

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.

Act 15 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 34

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE STATE
11 BOARD OF EMBALMERS AND FUNERAL DIRECTORS FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE STATE BOARD OF EMBALMERS
17 AND FUNERAL DIRECTORS APPROPRIATION FOR
18 THE 2005-2007 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
25 the State Board of Embalmers and Funeral Directors for the 2005-2007
26 biennium, the following maximum number of regular employees whose salaries
27 shall be governed by the provisions of the Uniform Classification and
28 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
29 all laws amendatory thereto. Provided, however, that any position to which a
30 specific maximum annual salary is set out herein in dollars, shall be exempt
31 from the provisions of said Uniform Classification and Compensation Act. All
32 persons occupying positions authorized herein are hereby governed by the
33 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
34 Code §21-5-101), or its successor.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
1	7219	E & F BD INSPECTOR	1	\$43,165	\$44,459
2	7212	BD OF EMBALM & FUNERAL DIR INVEST	1	\$28,232	\$29,078
3	7221	E & F BD BOOKKEEPER I	<u>1</u>	\$6,288	\$6,888
4	MAX. NO. OF EMPLOYEES		3		

SECTION 2. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the State Board of Embalmers and Funeral Directors, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the State Board of Embalmers and Funeral Directors, for personal services and operating expenses of the State Board of Embalmers and Funeral Directors for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 77,685	\$ 80,425
(02) PERSONAL SERVICES MATCHING	26,124	26,640
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	66,185	66,185
(B) CONF. & TRAVEL	4,764	4,764
(C) PROF. FEES	4,105	4,105
(D) CAP. OUTLAY	6,000	0
(E) DATA PROC.	<u>1,500</u>	<u>1,500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 186,363</u>	<u>\$ 183,619</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

1 paid during the first quarter of each fiscal year via fund transfer.

2 The provisions of this section shall be in effect only from July 1, 2003
 3 2005 through June 30, ~~2005~~ 2007.

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

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

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

19 Such certification shall be required with respect to each instance of the
 20 employment of special legal counsel, or shall be required annually with
 21 respect to legal counsel employed on a retainer basis. A copy of such
 22 certification shall be entered in the official minutes of the agency, and
 23 shall be retained in the fiscal records of the agency for audit purposes.
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25 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 26 by this act shall be limited to the appropriation for such agency and funds
 27 made available by law for the support of such appropriations; and the
 28 restrictions of the State Procurement Law, the General Accounting and
 29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 30 Procedures and Restrictions Act, or their successors, and other fiscal
 31 control laws of this State, where applicable, and regulations promulgated by
 32 the Department of Finance and Administration, as authorized by law, shall be
 33 strictly complied with in disbursement of said funds.
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35 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
 36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations
3 and Legislative Recommendations contained in the budget manuals prepared by
4 the Department of Finance and Administration, letters, or summarized oral
5 testimony in the official minutes of the Arkansas Legislative Council or
6 Joint Budget Committee which relate to its passage and adoption.

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8 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a two (2) year period; that the
11 effectiveness of this Act on July 1, 2005 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, 2005 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, 2005.

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22 APPROVED: 1/25/2005
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