

**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 610 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1242

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 LAND
11 DEPARTMENT AND FOR DISTRIBUTING PROCEEDS FROM THE
12 SALE OR REDEMPTION OF TAX DELINQUENT LAND FOR THE
13 FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER
14 PURPOSES.
15

Subtitle

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17
18 AN ACT FOR THE LAND DEPARTMENT
19 APPROPRIATION FOR THE 2009-2010 FISCAL
20 YEAR.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
26 the Land Department for the 2009-2010 fiscal year, the following maximum
27 number of regular employees whose salaries shall be governed by the
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
30 Provided, however, that any position to which a specific maximum annual
31 salary is set out herein in dollars, shall be exempt from the provisions of
32 said Uniform Classification and Compensation Act. All persons occupying
33 positions authorized herein are hereby governed by the provisions of the
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
35 or its successor.



| Item No. | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2009-2010 |
|----------|--|--------------------------|--|
| 6 | (1) LAND COMMISSION ATTORNEY | 1 | \$96,099 |
| 7 | (2) CHIEF DEPUTY | 1 | \$95,149 |
| 8 | (3) LAND COMMISSION ATTORNEY II | 1 | \$79,522 |
| 9 | (4) SYSTEMS MANAGER | 1 | \$74,641 |
| 10 | (5) MINERALS LEASING OFFICER | 1 | \$74,493 |
| 11 | (6) FISCAL UNIT MANAGER | 1 | \$70,234 |
| 12 | (7) EXECUTIVE ASSISTANT | 1 | \$67,710 |
| 13 | (8) ADMINISTRATIVE ASSISTANT | 2 | \$67,710 |
| 14 | (9) DIRECTOR OF SPECIAL PROJECTS | 1 | \$62,698 |
| 15 | (10) FORFEITED LAND SALES MANAGER | 1 | \$60,588 |
| 16 | (11) APPRAISER | 10 | \$56,931 |
| 17 | (12) DIRECTOR OF URBAN & GOVT. AFFAIRS | 1 | \$56,412 |
| 18 | (13) ABTRACTOR | 1 | \$56,412 |
| 19 | (14) FISCAL ADMINISTRATOR | 1 | \$53,824 |
| 20 | (15) DIRECTOR OF PURCHASING | 1 | \$50,790 |
| 21 | (16) EXECUTIVE SECRETARY | 1 | \$48,958 |
| 22 | (17) FORFEITED LAND SALES TECH | 6 | \$47,716 |
| 23 | (18) DEED WRITER/CASHIER | 1 | \$47,716 |
| 24 | (19) DATA PROCESSING MANAGER | 1 | \$45,110 |
| 25 | (20) ACCOUNTANT | 1 | \$43,027 |
| 26 | (21) RESEARCH ANALYST | 8 | \$41,245 |
| 27 | (22) SECRETARY II | <u>2</u> | \$33,697 |
| 28 | MAX. NO. OF EMPLOYEES | 45 | |

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Land Department for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) 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 Land Department, to be payable from the State Central Services Fund, for personal services and operating expenses of the Land Department for the fiscal year ending June 30, 2010, the following:

| ITEM | FISCAL YEAR |
|---------------------------------|---------------------|
| <u>NO.</u> | <u>2009-2010</u> |
| (01) REGULAR SALARIES | \$ 2,471,763 |
| (02) EXTRA HELP | 40,000 |
| (03) PERSONAL SERVICES MATCHING | 695,297 |
| (04) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 66,000 |
| (B) CONF. & TRAVEL | 10,000 |
| (C) PROF. FEES | 0 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | <u>0</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 3,283,060</u> |

SECTION 4. APPROPRIATION - DELINQUENT TAX. There is hereby appropriated, to the Land Department, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Land Department, for operating expenses and for distributing proceeds from the sale or redemption of tax delinquent land as prescribed by Chapter 37 of Title 26 of the Arkansas Code by the Land Department for the fiscal year ending June 30, 2010, the following:

| ITEM | FISCAL YEAR |
|--|-------------------|
| <u>NO.</u> | <u>2009-2010</u> |
| (01) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | \$ 1,035,304 |
| (B) CONF. & TRAVEL | 0 |
| (C) PROF. FEES | 780,000 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | 0 |
| (02) REFUND/RECORDING FEE REIMBURSEMENTS | 350,000 |
| (03) DELIQUENT TAX REMITTAL/SALE REFUNDS | <u>19,500,000</u> |

1 TOTAL AMOUNT APPROPRIATED \$ 21,665,304

2

3 SECTION 5. APPROPRIATION - CAPITAL OUTLAY/OPERATING EXPENSES. There is
4 hereby appropriated, to the Land Department, to be payable from cash funds as
5 defined by Arkansas Code 19-4-801 of the Land Department, from proceeds of
6 fees collected by the Land Department, for operating expenses and capital
7 outlay of the Land Department for the fiscal year ending June 30, 2010, the
8 following:

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| 10 ITEM | FISCAL YEAR |
|--------------------------------------|-------------------|
| 11 NO. | 2009-2010 |
| 12 (01) CAPITAL OUTLAY/OPERATING EXP | \$ <u>267,800</u> |

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14 SECTION 6. SPECIAL LANGUAGE. Arkansas Code §19-6-301(103), concerning
15 fees for the removal of minerals or timber from state land, is repealed.

16 ~~(103) Fees charged by the Department of Finance and Administration for~~
17 ~~removal of minerals or timber from state land as authorized by Acts 1975, No.~~
18 ~~524, § 4, as amended, § 22-5-808, but excluding the five dollars (\$5.00)~~
19 ~~declared to be cash funds to be deposited into the Revenue Department~~
20 ~~Building Fund in accordance with Acts 1961 (1st Ex. Sess.), No. 38;~~

21

22 SECTION 7. SPECIAL LANGUAGE. Arkansas Code § 19-6-428 is repealed.
23 ~~19-6-428. Severed Resources Fund.~~

24 ~~The Severed Resources Fund shall consist of those special revenues as~~
25 ~~specified in § 19-6-301(103), there to be used in exercising the powers,~~
26 ~~functions, and duties as set out in § 22-5-801 et seq., or its successor.~~

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28 SECTION 8. SPECIAL LANGUAGE. Arkansas Code §22-5-808, concerning Leases
29 and Permits - Records - Fees - Disposition of Funds, is amended to read as
30 follows:

31 (a) The office of the Commissioner of State Lands shall maintain a permanent
32 record of all leases and permits issued under this section and §§ 22-5-801 -
33 22-5-807 and 22-5-809 - 22-5-813.

34 (b) (1) The person, firm, company, corporation, or association making
35 application or filing a competitive bid for a lease or permit with the State
36 of Arkansas shall pay a fee to cover the cost of processing its application.

1 (2) The amount of the fee shall be set by the Commissioner of State
 2 Lands and shall be deposited ~~in the State Treasury as cash funds and credited~~
 3 ~~to the Severed Resources Fund~~ as cash funds as defined by Arkansas Code §19-
 4 4-801.

5 (c) ~~(1)~~—The funds shall be used to pay for the advertising, processing,
 6 and recording of applications received.

7 ~~(2) Fund balances in the Severed Resources Fund in excess of five~~
 8 ~~thousand dollars (\$5,000) on June 30 of each year shall be transferred and~~
 9 ~~credited to the General Revenue Allotment Reserve Fund no later than the~~
 10 ~~August 15 following.~~

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

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

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 31 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
 32 Assembly, that the Constitution of the State of Arkansas prohibits the
 33 appropriation of funds for more than a one (1) year period; that the
 34 effectiveness of this Act on July 1, 2009 is essential to the operation of
 35 the agency for which the appropriations in this Act are provided, and that in
 36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2009 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 2009.

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8 **APPROVED: 3/26/2009**
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