

**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.
Act 184 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1155

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, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS REAL ESTATE
16 COMMISSION APPROPRIATION FOR THE
17 2005-2007 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 2005-2007 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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Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years	
				2005-2006	2006-2007
1	(1)	7103 REAL ESTATE EXECUTIVE DIRECTOR	1	\$78,833	\$80,880
2	(2)	036Z AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE 24	
3	(3)	R045 AREC LICENSING SUPERVISOR	1	GRADE 23	
4	(4)	R002 AREC SR REAL ESTATE INVESTIGATOR	1	GRADE 20	
5	(5)	R037 AREC INVESTIGATOR	2	GRADE 19	
6	(6)	A111 ACCOUNTANT	1	GRADE 18	
7	(7)	R010 ADMINISTRATIVE ASSISTANT II	2	GRADE 17	
8	(8)	R042 AREC EXAMINER	1	GRADE 15	
9	(9)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
10	(10)	K153 SECRETARY II	2	GRADE 13	
11	(11)	K039 DOCUMENT EXAMINER II	<u>1</u>	GRADE 12	
12		MAX. NO. OF EMPLOYEES	15		

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Arkansas Real Estate Commission for the 2005-2007 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: four (4) 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. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas Real Estate Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Arkansas Real Estate Commission for the biennial period ending June 30, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 554,305	\$ 570,482
(02)	EXTRA HELP	16,000	16,000

1	(03) PERSONAL SERVICES MATCHING	163,042	166,084
2	(04) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	250,774	250,774
4	(B) CONF. & TRAVEL	13,662	13,662
5	(C) PROF. FEES	32,929	32,929
6	(D) CAP. OUTLAY	0	0
7	(E) DATA PROC.	15,000	15,000
8	(05) REFUND/REIMBURSEMENTS	<u>10,000</u>	<u>10,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,055,712</u>	<u>\$ 1,074,931</u>

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11 SECTION 4. APPROPRIATION - REAL ESTATE RECOVERY. There is hereby
 12 appropriated, to the Arkansas Real Estate Commission, to be payable from the
 13 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 14 Officer of the State, for the purpose of funding the Real Estate Recovery
 15 Cash Fund of the Arkansas Real Estate Commission for the biennial period
 16 ending June 30, 2007, the following:

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19	ITEM	FISCAL YEARS	
20	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
21	(01) DAMAGE PAYMENT	\$ 250,000	\$ 250,000
22	(02) EDUCATION	<u>102,500</u>	<u>102,500</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 352,500</u>	<u>\$ 352,500</u>

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25 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 27 BALANCES – REAL ESTATE COMMISSION CASH FUND. (A) For all appropriations as
 28 provided in this Act, the agency disbursing officer shall monitor the level
 29 of fund balances in relation to expenditures on a monthly basis. If any
 30 proposed expenditures would cause the Real Estate Commission Cash Fund to
 31 decline below one hundred seventy-two thousand five hundred and six dollars
 32 (\$172,506), the disbursing officer shall immediately notify the executive
 33 head of the agency. Prior to any obligations being made under these
 34 circumstances, the agency head shall file written documentation with the
 35 Chief Fiscal Officer of the State requesting approval of the expenditures.
 36 Such documentation shall provide sufficient financial data to justify the

1 expenditures and shall include the following:

- 2 1) a plan that clearly indicates the specific fiscal impact of such
- 3 expenditures on the fund balance.
- 4 2) information clearly indicating and explaining what programs would be cut
- 5 or any other measures to be taken by the agency to restore the fund balance.
- 6 3) the extent to which any of the planned expenditures are for one-time costs
- 7 or one-time purchase of capitalized items.
- 8 4) a statement certifying that the expenditure of fund balances will not
- 9 jeopardize the financial health of the agency, nor result in a permanent
- 10 depletion of the fund balance.

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

14 The provisions of this section shall be in effect only from July 1,
 15 ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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 17 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 19 BALANCES – REAL ESTATE RECOVERY CASH FUND. (A) For all appropriations as
 20 provided in this Act, the agency disbursing officer shall monitor the level
 21 of fund balances in relation to expenditures on a monthly basis. If any
 22 proposed expenditures would cause the Real Estate Recovery Cash Fund to
 23 decline below five hundred forty-eight thousand nine hundred eighty-seven
 24 dollars (\$548,987), the disbursing officer shall immediately notify the
 25 executive head of the agency. Prior to any obligations being made under
 26 these circumstances, the agency head shall file written documentation with
 27 the Chief Fiscal Officer of the State requesting approval of the
 28 expenditures. Such documentation shall provide sufficient financial data to
 29 justify the expenditures and shall include the following:

- 30 1) a plan that clearly indicates the specific fiscal impact of such
- 31 expenditures on the fund balance.
- 32 2) information clearly indicating and explaining what programs would be cut
- 33 or any other measures to be taken by the agency to restore the fund balance.
- 34 3) the extent to which any of the planned expenditures are for one-time costs
- 35 or one-time purchase of capitalized items.
- 36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent
2 depletion of the fund balance.

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

6 The provisions of this section shall be in effect only from July 1, 2003
7 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

1 strictly complied with in disbursement of said funds.

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

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12 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
13 Assembly, that the Constitution of the State of Arkansas prohibits the
14 appropriation of funds for more than a two (2) year period; that the
15 effectiveness of this Act on July 1, 2005 is essential to the operation of
16 the agency for which the appropriations in this Act are provided, and that in
17 the event of an extension of the Regular Session, the delay in the effective
18 date of this Act beyond July 1, 2005 could work irreparable harm upon the
19 proper administration and provision of essential governmental programs.
20 Therefore, an emergency is hereby declared to exist and this Act being
21 necessary for the immediate preservation of the public peace, health and
22 safety shall be in full force and effect from and after July 1, 2005.

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26 APPROVED: 2/17/2005
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