

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

As Engrossed: H3/15/05

A Bill

HOUSE BILL 1059

4
5 By: Joint Budget Committee
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7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR OPERATING
10 EXPENSES FOR THE ARKANSAS CEMETERY BOARD FOR THE
11 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS CEMETERY BOARD
16 APPROPRIATION FOR THE 2005-2007
17 BIENNIUM.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
24 the Arkansas Cemetery Board, to be payable from the cash fund deposited in
25 the State Treasury as determined by the Chief Fiscal Officer of the State,
26 for operating expenses of the Arkansas Cemetery Board for the biennial period
27 ending June 30, 2007, the following:
28

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 90,327	\$ 90,327
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0



1	(02) LOANS	<u>50,000</u>	<u>9,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 140,327</u>	<u>\$ 99,327</u>

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4 *SECTION 2. APPROPRIATION - LOANS. There is hereby appropriated, to the*
5 *Arkansas Cemetery Board, to be payable from the General Improvement Fund or*
6 *its successor fund or fund accounts, for loans to court appointed receivers*
7 *or conservators of the Arkansas Cemetery Board for the biennial period ending*
8 *June 30, 2007, the following:*

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10	<i>ITEM</i>	<i>FISCAL YEARS</i>	
11	<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
12	<i>(01) LOANS</i>	<u><i>\$ 50,000</i></u>	<u><i>\$ 50,000</i></u>

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

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

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

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

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34 *SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized*
35 *by this act shall be limited to the appropriation for such agency and funds*
36 *made available by law for the support of such appropriations; and the*

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

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

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17 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
18 Assembly, that the Constitution of the State of Arkansas prohibits the
19 appropriation of funds for more than a two (2) year period; that the
20 effectiveness of this Act on July 1, 2005 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the Regular Session, the delay in the effective
23 date of this Act beyond July 1, 2005 could work irreparable harm upon the
24 proper administration and provision of essential governmental programs.
25 Therefore, an emergency is hereby declared to exist and this Act being
26 necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after July 1, 2005.

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29 /s/ Joint Budget Committee
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