

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.

Act 2268 of the Regular Session

As Engrossed: H3/18/05 H4/7/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 92

4
5 By: Joint Budget Committee
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7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE STATE
11 BOARD OF COLLECTION AGENCIES FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE STATE BOARD OF
17 COLLECTION AGENCIES APPROPRIATION FOR
18 THE 2005-2007 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - DIVISION OF COLLECTIONS. There is hereby
25 established for the State Board of Collection Agencies - Division of
26 Collections for the 2005-2007 biennium, the following maximum number of
27 regular employees whose salaries shall be governed by the provisions of the
28 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
29 seq.), or its successor, and all laws amendatory thereto. Provided, however,
30 that any position to which a specific maximum annual salary is set out herein
31 in dollars, shall be exempt from the provisions of said Uniform
32 Classification and Compensation Act. All persons occupying positions
33 authorized herein are hereby governed by the provisions of the Regular
34 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
35 successor.



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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	2005-2006	2006-2007
(1)	7201	EXECUTIVE DIR-BD OF COLLECTION	1	\$70,072	\$71,953
(2)	9021	COLLECTIONS BD FIELD INVESTIGATOR	1	\$36,254	\$37,341
(3)	8702	BRD COLLECTIONS AGCY FISCAL/ADM MGR	1	\$36,249	\$37,336
(4)	8701	BD OF COLLECTIONS ADMIN ASST	<u>1</u>	\$27,473	\$28,297
MAX. NO. OF EMPLOYEES			4		

12 SECTION 2. EXTRA HELP - DIVISION OF COLLECTIONS. There is hereby
 13 authorized, for the State Board of Collection Agencies - Division of
 14 Collections for the 2005-2007 biennium, the following maximum number of part-
 15 time or temporary employees, to be known as "Extra Help", payable from funds
 16 appropriated herein for such purposes: one (1) temporary or part-time
 17 employees, when needed, at rates of pay not to exceed those provided in the
 18 Uniform Classification and Compensation Act, or its successor, or this act
 19 for the appropriate classification.

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 21 SECTION 3. APPROPRIATIONS - DIVISION OF COLLECTIONS. There is hereby
 22 appropriated, to the State Board of Collection Agencies, to be payable from
 23 cash funds as defined by Arkansas Code 19-4-801 of the State Board of
 24 Collection Agencies, for personal services and operating expenses of the
 25 State Board of Collection Agencies - Division of Collections for the biennial
 26 period ending June 30, 2007, the following:

ITEM	FISCAL YEARS		
	NO.	2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 170,048	\$ 174,927
(02)	EXTRA HELP	5,000	5,000
(03)	PERSONAL SERVICES MATCHING	52,913	53,975
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	59,481	59,481
(B)	CONF. & TRAVEL	4,500	4,500
(C)	PROF. FEES	2,800	2,800

1	(D) CAP. OUTLAY	0	0
2	(E) DATA PROC.	935	935
3	(05) CLAIMS	<u>24,642</u>	<u>24,642</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 320,319</u>	<u>\$ 326,260</u>

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6 SECTION 4. REGULAR SALARIES - DIVISION OF CHECK CASHING. There is hereby
 7 established for the State Board of Collection Agencies - Division of Check
 8 Cashing for the 2005-2007 biennium, the following maximum number of regular
 9 employees whose salaries shall be governed by the provisions of the Uniform
 10 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
 11 its successor, and all laws amendatory thereto. Provided, however, that any
 12 position to which a specific maximum annual salary is set out herein in
 13 dollars, shall be exempt from the provisions of said Uniform Classification
 14 and Compensation Act. All persons occupying positions authorized herein are
 15 hereby governed by the provisions of the Regular Salaries Procedures and
 16 Restrictions Act (Arkansas Code §21-5-101), or its successor.

18	Maximum Annual					
19			Maximum	Salary Rate		
20	Item	Class	No. of	Fiscal Years		
21	No.	Code	Title	Employees	2005-2006	2006-2007
22	(1)	9021	COLLECTIONS BD FIELD INVESTIGATOR	2	\$36,254	\$37,341
23	(2)	8701	BD OF COLLECTIONS ADMIN ASST	<u>1</u>	\$27,473	\$28,297
24	MAX. NO. OF EMPLOYEES			3		

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26 SECTION 5. EXTRA HELP - DIVISION OF CHECK CASHING. There is hereby
 27 authorized, for the State Board of Collection Agencies - Division of Check
 28 Cashing for the 2005-2007 biennium, the following maximum number of part-time
 29 or temporary employees, to be known as "Extra Help", payable from funds
 30 appropriated herein for such purposes: one (1) temporary or part-time
 31 employees, when needed, at rates of pay not to exceed those provided in the
 32 Uniform Classification and Compensation Act, or its successor, or this act
 33 for the appropriate classification.

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35 SECTION 6. APPROPRIATIONS - DIVISION OF CHECK CASHING. There is hereby
 36 appropriated, to the State Board of Collection Agencies, to be payable from

1 cash funds as defined by Arkansas Code 19-4-801 of the State Board of
 2 Collection Agencies, for personal services and operating expenses of the
 3 State Board of Collection Agencies – Division of Check Cashing for the
 4 biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 99,981	\$ 102,979
(02) EXTRA HELP	5,000	5,000
(03) PERSONAL SERVICES MATCHING	23,103	23,548
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	55,006	55,006
(B) CONF. & TRAVEL	2,300	2,300
(C) PROF. FEES	4,000	4,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>800</u>	<u>800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 190,190</u>	<u>\$ 193,633</u>

19 SECTION 7. SPECIAL LANGUAGE. Arkansas Code § 17-24-305 concerning the use
 20 of State Board of Collection Agencies fees is amended to read as follows:

21 17-24-305. Fees - Disposition.

22 (a) The State Board of Collection Agencies may charge an annual license
 23 fee not to exceed one hundred twenty-five dollars (\$125) for licensing each
 24 collection agency and an annual fee of fifteen dollars (\$15.00) for licensing
 25 each employee of the licensed collection agency who as an employee solicits,
 26 collects, or attempts to collect any delinquent account or accounts by
 27 telephone, mail, personal contact, or otherwise.

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

30 (1) Beginning July 1, 2005 the first one hundred and fifteen thousand
 31 dollars (\$115,000) shall be remitted in one payment by the board to the
 32 Treasurer of State for the Department of Human Services - Division of Medical
 33 Services and deposited into a paying account as determined by the Chief
 34 Fiscal Officer of the State to be used in accordance with Arkansas Code 20-
 35 10-705.

36 (2) All funds remaining after the distribution in subdivision (b)(1)

1 of this section received during the fiscal year ending June 30, 2006, shall
2 be remitted by the board to the University of Arkansas for Medical Sciences
3 for deposit in a financial institution in accordance with the policies of the
4 University of Arkansas. The funds shall be expended for the College of
5 Pharmacy and the College of Nursing in accordance with § 6-64-417; and

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

12 (B) The funds remaining after the distribution in subdivision (3)(A)
13 for the fiscal year ending June 30, 2007 and funds each July 1 thereafter
14 received by the board in an amount not to exceed six hundred thousand dollars
15 (\$600,000) each fiscal year shall be remitted by the board to the University
16 of Arkansas for Medical Sciences for deposit into a financial institution in
17 accordance with the policies of the University of Arkansas. The funds shall
18 be expended for the College of Pharmacy and the College of Nursing in
19 accordance with § 6-64-417.

20 (C) Funds remaining after the distributions in subdivisions
21 (b)(3)(A) and (b)(3)(B) of this section shall be deposited to the State Board
22 of Collection Agencies ~~board's~~ account in some bank authorized to do business
23 in this state, ~~from which account shall be paid the cost of administering~~
24 this chapter.

25
26 SECTION 8. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 64,
27 Subchapter 4 concerning the distribution of fees collected is amended to add
28 a new section as follows:

29 6-64-417. College of Nursing and College of Pharmacy program
30 improvements.

31 (a) Funds received from the State Board of Collection Agencies under
32 § 17-24-305 by the University of Arkansas for Medical Sciences and any
33 interest earnings on the funds by the University of Arkansas for Medical
34 Sciences shall be used exclusively as follows:

35 (1) Two-thirds (2/3) of the funds shall be used within the College of
36 Nursing for:

1 (A) Scholarships and stipends for nursing students who are
2 candidates for bachelor's or master's degrees or degrees beyond a master's
3 degree; and

4 (B) Salary improvements for purposes of retaining and attracting
5 nursing school faculty; and

6 (2) One-third (1/3) of the funds shall be used within the College of
7 Pharmacy for:

8 (A) Scholarships and stipends for pharmacy students;

9 (B) Facility improvements required to expand the enrollment of
10 pharmacy students; and

11 (C) Salary improvements for purposes of retaining and attracting
12 pharmacy school faculty.

13 (b)(1) The Dean of the University of Arkansas for Medical Sciences
14 College of Nursing shall allocate the funds made available to the College of
15 Nursing under this section.

16 (2) The Graduate Nurse Educator Loan and Scholarship Board shall make
17 recommendations to the dean regarding the recipients of annual awards,
18 stipends, and scholarships.

19 (3) A recipient of a scholarship or stipend under this subsection (b)
20 must be a resident of the State of Arkansas.

21 (c)(1) The Dean of the University of Arkansas for Medical Sciences
22 College of Pharmacy shall allocate the funds made available to the College of
23 Pharmacy under this section.

24 (2) Using financial aid and academic performance data, the University
25 of Arkansas for Medical Sciences College of Pharmacy Awards and Financial Aid
26 Committee will make recommendations to the faculty regarding the recipients
27 of annual awards, stipends, and scholarships.

28 (3) A recipient of a stipend or scholarship under this subsection (c):

29 (A) Must be a resident of the State of Arkansas;

30 (B) Is not required to repay a stipend or scholarship; and

31 (C) Is not required to enter into any agreement with the university
32 or College of Pharmacy requiring the recipient to practice pharmacy in any
33 area of Arkansas after graduation in exchange for a stipend or scholarship.

34 (d) The University of Arkansas for Medical Sciences shall report annually
35 the utilization of the funds received by the College of Nursing under this
36 section to the Legislative Council and the Arkansas Legislative Commission on

1 Nursing.

2 (e) Scholarships and other awards under this section may be granted in
3 addition to other funds awarded to a student under other scholarship and
4 assistance programs.

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

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

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

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

25
26 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 restrictions of the State Procurement Law, the General Accounting and
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
31 Procedures and Restrictions Act, or their successors, and other fiscal
32 control laws of this State, where applicable, and regulations promulgated by
33 the Department of Finance and Administration, as authorized by law, shall be
34 strictly complied with in disbursement of said funds.

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36 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

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9 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2005 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2005 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2005.

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21 */s/ Joint Budget Committee*

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24 *APPROVED: 4/14/2005*

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