

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Joint Budget Committee**

# A Bill

**ACT 646 OF 1995**  
**SENATE BILL 231**

## 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 1997; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE STATE BOARD OF EMBALMERS  
15 & FUNERAL DIRECTORS APPROPRIATION FOR  
16 THE 1995-97 BIENNIUM."

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

20 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
21 Board of Embalmers & Funeral Directors for the 1995-97 biennium, the following  
22 maximum number of regular employees whose salaries shall be governed by the  
23 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
24 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
25 Provided, however, that any position to which a specific maximum annual salary  
26 is set out herein in dollars, shall be exempt from the provisions of said  
27 Uniform Classification and Compensation Act. All persons occupying positions  
28 authorized herein are hereby governed by the provisions of the Regular  
29 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
30 successor.

Item	Class	No. of	Maximum Annual		
			Employees	Salary Rate	
No.	Code	Title	1995-96	1996-97	
36	(1)	7219 E & F BD INSPECTOR	1	\$ 31,500	\$ 32,288

1	(2) 7212 BD OF EMBALM & FUNERAL DIR INVEST	1	\$ 20,605	\$ 21,120
2	(3) 7221 E & F BD BOOKKEEPER I	<u>1</u>	\$ 3,608	\$ 3,698
3	MAX NO. OF EMPLOYEES	3		

4

5 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State

6 Board of Embalmers & Funeral Directors, to be payable from cash funds as

7 defined by Arkansas Code 19-4-801 of the State Board of Embalmers & Funeral

8 Directors, for personal services and operating expenses of the State Board of

9 Embalmers & Funeral Directors for the biennial period ending June 30, 1997,

10 the following:

12	ITEM	FISCAL YEARS	
13	<del>NO.</del>	<del>1995-96</del>	<del>1996-97</del>
14	(01) REGULAR SALARIES	\$ 55,713	\$ 55,713
15	(02) PERSONAL SERV MATCHING	6,891	6,891
16	(03) MAINT. & GEN. OPERATION		
17	(A) OPER. EXPENSE \$	44,428	\$ 44,428
18	(B) CONF. & TRVL.	3,464	3,464
19	(C) PROF. FEES	22,747	22,747
20	(D) CAP. OUTLAY	2,000	2,000
21	(E) DATA PROC.	<u>0</u>	<u>0</u>
22	TOTAL MAINT. & GEN. OPER.	<u>72,639</u>	<u>72,639</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 135,243</u>	<u>\$ 135,243</u>

24

25 SECTION 3. Arkansas Code §17-26-201(f) is hereby amended to read as

26 follows:

27 (f) The board may, by a majority vote of the total membership, at the

28 first regularly scheduled meeting of each calendar year, authorize expense

29 reimbursement for the board members to perform official duties of the board

30 and such expense reimbursement shall not exceed the rate established for state

31 employees in the state travel regulations.

32

33 SECTION 4. In order to implement the consolidation of certain

34 administrative activities between the State Board of Embalmers & Funeral

35 Directors and the Arkansas Burial Association board, the maximum annual salary

1 rate for the position of Burial Board Executive Director shall be \$44,000 for  
2 the 1995-96 fiscal year and \$45,100 for the 1996-97 fiscal year, the maximum  
3 annual salary rate for the position of Burial Board Secretary shall be \$24,000  
4 for the 1995-96 fiscal year and \$24,600 for the 1996-97 fiscal year. Such  
5 maximum annual salary rates shall be in lieu of those set out in Act 44 of  
6 1995 for the same positions.

7

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

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

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

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

27

28 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
29 authorized by this Act shall be limited to the appropriation for such agency  
30 and funds made available by law for the support of such appropriations; and  
31 the restrictions of the State Purchasing Law, the General Accounting and  
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
33 Procedures and Restrictions Act, or their successors, and other fiscal control  
34 laws of this State, where applicable, and regulations promulgated by the  
35 Department of Finance and Administration, as authorized by law, shall be

1 strictly complied with in disbursement of said funds.

2

3           SECTION 7. LEGISLATIVE INTENT. It is the intent of the General  
4 Assembly that any funds disbursed under the authority of the appropriations  
5 contained in this Act shall be in compliance with the stated reasons for which  
6 this Act was adopted, as evidenced by the Agency Requests, Executive  
7 Recommendations and Legislative Recommendations contained in the budget  
8 manuals prepared by the Department of Finance and Administration, letters, or  
9 summarized oral testimony in the official minutes of the Arkansas Legislative  
10 Council or Joint Budget Committee which relate to its passage and adoption.

11

12           SECTION 8. CODE. All provisions of this Act of a general and permanent  
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
14 Code Revision Commission shall incorporate the same in the Code.

15

16           SECTION 9. SEVERABILITY. If any provision of this Act or the  
17 application thereof to any person or circumstance is held invalid, such  
18 invalidity shall not affect other provisions or applications of the Act which  
19 can be given effect without the invalid provision or application, and to this  
20 end the provisions of this Act are declared to be severable.

21

22           SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict  
23 with this Act are hereby repealed.

24

25           SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the  
26 Eightieth General Assembly, that the Constitution of the State of Arkansas  
27 prohibits the appropriation of funds for more than a two (2) year period; that  
28 the effectiveness of this Act on July 1, 1995 is essential to the operation of  
29 the agency for which the appropriations in this Act are provided, and that in  
30 the event of an extension of the Regular Session, the delay in the effective  
31 date of this Act beyond July 1, 1995 could work irreparable harm upon the  
32 proper administration and provision of essential governmental programs.  
33 Therefore, an emergency is hereby declared to exist and this Act being  
34 necessary for the immediate preservation of the public peace, health and  
35 safety shall be in full force and effect from and after July 1, 1995.

***As Engrossed: 2/22/95 3/13/95***

**SB 231**

1

*/s/Russ*

2

3

APPROVED: 3-15-95