

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Joint Budget Committee**

# A Bill

**HOUSE BILL 1279**

## 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, 1995; AND FOR  
11 OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE ARKANSAS REAL ESTATE COMMISSION  
15 APPROPRIATION."

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

19 SECTION 1. REGULAR SALARIES. There is hereby established for the  
20 Arkansas Real Estate Commission for the 1993-95 biennium, the following  
21 maximum number of regular employees whose salaries shall be governed by the  
22 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
23 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
24 Provided, however, that any position to which a specific maximum annual salary  
25 is set out herein in dollars, shall be exempt from the provisions of said  
26 Uniform Classification and Compensation Act. All persons occupying positions  
27 authorized herein are hereby governed by the provisions of the Regular  
28 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
29 successor.

			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	1993-94	1994-95
35	(1) 7103	REAL ESTATE EXECUTIVE SECRETARY	1	\$ 54,000	\$ 55,350

1	(2)	7339 REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$ 40,187	\$ 41,593
2	(3)	7113 ASST DEPUTY EXECUTIVE SECRETARY	1	\$ 36,416	\$ 37,690
3	(4)	7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 35,564	\$ 36,808
4	(5)	7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 30,397	\$ 31,460
5	(6)	7106 REAL ESTATE INVESTIGATOR	3	\$ 29,439	\$ 30,469
6	(7)	7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 24,551	\$ 25,410
7	(8)	7108 REAL EST SECY - WORD PROCESS OPR II	1	\$ 22,103	\$ 22,876
8	(9)	7110 REAL ESTATE ACCOUNTANT	1	\$ 21,432	\$ 22,182
9	(10)	7109 REAL ESTATE EXAMINER	1	\$ 20,426	\$ 21,140
10	(11)	7340 REAL ESTATE SECRETARY III	2	\$ 19,088	\$ 19,756
11	(12)	7242 REAL ESTATE LICENSING ASST	1	\$ 18,423	\$ 19,067
12	(13)	7111 REAL ESTATE SECRETARY I	1	\$ 18,102	\$ 18,735
13	(14)	7112 REAL ESTATE LICENSING CLERK	<u>3</u>	\$ 16,098	\$ 16,661
14		MAX NO. OF EMPLOYEES	20		

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16 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
17 Real Estate Commission for the 1993-95 biennium, the following maximum number  
18 of part-time or temporary employees, to be known as "Extra Help", payable from  
19 funds appropriated herein for such purposes: *four (4)* temporary or part-time  
20 employees, when needed, at rates of pay not to exceed those provided in the  
21 Uniform Classification and Compensation Act, or its successor, or this act for  
22 the appropriate classification.

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24 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the  
25 Arkansas Real Estate Commission, to be payable from cash funds as defined by  
26 Arkansas Code 19-4-801 of the Arkansas Real Estate Commission, for personal  
27 services and operating expenses of the Arkansas Real Estate Commission for the  
28 biennial period ending June 30, 1995, the following:

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30	<u>ITEM</u>		<u>FISCAL YEARS</u>	
31	NO.		1993-94	1994-95
32	(01)	REGULAR SALARIES	\$ 495,599	\$ 511,478
33	(02)	EXTRA HELP	16,000	16,000
34	(03)	PERSONAL SERV MATCHING	133,740	136,869
35	(04)	MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	\$ 206,174	\$ 206,174
2	(B) CONF. & TRVL.	9,662	9,662
3	(C) PROF. FEES	30,929	30,929
4	(D) CAP. OUTLAY	5,000	5,000
5	(E) DATA PROC.	<u>0</u>	<u>0</u>
6	TOTAL MAINT. & GEN. OPER.	251,765	251,765
7	(05) INVESTMENTS	165,000	165,000
8	(06) REFUNDS/REIMBURSEMENTS	<u>65,000</u>	<u>65,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,127,104</u>	<u>\$ 1,146,112</u>

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11 SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby  
 12 appropriated, to the Arkansas Real Estate Commission, to be payable from cash  
 13 funds as defined by Arkansas Code 19-4-801 of the Arkansas Real Estate  
 14 Commission, for the purpose of funding the Real Estate Recovery Fund of the  
 15 Arkansas Real Estate Commission for the biennial period ending June 30, 1995,  
 16 the following:

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18	ITEM	FISCAL YEARS	
19	NO.	1993-94	1994-95
20	(01) INVESTMENTS	\$ 200,000	\$ 200,000
21	(02) DAMAGE PAYMENT	250,000	250,000
22	(03) EDUCATION	<u>42,500</u>	<u>42,500</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 492,500</u>	<u>\$ 492,500</u>

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25 SECTION 5. The appropriation provided herein for "EDUCATION" may be  
 26 used to fund all expenses incurred in conducting educational seminars and  
 27 other forms of educational projects for use and benefit generally of  
 28 licensees, including the production and distribution of information literature  
 29 of an educational nature.

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31 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 32 this Act for Maintenance and General Operation shall be expended in payment  
 33 for services of attorneys, unless the agency shall first make a request in  
 34 writing to the Attorney General of the State of Arkansas to provide the  
 35 required legal services. The Attorney General's Office shall provide the

1 requested legal services, or, if the Attorney General's Office shall determine  
2 that sufficient personnel are not available to provide the requested legal  
3 services, the Attorney General shall certify the same to the agency and may  
4 authorize the agency to employ legal counsel and to expend monies appropriated  
5 for Maintenance and General Operations therefor, if:

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

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

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

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

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

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35       SECTION 9. CODE. All provisions of this Act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
2 Code Revision Commission shall incorporate the same in the Code.

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4 SECTION 10. SEVERABILITY. If any provision of this Act or the  
5 application thereof to any person or circumstance is held invalid, such  
6 invalidity shall not affect other provisions or applications of the Act which  
7 can be given effect without the invalid provision or application, and to this  
8 end the provisions of this Act are declared to be severable.

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

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13 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the  
14 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas  
15 prohibits the appropriation of funds for more than a two (2) year period; that  
16 the effectiveness of this Act on July 1, 1993 is essential to the operation of  
17 the agency for which the appropriations in this Act are provided, and that in  
18 the event of an extension of the Regular Session, the delay in the effective  
19 date of this Act beyond July 1, 1993 could work irreparable harm upon the  
20 proper administration and provision of essential governmental programs.  
21 Therefore, an emergency is hereby declared to exist and this Act being  
22 necessary for the immediate preservation of the public peace, health and  
23 safety shall be in full force and effect from and after July 1, 1993.

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*/s/John E. Miller*

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