

Stricken language will be deleted and underlined language will be added.
Act 1061 of the Regular Session

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/3/11
A Bill

SENATE BILL 25

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS TOWING AND
10 RECOVERY BOARD FOR THE FISCAL YEAR ENDING JUNE 30,
11 2012; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE ARKANSAS TOWING AND RECOVERY
16 BOARD APPROPRIATION FOR THE 2011-2012
17 FISCAL YEAR.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Arkansas Towing and Recovery Board for the 2011-2012 fiscal year, the
24 following maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) X147C	AR TOWING & RECOVERY BOARD DIRECTOR	1	GRADE C115
31	(2) X170C	AR TOWING & RECOVERY BD INVESTIGATO	1	GRADE C113
32	(3) C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
33		MAX. NO. OF EMPLOYEES	3	

34
35 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
36 the Arkansas Towing and Recovery Board for the 2011-2012 fiscal year, the



1 following maximum number of part-time or temporary employees, to be known as
 2 "Extra Help", payable from funds appropriated herein for such purposes: one
 3 (1) temporary or part-time employees, when needed, at rates of pay not to
 4 exceed those provided in the Uniform Classification and Compensation Act, or
 5 its successor, or this act for the appropriate classification.

6
 7 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 8 to the Arkansas Towing and Recovery Board, to be payable from cash funds as
 9 defined by Arkansas Code 19-4-801 of the Arkansas Towing and Recovery Board,
 10 for personal services and operating expenses of the Arkansas Towing and
 11 Recovery Board for the fiscal year ending June 30, 2012, the following:

13 ITEM	FISCAL YEAR
14 NO.	2011-2012
15 (01) REGULAR SALARIES	\$89,695
16 (02) EXTRA HELP	10,000
17 (03) PERSONAL SERVICES MATCHING	32,082
18 (04) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	42,840
20 (B) CONF. & TRAVEL	0
21 (C) PROF. FEES	7,200
22 (D) CAP. OUTLAY	0
23 (E) DATA PROC.	<u>0</u>
24 TOTAL AMOUNT APPROPRIATED	<u>\$181,817</u>

25
 26 SECTION 4. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 27-50-
 27 1201 is amended to read as follows:

28 27-50-1201. Applicability.

29 (a) ~~The provisions of this subchapter~~ This subchapter shall apply to
 30 ~~any person, firm, organization, or other entity~~ applies to a person:

31 (1) engaged ~~Engaged~~ in the towing or storage of vehicles in the
 32 State of Arkansas; and

33 (2) That is hired to tow or store the vehicle.

34 (b) ~~The provisions of this subchapter shall~~ This subchapter does not
 35 apply to the following tow vehicles and related equipment:

36 (1) Car carriers capable of carrying five (5) or more vehicles

1 ~~and which~~ that have federal Interstate Commerce Commission authority;

2 (2) ~~Tow~~ vehicles owned by a governmental entity and not used for
3 commercial purposes; and

4 (3) ~~Tow~~ If in compliance with § 27-35-112, tow vehicles that
5 are;

6 (A) ~~registered~~ Registered in another state;

7 (B) ~~operating~~ Operating under federal Interstate Commerce
8 Commission authority; and

9 (C) ~~which do not regularly do business or solicit~~ Not
10 regularly doing business or soliciting business in the State of Arkansas.

11 ~~However, any tow vehicle for which this exemption is claimed must be in~~
12 ~~compliance with § 27-35-112.~~

13
14 SECTION 5. 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
25 such 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
29 the 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.

33
34 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

1 the 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.

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

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17 SECTION 8. 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 one (1) year period; that the
20 effectiveness of this Act on July 1, 2011 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 legislative session, the delay in the
23 effective date of this Act beyond July 1, 2011 could work irreparable harm
24 upon the proper administration and provision of essential governmental
25 programs. Therefore, an emergency is hereby declared to exist and this Act
26 being necessary for the immediate preservation of the public peace, health
27 and safety shall be in full force and effect from and after July 1, 2011.

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29 /s/Joint Budget Committee

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32 **APPROVED: 04/04/2011**