

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Joint Budget Committee**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE COMMISSION
10 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1993; AND FOR
11 OTHER PURPOSES."

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

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15 SECTION 1. REGULAR SALARIES. There is hereby established for the
16 Arkansas Real Estate Commission for the 1991-93 biennium, the following
17 maximum number of regular employees whose salaries shall be governed by the
18 provisions of the Uniform Classification and Compensation Act (Arkansas Code
19 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
20 Provided, however, that any position to which a specific maximum annual salary
21 is set out herein in dollars, shall be exempt from the provisions of said
22 Uniform Classification and Compensation Act. All persons occupying positions
23 authorized herein are hereby governed by the provisions of the Regular
24 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
25 successor.

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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	1991-92	1992-93
30	(1)	7103 REAL ESTATE EXECUTIVE SECRETARY	1	\$ 42,214	\$ 44,324
31	(2)	7339 REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$ 36,609	\$ 38,439
32	(3)	7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 32,398	\$ 34,017
33	(4)	7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 27,691	\$ 29,075
34	(5)	7106 REAL ESTATE INVESTIGATOR	3	\$ 26,818	\$ 28,158

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1	(6) 7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 22,366	\$ 23,484
2	(7) 7108 REAL EST SECY - WORD PROCESS OPR II	1	\$ 20,136	\$ 21,142
3	(8) 7110 REAL ESTATE ACCOUNTANT	1	\$ 19,524	\$ 20,500
4	(9) 7109 REAL ESTATE EXAMINER	1	\$ 18,608	\$ 19,538
5	(10) 7340 REAL ESTATE SECRETARY III	2	\$ 17,389	\$ 18,258
6	(11) 7242 REAL ESTATE LICENSING ASST	1	\$ 16,783	\$ 17,622
7	(12) 7111 REAL ESTATE SECRETARY I	1	\$ 16,491	\$ 17,315
8	(13) 7112 REAL ESTATE LICENSING CLERK	<u>3</u>	\$ 14,666	\$ 15,399
9	MAX NO. OF EMPLOYEES	19		

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11 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 12 Real Estate Commission for the 1991-93 biennium, the following maximum number
 13 of part-time or temporary employees, to be known as "Extra Help", payable from
 14 funds appropriated herein for such purposes: Three (3) temporary or part-time
 15 employees, when needed, at rates of pay not to exceed those provided in the
 16 Uniform Classification and Compensation Act, or its successor, or this act for
 17 the appropriate classification.

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19 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
 20 Arkansas Real Estate Commission, to be payable from cash funds as defined by
 21 Arkansas Code 19-4-801 of the Arkansas Real Estate Commission, for personal
 22 services and operating expenses of the Arkansas Real Estate Commission for the
 23 biennial period ending June 30, 1993, the following:

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25	<u>ITEM</u>	<u>FISCAL YEARS</u>	
26	NO.	1991-92	1992-93
27	(01) REGULAR SALARIES	\$ 434,416	\$ 456,127
28	(02) EXTRA HELP	16,000	16,000
29	(03) PERSONAL SERV MATCHING	107,690	113,833
30	(04) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSES	\$ 206,174	\$ 206,174
32	(B) CONF. & TRAVEL	9,662	9,662
33	(C) PROF. FEES	24,929	24,929
34	(D) CAPITAL OUTLAY	15,000	15,000
35	(E) DATA PROCESSING	<u>0</u>	<u>0</u>

1	TOTAL MAINT. & GEN. OPER.	255,765	255,765
2	(05) INVESTMENTS	165,000	165,000
3	(06) REFUNDS	<u>65,000</u>	<u>65,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,043,871</u>	<u>\$ 1,071,725</u>

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6 SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby

7 appropriated, to the Arkansas Real Estate Commission, to be payable from cash

8 funds as defined by Arkansas Code 19-4-801 of the Arkansas Real Estate

9 Commission, for the purpose of funding the Real Estate Recovery Fund for the

10 biennial period ending June 30, 1993, the following:

12	ITEM	FISCAL YEARS	
13	NO.	1991-92	1992-93
14	(01) INVESTMENTS	\$ 200,000	\$ 200,000
15	(02) DAMAGE PAYMENT	250,000	250,000
16	(03) EDUCATION	<u>42,500</u>	<u>42,500</u>
17	TOTAL AMOUNT APPROPRIATED	<u>\$ 492,500</u>	<u>\$ 492,500</u>

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19 SECTION 5. The appropriation provided herein for "EDUCATION" may be

20 used to fund all expenses incurred in conducting educational seminars and

21 other forms of educational projects for use and benefit generally of

22 licensees, including the production and distribution of information literature

23 of an educational nature.

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25 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in

26 this Act for Maintenance and General Operation shall be expended in payment

27 for services of attorneys, unless the agency shall first make a request in

28 writing to the Attorney General of the State of Arkansas to provide the

29 required legal services. The Attorney General's Office shall provide the

30 requested legal services, or, if the Attorney General's Office shall determine

31 that sufficient personnel are not available to provide the requested legal

32 services, the Attorney General shall certify the same to the agency and may

33 authorize the agency to employ legal counsel and to expend monies appropriated

34 for Maintenance and General Operations therefor, if:

- 35 (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 Purchasing 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 control
16 laws of this State, where applicable, and regulations promulgated by the
17 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 which
23 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. CODE. All provisions of this Act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.

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33 SECTION 10. SEVERABILITY. If any provision of this Act or the
34 application thereof to any person or circumstance is held invalid, such
35 invalidity shall not affect other provisions or applications of the Act which

1 can be given effect without the invalid provision or application, and to this
2 end the provisions of this Act are declared to be severable.

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4 SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict
5 with this Act are hereby repealed.

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7 SECTION 12. HEALTH PREMIUMS. The Arkansas Real Estate Commission shall
8 not, during the 1992-93 fiscal year, spend more for health insurance per
9 employee than the amount being contributed to the State Employees Health
10 Insurance Program.

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12 SECTION 13. EMERGENCY CLAUSE. It is hereby found and determined by the
13 Seventy-Eighth General Assembly, that the Constitution of the State of
14 Arkansas prohibits the appropriation of funds for more than a two (2) year
15 period; that the effectiveness of this Act on July 1, 1991 is essential to the
16 operation of the agency for which the appropriations in this Act are provided,
17 and that in the event of an extension of the Regular Session, the delay in the
18 effective date of this Act beyond July 1, 1991 could work irreparable harm
19 upon the proper administration and provision of essential governmental
20 programs. Therefore, an emergency is hereby declared to exist and this Act
21 being necessary for the immediate preservation of the public peace, health and
22 safety shall be in full force and effect from and after July 1, 1991.

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