

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1239

4
5 By: Joint Budget Committee

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
10 OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE COMMISSION
11 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1999; AND FOR
12 OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE ARKANSAS REAL ESTATE
16 COMMISSION APPROPRIATION FOR THE 1997-99
17 BIENNIUM."

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

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21 SECTION 1. REGULAR SALARIES. There is hereby established for the
22 Arkansas Real Estate Commission for the 1997-99 biennium, the following
23 maximum number of regular employees whose salaries shall be governed by the
24 provisions of the Uniform Classification and Compensation Act (Arkansas Code
25 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
26 Provided, however, that any position to which a specific maximum annual salary
27 is set out herein in dollars, shall be exempt from the provisions of said
28 Uniform Classification and Compensation Act. All persons occupying positions
29 authorized herein are hereby governed by the provisions of the Regular
30 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
31 successor.

Item	Class	No. of	Maximum Annual
		Employees	Salary Rate
			Fiscal Years
No.	Code	Title	1997-98 1998-99

1	(1)	7103 REAL ESTATE EXECUTIVE DIRECTOR	1	\$ 62,557	\$ 64,308
2	(2)	7339 REAL ESTATE DEPUTY EXECUTIVE DIR	1	\$ 47,008	\$ 48,324
3	(3)	7113 ASST DEPUTY DIRECTOR	1	\$ 42,597	\$ 43,789
4	(4)	7104 REAL ESTATE CHIEF INVESTIGATOR	1	\$ 41,601	\$ 42,765
5	(5)	7105 REAL ESTATE ASST SECRETARY LIC	1	\$ 35,556	\$ 36,551
6	(6)	7106 REAL ESTATE INVESTIGATOR	3	\$ 34,435	\$ 35,399
7	(7)	7107 REAL ESTATE SECRETARY - ADMIN ASST	2	\$ 28,717	\$ 29,521
8	(8)	7108 REAL ESTATE COMPUTER TECHNICIAN	1	\$ 25,854	\$ 26,577
9	(9)	7110 REAL ESTATE ACCOUNTANT	1	\$ 25,069	\$ 25,770
10	(10)	7109 REAL ESTATE EXAMINER	1	\$ 23,891	\$ 24,559
11	(11)	7340 REAL ESTATE SECRETARY III	2	\$ 22,328	\$ 22,953
12	(12)	7242 REAL ESTATE LICENSING ASST	1	\$ 21,547	\$ 22,150
13	(13)	7111 REAL ESTATE SECRETARY I	1	\$ 21,173	\$ 21,765
14	(14)	7112 REAL ESTATE LICENSING CLERK	<u>3</u>	\$ 18,828	\$ 19,355
15		MAX NO. OF EMPLOYEES	20		

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17 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 18 Real Estate Commission for the 1997-99 biennium, the following maximum number
 19 of part-time or temporary employees, to be known as "Extra Help", payable from
 20 funds appropriated herein for such purposes: four (4) temporary or part-time
 21 employees, when needed, at rates of pay not to exceed those provided in the
 22 Uniform Classification and Compensation Act, or its successor, or this act for
 23 the appropriate classification.

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25 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
 26 Arkansas Real Estate Commission, to be payable from cash funds as defined by
 27 Arkansas Code 19-4-801 of the Arkansas Real Estate Commission, for personal
 28 services and operating expenses of the Arkansas Real Estate Commission for the
 29 biennial period ending June 30, 1999, the following:

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31	ITEM		FISCAL YEARS	
32	NO.		1997-98	1998-99
33	(01)	REGULAR SALARIES	\$ 608,732	\$ 625,768
34	(02)	EXTRA HELP	16,000	16,000
35	(03)	PERSONAL SERV MATCHING	171,892	174,985

1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	211,174	211,174
3	(B) CONF. & TRVL.	13,662	13,662
4	(C) PROF. FEES	32,929	32,929
5	(D) CAP. OUTLAY	57,000	7,500
6	(E) DATA PROC.	0	0
7	(05) INVESTMENTS	150,000	150,000
8	(06) REFUNDS/REIMBURSEMENTS	<u>65,000</u>	<u>65,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,326,389</u>	<u>\$ 1,297,018</u>

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11 SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby
 12 appropriated, to the Arkansas Real Estate Commission, to be payable from cash
 13 funds as defined by Arkansas Code 19-4-801 of the Arkansas Real Estate
 14 Commission, for the purpose of funding the Real Estate Recovery Fund of the
 15 Arkansas Real Estate Commission for the biennial period ending June 30, 1999,
 16 the following:

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18	ITEM	FISCAL YEARS	
19	NO.	1997-98	1998-99
20	(01) INVESTMENTS	\$ 175,375	\$ 175,375
21	(02) DAMAGE PAYMENT	250,000	250,000
22	(03) EDUCATION	<u>50,000</u>	<u>50,000</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 475,375</u>	<u>\$ 475,375</u>

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

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31 SECTION 6. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
 32 this Act for Maintenance and General Operation shall be expended in payment
 33 for services of attorneys, unless the agency shall first make a request in
 34 writing to the Attorney General of the State of Arkansas to provide the
 35 required legal services. The Attorney General's Office shall provide the

1 requested legal services, or, if the Attorney General's Office shall determine
2 that sufficient personnel are not available to provide the requested legal
3 services, the Attorney General shall certify the same to the agency and may
4 authorize the agency to employ legal counsel and to expend monies appropriated
5 for Maintenance and General Operations therefor, if:

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

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

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

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16 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
17 authorized by this Act shall be limited to the appropriation for such agency
18 and funds made available by law for the support of such appropriations; and
19 the restrictions of the State Purchasing Law, the General Accounting and
20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
21 Procedures and Restrictions Act, or their successors, and other fiscal control
22 laws of this State, where applicable, and regulations promulgated by the
23 Department of Finance and Administration, as authorized by law, shall be
24 strictly complied with in disbursement of said funds.

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26 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
27 Assembly that any funds disbursed under the authority of the appropriations
28 contained in this Act shall be in compliance with the stated reasons for which
29 this Act was adopted, as evidenced by the Agency Requests, Executive
30 Recommendations and Legislative Recommendations contained in the budget
31 manuals prepared by the Department of Finance and Administration, letters, or
32 summarized oral testimony in the official minutes of the Arkansas Legislative
33 Council or Joint Budget Committee which relate to its passage and adoption.

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35 SECTION 9. CODE. All provisions of this Act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 2 Code Revision Commission shall incorporate the same in the Code.

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4 SECTION 10. SEVERABILITY. If any provision of this Act or the
 5 application thereof to any person or circumstance is held invalid, such
 6 invalidity shall not affect other provisions or applications of the Act which
 7 can be given effect without the invalid provision or application, and to this
 8 end the provisions of this Act are declared to be severable.

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10 SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict
 11 with this Act are hereby repealed.

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13 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the
 14 Eighty-First General Assembly, that the Constitution of the State of Arkansas
 15 prohibits the appropriation of funds for more than a two (2) year period; that
 16 the effectiveness of this Act on July 1, 1997 is essential to the operation of
 17 the agency for which the appropriations in this Act are provided, and that in
 18 the event of an extension of the Regular Session, the delay in the effective
 19 date of this Act beyond July 1, 1997 could work irreparable harm upon the
 20 proper administration and provision of essential governmental programs.
 21 Therefore, an emergency is hereby declared to exist and this Act being
 22 necessary for the immediate preservation of the public peace, health and
 23 safety shall be in full force and effect from and after July 1, 1997.

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