

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

JBC 02/08/2011 (2)

Subtitle of Senate Bill No. 28

AN ACT FOR THE ARKANSAS STATE MEDICAL BOARD APPROPRIATION FOR THE
2011-2012 FISCAL YEAR.

Amendment No. 1 to Senate Bill No. 28

Amend Senate Bill No. 28 as originally introduced:

Delete SECTION 6 in its entirety and replace with the following:

"SECTION 6. 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 that the agency re-advertises annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel has been reviewed and approved 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 Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

MAH/MAH - 02/08/11 05:10

MAH049

Secretary