

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 27 OF 1995
HOUSE BILL 1121

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, 1997; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE ARKANSAS REAL ESTATE
15 COMMISSION APPROPRIATION FOR THE 1995-97
16 BIENNIUM."

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

20 SECTION 1. REGULAR SALARIES. There is hereby established for the
21 Arkansas Real Estate Commission for the 1995-97 biennium, the following
22 maximum number of regular employees whose salaries shall be governed by the
23 provisions of the Uniform Classification and Compensation Act (Arkansas Code
24 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
25 Provided, however, that any position to which a specific maximum annual salary
26 is set out herein in dollars, shall be exempt from the provisions of said
27 Uniform Classification and Compensation Act. All persons occupying positions
28 authorized herein are hereby governed by the provisions of the Regular
29 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
30 successor.

Item	Class		Maximum	Maximum Annual
			No. of	Salary Rate
			Employees	Fiscal Years
No.	Code	Title		1995-96 1996-97
36	(1)	7103 REAL ESTATE EXECUTIVE SECRETARY	1	\$ 57,868 \$ 59,314

0110951035.JHT014

1	(2)	7339 REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$ 43,484	\$ 44,571
2	(3)	7113 ASST DEPUTY EXECUTIVE SECRETARY	1	\$ 39,404	\$ 40,389
3	(4)	7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 38,482	\$ 39,444
4	(5)	7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 32,891	\$ 33,713
5	(6)	7106 REAL ESTATE INVESTIGATOR	3	\$ 31,854	\$ 32,650
6	(7)	7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 26,565	\$ 27,229
7	(8)	7108 REAL EST SECY - WORD PROCESS OPR II	1	\$ 23,916	\$ 24,513
8	(9)	7110 REAL ESTATE ACCOUNTANT	1	\$ 23,190	\$ 23,769
9	(10)	7109 REAL ESTATE EXAMINER	1	\$ 22,101	\$ 22,653
10	(11)	7340 REAL ESTATE SECRETARY III	2	\$ 20,654	\$ 21,170
11	(12)	7242 REAL ESTATE LICENSING ASST	1	\$ 19,934	\$ 20,432
12	(13)	7111 REAL ESTATE SECRETARY I	1	\$ 19,586	\$ 20,075
13	(14)	7112 REAL ESTATE LICENSING CLERK	<u>3</u>	\$ 17,418	\$ 17,853
14		MAX NO. OF EMPLOYEES	20		

15

16 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 17 Real Estate Commission for the 1995-97 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.

23

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, 1997, the following:

29

30	ITEM		FISCAL YEARS	
31	NO.		1995-96	1996-97
32	(01)	REGULAR SALARIES	\$ 549,396	\$ 549,396
33	(02)	EXTRA HELP	16,000	16,000
34	(03)	PERSONAL SERV MATCHING	145,211	145,211
35	(04)	MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE \$	211,174	\$	211,174
2	(B) CONF. & TRVL.	13,662		13,662
3	(C) PROF. FEES	32,929		32,929
4	(D) CAP. OUTLAY	7,500		7,500
5	(E) DATA PROC.	<u>0</u>		<u>0</u>
6	TOTAL MAINT. & GEN. OPER.		265,265	265,265
7	(05) INVESTMENTS		150,000	150,000
8	(06) REFUNDS/REIMBURSEMENTS		<u>65,000</u>	<u>65,000</u>
9	TOTAL AMOUNT APPROPRIATED		<u>\$ 1,190,872</u>	<u>\$ 1,190,872</u>

10

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, 1997,
 16 the following:

17

18	ITEM	FISCAL YEARS	
19	NO.	1995-96	1996-97
20	(01) INVESTMENTS	\$ 175,375	\$ 175,375
21	(02) DAMAGE PAYMENT	250,000	250,000
22	(03) EDUCATION	<u>42,500</u>	<u>42,500</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 467,875</u>	<u>\$ 467,875</u>

24

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.

30

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.

15

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.

25

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.

34

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.

3

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.

9

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

12

13 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the
14 Eightieth 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, 1995 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, 1995 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, 1995.

24

25 APPROVED: 1/23/95

26

27

28

29

30

31

32

33

34

35

1
2
3