

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 74 of 2003
HOUSE BILL 1164

5 By: Joint Budget Committee
6
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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 REAL ESTATE COMMISSION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS REAL ESTATE
16 COMMISSION APPROPRIATION FOR THE
17 2003-2005 BIENNIUM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
24 the Arkansas Real Estate Commission for the 2003-2005 biennium, the following
25 maximum number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
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35 Maximum Annual
36 Maximum Salary Rate



Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		2003-2004	2004-2005
3	(1)	7103 REAL ESTATE EXECUTIVE DIRECTOR	1	\$74,999	\$76,824
4	(2)	036Z AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE	24
5	(3)	R045 AREC LICENSING SUPERVISOR	1	GRADE	23
6	(4)	R002 AREC SR REAL ESTATE INVESTIGATOR	1	GRADE	20
7	(5)	R037 AREC INVESTIGATOR	2	GRADE	19
8	(6)	A111 ACCOUNTANT	1	GRADE	18
9	(7)	R010 ADMINISTRATIVE ASSISTANT II	2	GRADE	17
10	(8)	R042 AREC EXAMINER	1	GRADE	15
11	(9)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE	14
12	(10)	K153 SECRETARY II	2	GRADE	13
13	(11)	K039 DOCUMENT EXAMINER II	<u>1</u>	GRADE	12
14		MAX. NO. OF EMPLOYEES	15		

15

16 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 17 Arkansas Real Estate Commission for the 2003-2005 biennium, the following
 18 maximum number of part-time or temporary employees, to be known as "Extra
 19 Help", payable from funds appropriated herein for such purposes: four (4)
 20 temporary or part-time employees, when needed, at rates of pay not to exceed
 21 those provided in the Uniform Classification and Compensation Act, or its
 22 successor, or this act for the appropriate classification.

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24 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 25 the Arkansas Real Estate Commission, to be payable from the cash fund
 26 deposited in the State Treasury as determined by the Chief Fiscal Officer of
 27 the State, for personal services and operating expenses of the Arkansas Real
 28 Estate Commission for the biennial period ending June 30, 2005, the
 29 following:

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ITEM	FISCAL YEARS		
	NO.	2003-2004	2004-2005
33	(01) REGULAR SALARIES	\$ 545,359	\$ 560,084
34	(02) EXTRA HELP	16,000	16,000
35	(03) PERSONAL SERV MATCH	148,217	150,824
36	(04) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	211,174	211,174
2	(B) CONF. & TRAVEL	13,662	13,662
3	(C) PROF. FEES	32,929	32,929
4	(D) CAP. OUTLAY	6,000	4,000
5	(E) DATA PROC.	0	0
6	(05) REFUNDS/REIMBURSEMENT	<u>10,000</u>	<u>10,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 983,341</u>	<u>\$ 998,673</u>

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

10 appropriated, to the Arkansas Real Estate Commission, to be payable from the

11 cash fund deposited in the State Treasury as determined by the Chief Fiscal

12 Officer of the State, for the purpose of funding the Real Estate Recovery

13 Cash Fund of the Arkansas Real Estate Commission for the biennial period

14 ending June 30, 2005, the following:

16	ITEM	FISCAL YEARS	
17	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
18	(01) DAMAGE PAYMENT	\$ 250,000	\$ 250,000
19	(02) EDUCATION	<u>102,500</u>	<u>102,500</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 352,500</u>	<u>\$ 352,500</u>

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22 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND

24 BALANCES - REAL ESTATE COMMISSION CASH FUND. (A) For all appropriations as

25 provided in this Act, the agency disbursing officer shall monitor the level

26 of fund balances in relation to expenditures on a monthly basis. If any

27 proposed expenditures would cause the Real Estate Commission Cash Fund to

28 decline below one hundred seventy-two thousand five hundred and six dollars

29 (\$172,506) a fund balance to decline to less than fifty percent (50%) of the

30 balance available on July 1, 2001, the disbursing officer shall immediately

31 notify the executive head of the agency. Prior to any obligations being made

32 under these circumstances, the agency head shall file written documentation

33 with the Chief Fiscal Officer of the State requesting approval of the

34 expenditures. Such documentation shall provide sufficient financial data to

35 justify the expenditures and shall include the following:

36 1) a plan that clearly indicates the specific fiscal impact of such

1 expenditures on the fund balance.

2 2) information clearly indicating and explaining what programs would be cut
3 or any other measures to be taken by the agency to restore the fund balance.

4 3) the extent to which any of the planned expenditures are for one-time costs
5 or one-time purchase of capitalized items.

6 4) a statement certifying that the expenditure of fund balances will not
7 jeopardize the financial health of the agency, nor result in a permanent
8 depletion of the fund balance.

9 (B) The Chief Fiscal Officer of the State shall review the request and
10 approve or disapprove all or any part of the request, after having sought
11 prior review by the Legislative Council.

12 The provisions of this section shall be in effect only from July 1,
13 2003 through June 30, 2005.

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15 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
16 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES – REAL ESTATE

17 RECOVERY CASH FUND. (A) For all appropriations as provided in this Act,
18 the agency disbursing officer shall monitor the level of fund balances in
19 relation to expenditures on a monthly basis. If any proposed expenditures

20 would cause the Real Estate Recovery Cash Fund to decline below five hundred
21 forty-eight thousand nine hundred eighty-seven dollars (\$548,987) a fund

22 balance to decline to less than fifty percent (50%) of the balance available
23 on July 1, 2001, the disbursing officer shall immediately notify the

24 executive head of the agency. Prior to any obligations being made under
25 these circumstances, the agency head shall file written documentation with
26 the Chief Fiscal Officer of the State requesting approval of the

27 expenditures. Such documentation shall provide sufficient financial data to
28 justify the expenditures and shall include the following:

29 1) a plan that clearly indicates the specific fiscal impact of such
30 expenditures on the fund balance.

31 2) information clearly indicating and explaining what programs would be cut
32 or any other measures to be taken by the agency to restore the fund balance.

33 3) the extent to which any of the planned expenditures are for one-time costs
34 or one-time purchase of capitalized items.

35 4) a statement certifying that the expenditure of fund balances will not
36 jeopardize the financial health of the agency, nor result in a permanent

1 depletion of the fund balance.

2 (B) The Chief Fiscal Officer of the State shall review the request and
3 approve or disapprove all or any part of the request, after having sought
4 prior review by the Legislative Council.

5 The provisions of this section shall be in effect only from July 1, 2003
6 through June 30, 2005.

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8 SECTION 7. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
9 this Act for Maintenance and General Operation shall be expended in payment
10 for services of attorneys, unless the agency shall first make a request in
11 writing to the Attorney General of the State of Arkansas to provide the
12 required legal services. The Attorney General's Office shall provide the
13 requested legal services, or, if the Attorney General's Office shall
14 determine that sufficient personnel are not available to provide the
15 requested legal services, the Attorney General shall certify the same to the
16 agency and may authorize the agency to employ legal counsel and to expend
17 monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

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28 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
29 by this act shall be limited to the appropriation for such agency and funds
30 made available by law for the support of such appropriations; and the
31 restrictions of the State Purchasing Law, the General Accounting and
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
33 Procedures and Restrictions Act, or their successors, and other fiscal
34 control laws of this State, where applicable, and regulations promulgated by
35 the Department of Finance and Administration, as authorized by law, shall be
36 strictly complied with in disbursement of said funds.

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

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2003 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2003 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2003.

APPROVED: 2/5/2003