

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

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

A Bill

SENATE BILL 92

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 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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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				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		

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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 2005-2007 biennium, the following maximum number of part-
 14 time or temporary employees, to be known as "Extra Help", payable from funds
 15 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. APPROPRIATIONS - 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 biennial
 25 period ending June 30, 2007, the following:

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ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
29	(01) REGULAR SALARIES	\$ 170,048	\$ 174,927
30	(02) EXTRA HELP	5,000	5,000
31	(03) PERSONAL SERVICES MATCHING	52,913	53,975
32	(04) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	59,481	59,481
34	(B) CONF. & TRAVEL	4,500	4,500
35	(C) PROF. FEES	2,800	2,800
36	(D) CAP. OUTLAY	0	0

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

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

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

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SECTION 5. EXTRA HELP - DIVISION OF CHECK CASHING. There is hereby
authorized, for the State Board of Collection Agencies - Division of Check
Cashing for the 2005-2007 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 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

1 Collection Agencies, for personal services and operating expenses of the
 2 State Board of Collection Agencies – Division of Check Cashing for the
 3 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.	800	800
TOTAL AMOUNT APPROPRIATED	<u>\$ 190,190</u>	<u>\$ 193,633</u>

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

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

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

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

35 *(2) All funds remaining after the distribution in subdivision (b)(1)*
 36 *of this section received during the fiscal year ending June 30, 2006, shall*

1 be remitted by the board to the University of Arkansas for Medical Sciences
2 for deposit in a financial institution in accordance with the policies of the
3 University of Arkansas. The funds shall be expended for the College of
4 Pharmacy and the College of Nursing in accordance with § 6-64-417; and

5 (3)(A) Beginning July 1, 2006 and each July 1 thereafter, the first
6 one hundred and fifteen thousand dollars (\$115,000) in fees received by the
7 board shall be remitted in one payment by the board to the Treasurer of State
8 for the Department of Human Services - Division of Medical 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 Arkansas Code 20-10-705.

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

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

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

28 6-64-417. College of Nursing and College of Pharmacy program
29 improvements.

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

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

36 (A) Scholarships and stipends for nursing students who are

1 candidates for bachelor's or master's degrees or degrees beyond a master's
2 degree; and

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

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

7 (A) Scholarships and stipends for pharmacy students;

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

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

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

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

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

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

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

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

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

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

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

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

1 (e) Scholarships and other awards under this section may be granted in
2 addition to other funds awarded to a student under other scholarship and
3 assistance programs.
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5 SECTION 9. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
6 this Act for Maintenance and General Operation shall be expended in payment
7 for services of attorneys, unless the agency shall first make a request in
8 writing to the Attorney General of the State of Arkansas to provide the
9 required legal services. The Attorney General's Office shall provide the
10 requested legal services, or, if the Attorney General's Office shall
11 determine that sufficient personnel are not available to provide the
12 requested legal services, the Attorney General shall certify the same to the
13 agency and may authorize the agency to employ legal counsel and to expend
14 monies appropriated for Maintenance and General Operations therefor, if:

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

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

19 Such certification shall be required with respect to each instance of the
20 employment of special legal counsel, or shall be required annually with
21 respect to legal counsel employed on a retainer basis. A copy of such
22 certification shall be entered in the official minutes of the agency, and
23 shall be retained in the fiscal records of the agency for audit purposes.
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25 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
26 by this act shall be limited to the appropriation for such agency and funds
27 made available by law for the support of such appropriations; and the
28 restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.
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35 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

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

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

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20 /s/ Joint Budget Committee
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