

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Joint Budget Committee

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7

# A Bill

HOUSE BILL

1121

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND  
9 OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE COMMISSION  
10 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1997; AND FOR  
11 OTHER PURPOSES."

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## Subtitle

14 "AN ACT FOR THE ARKANSAS REAL ESTATE  
15 COMMISSION APPROPRIATION FOR THE 1995-97  
16 BIENNIUM."

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

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20 SECTION 1. REGULAR SALARIES. There is hereby established for the  
21 Arkansas Real Estate Commission for the 1995-97 biennium, the following  
22 maximum number of regular employees whose salaries shall be governed by the  
23 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
24 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
25 Provided, however, that any position to which a specific maximum annual  
26 salary is set out herein in dollars, shall be exempt from the provisions of  
27 said Uniform Classification and Compensation Act. All persons occupying  
28 positions authorized herein are hereby governed by the provisions of the  
29 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
30 or its successor.

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Maximum Annual

Maximum Salary Rate

No. of Fiscal Years

Employees 1995-96 1996-97

Item Class

No. Code Title

1	(1) 7103 REAL ESTATE EXECUTIVE SECRETARY	1	\$ 57,868	\$
2	59,314			
3	(2) 7339 REAL ESTATE DEPUTY EXECUTIVE SECY	1	\$ 43,484	\$
4	44,571			
5	(3) 7113 ASST DEPUTY EXECUTIVE SECRETARY	1	\$ 39,404	\$
6	40,389			
7	(4) 7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 38,482	\$
8	39,444			
9	(5) 7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 32,891	\$
10	33,713			
11	(6) 7106 REAL ESTATE INVESTIGATOR	3	\$ 31,854	\$
12	32,650			
13	(7) 7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 26,565	\$
14	27,229			
15	(8) 7108 REAL EST SECY - WORD PROCESS OPR II	1	\$ 23,916	\$
16	24,513			
17	(9) 7110 REAL ESTATE ACCOUNTANT	1	\$ 23,190	\$
18	23,769			
19	(10) 7109 REAL ESTATE EXAMINER	1	\$ 22,101	\$
20	22,653			
21	(11) 7340 REAL ESTATE SECRETARY III	2	\$ 20,654	\$
22	21,170			
23	(12) 7242 REAL ESTATE LICENSING ASST	1	\$ 19,934	\$
24	20,432			
25	(13) 7111 REAL ESTATE SECRETARY I	1	\$ 19,586	\$
26	20,075			
27	(14) 7112 REAL ESTATE LICENSING CLERK	<u>3</u>	\$ 17,418	\$
28	17,853			
29	MAX NO. OF EMPLOYEES	20		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 1995-97 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

1 those provided in the Uniform Classification and Compensation Act, or its  
 2 successor, or this act for the appropriate classification.

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4 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the  
 5 Arkansas Real Estate Commission, to be payable from cash funds as defined by  
 6 Arkansas Code 19-4-801 of the Arkansas Real Estate Commission, for personal  
 7 services and operating expenses of the Arkansas Real Estate Commission for  
 8 the biennial period ending June 30, 1997, the following:

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10 ITEM	FISCAL YEARS	
11 NO.	1995-96	1996-97
12 (01) REGULAR SALARIES	\$ 549,396	\$
13 549,396		
14 (02) EXTRA HELP	16,000	
15 16,000		
16 (03) PERSONAL SERV MATCHING	145,211	
17 145,211		
18 (04) MAINT. & GEN. OPERATION		
19 (A) OPER. EXPENSE \$	211,174	\$ 211,174
20 (B) CONF. & TRVL.	13,662	13,662
21 (C) PROF. FEES	32,929	32,929
22 (D) CAP. OUTLAY	7,500	7,500
23 (E) DATA PROC.	<u>0</u>	<u>0</u>
24 TOTAL MAINT. & GEN. OPER.	265,265	
25 265,265		
26 (05) INVESTMENTS	150,000	
27 150,000		
28 (06) REFUNDS/REIMBURSEMENTS	<u>65,000</u>	
29 <u>65,000</u>		
30 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,190,872</u>	<u>\$</u>
31 <u>1,190,872</u>	<hr/>	

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33 SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby  
 34 appropriated, to the Arkansas Real Estate Commission, to be payable from cash  
 35 funds as defined by Arkansas Code 19-4-801 of the Arkansas Real Estate

1 Commission, for the purpose of funding the Real Estate Recovery Fund of the  
 2 Arkansas Real Estate Commission for the biennial period ending June 30, 1997,  
 3 the following:

ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) INVESTMENTS	\$ 175,375	\$
175,375		
(02) DAMAGE PAYMENT	250,000	
250,000		
(03) EDUCATION	<u>42,500</u>	
<u>42,500</u>		
TOTAL AMOUNT APPROPRIATED	<u>\$ 467,875</u>	<u>\$</u>
<u>467,875</u>		

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

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

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

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

1           Such certification shall be required with respect to each instance of  
2 the 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.  
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7           SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
8 authorized by this Act shall be limited to the appropriation for such agency  
9 and funds made available by law for the support of such appropriations; and  
10 the restrictions of the State Purchasing 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.  
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17           SECTION 8. LEGISLATIVE INTENT. It is the intent of the General  
18 Assembly that any funds disbursed under the authority of the appropriations  
19 contained in this Act shall be in compliance with the stated reasons for  
20 which this Act was adopted, as evidenced by the Agency Requests, Executive  
21 Recommendations and Legislative Recommendations contained in the budget  
22 manuals prepared by the Department of Finance and Administration, letters, or  
23 summarized oral testimony in the official minutes of the Arkansas Legislative  
24 Council or Joint Budget Committee which relate to its passage and adoption.  
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26           SECTION 9. CODE. All provisions of this Act of a general and  
27 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and  
28 the Arkansas Code Revision Commission shall incorporate the same in the Code.  
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30           SECTION 10. SEVERABILITY. If any provision of this Act or the  
31 application thereof to any person or circumstance is held invalid, such  
32 invalidity shall not affect other provisions or applications of the Act which  
33 can be given effect without the invalid provision or application, and to this  
34 end the provisions of this Act are declared to be severable.  
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1           SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict  
2 with this Act are hereby repealed.

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4           SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by  
5 the Eightieth General Assembly, that the Constitution of the State of  
6 Arkansas prohibits the appropriation of funds for more than a two (2) year  
7 period; that the effectiveness of this Act on July 1, 1995 is essential to  
8 the operation of the agency for which the appropriations in this Act are  
9 provided, and that in the event of an extension of the Regular Session, the  
10 delay in the effective date of this Act beyond July 1, 1995 could work  
11 irreparable harm upon the proper administration and provision of essential  
12 governmental programs. Therefore, an emergency is hereby declared to exist  
13 and this Act being necessary for the immediate preservation of the public  
14 peace, health and safety shall be in full force and effect from and after  
15 July 1, 1995.

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