

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 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 85 of 2001
SENATE BILL 228

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE STATE BOARD OF
11 OPTOMETRY FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2003; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE STATE BOARD OF OPTOMETRY
16 APPROPRIATION FOR THE 2001-2003 BIENNIAL.
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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. There is hereby established for the State
23 Board of Optometry for the 2001-2003 biennium, the following maximum number of
24 regular employees whose salaries shall be governed by the provisions of the
25 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
26 seq.), or its successor, and all laws amendatory thereto. Provided, however,
27 that any position to which a specific maximum annual salary is set out herein
28 in dollars, shall be exempt from the provisions of said Uniform Classification
29 and Compensation Act. All persons occupying positions authorized herein are
30 hereby governed by the provisions of the Regular Salaries Procedures and
31 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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		Maximum Annual			
		Maximum	Salary Rate		
Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	2001-2002	2002-2003

1	(1)	7217	BD OF OPTOMETRY EXECUTIVE DIRECTOR	1	\$30,000	\$30,780
2	(2)	7216	BD OF OPTOMETRY STENO/BOOKKEEPER	<u>1</u>	\$14,207	\$14,576
3			MAX. NO. OF EMPLOYEES	2		

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5 SECTION 2. APPROPRIATIONS - CASH OPERATIONS. There is hereby appropriated,
 6 to the State Board of Optometry, to be payable from cash funds as defined by
 7 Arkansas Code 19-4-801 of the State Board of Optometry, for personal services
 8 and operating expenses of the State Board of Optometry for the biennial period
 9 ending June 30, 2003, the following:

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11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
13	(01) REGULAR SALARIES	\$ 44,207	\$ 45,356
14	(02) PERSONAL SERV MATCHING	10,793	10,996
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	23,154	23,154
17	(B) CONF. & TRAVEL	0	0
18	(C) PROF. FEES	27,012	27,012
19	(D) CAP. OUTLAY	0	0
20	(E) DATA PROC.	<u>400</u>	<u>400</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 105,566</u>	<u>\$ 106,918</u>

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23 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 24 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 25 appropriations as provided in this Act, the agency disbursing officer shall
 26 monitor the level of fund balances in relation to expenditures on a monthly
 27 basis. If any proposed expenditures would cause a fund balance to decline to
 28 less than fifty percent (50%) of the balance available on July 1, 2001, the
 29 disbursing officer shall immediately notify the executive head of the agency.
 30 Prior to any obligations being made under these circumstances, the agency
 31 head shall file written documentation with the Chief Fiscal Officer of the
 32 State requesting approval of the expenditures. Such documentation shall
 33 provide sufficient financial data to justify the expenditures and shall
 34 include the following:
 35 1) a plan that clearly indicates the specific fiscal impact of such
 36 expenditures on the fund balance.

1 2) information clearly indicating and explaining what programs would be cut or
 2 any other measures to be taken by the agency to restore the fund balance.

3 3) the extent to which any of the planned expenditures are for one-time costs
 4 or one-time purchase of capitalized items.

5 4) a statement certifying that the expenditure of fund balances will not
 6 jeopardize the financial health of the agency, nor result in a permanent
 7 depletion of the fund balance.

8 (B) The Chief Fiscal Officer of the State shall review the request and
 9 approve or disapprove all or any part of the request , after having sought
 10 prior review by the Legislative Council.

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 12 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this
 13 Act for Maintenance and General Operation shall be expended in payment for
 14 services of attorneys, unless the agency shall first make a request in writing
 15 to the Attorney General of the State of Arkansas to provide the required legal
 16 services. The Attorney General's Office shall provide the requested legal
 17 services, or, if the Attorney General's Office shall determine that sufficient
 18 personnel are not available to provide the requested legal services, the
 19 Attorney General shall certify the same to the agency and may authorize the
 20 agency to employ legal counsel and to expend monies appropriated for
 21 Maintenance and General Operations therefor, if:

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

24 (2) The Attorney General consents in writing to the employment of the
 25 legal counsel to be retained by the agency.

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

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 32 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
 33 this act shall be limited to the appropriation for such agency and funds made
 34 available by law for the support of such appropriations; and the restrictions
 35 of the State Purchasing Law, the General Accounting and Budgetary Procedures
 36 Law, the Revenue Stabilization Law, the Regular Salary Procedures and

1 Restrictions Act, or their successors, and other fiscal control laws of this
2 State, where applicable, and regulations promulgated by the Department of
3 Finance and Administration, as authorized by law, shall be strictly complied
4 with in disbursement of said funds.

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6 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
7 that any funds disbursed under the authority of the appropriations contained
8 in this act shall be in compliance with the stated reasons for which this act
9 was adopted, as evidenced by the Agency Requests, Executive Recommendations
10 and Legislative Recommendations contained in the budget manuals prepared by
11 the Department of Finance and Administration, letters, or summarized oral
12 testimony in the official minutes of the Arkansas Legislative Council or Joint
13 Budget Committee which relate to its passage and adoption.

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15 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
16 Assembly, that the Constitution of the State of Arkansas prohibits the
17 appropriation of funds for more than a two (2) year period; that the
18 effectiveness of this Act on July 1, 2001 is essential to the operation of the
19 agency for which the appropriations in this Act are provided, and that in the
20 event of an extension of the Regular Session, the delay in the effective date
21 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
22 administration and provision of essential governmental programs. Therefore, an
23 emergency is hereby declared to exist and this Act being necessary for the
24 immediate preservation of the public peace, health and safety shall be in full
25 force and effect from and after July 1, 2001.

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28 APPROVED: 2/5/2001
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