

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 12

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
AND OPERATING EXPENSES FOR THE STATE BOARD OF  
OPTOMETRY FOR THE FISCAL YEAR ENDING JUNE 30, 2016;  
AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE STATE BOARD OF OPTOMETRY  
APPROPRIATION FOR THE 2015-2016 FISCAL  
YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the State Board of Optometry for the 2015-2016 fiscal year, the following maximum number of regular employees.

			Maximum Annual
			Salary Rate
Item	Class	Maximum	Fiscal Year
No.	Code Title	No. of	2015-2016
		Employees	
(1)	X145C BD OF OPTOMETRY EXECUTIVE DIRECTOR	1	GRADE C115
(2)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE C112
	MAX. NO. OF EMPLOYEES	2	

SECTION 2. APPROPRIATION - 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, 2016, the following:

ITEM	FISCAL YEAR
NO.	2015-2016
(01) REGULAR SALARIES	\$73,610
(02) PERSONAL SERVICES MATCHING	25,880
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	40,354
(B) CONF. & TRAVEL	0
(C) PROF. FEES	39,012
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$178,856</u></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) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and

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

(3) The Attorney General ~~determines~~ receives confirmation in writing that the agency will re-advertises annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel ~~has received~~ will receive prior review by the Arkansas Legislative Council or Joint Budget Committee.

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

22       The provisions of this section shall be in effect only from July 1,  
23 2015 through June 30, 2016.

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

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35       SECTION 5. LEGISLATIVE INTENT. It is the intent of the General  
36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for  
2 which this act was adopted, as evidenced by the Agency Requests, Executive  
3 Recommendations and Legislative Recommendations contained in the budget  
4 manuals prepared by the Department of Finance and Administration, letters, or  
5 summarized oral testimony in the official minutes of the Arkansas Legislative  
6 Council or Joint Budget Committee which relate to its passage and adoption.  
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8 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General  
9 Assembly, that the Constitution of the State of Arkansas prohibits the  
10 appropriation of funds for more than a one (1) year period; that the  
11 effectiveness of this Act on July 1, 2015 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the legislative session, the delay in the  
14 effective date of this Act beyond July 1, 2015 could work irreparable harm  
15 upon the proper administration and provision of essential governmental  
16 programs. Therefore, an emergency is hereby declared to exist and this Act  
17 being necessary for the immediate preservation of the public peace, health  
18 and safety shall be in full force and effect from and after July 1, 2015.  
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