

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 39

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE  
10 COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ARKANSAS REAL ESTATE  
15 COMMISSION APPROPRIATION FOR THE 2013-  
16 2014 FISCAL YEAR.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Arkansas Real Estate Commission for the 2013-2014 fiscal year, the following  
24 maximum number of regular employees.  
25

26				Maximum Annual
27				Salary Rate
28	Item	Class	Maximum	Fiscal Year
29	No.	Code	No. of	2013-2014
	No.	Code	Employees	
30	(1)	U097U	AREC EXECUTIVE DIRECTOR	1 \$96,142
31	(2)	G054C	AREC DEPUTY EXECUTIVE DIRECTOR	1 GRADE C126
32	(3)	C004C	AREC SUPERVISOR	1 GRADE C121
33	(4)	X091C	AREC SR REAL ESTATE INVESTIGATOR	1 GRADE C118
34	(5)	A082C	ACCOUNTANT II	1 GRADE C117
35	(6)	X110C	AREC INVESTIGATOR	2 GRADE C117
36	(7)	E048C	EDUCATION & INSTRUCTION SPECIALIST	1 GRADE C116



1	(8)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
2	(9)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
3	(10)	X169C	AREC EXAMINER	1	GRADE C113
4	(11)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
5	(12)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
6			MAX. NO. OF EMPLOYEES	15	

7

8 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
 9 Real Estate Commission for the 2013-2014 fiscal year, the following maximum  
 10 number of part-time or temporary employees, to be known as "Extra Help",  
 11 payable from funds appropriated herein for such purposes: four (4) temporary  
 12 or part-time employees, when needed, at rates of pay not to exceed those  
 13 provided in the Uniform Classification and Compensation Act, or its  
 14 successor, or this act for the appropriate classification.

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16 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 17 to the Arkansas Real Estate Commission, to be payable from the cash fund  
 18 deposited in the State Treasury as determined by the Chief Fiscal Officer of  
 19 the State, for personal services and operating expenses of the Arkansas Real  
 20 Estate Commission for the fiscal year ending June 30, 2014, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2013-2014</u>
24	(01) REGULAR SALARIES	\$627,778
25	(02) EXTRA HELP	16,000
26	(03) PERSONAL SERVICES MATCHING	211,568
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	397,744
29	(B) CONF. & TRAVEL	16,662
30	(C) PROF. FEES	32,929
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	0
33	(05) REFUNDS/REIMBURSEMENTS	<u>10,000</u>
34	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,312,681</u></u>

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36 SECTION 4. APPROPRIATION - REAL ESTATE RECOVERY. There is hereby

1 appropriated, to the Arkansas Real Estate Commission, to be payable from the  
 2 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 3 Officer of the State, for the purpose of funding the Real Estate Recovery  
 4 Cash Fund of the Arkansas Real Estate Commission for the fiscal year ending  
 5 June 30, 2014, the following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2013-2014</u>
9 (01) DAMAGE PAYMENT	\$250,000
10 (02) EDUCATION	<u>102,500</u>
11 TOTAL AMOUNT APPROPRIATED	<u><u>\$352,500</u></u>

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 13 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
 14 this Act for Maintenance and General Operation shall be expended in payment  
 15 for services of attorneys, unless the agency shall first make a request in  
 16 writing to the Attorney General of the State of Arkansas to provide the  
 17 required legal services. The Attorney General's Office shall provide the  
 18 requested legal services, or, if the Attorney General's Office shall  
 19 determine that sufficient personnel are not available to provide the  
 20 requested legal services, the Attorney General shall certify the same to the  
 21 agency and may authorize the agency to employ legal counsel and to expend  
 22 monies appropriated for Maintenance and General Operations therefor, if:

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

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

27 Such certification shall be required with respect to each instance of  
 28 the employment of special legal counsel, or shall be required annually with  
 29 respect to legal counsel employed on a retainer basis. A copy of such  
 30 certification shall be entered in the official minutes of the agency, and  
 31 shall be retained in the fiscal records of the agency for audit purposes.  
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33 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
 34 authorized by this act shall be limited to the appropriation for such agency  
 35 and funds made available by law for the support of such appropriations; and  
 36 the restrictions of the State Procurement Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
2 Procedures and Restrictions Act, or their successors, and other fiscal  
3 control laws of this State, where applicable, and regulations promulgated by  
4 the Department of Finance and Administration, as authorized by law, shall be  
5 strictly complied with in disbursement of said funds.

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7 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General  
8 Assembly that any funds disbursed under the authority of the appropriations  
9 contained in this act shall be in compliance with the stated reasons for  
10 which this act was adopted, as evidenced by the Agency Requests, Executive  
11 Recommendations and Legislative Recommendations contained in the budget  
12 manuals prepared by the Department of Finance and Administration, letters, or  
13 summarized oral testimony in the official minutes of the Arkansas Legislative  
14 Council or Joint Budget Committee which relate to its passage and adoption.

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16 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
17 Assembly, that the Constitution of the State of Arkansas prohibits the  
18 appropriation of funds for more than a one (1) year period; that the  
19 effectiveness of this Act on July 1, 2013 is essential to the operation of  
20 the agency for which the appropriations in this Act are provided, and that in  
21 the event of an extension of the legislative session, the delay in the  
22 effective date of this Act beyond July 1, 2013 could work irreparable harm  
23 upon the proper administration and provision of essential governmental  
24 programs. Therefore, an emergency is hereby declared to exist and this Act  
25 being necessary for the immediate preservation of the public peace, health  
26 and safety shall be in full force and effect from and after July 1, 2013.