

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 1413 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/27/09 H3/25/09

A Bill

SENATE BILL 109

5 By: Joint Budget Committee
6
7

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 FISCAL YEAR
12 ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE STATE BOARD OF
16 COLLECTION AGENCIES APPROPRIATION FOR
17 THE 2009-2010 FISCAL YEAR.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - DIVISION OF COLLECTIONS. There is hereby
24 established for the State Board of Collection Agencies - Division of
25 Collections for the 2009-2010 fiscal year, the following maximum number of
26 regular employees whose salaries shall be governed by the provisions of the
27 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
28 seq.), or its successor, and all laws amendatory thereto. Provided, however,
29 that any position to which a specific maximum annual salary is set out herein
30 in dollars, shall be exempt from the provisions of said Uniform
31 Classification and Compensation Act. All persons occupying positions
32 authorized herein are hereby governed by the provisions of the Regular
33 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
34 successor.
35



Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2009-2010
(1)	X001N	BD OF COLLECTION EXECUTIVE DIRECTOR	1	GRADE N902
(2)	X130C	BD OF COLLECTION FIELD INVESTIGATOR	1	GRADE C116
(3)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
(4)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
MAX. NO. OF EMPLOYEES			4	

10

11 SECTION 2. EXTRA HELP - DIVISION OF COLLECTIONS. There is hereby
 12 authorized, for the State Board of Collection Agencies - Division of
 13 Collections for the 2009-2010 fiscal year, the following maximum number of
 14 part-time or temporary employees, to be known as "Extra Help", payable from
 15 funds appropriated herein for such purposes: one (1) temporary or part-time
 16 employees, when needed, at rates of pay not to exceed those provided in the
 17 Uniform Classification and Compensation Act, or its successor, or this act
 18 for the appropriate classification.

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20 SECTION 3. APPROPRIATION - DIVISION OF COLLECTIONS. There is hereby
 21 appropriated, to the State Board of Collection Agencies, to be payable from
 22 cash funds as defined by Arkansas Code 19-4-801 of the State Board of
 23 Collection Agencies, for personal services and operating expenses of the
 24 State Board of Collection Agencies - Division of Collections for the fiscal
 25 year ending June 30, 2010, the following:

26

ITEM		FISCAL YEAR
NO.		2009-2010
(01)	REGULAR SALARIES	\$ 184,657
(02)	EXTRA HELP	5,000
(03)	PERSONAL SERVICES MATCHING	55,187
(04)	MAINT. & GEN. OPERATION	
(A)	OPER. EXPENSE	86,700
(B)	CONF. & TRAVEL	4,500
(C)	PROF. FEES	21,000
(D)	CAP. OUTLAY	0

36

1	(E) DATA PROC.	0
2	(05) DHS/UAMS/UCA GRANTS	1,100,000
3	(06) CLAIMS	<u>24,642</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,481,686</u>

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6 SECTION 4. Arkansas Code § 17-24-305, Concerning Fees-Disposition, is
7 amended to read as follows:

8

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

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

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

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

31 (C) The funds remaining after the distributions in subdivisions
32 (b)(1)(A) and (B) of this section for the fiscal year ending June 30, 2007,
33 and funds received by the board each July 1 thereafter in an amount not to
34 exceed two hundred fifty thousand dollars (\$250,000) each fiscal year shall
35 be remitted by the board to Arkansas State University – Mountain Home for
36 deposit into the Arkansas State University – Mountain Home Fund. The funds

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

3 (D) The funds remaining after the distributions in subdivisions
4 (b)(1)(A)-(C) of this section for the fiscal year ending June 30, 2009, and
5 funds received by the board each July 1 thereafter in an amount not to exceed
6 one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by
7 the board to the University of Central Arkansas for deposit into the
8 University of Central Arkansas Fund. The funds shall be expended exclusively
9 for the University of Central Arkansas Department of Nursing.

10 ~~(D)~~(E) Funds remaining after the distributions in subdivisions
11 (b)(1)(A)-~~(G)~~(D) of this section shall be deposited to the State Board of
12 Collection Agencies account in some bank authorized to do business in this
13 state.
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15 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
16 this Act for Maintenance and General Operation shall be expended in payment
17 for services of attorneys, unless the agency shall first make a request in
18 writing to the Attorney General of the State of Arkansas to provide the
19 required legal services. The Attorney General's Office shall provide the
20 requested legal services, or, if the Attorney General's Office shall
21 determine that sufficient personnel are not available to provide the
22 requested legal services, the Attorney General shall certify the same to the
23 agency and may authorize the agency to employ legal counsel and to expend
24 monies appropriated for Maintenance and General Operations therefor, if:

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

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

29 Such certification shall be required with respect to each instance of the
30 employment of special legal counsel, or shall be required annually with
31 respect to legal counsel employed on a retainer basis. A copy of such
32 certification shall be entered in the official minutes of the agency, and
33 shall be retained in the fiscal records of the agency for audit purposes.
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35 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

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

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9 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
10 that any funds disbursed under the authority of the appropriations contained
11 in this act shall be in compliance with the stated reasons for which this act
12 was adopted, as evidenced by the Agency Requests, Executive Recommendations
13 and Legislative Recommendations contained in the budget manuals prepared by
14 the Department of Finance and Administration, letters, or summarized oral
15 testimony in the official minutes of the Arkansas Legislative Council or
16 Joint Budget Committee which relate to its passage and adoption.

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18 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a one (1) year period; that the
21 effectiveness of this Act on July 1, 2009 is essential to the operation of
22 the agency for which the appropriations in this Act are provided, and that in
23 the event of an extension of the Regular Session, the delay in the effective
24 date of this Act beyond July 1, 2009 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 2009.

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32 /s/ Joint Budget Committee

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34 **APPROVED: 4/9/2009**