

**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 521 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1111

5 By: Joint Budget Committee  
6  
7

## 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, 2009; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE ARKANSAS REAL ESTATE  
16 COMMISSION APPROPRIATION FOR THE  
17 2007-2009 BIENNIUM.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
24 the Arkansas Real Estate Commission for the 2007-2009 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.  
34  
35

Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years	
				2007-2008	2008-2009
4	(1) 7103	REAL ESTATE EXECUTIVE DIRECTOR	1	\$82,497	\$84,146
5	(2) 036Z	AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE 24	
6	(3) R045	AREC LICENSING SUPERVISOR	1	GRADE 23	
7	(4) R002	AREC SR REAL ESTATE INVESTIGATOR	1	GRADE 20	
8	(5) R037	AREC INVESTIGATOR	2	GRADE 19	
9	(6) A111	ACCOUNTANT	1	GRADE 18	
10	(7) R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17	
11	(8) R042	AREC EXAMINER	1	GRADE 15	
12	(9) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
13	(10) K153	SECRETARY II	2	GRADE 13	
14	(11) K039	DOCUMENT EXAMINER II	<u>1</u>	GRADE 12	
15		MAX. NO. OF EMPLOYEES	15		

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Arkansas Real Estate Commission for the 2007-2009 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, 2009, the following:

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
34	(01) REGULAR SALARIES	\$ 563,360	\$ 574,426
35	(02) EXTRA HELP	16,000	16,000
36	(03) PERSONAL SERVICES MATCHING	177,086	179,326

1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	285,774	285,774
3	(B) CONF. & TRAVEL	13,662	13,662
4	(C) PROF. FEES	32,929	32,929
5	(D) CAP. OUTLAY	34,000	0
6	(E) DATA PROC.	15,000	15,000
7	(05) REFUNDS/REIMBURSEMENTS	<u>10,000</u>	<u>10,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,147,811</u>	<u>\$ 1,127,117</u>

9

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

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

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

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

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

15 ending June 30, 2009, the following:

16			
17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
19	(01) DAMAGE PAYMENT	\$ 250,000	\$ 250,000
20	(02) EDUCATION	<u>102,500</u>	<u>102,500</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 352,500</u>	<u>\$ 352,500</u>

22

23 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in

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

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

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

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

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

29 determine that sufficient personnel are not available to provide the

30 requested legal services, the Attorney General shall certify the same to the

31 agency and may authorize the agency to employ legal counsel and to expend

32 monies appropriated for Maintenance and General Operations therefor, if:

- 33 (1) The Attorney General determines, and certifies in writing, that such
- 34 agency needs the advice or assistance of legal counsel, and
- 35 (2) The Attorney General consents in writing to the employment of the
- 36 legal counsel to be retained by the agency.

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

7 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 8 by this act shall be limited to the appropriation for such agency and funds  
 9 made available by law for the support of such appropriations; and the  
 10 restrictions of the State Procurement Law, the General Accounting and  
 11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 12 Procedures and Restrictions Act, or their successors, and other fiscal  
 13 control laws of this State, where applicable, and regulations promulgated by  
 14 the Department of Finance and Administration, as authorized by law, shall be  
 15 strictly complied with in disbursement of said funds.  
 16

17 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 18 that any funds disbursed under the authority of the appropriations contained  
 19 in this act shall be in compliance with the stated reasons for which this act  
 20 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
 21 and Legislative Recommendations contained in the budget manuals prepared by  
 22 the Department of Finance and Administration, letters, or summarized oral  
 23 testimony in the official minutes of the Arkansas Legislative Council or  
 24 Joint Budget Committee which relate to its passage and adoption.  
 25

26 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
 27 Assembly, that the Constitution of the State of Arkansas prohibits the  
 28 appropriation of funds for more than a two (2) year period; that the  
 29 effectiveness of this Act on July 1, 2007 is essential to the operation of  
 30 the agency for which the appropriations in this Act are provided, and that in  
 31 the event of an extension of the Regular Session, the delay in the effective  
 32 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
 33 proper administration and provision of essential governmental programs.  
 34 Therefore, an emergency is hereby declared to exist and this Act being  
 35 necessary for the immediate preservation of the public peace, health and  
 36 safety shall be in full force and effect from and after July 1, 2007.

1

APPROVED: 3/28/2007