

Act 89 of the 1989 Regular Session.

Act 89

HB1310

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE ARKANSAS REAL ESTATE COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Real Estate Commission for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

| Item No.             | Class Code | Title                               | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Years |          |
|----------------------|------------|-------------------------------------|--------------------------|---|----------|
|                      |            |                                     |                          | 1989-90                                 | 1990-91  |
| (1)                  | 7103       | REAL ESTATE EXECUTIVE SECRETARY     | 1                        | \$37,409                                | \$38,345 |
| (2)                  | 7339       | REAL ESTATE DEPUTY EXECUTIVE SECY   | 1                        | \$32,442                                | \$33,254 |
| (3)                  | 7104       | REAL ESTATE CHIEF INVESTIGATOR      | 1                        | \$28,711                                | \$29,429 |
| (4)                  | 7105       | REAL ESTATE ASST SECRETARY LIC      | 1                        | \$24,540                                | \$25,154 |
| (5)                  | 7106       | REAL ESTATE INVESTIGATOR            | 3                        | \$23,765                                | \$24,360 |
| (6)                  | 7107       | REAL ESTATE SECRETARY - ADMIN ASST  | 2                        | \$19,820                                | \$20,316 |
| (7)                  | 7108       | REAL EST SECY - WORD PROCESS OPR II | 1                        | \$17,844                                | \$18,291 |
| (8)                  | 7110       | REAL ESTATE ACCOUNTANT              | 1                        | \$17,302                                | \$17,735 |
| (9)                  | 7109       | REAL ESTATE EXAMINER                | 1                        | \$16,490                                | \$16,903 |
| (10)                 | 7340       | REAL ESTATE SECRETARY III           | 1                        | \$15,409                                | \$15,795 |
| (11)                 | 7242       | REAL ESTATE LICENSING ASST          | 1                        | \$14,873                                | \$15,245 |
| (12)                 | 7111       | REAL ESTATE SECRETARY I             | 1                        | \$14,614                                | \$14,980 |
| (13)                 | 7112       | REAL ESTATE LICENSING CLERK         | 3                        | \$12,997                                | \$13,322 |
| MAX NO. OF EMPLOYEES |            |                                     | 18                       |   |          |

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 1989-91 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: Three (3) 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, for the appropriate classification.

SECTION 3. APPROPRIATIONS - OPERATIONS. There is hereby appropriated to the Arkansas Real Estate Commission, to be payable from cash funds of the Arkansas Real Estate Commission, for personal services and operating expenses of the Arkansas Real Estate Commission for the biennial period ending June 30, 1991, the following:

| ITEM<br>NO.                  | FISCAL YEARS |            |
|------------------------------|--------------|------------|
|                              | 1989-90      | 1990-91    |
| (01) REGULAR SALARIES        | \$ 369,560   | \$ 378,809 |
| (02) EXTRA HELP              | 16,000       | 16,000     |
| (03) PERSONAL SERV MATCHING  | 90,869       | 96,073     |
| (04) MAINT. & GEN. OPERATION |              |            |
| (A) OPER. EXPENSES           | \$ 196,356   | \$ 206,174 |
| (B) CONF. & TRAVEL           | 9,662        | 9,662      |
| (C) PROF. FEES               | 22,429       | 22,429     |
| (D) CAPITAL OUTLAY           | 1,000        | 1,000      |
| (E) DATA PROCESSING          | 0            | 0          |
| TOTAL MAINT. & GEN. OPER.    | 229,447      | 239,265    |
| (05) INVESTMENTS             | 165,000      | 165,000    |
| (06) REFUNDS                 | 65,000       | 65,000     |
| TOTAL AMOUNT APPROPRIATED    | \$ 935,876   | \$ 960,147 |
|                              | =====        | =====      |

SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby appropriated to the Arkansas Real Estate Commission, to be payable from cash funds of the Arkansas Real Estate Commission, for the purpose of funding the Real Estate Recovery Fund for the biennial period ending June 30, 1991, the following:

| ITEM<br>NO.               | FISCAL YEARS |            |
|---------------------------|--------------|------------|
|                           | 1989-90      | 1990-91    |
| (01) INVESTMENTS          | \$ 200,000   | \$ 200,000 |
| (02) DAMAGE PAYMENT       | 250,000      | 250,000    |
| (03) EDUCATION            | 42,500       | 42,500     |
| TOTAL AMOUNT APPROPRIATED | \$ 492,500   | \$ 492,500 |
|                           | =====        | =====      |

SECTION 5. The appropriation provided herein for "EDUCATION" may be used to fund all expenses incurred in conducting educational seminars and other forms of educational projects for use and benefit generally of licensees, including the production and distribution of information literature of an educational nature.

SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefor, if:

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

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

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

SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 8. 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 9. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh 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, 1989 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, 1989 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, 1989.

APPROVED: February 17, 1989

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