

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

Act 21 of 2001
SENATE BILL 136

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE BURIAL ASSOCIATION
11 BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2003;
12 AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE BURIAL ASSOCIATION
16 BOARD APPROPRIATION FOR THE 2001-2003
17 BIENNIAL PERIOD.
18
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the Burial
24 Association Board for the 2001-2003 biennium, the following maximum number of
25 regular employees whose salaries shall be governed by the provisions of the
26 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
27 seq.), or its successor, and all laws amendatory thereto. Provided, however,
28 that any position to which a specific maximum annual salary is set out herein
29 in dollars, shall be exempt from the provisions of said Uniform Classification
30 and Compensation Act. All persons occupying positions authorized herein are
31 hereby governed by the provisions of the Regular Salaries Procedures and
32 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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|----|------------|---------|----------------|
| 34 | | | Maximum Annual |
| 35 | | Maximum | Salary Rate |
| 36 | Item Class | No. of | Fiscal Years |

| No. | Code | Title | Employees | 2001-2002 | 2002-2003 |
|-----|------|-------------------------------|-----------|-----------|-----------|
| (1) | 7124 | BURIAL BD EXECUTIVE SECRETARY | 1 | \$57,482 | \$58,976 |
| (2) | 7125 | BURIAL BD AUDITOR | 1 | \$37,937 | \$38,923 |
| (3) | 7126 | BURIAL BD SECRETARY | <u>1</u> | \$29,505 | \$30,272 |
| | | MAX. NO. OF EMPLOYEES | 3 | | |

SECTION 2. APPROPRIATION. There is hereby appropriated, to the Burial Association Board, to be payable from the cash funds as defined by Arkansas Code 19-4-801, for personal services and operating expenses of the Burial Association Board for the biennial period ending June 30, 2003, the following:

| ITEM NO. | FISCAL YEARS | |
|------------------------------|-------------------|-------------------|
| | 2001-2002 | 2002-2003 |
| (01) REGULAR SALARIES | \$ 124,924 | \$ 128,171 |
| (02) PERSONAL SERV MATCHING | 31,015 | 31,593 |
| (03) MAINT. & GEN. OPERATION | | |
| (A) OPER. EXPENSE | 27,432 | 27,432 |
| (B) CONF. & TRAVEL | 0 | 0 |
| (C) PROF. FEES | 1,500 | 1,500 |
| (D) CAP. OUTLAY | 0 | 0 |
| (E) DATA PROC. | <u>0</u> | <u>0</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 184,871</u> | <u>\$ 188,696</u> |

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

1 legal counsel to be retained by the agency.

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

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 8 SECTION 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 9 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
 10 appropriations as provided in this Act, the agency disbursing officer shall
 11 monitor the level of fund balances in relation to expenditures on a monthly
 12 basis. If any proposed expenditures would cause a fund balance to decline to
 13 less than fifty percent (50%) of the balance available on July 1, 2001, the
 14 disbursing officer shall immediately notify the executive head of the agency.

15 Prior to any obligations being made under these circumstances, the agency
 16 head shall file written documentation with the Chief Fiscal Officer of the
 17 State requesting approval of the expenditures. Such documentation shall
 18 provide sufficient financial data to justify the expenditures and shall
 19 include the following:

- 20 1) a plan that clearly indicates the specific fiscal impact of such
 21 expenditures on the fund balance.
- 22 2) information clearly indicating and explaining what programs would be cut or
 23 any other measures to be taken by the agency to restore the fund balance.
- 24 3) the extent to which any of the planned expenditures are for one-time costs
 25 or one-time purchase of capitalized items.
- 26 4) a statement certifying that the expenditure of fund balances will not
 27 jeopardize the financial health of the agency, nor result in a permanent
 28 depletion of the fund balance.

29 (B) The Chief Fiscal Officer of the State shall review the request and
 30 approve or disapprove all or any part of the request, after having sought
 31 prior review by the Legislative Council.

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 33 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
 34 this act shall be limited to the appropriation for such agency and funds made
 35 available by law for the support of such appropriations; and the restrictions
 36 of the State Purchasing Law, the General Accounting and Budgetary Procedures

1 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
 2 Restrictions Act, or their successors, and other fiscal control laws of this
 3 State, where applicable, and regulations promulgated by the Department of
 4 Finance and Administration, as authorized by law, shall be strictly complied
 5 with in disbursement of said funds.

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

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 16 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
 17 Assembly, that the Constitution of the State of Arkansas prohibits the
 18 appropriation of funds for more than a two (2) year period; that the
 19 effectiveness of this Act on July 1, 2001 is essential to the operation of the
 20 agency for which the appropriations in this Act are provided, and that in the
 21 event of an extension of the Regular Session, the delay in the effective date
 22 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
 23 administration and provision of essential governmental programs. Therefore, an
 24 emergency is hereby declared to exist and this Act being necessary for the
 25 immediate preservation of the public peace, health and safety shall be in full
 26 force and effect from and after July 1, 2001.

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 30 APPROVED: 1/29/2001
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