

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S1/26/15 S3/26/15

A Bill

SENATE BILL 11

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS STATE MEDICAL
10 BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

14 AN ACT FOR THE ARKANSAS STATE MEDICAL
15 BOARD APPROPRIATION FOR THE 2015-2016
16 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Arkansas State Medical Board for the 2015-2016 fiscal year, the following
24 maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2015-2016
30	(1) U095U	MEDICAL BOARD SECRETARY/TREASURER	1	\$104,236
31	(2) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
32	(3) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
33	(4) R019C	BUDGET MANAGER	1	GRADE C120
34	(5) D062C	DATABASE ANALYST	1	GRADE C119
35	(6) D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
36	(7) D064C	WEBSITE DEVELOPER	2	GRADE C118



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

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

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

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

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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

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
2 STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated
3 in this Act for Maintenance and General Operation shall be expended in
4 payment for services of attorneys, unless the agency shall first make a
5 request in writing to the Attorney General of the State of Arkansas to
6 provide the required legal services. The Attorney General's Office shall
7 provide the requested legal services, or, if the Attorney General's Office
8 shall determine that sufficient personnel are not available to provide the
9 requested legal services, the Attorney General shall certify the same to the
10 agency and may authorize the agency to employ legal counsel and to expend
11 monies appropriated for Maintenance and General Operations therefore, if:

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

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

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

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

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

6 The provisions of this section shall be in effect only from July 1,
7 2015 through June 30, 2016.

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

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

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

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

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4 */s/Joint Budget Committee*
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