

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 1217 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S3/5/07*

**A Bill**

SENATE BILL 76

5 By: Joint Budget Committee  
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**For An Act To Be Entitled**

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, 2009; AND FOR OTHER  
13 PURPOSES.  
14  
15

**Subtitle**

16 AN ACT FOR THE STATE BOARD OF  
17 COLLECTION AGENCIES APPROPRIATION FOR  
18 THE 2007-2009 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 2007-2009 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	Maximum Annual	
			No. of	Salary Rate	
Item	Class		Employees	Fiscal Years	
No.	Code	Title		2007-2008	2008-2009
(1)	7201	EXECUTIVE DIR-BD OF COLLECTION	1	\$73,392	\$74,859
(2)	9021	COLLECTIONS BD FIELD INVESTIGATOR	1	\$38,087	\$38,848
(3)	8702	BRD COLLECTIONS AGCY FISCAL/ADM MGR	1	\$38,082	\$38,843
(4)	8701	BD OF COLLECTIONS ADMIN ASST	<u>1</u>	\$28,862	\$29,439
MAX. NO. OF EMPLOYEES			4		

SECTION 2. EXTRA HELP - DIVISION OF COLLECTIONS. There is hereby authorized, for the State Board of Collection Agencies – Division of Collections for the 2007-2009 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: one (1) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATIONS - DIVISION OF COLLECTIONS. There is hereby appropriated, to the State Board of Collection Agencies, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the State Board of Collection Agencies, for personal services and operating expenses of the State Board of Collection Agencies - Division of Collections for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 179,923	\$ 183,489
(02) EXTRA HELP	5,000	5,000
(03) PERSONAL SERVICES MATCHING	53,431	54,152
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	59,481	59,481
(B) CONF. & TRAVEL	4,500	4,500

1	(C) PROF. FEES	2,800	2,800
2	(D) CAP. OUTLAY	0	0
3	(E) DATA PROC.	935	935
4	(05) DHHS & UAMS GRANTS	1,000,000	1,000,000
5	(06) CLAIMS	<u>24,642</u>	<u>24,642</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,330,712</u>	<u>\$ 1,334,999</u>

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8 SECTION 4. REGULAR SALARIES - DIVISION OF CHECK CASHING. There is hereby  
 9 established for the State Board of Collection Agencies - Division of Check  
 10 Cashing for the 2007-2009 biennium, the following maximum number of regular  
 11 employees whose salaries shall be governed by the provisions of the Uniform  
 12 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 13 its successor, and all laws amendatory thereto. Provided, however, that any  
 14 position to which a specific maximum annual salary is set out herein in  
 15 dollars, shall be exempt from the provisions of said Uniform Classification  
 16 and Compensation Act. All persons occupying positions authorized herein are  
 17 hereby governed by the provisions of the Regular Salaries Procedures and  
 18 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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20			Maximum Annual		
21			Maximum	Salary Rate	
22	Item	Class	No. of	Fiscal Years	
23	No.	Code Title	Employees	2007-2008	2008-2009
24	(1)	9021 COLLECTIONS BD FIELD INVESTIGATOR	3	\$38,087	\$38,848
25	(2)	8701 BD OF COLLECTIONS ADMIN ASST	<u>1</u>	\$28,862	\$29,439
26	MAX. NO. OF EMPLOYEES		4		

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28 SECTION 5. EXTRA HELP - DIVISION OF CHECK CASHING. There is hereby  
 29 authorized, for the State Board of Collection Agencies - Division of Check  
 30 Cashing for the 2007-2009 biennium, the following maximum number of part-time  
 31 or temporary employees, to be known as "Extra Help", payable from funds  
 32 appropriated herein for such purposes: one (1) temporary or part-time  
 33 employees, when needed, at rates of pay not to exceed those provided in the  
 34 Uniform Classification and Compensation Act, or its successor, or this act  
 35 for the appropriate classification.

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SECTION 6. APPROPRIATIONS - DIVISION OF CHECK CASHING. There is hereby appropriated, to the State Board of Collection Agencies, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the State Board of Collection Agencies, for personal services and operating expenses of the State Board of Collection Agencies - Division of Check Cashing for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 143,123	\$ 145,983
(02) EXTRA HELP	5,000	5,000
(03) PERSONAL SERVICES MATCHING	46,168	46,749
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	71,006	69,006
(B) CONF. & TRAVEL	3,300	3,300
(C) PROF. FEES	67,800	67,800
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>800</u>	<u>800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 337,197</u>	<u>\$ 338,638</u>

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

*17-24-305. Fees - Disposition.*

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

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

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

1 ~~20-10-705.~~

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

8 ~~(3) (1)(A) Beginning July 1, 2006 and each July 1 thereafter, the~~  
9 ~~first one hundred and fifteen thousand dollars (\$115,000) in fees received by~~  
10 ~~the board shall be remitted in one payment by the board to the Treasurer of~~  
11 ~~State for the Department of Health and Human Services - Division of Medical~~  
12 ~~Services and deposited into a paying account as determined by the Chief~~  
13 ~~Fiscal Officer of the State to be used in accordance with Arkansas Code 20-~~  
14 ~~10-705.~~

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

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

31 ~~(G) (D) Funds remaining after the distributions in subdivisions~~  
32 ~~(b)(3)(A) and (b)(3)(B) (b)(1)(A), (b)(1)(B) and (b)(1)(C) of this section~~  
33 ~~shall be deposited to the State Board of Collection Agencies account in some~~  
34 ~~bank authorized to do business in this state.~~

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36 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 College of Nursing and College of Pharmacy program improvements.

3 (a) Funds received from the State Board of Collection Agencies under  
4 § 17-24-305 by the University of Arkansas for Medical Sciences and any  
5 interest earnings on the funds by the University of Arkansas for Medical  
6 Sciences shall be used exclusively as follows:

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

9 (A) Scholarships and stipends for nursing students who are  
10 candidates for bachelor's or master's degrees or degrees beyond a master's  
11 degree; and

12 (B) Salary improvements for purposes of retaining and attracting  
13 nursing school faculty; and

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

16 (A) Scholarships and stipends for pharmacy students;

17 (B) Facility improvements required to expand the enrollment of  
18 pharmacy students; and

19 (C) Salary improvements for purposes of retaining and attracting  
20 pharmacy school faculty.

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

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

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

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

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

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

- 1 (A) Must be a resident of the State of Arkansas;
- 2 (B) Is not required to repay a stipend or scholarship; and
- 3 (C) Is not required to enter into any agreement with the university  
4 or College of Pharmacy requiring the recipient to practice pharmacy in any  
5 area of Arkansas after graduation in exchange for a stipend or scholarship.
- 6 (d) The University of Arkansas for Medical Sciences shall report annually  
7 the utilization of the funds received by the College of Nursing under this  
8 section to the Legislative Council and the Arkansas Legislative Commission on  
9 Nursing.
- 10 (e) Scholarships and other awards under this section may be granted in  
11 addition to other funds awarded to a student under other scholarship and  
12 assistance programs.
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14 SECTION 9. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
15 this Act for Maintenance and General Operation shall be expended in payment  
16 for services of attorneys, unless the agency shall first make a request in  
17 writing to the Attorney General of the State of Arkansas to provide the  
18 required legal services. The Attorney General's Office shall provide the  
19 requested legal services, or, if the Attorney General's Office shall  
20 determine that sufficient personnel are not available to provide the  
21 requested legal services, the Attorney General shall certify the same to the  
22 agency and may authorize the agency to employ legal counsel and to expend  
23 monies appropriated for Maintenance and General Operations therefor, if:

- 24 (1) The Attorney General determines, and certifies in writing, that such  
25 agency needs the advice or assistance of legal counsel, and
- 26 (2) The Attorney General consents in writing to the employment of the  
27 legal counsel to be retained by the agency.

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

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34 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
35 by this act shall be limited to the appropriation for such agency and funds  
36 made available by law for the support of such appropriations; and the

1 restrictions of the State Procurement Law, the General Accounting and  
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
3 Procedures and Restrictions Act, or their successors, and other fiscal  
4 control laws of this State, where applicable, and regulations promulgated by  
5 the Department of Finance and Administration, as authorized by law, shall be  
6 strictly complied with in disbursement of said funds.

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8 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly  
9 that any funds disbursed under the authority of the appropriations contained  
10 in this act shall be in compliance with the stated reasons for which this act  
11 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
12 and Legislative Recommendations contained in the budget manuals prepared by  
13 the Department of Finance and Administration, letters, or summarized oral  
14 testimony in the official minutes of the Arkansas Legislative Council or  
15 Joint Budget Committee which relate to its passage and adoption.

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17 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General  
18 Assembly, that the Constitution of the State of Arkansas prohibits the  
19 appropriation of funds for more than a two (2) year period; that the  
20 effectiveness of this Act on July 1, 2007 is essential to the operation of  
21 the agency for which the appropriations in this Act are provided, and that in  
22 the event of an extension of the Regular Session, the delay in the effective  
23 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
24 proper administration and provision of essential governmental programs.  
25 Therefore, an emergency is hereby declared to exist and this Act being  
26 necessary for the immediate preservation of the public peace, health and  
27 safety shall be in full force and effect from and after July 1, 2007.

28  
29 /s/ Joint Budget Committee

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31 APPROVED: 4/5/2007  
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