

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.

Act 354 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 110

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 FISCAL
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

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



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
1	(1)	X027C DENTAL EXAMINERS BD EXEC DIR	1	GRADE C123
2	(2)	X103C DENTAL EXAMINERS BD INVESTIGATOR	1	GRADE C117
3	(3)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
4	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

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

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

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

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

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

35
36 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

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

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

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

30
31
32 APPROVED: 3/10/2009
33
34
35
36