

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S4/5/13
A Bill

SENATE BILL 60

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE STATE BOARD OF
COLLECTION AGENCIES FOR THE FISCAL YEAR ENDING JUNE
30, 2014; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE STATE BOARD OF COLLECTION
AGENCIES APPROPRIATION FOR THE 2013-2014
FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES. There is hereby established for the State Board of Collection Agencies for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	X001N	BD OF COLLECTION EXEC DIR	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	

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



of Collection Agencies for the 2013-2014 fiscal year, 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. APPROPRIATION - OPERATIONS. 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 for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$194,827
(02) EXTRA HELP	5,000
(03) PERSONAL SERVICES MATCHING	62,615
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	91,700
(B) CONF. & TRAVEL	4,500
(C) PROF. FEES	21,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) DHS/UAMS/ASU/UCA/SAU SYSTEM/HSU GRANTS	1,300,000
(06) CLAIMS	<u>24,642</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,704,284</u></u>

SECTION 4. 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)~~ twenty dollars (\$20) effective September 1, 2013, for registering 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)(A) Beginning July 1, 2006, and each July 1 thereafter, the first one hundred fifteen thousand dollars (\$115,000) in fees received by the board shall be remitted in one (1) payment by the board to the Treasurer of State for the Division of Medical Services of the Department of Human Services and deposited into a paying account as determined by the Chief Fiscal Officer of the State to be used in accordance with § 20-10-705.~~

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

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

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

~~(E)(i) The funds remaining after the distributions in subdivisions (b)(1)(A)–(D) of this section for the fiscal year ending June 30, 2010, and funds received by the board each July 1 thereafter in an amount~~

~~not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by the board to Southern Arkansas University for deposit into the Southern Arkansas University Fund.~~

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

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

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

(1) Beginning July 1, 2013, and each fiscal year thereafter the State Board of Collection Agencies shall remit to each entity in subdivisions (b)(2)(A) through (F) one (1) annual payment. Distributions shall be funded in the percentage of the total funds available up to the maximum authorized; that is if less than 100% of the total allocation is available for distribution, all allocations listed in (b)(2)(A) through (F) will be funded at a prorated percentage consistent with the available funds. At no time shall the total distribution exceed the maximum amounts as listed in (b)(2)(A) through (F).

(2)(A) an amount not to exceed one hundred fifteen thousand dollars (\$115,000) to the Treasurer of State for the Division of Medical Services of the Department of Human Services for deposit into a paying account as determined by the Chief Fiscal Officer of the State to be used in accordance with § 20-10-705.

(B) an amount not to exceed six hundred thousand dollars (\$600,000) to the University of Arkansas for Medical Sciences for deposit into a financial institution in accordance with the policies of the University of Arkansas. The funds shall be expended for the College of Pharmacy and the College of Nursing in accordance with § 6-64-417.

(C) an amount not to exceed two hundred fifty thousand dollars (\$250,000) to Arkansas State University – Mountain Home for deposit into the

Arkansas State University – Mountain Home Fund. The funds shall be expended exclusively for the Arkansas State University – Mountain Home Practical Nurse Program.

(D) an amount not to exceed one hundred thousand dollars (\$100,000) to the University of Central Arkansas for deposit into the University of Central Arkansas Fund. The funds shall be expended exclusively for the University of Central Arkansas Department of Nursing.

(E) an amount not to exceed one hundred thousand dollars (\$100,000) to Southern Arkansas University for deposit into the Southern Arkansas University Fund. The funds shall be expended exclusively for personal services and operating expenses of the Southern Arkansas University System.

(F) an amount not to exceed one hundred thousand dollars (\$100,000) to Henderson State University for deposit into the Henderson State University Fund.

(3) Funds remaining after the distributions in subdivisions (b)(2)(A)-(F) of this section shall be deposited to the State Board of Collection Agencies account in some bank authorized to do business in this state.

SECTION 5. SPECIAL LANGUAGE. Arkansas Code § 17-24-306 concerning bond requirements established by the State Board of Collection Agencies is amended to read as follows:

17-24-306. Bond.

(a) The State Board of Collection Agencies shall require each licensee to secure a surety bond in an amount not less than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) nor more than ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) for each location, with the security on the bond to be approved by the board.

SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the

requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

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

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

SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2013 is essential to the operation of

the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013.

/s/Joint Budget Committee