

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 62

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
10 STATE BOARD OF DENTAL EXAMINERS FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2013; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 AN ACT FOR THE ARKANSAS STATE BOARD OF
16 DENTAL EXAMINERS APPROPRIATION FOR THE
17 2012-2013 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
24 for the Arkansas State Board of Dental Examiners for the 2012-2013 fiscal
25 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
				2012-2013
31	(1) X027C	DENTAL EXAMINERS BD EXEC DIR	1	GRADE C123
32	(2) X103C	DENTAL EXAMINERS BD INVESTIGATOR	1	GRADE C117
33	(3) C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
34	MAX. NO. OF EMPLOYEES		3	

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36 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,



1 to the Arkansas State Board of Dental Examiners, to be payable from cash
 2 funds as defined by Arkansas Code 19-4-801 of the Arkansas State Board of
 3 Dental Examiners, for personal services and operating expenses of the
 4 Arkansas State Board of Dental Examiners for the fiscal year ending June 30,
 5 2013, the following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2012-2013</u>
9 (01) REGULAR SALARIES	\$169,259
10 (02) PERSONAL SERVICES MATCHING	46,268
11 (03) MAINT. & GEN. OPERATION	
12 (A) OPER. EXPENSE	114,637
13 (B) CONF. & TRAVEL	7,166
14 (C) PROF. FEES	42,126
15 (D) CAP. OUTLAY	0
16 (E) DATA PROC.	0
17 (04) REFUNDS/REIMBURSEMENTS	<u>10,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u><u>\$389,456</u></u>

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

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

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

36 (3) The Attorney General determines that the agency re-advertises

1 annually for legal counsel if outside legal counsel is hired and that any
2 amount to be paid for outside legal counsel has been reviewed and approved by
3 the Arkansas Legislative Council or Joint Budget Committee.

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

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

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

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36 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General

1 Assembly that any funds disbursed under the authority of the appropriations
2 contained in this act shall be in compliance with the stated reasons for
3 which this act was adopted, as evidenced by the Agency Requests, Executive
4 Recommendations and Legislative Recommendations contained in the budget
5 manuals prepared by the Department of Finance and Administration, letters, or
6 summarized oral testimony in the official minutes of the Arkansas Legislative
7 Council or Joint Budget Committee which relate to its passage and adoption.
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9 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a one (1) year period; that the
12 effectiveness of this Act on July 1, 2012 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the legislative session, the delay in the
15 effective date of this Act beyond July 1, 2012 could work irreparable harm
16 upon the proper administration and provision of essential governmental
17 programs. Therefore, an emergency is hereby declared to exist and this Act
18 being necessary for the immediate preservation of the public peace, health
19 and safety shall be in full force and effect from and after July 1, 2012.
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