

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 33

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, 2016; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE ARKANSAS STATE BOARD OF  
15 DENTAL EXAMINERS APPROPRIATION FOR THE  
16 2015-2016 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 2015-2016 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 2015-2016
30	(1) X027C	DENTAL EXAMINERS BD EXEC DIR	1	GRADE C123
31	(2) X103C	DENTAL EXAMINERS BD INVESTIGATOR	1	GRADE C117
32	(3) C037C	ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
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 the 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 2016, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2015-2016</u>
8 (01) REGULAR SALARIES	\$172,486
9 (02) PERSONAL SERVICES MATCHING	51,949
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	214,637
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>\$498,364</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~~ receives confirmation in writing from
- 36 the Agency that the agency will re-advertises annually for legal counsel if

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

4 Such certification shall be required with respect to each instance of the  
5 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.~~

25 The provisions of this section shall be in effect only from July 1,  
26 2015 through June 30, 2016.

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

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

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2015 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2015 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2015.