

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 20 of 2001  
SENATE BILL 135

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE STATE BOARD OF  
11 EMBALMERS AND FUNERAL DIRECTORS FOR THE BIENNIAL  
12 PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE STATE BOARD OF EMBALMERS  
16 AND FUNERAL DIRECTORS APPROPRIATION  
17 FOR THE 2001-2003 BIENNIUM.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
24 Board of Embalmers and Funeral Directors for the 2001-2003 biennium, the  
25 following maximum number of regular employees whose salaries shall be governed  
26 by the provisions of the Uniform Classification and Compensation Act (Arkansas  
27 Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual salary  
29 is set out herein in dollars, shall be exempt from the provisions of said  
30 Uniform Classification and Compensation Act. All persons occupying positions  
31 authorized herein are hereby governed by the provisions of the Regular  
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
33 successor.  
34

35 Maximum Annual  
36 Maximum Salary Rate

Item Class	No. of	Fiscal Years
No. Code Title	Employees	2001-2002 2002-2003
(1) 7219 E & F BD INSPECTOR	1	\$38,727 \$39,733
(2) 7212 BD OF EMBALM & FUNERAL DIR INVEST	1	\$25,330 \$25,988
(3) 7221 E & F BD BOOKKEEPER I	<u>1</u>	\$4,433 \$4,548
MAX. NO. OF EMPLOYEES	3	

SECTION 2. APPROPRIATION. There is hereby appropriated, to the State Board of Embalmers and Funeral Directors, to be payable from the cash funds as defined by Arkansas Code 19-4-801, for personal services and operating expenses of the State Board of Embalmers and Funeral Directors for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 68,490	\$ 70,269
(02) PERSONAL SERV MATCHING	21,023	21,337
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	66,635	66,635
(B) CONF. & TRAVEL	4,764	4,764
(C) PROF. FEES	1,155	1,155
(D) CAP. OUTLAY	1,500	2,400
(E) DATA PROC.	<u>1,500</u>	<u>1,500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 165,067</u>	<u>\$ 168,060</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PERSONAL SERVICES. The Executive Director of the Burial Board shall also be responsible for the administrative activities of the State Board of Embalmers and Funeral Directors. The State Board of Embalmers and Funeral Directors shall pay to the Burial Board an amount equal to one-half (1/2) of the salary of the Executive Secretary of the Burial Board, \$3,000 toward the salary of the Burial Board Secretary, and the appropriate matching. This sum shall be paid during the first quarter of each fiscal year via fund transfer.

1 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this  
 2 Act for Maintenance and General Operation shall be expended in payment for  
 3 services of attorneys, unless the agency shall first make a request in writing  
 4 to the Attorney General of the State of Arkansas to provide the required legal  
 5 services. The Attorney General's Office shall provide the requested legal  
 6 services, or, if the Attorney General's Office shall determine that sufficient  
 7 personnel are not available to provide the requested legal services, the  
 8 Attorney General shall certify the same to the agency and may authorize the  
 9 agency to employ legal counsel and to expend monies appropriated for  
 10 Maintenance and General Operations therefor, if:

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

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

15 Such certification shall be required with respect to each instance of the  
 16 employment of special legal counsel, or shall be required annually with  
 17 respect to legal counsel employed on a retainer basis. A copy of such  
 18 certification shall be entered in the official minutes of the agency, and  
 19 shall be retained in the fiscal records of the agency for audit purposes.  
 20

21 SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
 22 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
 23 appropriations as provided in this Act, the agency disbursing officer shall  
 24 monitor the level of fund balances in relation to expenditures on a monthly  
 25 basis. If any proposed expenditures would cause a fund balance to decline to  
 26 less than fifty percent (50%) of the balance available on July 1, 2001, the  
 27 disbursing officer shall immediately notify the executive head of the agency.  
 28 Prior to any obligations being made under these circumstances, the agency  
 29 head shall file written documentation with the Chief Fiscal Officer of the  
 30 State requesting approval of the expenditures. Such documentation shall  
 31 provide sufficient financial data to justify the expenditures and shall  
 32 include the following:  
 33 1) a plan that clearly indicates the specific fiscal impact of such  
 34 expenditures on the fund balance.  
 35 2) information clearly indicating and explaining what programs would be cut or  
 36 any other measures to be taken by the agency to restore the fund balance.

1 3) the extent to which any of the planned expenditures are for one-time costs  
 2 or one-time purchase of capitalized items.

3 4) a statement certifying that the expenditure of fund balances will not  
 4 jeopardize the financial health of the agency, nor result in a permanent  
 5 depletion of the fund balance.

6 (B) The Chief Fiscal Officer of the State shall review the request and  
 7 approve or disapprove all or any part of the request , after having sought  
 8 prior review by the Legislative Council.

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

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 20 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 21 that any funds disbursed under the authority of the appropriations contained  
 22 in this act shall be in compliance with the stated reasons for which this act  
 23 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
 24 and Legislative Recommendations contained in the budget manuals prepared by  
 25 the Department of Finance and Administration, letters, or summarized oral  
 26 testimony in the official minutes of the Arkansas Legislative Council or Joint  
 27 Budget Committee which relate to its passage and adoption.

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 29 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
 30 Assembly, that the Constitution of the State of Arkansas prohibits the  
 31 appropriation of funds for more than a two (2) year period; that the  
 32 effectiveness of this Act on July 1, 2001 is essential to the operation of the  
 33 agency for which the appropriations in this Act are provided, and that in the  
 34 event of an extension of the Regular Session, the delay in the effective date  
 35 of this Act beyond July 1, 2001 could work irreparable harm upon the proper  
 36 administration and provision of essential governmental programs. Therefore, an

1 emergency is hereby declared to exist and this Act being necessary for the  
2 immediate preservation of the public peace, health and safety shall be in full  
3 force and effect from and after July 1, 2001.

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7 APPROVED: 1/29/2001  
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