

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

A Bill ACT 126 OF 1991

HOUSE BILL 1380

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."

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

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.

Item	Class	No.	Code	Title	Employees	Maximum Annual	
						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		

35 SECTION 2. EXTRA HELP. There is hereby authorized, for the State
36 Board of Collection Agencies for the 1991-93 biennium, the following maximum

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

6

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

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

26

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

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

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

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

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

20

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

30

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

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

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

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

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

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

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

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APPROVED: 2-12-91

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