

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: S1/26/15 S3/26/15  
**A Bill**

SENATE BILL 11

By: Joint Budget Committee

**For An Act To Be Entitled**

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

**Subtitle**

AN ACT FOR THE ARKANSAS STATE MEDICAL  
BOARD 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  
Arkansas State Medical Board for the 2015-2016 fiscal year, the following  
maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2015-2016
(1)	U095U	MEDICAL BOARD SECRETARY/TREASURER	1	\$104,236
(2)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(3)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
(4)	R019C	BUDGET MANAGER	1	GRADE C120
(5)	D062C	DATABASE ANALYST	1	GRADE C119
(6)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
(7)	D064C	WEBSITE DEVELOPER	2	GRADE C118



(8)	G187C	CREDENTIALING COORD SUPERVISOR	2	GRADE C117
(9)	E046C	TRAINING INSTRUCTOR	1	GRADE C116
(10)	C037C	ADMINISTRATIVE ANALYST	3	GRADE C115
(11)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
(12)	C045C	LICENSING COORDINATOR	21	GRADE C113
(13)	A098C	FISCAL SUPPORT SPECIALIST	4	GRADE C112
(14)	C073C	ADMINISTRATIVE SPECIALIST II	<u>5</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	45	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas State Medical Board for the 2015-2016 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - MEDICAL BOARD. There is hereby appropriated, to the Arkansas State Medical Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, for personal services and operating expenses of the Arkansas State Medical Board for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) REGULAR SALARIES	\$1,597,186
(02) EXTRA HELP	24,500
(03) PERSONAL SERVICES MATCHING	587,501
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,353,180
(B) CONF. & TRAVEL	19,000
(C) PROF. FEES	162,000
(D) CAP. OUTLAY	451,600
(E) DATA PROC.	0
(05) REFUNDS/REIMBURSEMENTS	<u>7,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$4,202,467</u></u>

*SECTION 4. APPROPRIATION - LEGAL FEES. There is hereby appropriated, to the Arkansas State Medical Board, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, the following:*

*(A) for legal fees as determined by a court of competent jurisdiction in the case of Edwards v. Beck, in a sum not to exceed.....\$200,000.*

*SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGAL FEES. It is the intent of the General Assembly for the State Medical Board to pay the legal fees as appropriated in Section 4 herein from fund balances from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas State Medical Board, so that there will be no effect on the FY2015-16 or future fiscal year budgets. The Arkansas State Medical Board shall pay all legal fees as determined by a court of competent jurisdiction in Edwards v. Beck, 8 F. Supp.3d 1091 (E.D. Ark., Mar. 14, 2014) and all related cases and appeals challenging the Arkansas Human Heartbeat Protection Act, § 20-16-1301 et seq., derived from Acts 2013, No. 301.*

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

*SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

*EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend from monies authorized herein, \$25 from each licensed physician licensed by the State Medical Board each year to be paid by the State Medical Board to 501(c)(3) Arkansas foundations that have healthcare professionals on their board and provide for identification, treatment and monitoring of healthcare professionals who suffer from alcohol or drug abuse problems, in order to promote the public health and safety and to insure the continued availability of skilled and highly trained medical professionals for the benefit of the public.*

*The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.*

*SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*

CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS STATE MEDICAL 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 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 from the agency 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.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes. ~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the Arkansas State Medical Board may operate more efficiently if some flexibility is provided to the Arkansas State Medical Board authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee~~

~~as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

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

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

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

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2015 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2015 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act

being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2015.

*/s/Joint Budget Committee*