

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 231

4 By: Joint Budget Committee
5
6

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

12
13 "AN ACT FOR THE STATE BOARD OF EMBALMERS
14 & FUNERAL DIRECTORS APPROPRIATION FOR
15 THE 1995-97 BIENNIUM."
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. REGULAR SALARIES. There is hereby established for the
21 State Board of Embalmers & Funeral Directors for the 1995-97 biennium, the
22 following maximum number of regular employees whose salaries shall be
23 governed by the provisions of the Uniform Classification and Compensation Act
24 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
25 thereto. Provided, however, that any position to which a specific maximum
26 annual salary is set out herein in dollars, shall be exempt from the
27 provisions of said Uniform Classification and Compensation Act. All persons
28 occupying positions authorized herein are hereby governed by the provisions
29 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
30 101), or its successor.
31

		Maximum Annual			
		Maximum	Salary Rate		
Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	1995-96	1996-97

1	(1) 7219 E & F BD INSPECTOR	1	\$ 31,500	\$
2	32,288			
3	(2) 7212 BD OF EMBALM & FUNERAL DIR INVEST	1	\$ 20,605	\$
4	21,120			
5	(3) 7221 E & F BD BOOKKEEPER I	<u>1</u>	\$ 3,608	\$
6	3,698			
7	MAX NO. OF EMPLOYEES	3		

9 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the State
10 Board of Embalmers & Funeral Directors, to be payable from cash funds as
11 defined by Arkansas Code 19-4-801 of the State Board of Embalmers & Funeral
12 Directors, for personal services and operating expenses of the State Board of
13 ~~Embalmers & Funeral Directors for the biennial period ending June 30, 1997,~~
14 the following:

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

33 SECTION 3. Arkansas Code §17-26-201(f) is hereby amended to read as
34 follows:

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

1 *first regularly scheduled meeting of each calendar year, authorize expense*
2 *reimbursement for the board members to perform official duties of the board*
3 *and such expense reimbursement shall not exceed the rate established for*
4 *state employees in the state travel regulations.*

5

6 *SECTION 4. In order to implement the consolidation of certain*
7 *administrative activities between the State Board of Embalmers & Funeral*
8 *Directors and the Arkansas Burial Association board, the maximum annual*
9 *salary rate for the position of Burial Board Executive Director shall be*
10 *\$44,000 for the 1995-96 fiscal year and \$45,100 for the 1996-97 fiscal year,*
11 *the maximum annual salary rate for the position of Burial Board Secretary*
12 *shall be \$24,000 for the 1995-96 fiscal year and \$24,600 for the 1996-97*
13 *fiscal year. Such maximum annual salary rates shall be in lieu of those set*
14 *out in Act 44 of 1995 for the same positions.*

15

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

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

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

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

35

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

10

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

19

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

23

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

29

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

32

33 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by
34 the Eightieth General Assembly, that the Constitution of the State of
35 Arkansas prohibits the appropriation of funds for more than a two (2) year

1 period; that the effectiveness of this Act on July 1, 1995 is essential to
2 the operation of the agency for which the appropriations in this Act are
3 provided, and that in the event of an extension of the Regular Session, the
4 delay in the effective date of this Act beyond July 1, 1995 could work
5 irreparable harm upon the proper administration and provision of essential
6 governmental programs. Therefore, an emergency is hereby declared to exist
7 and this Act being necessary for the immediate preservation of the public
8 peace, health and safety shall be in full force and effect from and after
9 July 1, 1995.

10
11

/s/Russ