

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 40

4
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

Subtitle

14
15 AN ACT FOR THE STATE BOARD OF OPTOMETRY
16 APPROPRIATION FOR THE 2009-2010 FISCAL
17 YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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.
34

35 Maximum Annual
36 Maximum Salary Rate



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

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

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

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS STATE BOARD OF OPTOMETRY 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 provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefore, if:

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

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

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

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

30
31 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
32 by this act shall be limited to the appropriation for such agency and funds
33 made available by law for the support of such appropriations; and the
34 restrictions of the State Procurement Law, the General Accounting and
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
36 Procedures and Restrictions Act, or their successors, and other fiscal

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

4
5 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
6 that any funds disbursed under the authority of the appropriations contained
7 in this act shall be in compliance with the stated reasons for which this act
8 was adopted, as evidenced by the Agency Requests, Executive Recommendations
9 and Legislative Recommendations contained in the budget manuals prepared by
10 the Department of Finance and Administration, letters, or summarized oral
11 testimony in the official minutes of the Arkansas Legislative Council or
12 Joint Budget Committee which relate to its passage and adoption.

13
14 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
15 Assembly, that the Constitution of the State of Arkansas prohibits the
16 appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2009 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the Regular Session, the delay in the effective
20 date of this Act beyond July 1, 2009 could work irreparable harm upon the
21 proper administration and provision of essential governmental programs.
22 Therefore, an emergency is hereby declared to exist and this Act being
23 necessary for the immediate preservation of the public peace, health and
24 safety shall be in full force and effect from and after July 1, 2009.