

Act 175 of the First Special Session of 1989.

Act 175

HB1023

By: Joint Budget Committee

For An Act To Be Entitled
"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
OPERATING EXPENSES OF THE ARKANSAS REAL ESTATE COMMISSION FOR
THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER
PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Real Estate Commission for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	7103	REAL ESTATE EXECUTIVE SECRETARY	1	\$37,409	\$38,345
(2)	7339	REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$32,442	\$33,254
(3)	7104	REAL ESTATE CHIEF INVESTIGATOR	1	\$28,711	\$29,429
(4)	7105	REAL ESTATE ASST SECRETARY LIC	1	\$24,540	\$25,154
(5)	7106	REAL ESTATE INVESTIGATOR	3	\$23,765	\$24,360
(6)	7107	REAL ESTATE SECRETARY - ADMIN ASST	2	\$19,820	\$20,316
(7)	7108	REAL EST SECY - WORD PROCESS OPR II	1	\$17,844	\$18,291
(8)	7110	REAL ESTATE ACCOUNTANT	1	\$17,302	\$17,735
(9)	7109	REAL ESTATE EXAMINER	1	\$16,490	\$16,903
(10)	7340	REAL ESTATE SECRETARY III	1	\$15,409	\$15,795
(11)	7242	REAL ESTATE LICENSING ASST	1	\$14,873	\$15,245
(12)	7111	REAL ESTATE SECRETARY I	1	\$14,614	\$14,980
(13)	7112	REAL ESTATE LICENSING CLERK	3	\$12,997	\$13,322
MAX NO. OF EMPLOYEES			18		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 1989-91 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: Three (3) 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, for the appropriate classification.

SECTION 3. APPROPRIATIONS - OPERATIONS. There is hereby appropriated to the Arkansas Real Estate Commission, to be payable from cash funds of the Arkansas Real Estate Commission, for personal services and operating expenses of the Arkansas Real Estate Commission for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 369,560	\$ 378,809
(02) EXTRA HELP	16,000	16,000
(03) PERSONAL SERV MATCHING	90,869	96,073
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 196,356	\$ 206,174
(B) CONF. & TRAVEL	9,662	9,662
(C) PROF. FEES	22,429	22,429
(D) CAPITAL OUTLAY	1,000	1,000
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	229,447	239,265
(05) INVESTMENTS	165,000	165,000
(06) REFUNDS	65,000	65,000
TOTAL AMOUNT APPROPRIATED	\$ 935,876	\$ 960,147
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SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby appropriated to the Arkansas Real Estate Commission, to be payable from cash funds of the Arkansas Real Estate Commission, for the purpose of funding the Real Estate Recovery Fund for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) INVESTMENTS	\$ 200,000	\$ 200,000
(02) DAMAGE PAYMENT	250,000	250,000
(03) EDUCATION	42,500	42,500
TOTAL AMOUNT APPROPRIATED	\$ 492,500	\$ 492,500
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SECTION 5. The appropriation provided herein for "EDUCATION" may be used to fund all expenses incurred in conducting educational seminars and other forms of educational projects for use and benefit generally of licensees, including the production and distribution of information literature of an educational nature.

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 Purchasing 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. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code. Act 89 of 1989 is hereby repealed.

SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 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 Regular Session, the delay in the effective date of this Act beyond July 1, 1989 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, 1989.

APPROVED: June 23, 1989
