

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/5/13

A Bill

SENATE BILL 60

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE STATE BOARD OF
10 COLLECTION AGENCIES FOR THE FISCAL YEAR ENDING JUNE
11 30, 2014; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE STATE BOARD OF COLLECTION
15 AGENCIES APPROPRIATION FOR THE 2013-2014
16 FISCAL YEAR.
17
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the State
23 Board of Collection Agencies for the 2013-2014 fiscal year, the following
24 maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
30	(1) X001N	BD OF COLLECTION EXEC DIR	1	GRADE N902
31	(2) X130C	BD OF COLLECTION FIELD INVESTIGATOR	1	GRADE C116
32	(3) C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
33	(4) C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
34		MAX. NO. OF EMPLOYEES	4	

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



1 of Collection Agencies for the 2013-2014 fiscal year, 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
 6 successor, or this act for the appropriate classification.

7
 8 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 9 to the State Board of Collection Agencies, to be payable from cash funds as
 10 defined by Arkansas Code 19-4-801 of the State Board of Collection Agencies,
 11 for personal services and operating expenses of the State Board of Collection
 12 Agencies for the fiscal year ending June 30, 2014, the following:

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2013-2014</u>
16 (01) REGULAR SALARIES	\$194,827
17 (02) EXTRA HELP	5,000
18 (03) PERSONAL SERVICES MATCHING	62,615
19 (04) MAINT. & GEN. OPERATION	
20 (A) OPER. EXPENSE	91,700
21 (B) CONF. & TRAVEL	4,500
22 (C) PROF. FEES	21,000
23 (D) CAP. OUTLAY	0
24 (E) DATA PROC.	0
25 (05) DHS/UAMS/ASU/UCA/SAU SYSTEM/HSU GRANTS	1,300,000
26 (06) CLAIMS	<u>24,642</u>
27 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,704,284</u></u>

28
 29 SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 17-24-305 concerning the
 30 use of State Board of Collection Agencies fees is amended to read as follows:

31 17-24-305. Fees – Disposition.

32 (a) The State Board of Collection Agencies may charge an annual license fee
 33 not to exceed one hundred twenty-five dollars (\$125) for licensing each
 34 collection agency and an annual fee of ~~fifteen dollars (\$15.00)~~ twenty dollars
 35 (\$20) effective September 1, 2013, for registering each employee of the
 36 licensed collection agency who as an employee solicits, collects, or attempts

1 to collect any delinquent account or accounts by telephone, mail, personal
2 contact, or otherwise.

3 (b) All income from fees imposed under this section shall be distributed as
4 follows:

5 ~~(1)(A) Beginning July 1, 2006, and each July 1 thereafter, the first~~
6 ~~one hundred fifteen thousand dollars (\$115,000) in fees received by the board~~
7 ~~shall be remitted in one (1) payment by the board to the Treasurer of State~~
8 ~~for the Division of Medical Services of the Department of Human Services and~~
9 ~~deposited into a paying account as determined by the Chief Fiscal Officer of~~
10 ~~the State to be used in accordance with § 20-10-705.~~

11 ~~(B) The funds remaining after the distribution in subdivision~~
12 ~~(b)(1)(A) of this section for the fiscal year ending June 30, 2007, and funds~~
13 ~~each July 1 thereafter received by the board in an amount not to exceed six~~
14 ~~hundred thousand dollars (\$600,000) each fiscal year shall be remitted by the~~
15 ~~board to the University of Arkansas for Medical Sciences for deposit into a~~
16 ~~financial institution in accordance with the policies of the University of~~
17 ~~Arkansas. The funds shall be expended for the College of Pharmacy and the~~
18 ~~College of Nursing in accordance with § 6-64-417.~~

19 ~~(C) The funds remaining after the distributions in subdivisions~~
20 ~~(b)(1)(A) and (B) of this section for the fiscal year ending June 30, 2007,~~
21 ~~and funds received by the board each July 1 thereafter in an amount not to~~
22 ~~exceed two hundred fifty thousand dollars (\$250,000) each fiscal year shall~~
23 ~~be remitted by the board to Arkansas State University—Mountain Home for~~
24 ~~deposit into the Arkansas State University—Mountain Home Fund. The funds~~
25 ~~shall be expended exclusively for the Arkansas State University—Mountain~~
26 ~~Home Practical Nurse Program.~~

27 ~~(D) The funds remaining after the distributions in subdivisions~~
28 ~~(b)(1)(A)–(C) of this section for the fiscal year ending June 30, 2009, and~~
29 ~~funds received by the board each July 1 thereafter in an amount not to exceed~~
30 ~~one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by~~
31 ~~the board to the University of Central Arkansas for deposit into the~~
32 ~~University of Central Arkansas Fund. The funds shall be expended exclusively~~
33 ~~for the University of Central Arkansas Department of Nursing.~~

34 ~~(E)(i) The funds remaining after the distributions in~~
35 ~~subdivisions (b)(1)(A)–(D) of this section for the fiscal year ending June~~
36 ~~30, 2010, and funds received by the board each July 1 thereafter in an amount~~

1 ~~not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall~~
2 ~~be remitted by the board to Southern Arkansas University for deposit into the~~
3 ~~Southern Arkansas University Fund.~~

4 ~~(ii) Funds shall be expended exclusively for personal~~
5 ~~services and operating expenses of the Southern Arkansas University System.~~

6 ~~(F) The funds remaining after the distributions in subdivisions~~
7 ~~(b)(1)(A)–(E) of this section for the fiscal year ending June 30, 2011, and~~
8 ~~funds received by the board each July 1 thereafter in an amount not to exceed~~
9 ~~one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by~~
10 ~~the board to Henderson State University for deposit into the Henderson State~~
11 ~~University Fund.~~

12 ~~(G) Funds remaining after the distributions in subdivisions~~
13 ~~(b)(1)(A)–(F) of this section shall be deposited to the State Board of~~
14 ~~Collection Agencies account in some bank authorized to do business in this~~
15 ~~state.~~

16 (1) Beginning July 1, 2013, and each fiscal year thereafter the
17 State Board of Collection Agencies shall remit to each entity in subdivisions
18 (b)(2)(A) through (F) one (1) annual payment. Distributions shall be funded
19 in the percentage of the total funds available up to the maximum authorized;
20 that is if less than 100% of the total allocation is available for
21 distribution, all allocations listed in (b)(2)(A) through (F) will be funded
22 at a prorated percentage consistent with the available funds. At no time
23 shall the total distribution exceed the maximum amounts as listed in
24 (b)(2)(A) through (F).

25 (2)(A) an amount not to exceed one hundred fifteen thousand
26 dollars (\$115,000) to the Treasurer of State for the Division of Medical
27 Services of the Department of Human Services for deposit into a paying
28 account as determined by the Chief Fiscal Officer of the State to be used in
29 accordance with § 20-10-705.

30 (B) an amount not to exceed six hundred thousand dollars
31 (\$600,000) to the University of Arkansas for Medical Sciences for deposit
32 into a financial institution in accordance with the policies of the
33 University of Arkansas. The funds shall be expended for the College of
34 Pharmacy and the College of Nursing in accordance with § 6-64-417.

35 (C) an amount not to exceed two hundred fifty thousand dollars
36 (\$250,000) to Arkansas State University – Mountain Home for deposit into the

1 Arkansas State University – Mountain Home Fund. The funds shall be expended
2 exclusively for the Arkansas State University – Mountain Home Practical Nurse
3 Program.

4 (D) an amount not to exceed one hundred thousand dollars
5 (\$100,000) to the University of Central Arkansas for deposit into the
6 University of Central Arkansas Fund. The funds shall be expended exclusively
7 for the University of Central Arkansas Department of Nursing.

8 (E) an amount not to exceed one hundred thousand dollars
9 (\$100,000) to Southern Arkansas University for deposit into the Southern
10 Arkansas University Fund. The funds shall be expended exclusively for
11 personal services and operating expenses of the Southern Arkansas University
12 System.

13 (F) an amount not to exceed one hundred thousand dollars
14 (\$100,000) to Henderson State University for deposit into the Henderson State
15 University Fund.

16 (3) Funds remaining after the distributions in subdivisions (b)(2)(A)-
17 (F) of this section shall be deposited to the State Board of Collection
18 Agencies account in some bank authorized to do business in this state.

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20 SECTION 5. SPECIAL LANGUAGE. Arkansas Code § 17-24-306 concerning
21 bond requirements established by the State Board of Collection Agencies is
22 amended to read as follows:

23 17-24-306. Bond.

24 (a) The State Board of Collection Agencies shall require each licensee to
25 secure a surety bond in an amount not less than ~~five thousand dollars~~
26 ~~(\$5,000)~~ ten thousand dollars (\$10,000) nor more than ~~twenty-five thousand~~
27 ~~dollars (\$25,000)~~ fifty thousand dollars (\$50,000) for each location, with the
28 security on the bond to be approved by the board.

29
30 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
31 this Act for Maintenance and General Operation shall be expended in payment
32 for services of attorneys, unless the agency shall first make a request in
33 writing to the Attorney General of the State of Arkansas to provide the
34 required legal services. The Attorney General's Office shall provide the
35 requested legal services, or, if the Attorney General's Office shall
36 determine that sufficient personnel are not available to provide the

1 requested legal services, the Attorney General shall certify the same to the
2 agency and may authorize the agency to employ legal counsel and to expend
3 monies appropriated for Maintenance and General Operations therefor, if:

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

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

8 Such certification shall be required with respect to each instance of
9 the employment of special legal counsel, or shall be required annually with
10 respect to legal counsel employed on a retainer basis. A copy of such
11 certification shall be entered in the official minutes of the agency, and
12 shall be retained in the fiscal records of the agency for audit purposes.
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14 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
15 authorized by this act shall be limited to the appropriation for such agency
16 and funds made available by law for the support of such appropriations; and
17 the restrictions of the State Procurement Law, the General Accounting and
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
19 Procedures and Restrictions Act, or their successors, and other fiscal
20 control laws of this State, where applicable, and regulations promulgated by
21 the Department of Finance and Administration, as authorized by law, shall be
22 strictly complied with in disbursement of said funds.
23

24 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
25 Assembly that any funds disbursed under the authority of the appropriations
26 contained in this act shall be in compliance with the stated reasons for
27 which this act was adopted, as evidenced by the Agency Requests, Executive
28 Recommendations and Legislative Recommendations contained in the budget
29 manuals prepared by the Department of Finance and Administration, letters, or
30 summarized oral testimony in the official minutes of the Arkansas Legislative
31 Council or Joint Budget Committee which relate to its passage and adoption.
32

33 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
34 Assembly, that the Constitution of the State of Arkansas prohibits the
35 appropriation of funds for more than a one (1) year period; that the
36 effectiveness of this Act on July 1, 2013 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the legislative session, the delay in the
3 effective date of this Act beyond July 1, 2013 could work irreparable harm
4 upon the proper administration and provision of essential governmental
5 programs. Therefore, an emergency is hereby declared to exist and this Act
6 being necessary for the immediate preservation of the public peace, health
7 and safety shall be in full force and effect from and after July 1, 2013.

8
9 */s/Joint Budget Committee*

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