

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

A Bill

Act 30 of 2001
HOUSE BILL 1200

4
5 By: Joint Budget Committee
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For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR OPERATING EXPENSES
10 FOR THE ARKANSAS CEMETERY BOARD FOR THE BIENNIAL
11 PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS CEMETERY
16 BOARD APPROPRIATION FOR THE 2001-2003
17 BIENNIAL.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Arkansas
23 Cemetery Board, to be payable from the cash funds as defined by Arkansas Code
24 19-4-801, for operating expenses of the Arkansas Cemetery Board for the
25 biennial period ending June 30, 2003, the following:
26

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	9,548	9,548
(B) CONF. & TRAVEL	2,825	2,825
(C) PROF. FEES	2,847	2,847
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) LOANS TO COURT APPOINTED RECEIVER OR CONSERVATOR	<u>65,000</u>	<u>65,000</u>

1 TOTAL AMOUNT APPROPRIATED \$ 80,220 \$ 80,220

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

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

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

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

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23 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 24 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 25 appropriations as provided in this Act, the agency disbursing officer shall
 26 monitor the level of fund balances in relation to expenditures on a monthly
 27 basis. If any proposed expenditures would cause a fund balance to decline to
 28 less than fifty percent (50%) of the balance available on July 1, 2001, the
 29 disbursing officer shall immediately notify the executive head of the agency.

30 Prior to any obligations being made under these circumstances, the agency
 31 head shall file written documentation with the Chief Fiscal Officer of the
 32 State requesting approval of the expenditures. Such documentation shall
 33 provide sufficient financial data to justify the expenditures and shall
 34 include the following:

35 1) a plan that clearly indicates the specific fiscal impact of such
 36 expenditures on the fund balance.

1 2) information clearly indicating and explaining what programs would be cut or
 2 any other measures to be taken by the agency to restore the fund balance.

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

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

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

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 12 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
 13 this act shall be limited to the appropriation for such agency and funds made
 14 available by law for the support of such appropriations; and the restrictions
 15 of the State Purchasing Law, the General Accounting and Budgetary Procedures
 16 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
 17 Restrictions Act, or their successors, and other fiscal control laws of this
 18 State, where applicable, and regulations promulgated by the Department of
 19 Finance and Administration, as authorized by law, shall be strictly complied
 20 with in disbursement of said funds.

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 22 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
 23 that any funds disbursed under the authority of the appropriations contained
 24 in this act shall be in compliance with the stated reasons for which this act
 25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 26 and Legislative Recommendations contained in the budget manuals prepared by
 27 the Department of Finance and Administration, letters, or summarized oral
 28 testimony in the official minutes of the Arkansas Legislative Council or Joint
 29 Budget Committee which relate to its passage and adoption.

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 31 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
 32 Assembly, that the Constitution of the State of Arkansas prohibits the
 33 appropriation of funds for more than a two (2) year period; that the
 34 effectiveness of this Act on July 1, 2001 is essential to the operation of the
 35 agency for which the appropriations in this Act are provided, and that in the
 36 event of an extension of the Regular Session, the delay in the effective date

1 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
2 administration and provision of essential governmental programs. Therefore, an
3 emergency is hereby declared to exist and this Act being necessary for the
4 immediate preservation of the public peace, health and safety shall be in full
5 force and effect from and after July 1, 2001.

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8 **APPROVED: 1/29/2001**
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