

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Joint Budget Committee**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND  
9 OPERATING EXPENSES FOR THE STATE BOARD OF COLLECTION  
10 AGENCIES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1993; AND  
11 FOR OTHER PURPOSES."

12  
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14  
15 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
16 Board of Collection Agencies for the 1991-93 biennium, the following maximum  
17 number of regular employees whose salaries shall be governed by the provisions  
18 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201  
19 et seq.), or its successor, and all laws amendatory thereto. Provided,  
20 however, that any position to which a specific maximum annual salary is set  
21 out herein in dollars, shall be exempt from the provisions of said Uniform  
22 Classification and Compensation Act. All persons occupying positions  
23 authorized herein are hereby governed by the provisions of the Regular  
24 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
25 successor.

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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
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No.	Code	Title	Employees	1991-92	1992-93
31	(1) 7201	BD OF COLLECTION DIR-INVESTIGATOR	1	\$ 17,768	\$ 18,656
32	(2) 7202	BD OF COLLECTION CLERK/STENO	<u>1</u>	\$ 6,246	\$ 6,558
33		MAX NO. OF EMPLOYEES	2		

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35 SECTION 2. EXTRA HELP. There is hereby authorized, for the State

1 Board of Collection Agencies for the 1991-93 biennium, the following maximum  
2 number of part-time or temporary employees, to be known as "Extra Help",  
3 payable from funds appropriated herein for such purposes: One (1) temporary  
4 or part-time employees, when needed, at rates of pay not to exceed those  
5 provided in the Uniform Classification and Compensation Act, or its successor,  
6 for the appropriate classification.

7

8 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the State  
9 Board of Collection Agencies, to be payable from cash funds as defined by  
10 Arkansas Code 19-4-801 of the State Board of Collection Agencies, for  
11 personal services and operating expenses of the State Board of Collection  
12 Agencies for the biennial period ending June 30, 1993, the following:

13

ITEM	FISCAL YEARS	
NO.	1991-92	1992-93
(01) REGULAR SALARIES	\$ 24,014	\$ 25,214
(02) EXTRA HELP	250	250
(03) PERSONAL SERV MATCHING	7,344	7,798
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 7,225	\$ 7,321
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	1,172	1,289
(D) CAPITAL OUTLAY	3,000	3,000
(E) DATA PROCESSING	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.	<u>11,397</u>	<u>11,610</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 43,005</u>	<u>\$ 44,872</u>

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28 SECTION 4. Arkansas Code 17-21-306(a) is hereby amended to read as  
29 follows: "(a) The board shall require each licensee to secure a bond in an  
30 amount not less than five thousand dollars (\$5,000) nor more than twenty-five  
31 thousand dollars (\$25,000) for its main office, plus an additional bond of one  
32 thousand five hundred dollars (\$1,500) for each branch office, with the  
33 security on the bond to be approved by the board. It is the specific intent  
34 of this chapter to permit the posting of a surety bond, certificate of  
35 deposit, or cash bond."

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2 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
3 this Act for Maintenance and General Operation shall be expended in payment  
4 for services of attorneys, unless the agency shall first make a request in  
5 writing to the Attorney General of the State of Arkansas to provide the  
6 required legal services. The Attorney General's Office shall provide the  
7 requested legal services, or, if the Attorney General's Office shall determine  
8 that sufficient personnel are not available to provide the requested legal  
9 services, the Attorney General shall certify the same to the agency and may  
10 authorize the agency to employ legal counsel and to expend monies appropriated  
11 for Maintenance and General Operations therefor, if:

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

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

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

21

22 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
23 authorized by this Act shall be limited to the appropriation for such agency  
24 and funds made available by law for the support of such appropriations; and  
25 the restrictions of the State Purchasing Law, the General Accounting and  
26 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
27 Procedures and Restrictions Act, or their successors, and other fiscal control  
28 laws of this State, where applicable, and regulations promulgated by the  
29 Department of Finance and Administration, as authorized by law, shall be  
30 strictly complied with in disbursement of said funds.

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32 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General  
33 Assembly that any funds disbursed under the authority of the appropriations  
34 contained in this Act shall be in compliance with the stated reasons for which  
35 this Act was adopted, as evidenced by the Agency Requests, Executive

1 Recommendations and Legislative Recommendations contained in the budget  
2 manuals prepared by the Department of Finance and Administration, letters, or  
3 summarized oral testimony in the official minutes of the Arkansas Legislative  
4 Council or Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 8. CODE. All provisions of this Act of a general and permanent  
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
8 Code Revision Commission shall incorporate the same in the Code.

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

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16 SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict  
17 with this Act are hereby repealed.

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19 SECTION 11. HEALTH PREMIUMS. The State Board of Collection Agencies  
20 shall not, during the 1992-93 fiscal year, spend more for health insurance per  
21 employee than the amount being contributed to the State Employees Health  
22 Insurance Program.

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24 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the  
25 Seventy-Eighth General Assembly, that the Constitution of the State of  
26 Arkansas prohibits the appropriation of funds for more than a two (2) year  
27 period; that the effectiveness of this Act on July 1, 1991 is essential to the  
28 operation of the agency for which the appropriations in this Act are provided,  
29 and that in the event of an extension of the Regular Session, the delay in the  
30 effective date of this Act beyond July 1, 1991 could work irreparable harm  
31 upon the proper administration and provision of essential governmental  
32 programs. Therefore, an emergency is hereby declared to exist and this Act  
33 being necessary for the immediate preservation of the public peace, health and  
34 safety shall be in full force and effect from and after July 1, 1991.

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