

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Joint Budget Committee**

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND  
9 OPERATING EXPENSES FOR THE STATE BOARD OF EMBALMERS &  
10 FUNERAL DIRECTORS FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
11 1993; AND FOR OTHER PURPOSES."

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

15 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
16 Board of Embalmers & Funeral Directors for the 1991-93 biennium, the following  
17 maximum number of regular employees whose salaries shall be governed by the  
18 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
19 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
20 Provided, however, that any position to which a specific maximum annual salary  
21 is set out herein in dollars, shall be exempt from the provisions of said  
22 Uniform Classification and Compensation Act. All persons occupying positions  
23 authorized herein are hereby governed by the provisions of the Regular  
24 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
25 successor.

				Maximum Annual		
				Maximum	Salary Rate	
Item	Class			No. of	Fiscal Years	
No.	Code	Title		Employees	1991-92	1992-93
31	(1)	7219	E & F BD INSPECTOR	1	\$ 23,824	\$ 25,015
32	(2)	7220	E & F BD SECRETARY	1	\$ 12,476	\$ 13,099
33	(3)	7221	E & F BD BOOKKEEPER I	<u>1</u>	\$ 5,363	\$ 5,631
34			MAX NO. OF EMPLOYEES	3		

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SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State Board of Embalmers & Funeral Directors, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the State Board of Embalmers & Funeral Directors, for personal services and operating expenses of the State Board of Embalmers & Funeral Directors for the biennial period ending June 30, 1993, the following:

ITEM	FISCAL YEARS	
NO.	1991-92	1992-93
(01) REGULAR SALARIES	\$ 41,663	\$ 43,745
(02) PERSONAL SERV MATCHING	11,987	12,718
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$29,428	\$29,428
(B) CONF. & TRAVEL	4,382	4,382
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.	<u>\$ 33,810</u>	<u>\$ 33,810</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 87,460</u>	<u>\$ 90,273</u>

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SECTION 3. 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 therefor, 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.

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

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

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

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26           SECTION 6. CODE. All provisions of this Act of a general and permanent  
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
28 Code Revision Commission shall incorporate the same in the Code.

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30           SECTION 7. SEVERABILITY. If any provision of this Act or the  
31 application thereof to any person or circumstance is held invalid, such  
32 invalidity shall not affect other provisions or applications of the Act which  
33 can be given effect without the invalid provision or application, and to this  
34 end the provisions of this Act are declared to be severable.

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1 SECTION 8. GENERAL REPEALER. All laws and parts of laws in conflict  
2 with this Act are hereby repealed.

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4 SECTION 9. HEALTH PREMIUMS. The State Board of Embalmers & Funeral  
5 Directors shall not, during the 1992-93 fiscal year, spend more for health  
6 insurance per employee than the amount being contributed to the State  
7 Employees Health Insurance Program.

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9 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
10 Seventy-Eighth General Assembly, that the Constitution of the State of  
11 Arkansas prohibits the appropriation of funds for more than a two (2) year  
12 period; that the effectiveness of this Act on July 1, 1991 is essential to the  
13 operation of the agency for which the appropriations in this Act are provided,  
14 and that in the event of an extension of the Regular Session, the delay in the  
15 effective date of this Act beyond July 1, 1991 could work irreparable harm  
16 upon the proper administration and provision of essential governmental  
17 programs. Therefore, an emergency is hereby declared to exist and this Act  
18 being necessary for the immediate preservation of the public peace, health and  
19 safety shall be in full force and effect from and after July 1, 1991.

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