

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

A Bill ACT 143 OF 1991

HOUSE BILL 1474

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."

12
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.

			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	1991-92	1992-93
31	(1)	7103 REAL ESTATE EXECUTIVE SECRETARY	1	\$ 42,214	\$ 44,324
32	(2)	7339 REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$ 36,609	\$ 38,439
33	(3)	7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 32,398	\$ 34,017
34	(4)	7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 27,691	\$ 29,075
35	(5)	7106 REAL ESTATE INVESTIGATOR	3	\$ 26,818	\$ 28,158
36	(6)	7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 22,366	\$ 23,484

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

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 1991-93 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, or this act for the appropriate classification.

SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Real Estate Commission, to be payable from cash funds as defined by Arkansas Code 19-4-801 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, 1993, the following:

ITEM	FISCAL YEARS	
NO.	1991-92	1992-93
(01) REGULAR SALARIES	\$ 434,416	\$ 456,127
(02) EXTRA HELP	16,000	16,000
(03) PERSONAL SERV MATCHING	107,690	113,833
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 206,174	\$ 206,174
(B) CONF. & TRAVEL	9,662	9,662
(C) PROF. FEES	24,929	24,929
(D) CAPITAL OUTLAY	15,000	15,000
(E) DATA PROCESSING	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.	255,765	255,765

1	(05)	INVESTMENTS	165,000	165,000
2	(06)	REFUNDS	<u>65,000</u>	<u>65,000</u>
3		TOTAL AMOUNT APPROPRIATED	<u>\$ 1,043,871</u>	<u>\$ 1,071,725</u>

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

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

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

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

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

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

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

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

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

21 licensees, including the production and distribution of information literature

22 of an educational nature.

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

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

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

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

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

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

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

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

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

33 for Maintenance and General Operations therefor, if:

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

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

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

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

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

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28 SECTION 9. CODE. All provisions of this Act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

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32 SECTION 10. SEVERABILITY. If any provision of this Act or the
33 application thereof to any person or circumstance is held invalid, such
34 invalidity shall not affect other provisions or applications of the Act which
35 can be given effect without the invalid provision or application, and to this

1 end the provisions of this Act are declared to be severable.

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

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

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

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24 APPROVED: 2-14-91

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