

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 291 of the Regular Session

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

A Bill

SENATE BILL 40

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 STATE
11 BOARD OF OPTOMETRY FOR THE FISCAL YEAR ENDING
12 JUNE 30, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE STATE BOARD OF OPTOMETRY
16 APPROPRIATION FOR THE 2009-2010 FISCAL
17 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. There is hereby established for the State
24 Board of Optometry for the 2009-2010 fiscal year, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
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Maximum Annual



1		Maximum	Salary Rate
2	Item Class	No. of	Fiscal Year
3	No. Code Title	Employees	2009-2010
4	(1) X145C BOARD OF OPTOMETRY EXECUTIVE DIRECT	1	GRADE C115
5	(2) A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE C112
6	MAX. NO. OF EMPLOYEES	2	

7
 8 SECTION 2. APPROPRIATIONS - CASH OPERATIONS. There is hereby
 9 appropriated, to the State Board of Optometry, to be payable from cash funds
 10 as defined by Arkansas Code 19-4-801 of the State Board of Optometry, for
 11 personal services and operating expenses of the State Board of Optometry for
 12 the fiscal year ending June 30, 2010, the following:

14	ITEM	FISCAL YEAR
15	NO.	2009-2010
16	(01) REGULAR SALARIES	\$ 66,814
17	(02) PERSONAL SERVICES MATCHING	22,155
18	(03) MAINT. & GEN. OPERATION	
19	(A) OPER. EXPENSE	28,654
20	(B) CONF. & TRAVEL	0
21	(C) PROF. FEES	39,012
22	(D) CAP. OUTLAY	0
23	(E) DATA PROC.	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 156,635</u>

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

1 monies appropriated for Maintenance and General Operations therefore, if:

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

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

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

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

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

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 32 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 33 by this act shall be limited to the appropriation for such agency and funds
 34 made available by law for the support of such appropriations; and the
 35 restrictions of the State Procurement Law, the General Accounting and
 36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

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

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6 SECTION 5. 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
13 Joint Budget Committee which relate to its passage and adoption.

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15 SECTION 6. 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 one (1) year period; that the
18 effectiveness of this Act on July 1, 2009 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, and that in
20 the event of an extension of the Regular Session, the delay in the effective
21 date of this Act beyond July 1, 2009 could work irreparable harm upon the
22 proper administration and provision of essential governmental programs.
23 Therefore, an emergency is hereby declared to exist and this Act being
24 necessary for the immediate preservation of the public peace, health and
25 safety shall be in full force and effect from and after July 1, 2009.

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27 **APPROVED: 3/03/2009**
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