

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
4

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

A Bill

HOUSE BILL 2180

5 By: Joint Budget Committee
6
7

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.
13
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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35 Maximum Annual
36 Maximum Salary Rate



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

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

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

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

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

(b)(1) One (1) commissioner shall be appointed from each of the four (4)

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

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

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

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

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

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

20 (C) Both shall be full voting members.

21 (D) The representative of the elderly shall:

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

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

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

27 (E) The consumer representative shall:

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

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

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

35 (c) In the event a vacancy on the commission occurs due to death,
36 resignation, or other reason, the vacancy shall be filled for the unexpired

1 portion of the term by appointment of the Governor, subject to confirmation
2 by the Senate, of a person meeting the same qualifications required for the
3 initial appointment.

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

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

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

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

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

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

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

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

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

34 (b) The commission may employ such clerical and professional help and
35 incur such expenses as may be reasonably necessary for the proper discharge
36 of its duties under this chapter.

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

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

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

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

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

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

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6 /s/ Joint Budget Committee
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