

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Joint Budget Committee**

# A Bill

**ACT 6 OF 1995**  
**HOUSE BILL 1043**

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND  
9 OPERATING EXPENSES FOR THE ARKANSAS TOWING AND RECOVERY  
10 BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1997; AND  
11 FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE ARKANSAS TOWING AND  
15 RECOVERY BOARD APPROPRIATION FOR THE  
16 1995-97 BIENNIUM."

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

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

Item	Class		Maximum No. of Employees	Maximum Annual Salary Rate	Fiscal Years
<del>No.</del>	<del>Code</del>	<del>Title</del>	<del>Employees</del>	<del>1995-96</del>	<del>1996-97</del>
36	(1)	8913 AT&RB ADMINISTRATIVE ASST II	<u>1</u>	\$ 18,394	\$ 18,853

1 MAX NO. OF EMPLOYEES 1

2

3 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the  
 4 Arkansas Towing and Recovery Board, to be payable from cash funds as defined  
 5 by Arkansas Code 19-4-801 of the Arkansas Towing and Recovery Board, for  
 6 personal services and operating expenses of the Arkansas Towing and Recovery  
 7 Board for the biennial period ending June 30, 1997, the following:

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9 ITEM	FISCAL YEARS	
10 <del>NO.</del>	<del>1995-96</del>	<del>1996-97</del>
11 (01) REGULAR SALARIES	\$ 17,946	\$ 17,946
12 (02) PERSONAL SERV MATCHING	6,058	6,058
13 (03) MAINT. & GEN. OPERATION		
14 (A) OPER. EXPENSE \$ 31,299	\$ 31,299	
15 (B) CONF. & TRVL. 0	0	
16 (C) PROF. FEES 2,500	2,500	
17 (D) CAP. OUTLAY 0	0	
18 (E) DATA PROC. 0	0	
19 TOTAL MAINT. & GEN. OPER.	<u>33,799</u>	<u>33,799</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 57,803</u>	<u>\$ 57,803</u>

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22 SECTION 3. BOARD MEMBER EXPENSES. The Board is to be reimbursed for  
 23 meals and lodging, and any other expenses necessary when conducting board  
 24 business, as well as being reimbursed for mileage at the rate allowed for  
 25 state employees. The Board Members will receive per diem at the rate of fifty  
 26 dollars (\$50) for conducting board business.

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28 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 29 this Act for Maintenance and General Operation shall be expended in payment  
 30 for services of attorneys, unless the agency shall first make a request in  
 31 writing to the Attorney General of the State of Arkansas to provide the  
 32 required legal services. The Attorney General's Office shall provide the  
 33 requested legal services, or, if the Attorney General's Office shall determine  
 34 that sufficient personnel are not available to provide the requested legal  
 35 services, the Attorney General shall certify the same to the agency and may

1 authorize the agency to employ legal counsel and to expend monies appropriated  
2 for Maintenance and General Operations therefor, if:

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

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

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

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

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

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32           SECTION 7. CODE. All provisions of this Act of a general and permanent  
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
34 Code Revision Commission shall incorporate the same in the Code.

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1 SECTION 8. SEVERABILITY. If any provision of this Act or the  
2 application thereof to any person or circumstance is held invalid, such  
3 invalidity shall not affect other provisions or applications of the Act which  
4 can be given effect without the invalid provision or application, and to this  
5 end the provisions of this Act are declared to be severable.

6  
7 SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict  
8 with this Act are hereby repealed.

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10 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
11 Eightieth General Assembly, that the Constitution of the State of Arkansas  
12 prohibits the appropriation of funds for more than a two (2) year period; that  
13 the effectiveness of this Act on July 1, 1995 is essential to the operation of  
14 the agency for which the appropriations in this Act are provided, and that in  
15 the event of an extension of the Regular Session, the delay in the effective  
16 date of this Act beyond July 1, 1995 could work irreparable harm upon the  
17 proper administration and provision of essential governmental programs.  
18 Therefore, an emergency is hereby declared to exist and this Act being  
19 necessary for the immediate preservation of the public peace, health and  
20 safety shall be in full force and effect from and after July 1, 1995.

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22 APPROVED: 1/23/95  
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