

1 State of Arkansas
2 79th General Assembly
3 Regular Session, 1993
4 By: Joint Budget Committee

A Bill

ACT 123 OF 1993
SENATE BILL 210

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 &
15 FUNERAL 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 maximum
21 number of regular employees whose salaries shall be governed by the provisions of the Uniform
22 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
23 all laws amendatory thereto. Provided, however, that any position to which a specific
24 maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said
25 Uniform Classification and Compensation Act. All persons occupying positions authorized
26 herein are hereby governed by the provisions of the Regular Salaries Procedures and
27 Restrictions Act (Arkansas Code §21-5-101), or its successor.

		Maximum Annual	
		Maximum Salary Rate	
Item Class	No. of	Fiscal Years	
No. Code Title	Employees	1993-94	1994-95
(1) 7219 E & F BD INSPECTOR	1	\$ 26,152	\$ 27,067
(2) 7212 BD OF EMBALM & FUNERAL DIR INVEST	1	\$ 22,000	\$ 22,770
(3) 7220 E & F BD SECRETARY	1	\$ 13,694	\$ 14,173
(4) 7221 E & F BD BOOKKEEPER I	<u>1</u>	\$ 5,886	\$ 6,092

1 **MAX NO. OF EMPLOYEES 4**

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

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

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

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

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

35 **Such certification shall be required with respect to each instance of the employment of**

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

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

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

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

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

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31 **SECTION 8. GENERAL REPEALER.** All laws and parts of laws in conflict with
32 this Act are hereby repealed.

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34 **SECTION 9. EMERGENCY CLAUSE.** It is hereby found and determined by the
35 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the

1 **appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on**
2 **July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act**
3 **are provided, and that in the event of an extension of the Regular Session, the delay in the**
4 **effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper**
5 **administration and provision of essential governmental programs. Therefore, an emergency is**
6 **hereby declared to exist and this Act being necessary for the immediate preservation of the**
7 **public peace, health and safety shall be in full force and effect from and after July 1, 1993.**

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APPROVED: 02/15/93