u>



1
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.

19
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.

3
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.

13
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.

22
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.