

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
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 1995; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE STATE BOARD OF EMBALMERS & FUNERAL  
15 DIRECTORS APPROPRIATION."

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

19 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
20 Board of Embalmers & Funeral Directors for the 1993-95 biennium, the following  
21 maximum number of regular employees whose salaries shall be governed by the  
22 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
23 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
24 Provided, however, that any position to which a specific maximum annual salary  
25 is set out herein in dollars, shall be exempt from the provisions of said  
26 Uniform Classification and Compensation Act. All persons occupying positions  
27 authorized herein are hereby governed by the provisions of the Regular  
28 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
29 successor.

			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
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No.	Code	Title	Employees	1993-94	1994-95
35	(1)	7219 E & F BD INSPECTOR	1	\$ 26,152	\$ 27,067

1	(2) 7212 BD OF EMBALM & FUNERAL DIR INVEST	1	\$ 22,000	\$ 22,770
2	(3) 7220 E & F BD SECRETARY	1	\$ 13,694	\$ 14,173
3	(4) 7221 E & F BD BOOKKEEPER I	<u>1</u>	\$ 5,886	\$ 6,092
4	MAX NO. OF EMPLOYEES	4		

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6 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State  
7 Board of Embalmers & Funeral Directors, to be payable from cash funds as  
8 defined by Arkansas Code 19-4-801 of the State Board of Embalmers & Funeral  
9 Directors, for personal services and operating expenses of the State Board of  
10 Embalmers & Funeral Directors for the biennial period ending June 30, 1995,  
11 the following:

13	<u>ITEM</u>	<u>FISCAL YEARS</u>	
14	NO.	1993-94	1994-95
15	(01) REGULAR SALARIES	\$ 67,732	\$ 70,102
16	(02) PERSONAL SERV MATCHING	21,117	21,535
17	(03) MAINT. & GEN. OPERATION		
18	(A) OPER. EXPENSE	\$ 44,428	\$ 44,428
19	(B) CONF. & TRVL.	3,464	3,464
20	(C) PROF. FEES	1,155	1,155
21	(D) CAP. OUTLAY	0	0
22	(E) DATA PROC.	<u>0</u>	<u>0</u>
23	TOTAL MAINT. & GEN. OPER.	<u>49,047</u>	<u>49,047</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 137,896</u>	<u>\$ 140,684</u>

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26 SECTION 3. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
27 this Act for Maintenance and General Operation shall be expended in payment  
28 for services of attorneys, unless the agency shall first make a request in  
29 writing to the Attorney General of the State of Arkansas to provide the  
30 required legal services. The Attorney General's Office shall provide the  
31 requested legal services, or, if the Attorney General's Office shall determine  
32 that sufficient personnel are not available to provide the requested legal  
33 services, the Attorney General shall certify the same to the agency and may  
34 authorize the agency to employ legal counsel and to expend monies appropriated  
35 for Maintenance and General Operations therefor, if:

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

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

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

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

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

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

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34           SECTION 7. SEVERABILITY. If any provision of this Act or the  
35 application thereof to any person or circumstance is held invalid, such

1 invalidity shall not affect other provisions or applications of the Act which  
2 can be given effect without the invalid provision or application, and to this  
3 end the provisions of this Act are declared to be severable.

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

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8       SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the  
9 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas  
10 prohibits the appropriation of funds for more than a two (2) year period; that  
11 the effectiveness of this Act on July 1, 1993 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the Regular Session, the delay in the effective  
14 date of this Act beyond July 1, 1993 could work irreparable harm upon the  
15 proper administration and provision of essential governmental programs.  
16 Therefore, an emergency is hereby declared to exist and this Act being  
17 necessary for the immediate preservation of the public peace, health and  
18 safety shall be in full force and effect from and after July 1, 1993.

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