

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

DRAFT

Subtitle of House Bill No. 1036

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

Amendment No. ___ to House Bill No. 1036

Amend House Bill No. 1036 as originally introduced:

Page 1, immediately following line 32 insert an additional item to read as follows:

"(4) GO41N ASPB GENERAL COUNSEL 1 GRADE N906"

AND

Appropriately renumber all Item Numbers in SECTION 1

AND

Page 2, line 1, delete "10" and substitute "11"

AND

Page 2, line 20, delete "\$779,710" and substitute "\$868,678"

AND

Page 2, line 22, delete "223,635" and substitute "248,546"

AND

Page 2, line 25, delete "25,120" and substitute "29,120"

AND

Page 2, line 31 delete " \$1,609,450" and substitute " \$1,727,329"

AND

Page 3, Delete SECTION 6 in its entirety and substitute the following:

" SECTION 6. SPECIAL LANGUAGE. Amend Arkansas Code §17-92-208 concerning

DRAFT

Pharmacy Board Employees:

17-92-208. Employees.

(a) The Arkansas State Board of Pharmacy is authorized to make payment for services, salaries, and other purposes from the funds received by the board from issuance of licensed pharmacy permits, renewals, or certificates of licensure of licensed pharmacists, examinations, reciprocity fees, and from other moneys collected.

(b)(1) The board is authorized to employ an attorney to supervise and conduct its investigations and to institute and prosecute actions and charges for the violation of the provisions of the Arkansas Pharmacy Act, § 17-92-101 et seq.

~~(2) The board may pay to the attorney a sum not to exceed three hundred sixty six dollars and sixty five cents (\$366.65) per month from its general operation funds.~~

~~(3) (2)~~ The attorney employed or retained by the board ~~shall~~ may make regular reports to the Attorney General of the actions instituted or prosecuted by him or her.

~~(4) (3)~~ Appeals from the circuit court to the Supreme Court in matters affecting the action of the board ~~shall~~ may be handled by the office of the Attorney General.

~~(5) The attorney so employed shall not be considered a state employee and shall not be entitled to any of the benefits of retirement, insurance, workers' compensation, or other perquisites enjoyed by state employees.~~

(c) The board is authorized to make reimbursement of the necessary and reasonable travel, board, and lodging expenses of the staff of the board incurred in the performance of their duties."

The Amendment was read
By: Representative Boyd
ALB/ALB - 02-02-2015 14:36:18
ALB058

Chief Clerk

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

A Bill

HOUSE BILL 1036

4
5 By: Joint Budget Committee
6

For An Act To Be Entitled

7
8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE STATE BOARD OF
10 PHARMACY FOR THE FISCAL YEAR ENDING JUNE 30, 2016;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT FOR THE STATE BOARD OF PHARMACY
15 APPROPRIATION FOR THE 2015-2016 FISCAL
16 YEAR.
17

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the State
23 Board of Pharmacy for the 2015-2016 fiscal year, the following maximum number
24 of regular employees.
25

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2015-2016
30	(1) N001N	DIRECTOR OF PHARMACY BOARD	1	GRADE N918
31	(2) L015N	ASST PHARMACY DIRECTOR	1	GRADE N914
32	(3) L016N	REGISTERED PHARMACIST	3	GRADE N911
33	(4) A023C	PHARMACY BOARD CHIEF FISCAL OFFICER	1	GRADE C125
34	(5) C037C	ADMINISTRATIVE ANALYST	2	GRADE C115
35	(6) D087C	DATABASE COORD/BUSINESS LIC ANALYST	1	GRADE C113
36	(7) C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112



1 MAX. NO. OF EMPLOYEES 10

2

3 SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board
 4 of Pharmacy for the 2015-2016 fiscal year, the following maximum number of
 5 part-time or temporary employees, to be known as "Extra Help", payable from
 6 funds appropriated herein for such purposes: four (4) temporary or part-time
 7 employees, when needed, at rates of pay not to exceed those provided in the
 8 Uniform Classification and Compensation Act, or its successor, or this act
 9 for the appropriate classification.

10

11 SECTION 3. APPROPRIATION - CASH OPERATIONS. There is hereby
 12 appropriated, to the State Board of Pharmacy, to be payable from the cash
 13 fund deposited in the State Treasury as determined by the Chief Fiscal
 14 Officer of the State, for personal services and operating expenses of the
 15 State Board of Pharmacy for the fiscal year ending June 30, 2016, the
 16 following:

17

18 ITEM	FISCAL YEAR
19 NO.	2015-2016
20 (01) REGULAR SALARIES	\$779,710
21 (02) EXTRA HELP	16,000
22 (03) PERSONAL SERVICES MATCHING	223,635
23 (04) MAINT. & GEN. OPERATION	
24 (A) OPER. EXPENSE	486,985
25 (B) CONF. & TRAVEL	25,120
26 (C) PROF. FEES	25,000
27 (D) CAP. OUTLAY	0
28 (E) DATA PROC.	0
29 (05) REFUNDS/REIMBURSEMENTS	3,000
30 (06) IMPAIRED PHARMACIST PROGRAM	<u>50,000</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$1,609,450</u>

32

33 SECTION 4. APPROPRIATION - PHARMACY STUDENT LOANS. There is hereby
 34 appropriated, to the State Board of Pharmacy, to be payable from the cash
 35 fund deposited in the State Treasury as determined by the Chief Fiscal
 36 Officer of the State, for transfer by warrant to the cash fund as defined by

1 Arkansas Code 19-4-801 of the University of Arkansas for Medical Sciences -
 2 College of Pharmacy for the fiscal year ending June 30, 2016, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2015-2016</u>
6 (01) PHARMACY STUDENT LOANS	<u>\$50,000</u>

7
 8 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 10 BY WARRANT. If, during the ~~2014-2015~~ 2015-2016 fiscal year, the need arises
 11 for additional funding for student loans and additional funds become
 12 available, the Director of the State Board of Pharmacy may request the Chief
 13 Fiscal Officer of the State to cause a transfer by warrant up to fifty
 14 thousand dollars (\$50,000) from the balance of cash funds deposited in the
 15 State Treasury for the State Board of Pharmacy to the cash fund as defined by
 16 the Arkansas Code 19-4-801 of the University of Arkansas for Medical
 17 Sciences, there to be used for the sole purpose of providing student loans to
 18 pharmacy students.

19 The provisions of this section shall be in effect only from July 1, 2014
 20 2015 through June 30, ~~2015~~ 2016.

21
 22 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 23 this Act for Maintenance and General Operation shall be expended in payment
 24 for services of attorneys, unless the agency shall first make a request in
 25 writing to the Attorney General of the State of Arkansas to provide the
 26 required legal services. The Attorney General's Office shall provide the
 27 requested legal services, or, if the Attorney General's Office shall
 28 determine that sufficient personnel are not available to provide the
 29 requested legal services, the Attorney General shall certify the same to the
 30 agency and may authorize the agency to employ legal counsel and to expend
 31 monies appropriated for Maintenance and General Operations therefor, if:

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

34 (2) The Attorney General consents in writing to the employment of the
 35 legal counsel to be retained by the agency.

36 Such certification shall be required with respect to each instance of

1 the employment of special legal counsel, or shall be required annually with
2 respect to legal counsel employed on a retainer basis. A copy of such
3 certification shall be entered in the official minutes of the agency, and
4 shall be retained in the fiscal records of the agency for audit purposes.
5

6 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
7 authorized by this act shall be limited to the appropriation for such agency
8 and funds made available by law for the support of such appropriations; and
9 the restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.
15

16 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
17 Assembly that any funds disbursed under the authority of the appropriations
18 contained in this act shall be in compliance with the stated reasons for
19 which this act was adopted, as evidenced by the Agency Requests, Executive
20 Recommendations and Legislative Recommendations contained in the budget
21 manuals prepared by the Department of Finance and Administration, letters, or
22 summarized oral testimony in the official minutes of the Arkansas Legislative
23 Council or Joint Budget Committee which relate to its passage and adoption.
24

25 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
26 Assembly, that the Constitution of the State of Arkansas prohibits the
27 appropriation of funds for more than a one (1) year period; that the
28 effectiveness of this Act on July 1, 2015 is essential to the operation of
29 the agency for which the appropriations in this Act are provided, and that in
30 the event of an extension of the legislative session, the delay in the
31 effective date of this Act beyond July 1, 2015 could work irreparable harm
32 upon the proper administration and provision of essential governmental
33 programs. Therefore, an emergency is hereby declared to exist and this Act
34 being necessary for the immediate preservation of the public peace, health
35 and safety shall be in full force and effect from and after July 1, 2015.
36