

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.

**Act 2311 of the Regular Session**

*As Engrossed: H4/4/05 H4/6/05 H4/11/05*

**A Bill**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 2180

4  
5 By: Joint Budget Committee  
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**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 MOTOR VEHICLE COMMISSION FOR THE BIENNIAL PERIOD  
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.  
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14

**Subtitle**

15 AN ACT FOR THE ARKANSAS MOTOR VEHICLE  
16 COMMISSION APPROPRIATION FOR THE  
17 2005-2007 BIENNIUM.  
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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 Arkansas  
24 Motor Vehicle Commission for the 2005-2007 biennium, the following maximum  
25 number of regular employees whose salaries shall be governed by the  
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual  
29 salary is set out herein in dollars, shall be exempt from the provisions of  
30 said Uniform Classification and Compensation Act. All persons occupying  
31 positions authorized herein are hereby governed by the provisions of the  
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
33 or its successor.  
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Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2005-2006	Salary Rate Fiscal Years 2006-2007
4	(1) 7136	MOTOR VEHICLE COMM DIRECTOR	1	\$62,678	\$64,418
5	(2) 9026	MOTOR VEHICLE COMMUN/FISCAL MGR	1	\$37,268	\$38,386
6	(3) 038X	MOTOR VEHICLE LICENSE SUPERVISOR	1	\$36,500	\$37,595
7	(4) 7138	MOTOR VEHICLE COMM SECRETARY	1	\$34,706	\$35,747
8	(5) 039X	MOTOR VEHICLE INVESTIGATOR	2	\$30,000	\$30,900
9	(6) 7239	MOTOR VEHICLE LICENSING AGENT	<u>1</u>	\$24,242	\$24,969
10	MAX. NO. OF EMPLOYEES		7		

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12 SECTION 2. APPROPRIATION. There is hereby appropriated, to the Arkansas  
 13 Motor Vehicle Commission, to be payable from the Motor Vehicle Commission  
 14 Fund, for personal services and operating expenses of the Arkansas Motor  
 15 Vehicle Commission for the biennial period ending June 30, 2007, the  
 16 following:

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ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
20	(01) REGULAR SALARIES	\$ 263,237	\$ 270,958
21	(02) PERSONAL SERV MATCHING	76,368	77,819
22	(03) MAINT. & GEN. OPERATION		
23	(A) OPER. EXPENSE	165,447	163,697
24	(B) CONF. & TRAVEL	5,000	5,000
25	(C) PROF. FEES	9,661	9,661
26	(D) CAP. OUTLAY	85,000	35,000
27	(E) DATA PROC.	<u>0</u>	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 604,713</u>	<u>\$ 562,135</u>

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30 SECTION 3. Arkansas Code § 23-112-201 is amended to read as follows:  
 31 23-112-201. Arkansas Motor Vehicle Commission - Creation - Members -  
 32 Officers.

33 (a) There is created the Arkansas Motor Vehicle Commission, hereinafter  
 34 referred to as the commission, to be composed of nine (9) members to be  
 35 appointed by the Governor for terms of seven (7) years, subject to  
 36 confirmation by the Senate.

1 (b)(1) One (1) commissioner shall be appointed from each of the four (4)  
2 congressional districts of the state as constituted July 1, 1975, and five  
3 (5) members of the commission, including the consumer representative and the  
4 representative of the elderly, shall be appointed from the state at large.

5 (2)(A) Four (4) members of the commission shall be licensees or shall  
6 be qualified as licensees under the provisions of this chapter at the time of  
7 their appointment.

8 (B) Five (5) members of the commission shall be appointed from the  
9 public at large, including the consumer representative and the representative  
10 of the elderly.

11 (C) No more than four (4) members of the commission shall at any  
12 time be licensees under this chapter, ~~or~~ have any financial interest in, or  
13 be an officer or an employee of, a licensee of this chapter, or be employed  
14 by or own a business or organization that directly or indirectly profits from  
15 the sale of new motor vehicles and at least one (1) of them shall be licensed  
16 as a dealer of franchise motorcycles.

17 (3)(A) The consumer representative and the representative of the  
18 elderly shall not be actively engaged in or retired from the businesses  
19 regulated by this chapter.

20 (B) The two (2) positions may not be held by the same person.

21 (C) Both shall be full voting members.

22 (D) The representative of the elderly shall:

23 (i) ~~be~~ Be sixty (60) years of age or older;

24 (ii) Not be employed by or own any business or organization that  
25 directly or indirectly profits from the sale of new motor vehicles; and

26 (iii) Only have experiences with the sale of a new motor vehicle  
27 as a consumer.

28 (E) The consumer representative shall:

29 (i) Not be employed by or own any business or organization that  
30 directly or indirectly profits from the sale of new motor vehicles; and

31 (ii) Only have experiences with the sale of a new motor vehicle  
32 as a consumer.

33 (4) Each of the members appointed shall be a citizen of the United  
34 States, a resident of the State of Arkansas, and a qualified elector of the  
35 jurisdiction from which appointed, and each shall be of good moral character.

36 (c) In the event a vacancy on the commission occurs due to death,

1 resignation, or other reason, the vacancy shall be filled for the unexpired  
2 portion of the term by appointment of the Governor, subject to confirmation  
3 by the Senate, of a person meeting the same qualifications required for the  
4 initial appointment.

5 (d) Each commission member shall serve until his or her successor is  
6 appointed and qualified.

7 (e) The commission shall select by majority vote of its members one (1)  
8 of its members as a chair, one (1) as a vice chair, and one (1) as a  
9 secretary.

10 (f)(1) The Chair of the Arkansas Motor Vehicle Commission and members of  
11 the commission may receive expense reimbursement and stipends in accordance  
12 with § 25-16-901 et seq.

13 (2) The chair shall require itemized statements of all reimbursable  
14 expenses and shall audit the statements or cause them to be audited before  
15 approving them for payment.

16

17 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Executive  
19 Director - Employees - Office.

20 (a)(1)(A) The Arkansas Motor Vehicle Commission shall appoint a qualified  
21 person to serve as executive director of the commission, shall fix his or her  
22 salary, and shall define and prescribe the duties.

23 (b)(i) The commission shall not dismiss the executive director if the  
24 only basis for the dismissal is verbal or written statements or comments made  
25 by the executive director before a legislative committee or subcommittee with  
26 which one (1) or more members of the commission disagree.

27 (2) The Executive Director of the Arkansas Motor Vehicle Commission  
28 shall be in charge of the commission's office and shall devote such time to  
29 the duties thereof as may be necessary.

30 (3) The duties shall include, but shall not be limited to, the  
31 collection of all fees and charges under the provisions of this chapter,  
32 keeping a record of all proceedings of the commission, and keeping an  
33 accurate account of all moneys received and disbursed by the commission, all  
34 of which records shall be considered as public records.

35 (b) The commission may employ such clerical and professional help and  
36 incur such expenses as may be reasonably necessary for the proper discharge

1 of its duties under this chapter.

2 (c) Except as provided in this chapter, the commission shall maintain its  
3 office and transact its business at Little Rock.

4 (d) The provisions of this section shall be in effect only upon passage  
5 and approval of this bill through June 30, 2007.

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

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

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26 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General  
27 Assembly, that the Constitution of the State of Arkansas prohibits the  
28 appropriation of funds for more than a two (2) year period; that the  
29 effectiveness of this Act on July 1, 2005 is essential to the operation of  
30 the agency for which the appropriations in this Act are provided; with the  
31 exception that Section 4 in this Act shall be in full force and effect from  
32 and after the date of its passage and approval, and that in the event of an  
33 extension of the Regular Session, the delay in the effective date of this Act  
34 beyond July 1, 2005, with the exception that Section 4 in this Act shall be  
35 in full force and effect from and after the date of its passage and approval,  
36 could work irreparable harm upon the proper administration and provision of

1 essential governmental programs. Therefore, an emergency is hereby declared  
2 to exist and this Act being necessary for the immediate preservation of the  
3 public peace, health and safety shall be in full force and effect from and  
4 after July 1, 2005; with the exception that Section 4 in this Act shall be in  
5 full force and effect from and after the date of its passage and approval.

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7 /s/ Joint Budget Committee

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10 APPROVED: 4/14/2005  
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