

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Joint Budget Committee

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# A Bill

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."

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## Subtitle

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

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

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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  
26 salary is set out herein in dollars, shall be exempt from the provisions of  
27 said Uniform Classification and Compensation Act. All persons occupying  
28 positions authorized herein are hereby governed by the provisions of the  
29 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
30 or its successor.

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Maximum Annual

Maximum Salary Rate

No. of Fiscal Years

Item Class

No. Code Title

Employees 1995-96 1996-97

1 (1) 8913 AT&RB ADMINISTRATIVE ASST II 1 \$ 18,394 \$  
 2 18,853

3 MAX NO. OF EMPLOYEES 1  
 4

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

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

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

33  
 34 SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 35 this Act for Maintenance and General Operation shall be expended in payment

1 for services of attorneys, unless the agency shall first make a request in  
2 writing to the Attorney General of the State of Arkansas to provide the  
3 required legal services. The Attorney General's Office shall provide the  
4 requested legal services, or, if the Attorney General's Office shall  
5 determine that sufficient personnel are not available to provide the  
6 requested legal services, the Attorney General shall certify the same to the  
7 agency and may authorize the agency to employ legal counsel and to expend  
8 monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

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

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29       SECTION 6. LEGISLATIVE INTENT. It is the intent of the General  
30 Assembly that any funds disbursed under the authority of the appropriations  
31 contained in this Act shall be in compliance with the stated reasons for  
32 which this Act was adopted, as evidenced by the Agency Requests, Executive  
33 Recommendations and Legislative Recommendations contained in the budget  
34 manuals prepared by the Department of Finance and Administration, letters, or  
35 summarized oral testimony in the official minutes of the Arkansas Legislative

1 Council or Joint Budget Committee which relate to its passage and adoption.

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

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

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13       SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict  
14 with this Act are hereby repealed.

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

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