

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 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.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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.  
35  
36

Maximum Annual



| Item | Class                                  | Maximum          | Salary Rate  |           |
|------|--|------------------|--------------|-----------|
| No.  | Code Title                             | No. of Employees | Fiscal Years |           |
|      |  |                  | 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   |
|      | 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                            | FISCAL YEARS      |                   |
|---------------------------------|-------------------|-------------------|
| NO.                             | 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 paid during the first quarter of each fiscal year via fund transfer.

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

3  
 4 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 5 this Act for Maintenance and General Operation shall be expended in payment  
 6 for services of attorneys, unless the agency shall first make a request in  
 7 writing to the Attorney General of the State of Arkansas to provide the  
 8 required legal services. The Attorney General's Office shall provide the  
 9 requested legal services, or, if the Attorney General's Office shall  
 10 determine that sufficient personnel are not available to provide the  
 11 requested legal services, the Attorney General shall certify the same to the  
 12 agency and may authorize the agency to employ legal counsel and to expend  
 13 monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

24 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 25 by this act shall be limited to the appropriation for such agency and funds  
 26 made available by law for the support of such appropriations; and the  
 27 restrictions of the State Procurement Law, the General Accounting and  
 28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 29 Procedures and Restrictions Act, or their successors, and other fiscal  
 30 control laws of this State, where applicable, and regulations promulgated by  
 31 the Department of Finance and Administration, as authorized by law, shall be  
 32 strictly complied with in disbursement of said funds.  
 33

34 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 35 that any funds disbursed under the authority of the appropriations contained  
 36 in this act shall be in compliance with the stated reasons for which this act

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

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7 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
8 Assembly, that the Constitution of the State of Arkansas prohibits the  
9 appropriation of funds for more than a two (2) year period; that the  
10 effectiveness of this Act on July 1, 2005 is essential to the operation of  
11 the agency for which the appropriations in this Act are provided, and that in  
12 the event of an extension of the Regular Session, the delay in the effective  
13 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
14 proper administration and provision of essential governmental programs.  
15 Therefore, an emergency is hereby declared to exist and this Act being  
16 necessary for the immediate preservation of the public peace, health and  
17 safety shall be in full force and effect from and after July 1, 2005.