

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**

A BILL ACT 1154 OF 1991
HOUSE BILL 1259

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 26, CHAPTER 36, SUBCHAPTER 3 OF THE
9 ARKANSAS CODE OF 1987 TO ALLOW THE REVENUE DIVISION TO
10 COLLECT COSTS INCURRED IN SETOFFS FOR CLAIMANT AGENCIES;
11 AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code §26-36-316 is hereby amended to read as
16 follows:

17 "26-36-316. Disposition of proceeds collected.

18 (a) Upon effecting final setoff, the division shall periodically write
19 checks to the respective claimant agencies for the net proceeds collected on
20 their behalf.

21 (b)(1) For purposes of this subchapter, five percent (5%) of the
22 proceeds collected by the division through setoff shall represent the
23 division's cost of effecting setoff, and these costs shall be charged to the
24 respective claimant agency as a collection assistance fee.

25 (2) The collection assistance fees paid to the division shall be
26 deposited into the State Treasury for credit to the Constitutional and Fiscal
27 Agencies Fund."

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29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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6 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
7 Seventy-Eighth General Assembly that the effectiveness of this act on July 1,
8 1991 is essential to the operation of the all agencies within state and that
9 in the event of an extension of the Regular Session, the delay in the
10 effective date of this act beyond July 1, 1991 could work irreparable harm
11 upon the proper administration and provision of essential governmental
12 programs. Therefore, an emergency is hereby declared to exist and this act
13 being necessary for the immediate preservation of the public peace, health and
14 safety shall be in full force and effect from and after July 1, 1991.

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16 APPROVED: 4/9/91

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