

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S3/21/11*  
**A Bill**

SENATE BILL 37

5 By: Joint Budget Committee  
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE STATE  
10 BOARD OF COLLECTION AGENCIES FOR THE FISCAL YEAR  
11 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.  
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14 **Subtitle**

15 AN ACT FOR THE STATE BOARD OF COLLECTION  
16 AGENCIES APPROPRIATION FOR THE 2011-2012  
17 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
23 Board of Collection Agencies for the 2011-2012 fiscal year, the following  
24 maximum number of regular employees.  
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| Item No. | Class Code            | Title                               | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2011-2012 |
|----------|-----------------------|-------------------------------------|--------------------------|--|
| 30       | (1) X001N             | BD OF COLLECTION EXEC DIR           | 1                        | GRADE N902                                       |
| 31       | (2) X130C             | BD OF COLLECTION FIELD INVESTIGATOR | 1                        | GRADE C116                                       |
| 32       | (3) C022C             | BUSINESS OPERATIONS SPECIALIST      | 1                        | GRADE C116                                       |
| 33       | (4) C056C             | ADMINISTRATIVE SPECIALIST III       | <u>1</u>                 | GRADE C112                                       |
| 34       | MAX. NO. OF EMPLOYEES |                                     | 4                        |  |

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36 SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board



1 of Collection Agencies for the 2011-2012 fiscal year, the following maximum  
 2 number of part-time or temporary employees, to be known as "Extra Help",  
 3 payable from funds appropriated herein for such purposes: one (1) temporary  
 4 or part-time employees, when needed, at rates of pay not to exceed those  
 5 provided in the Uniform Classification and Compensation Act, or its  
 6 successor, or this act for the appropriate classification.

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 8 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 9 to the State Board of Collection Agencies, to be payable from cash funds as  
 10 defined by Arkansas Code 19-4-801 of the State Board of Collection Agencies,  
 11 for personal services and operating expenses of the State Board of Collection  
 12 Agencies for the fiscal year ending June 30, 2012, the following:

| 14 ITEM  | FISCAL YEAR        |
|--|--------------------|
| 15 NO.   | 2011-2012          |
| 16 (01) REGULAR SALARIES                       | \$192,694          |
| 17 (02) EXTRA HELP                             | 5,000              |
| 18 (03) PERSONAL SERVICES MATCHING             | 63,149             |
| 19 (04) MAINT. & GEN. OPERATION                |                    |
| 20 (A) OPER. EXPENSE                           | 86,700             |
| 21 (B) CONF. & TRAVEL                          | 4,500              |
| 22 (C) PROF. FEES                              | 21,000             |
| 23 (D) CAP. OUTLAY                             | 20,000             |
| 24 (E) DATA PROC.                              | 0                  |
| 25 (05) DHS/UAMS/ASU/UCA/SAU SYSTEM/HSU GRANTS | 1,300,000          |
| 26 (06) CLAIMS                                 | <u>24,642</u>      |
| 27 TOTAL AMOUNT APPROPRIATED                   | <u>\$1,717,685</u> |

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 29 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
 31 TRANSFER. Immediately upon the effective date of this act, all unexpended  
 32 balances of funds received by the Division of Check Cashing of the State  
 33 Board of Collection Agencies under the Check-Cashers Act, § 23-52-101 et  
 34 seq., shall be remitted in one (1) payment by the board to the Treasurer of  
 35 State, to be credited as follows: the first fifty thousand (\$50,000) shall be  
 36 remitted to the Housing Trust Fund, all remaining funds shall be equally

1 distributed to the Arkansas State University Fund, the Mid-South Community  
 2 College Fund, and the University of Arkansas at Little Rock Fund.

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 4 SECTION 5. SPECIAL LANGUAGE. Arkansas Code § 17-24-305(b)(1),  
 5 concerning the use of State Board of Collection Agencies fees is amended to  
 6 read as follows:

7 (E)(i) The funds remaining after the distributions in  
 8 subdivisions (b)(1)(A)-(D) of this section for the fiscal year ending June  
 9 30, 2010, and funds received by the board each July 1 thereafter in an amount  
 10 not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall  
 11 be remitted by the board to Southern Arkansas University for deposit into the  
 12 Southern Arkansas University Fund.

13 (ii) Funds shall be expended exclusively for personal  
 14 services and operating expenses of the Southern Arkansas University System.

15 (F) The funds remaining after the distributions in subdivisions  
 16 (b)(1)(A)-(E) of this section for the fiscal year ending June 30, 2011, and  
 17 funds received by the board each July 1 thereafter in an amount not to exceed  
 18 one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by  
 19 the board to Henderson State University for deposit into the Henderson State  
 20 University Fund.

21 ~~(F)(G)~~ Funds remaining after the distributions in subdivisions  
 22 (b)(1)(A)-~~(E)~~(F) of this section shall be deposited to the State Board of  
 23 Collection Agencies account in some bank authorized to do business in this  
 24 state.

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 26 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 27 this Act for Maintenance and General Operation shall be expended in payment  
 28 for services of attorneys, unless the agency shall first make a request in  
 29 writing to the Attorney General of the State of Arkansas to provide the  
 30 required legal services. The Attorney General's Office shall provide the  
 31 requested legal services, or, if the Attorney General's Office shall  
 32 determine that sufficient personnel are not available to provide the  
 33 requested legal services, the Attorney General shall certify the same to the  
 34 agency and may authorize the agency to employ legal counsel and to expend  
 35 monies appropriated for Maintenance and General Operations therefor, if:

36 (1) The Attorney General determines, and certifies in writing, that

1 such agency needs the advice or assistance of legal counsel, and

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

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

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10 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
11 authorized by this act shall be limited to the appropriation for such agency  
12 and funds made available by law for the support of such appropriations; and  
13 the restrictions of the State Procurement Law, the General Accounting and  
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
15 Procedures and Restrictions Act, or their successors, and other fiscal  
16 control laws of this State, where applicable, and regulations promulgated by  
17 the Department of Finance and Administration, as authorized by law, shall be  
18 strictly complied with in disbursement of said funds.

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

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29 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
30 Assembly, that the Constitution of the State of Arkansas prohibits the  
31 appropriation of funds for more than a one (1) year period; that the  
32 effectiveness of this Act on July 1, 2011 is essential to the operation of  
33 the agency for which the appropriations in this Act are provided, and that in  
34 the event of an extension of the legislative session, the delay in the  
35 effective date of this Act beyond July 1, 2011 could work irreparable harm  
36 upon the proper administration and provision of essential governmental

1 programs. Therefore, an emergency is hereby declared to exist and this Act  
2 being necessary for the immediate preservation of the public peace, health  
3 and safety shall be in full force and effect from and after July 1, 2011.

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5 */s/Joint Budget Committee*  
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