

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

SENATE BILL 117

4  
5 By: Joint Budget Committee  
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## For An Act To Be Entitled

8  
9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE  
11 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
12 2001; AND FOR OTHER PURPOSES."

## Subtitle

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14  
15 "AN ACT FOR THE ARKANSAS REAL ESTATE  
16 COMMISSION APPROPRIATION FOR THE  
17 1999-2001 BIENNIUM."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
23 the Arkansas Real Estate Commission for the 1999-2001 biennium, the following  
24 maximum number of regular employees whose salaries shall be governed by the  
25 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
26 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
27 Provided, however, that any position to which a specific maximum annual salary  
28 is set out herein in dollars, shall be exempt from the provisions of said  
29 Uniform Classification and Compensation Act. All persons occupying positions  
30 authorized herein are hereby governed by the provisions of the Regular  
31 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
32 successor.  
33

		Maximum Annual
	Maximum	Salary Rate
Item Class	No. of	Fiscal Years

\*LEB007\*

No.	Code	Title	Employees	1999-2000	2000-2001
(1)	7103	REAL ESTATE EXECUTIVE DIRECTOR	1	\$67,651	\$69,545
(2)	036Z	AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE 24	
(3)	030Z	AREC ASST DEPUTY DIRECTOR	1	GRADE 23	
(4)	R039	AREC CHIEF INVESTIGATOR	1	GRADE 23	
(5)	R045	AREC LICENSING SUPERVISOR	1	GRADE 23	
(6)	R002	AREC SR REAL ESTATE INVESTIGATOR	1	GRADE 20	
(7)	R037	AREC INVESTIGATOR	2	GRADE 19	
(8)	A111	ACCOUNTANT	1	GRADE 18	
(9)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
(10)	R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17	
(11)	R042	AREC EXAMINER	1	GRADE 15	
(12)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
(13)	K153	SECRETARY II	4	GRADE 13	
(14)	K039	DOCUMENT EXAMINER II	1	GRADE 12	
		MAX. NO. OF EMPLOYEES	20		

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Arkansas Real Estate Commission for the 1999-2001 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. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the Arkansas Real Estate Commission, to be payable from cash funds as defined by Arkansas Code 19-4-801 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, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 658,297	\$ 676,721
(02) EXTRA HELP	16,000	16,000
(03) PERSONAL SERV MATCHING	183,097	186,373

1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	211,174	211,174
3	(B) CONF. & TRAVEL	13,662	13,662
4	(C) PROF. FEES	32,929	32,929
5	(D) CAP. OUTLAY	40,500	10,000
6	(E) DATA PROC.	0	0
7	(05) INVESTMENTS	85,149	85,149
8	(06) REFUNDS/REIMBURSEMENTS	<u>65,000</u>	<u>65,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,305,808</u>	<u>\$ 1,297,008</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, 2001,  
 16 the following:

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18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
20	(01) INVESTMENTS	\$ 151,606	\$ 151,606
21	(02) DAMAGE PAYMENT	250,000	250,000
22	(03) EDUCATION	<u>102,500</u>	<u>102,500</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 504,106</u>	<u>\$ 504,106</u>

24

25 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 26 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. The  
 27 appropriation provided herein for "EDUCATION" may be used to fund all expenses  
 28 incurred in conducting educational seminars and other forms of educational  
 29 projects for use and benefit generally of licensees, including the production  
 30 and distribution of information literature of an educational nature.

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32 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 33 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INVESTMENT  
 34 OPTIONS. The agency, board or commission, to which appropriation in this Act  
 35 is made, shall consider all possible options available in investing cash fund  
 36 balances for which it is responsible. Such options investigated shall

1 specifically include the provisions of the Treasury Management Trust Fund  
 2 option beginning at Arkansas Code 19-3-602. In the event that the Treasury  
 3 Management Trust Fund option is not selected, the agency, board, or commission  
 4 shall report to the State Board of Finance the option selected and the  
 5 additional benefits accruing by selecting a different option.

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 7 SECTION 7. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this  
 8 Act for Maintenance and General Operation shall be expended in payment for  
 9 services of attorneys, unless the agency shall first make a request in writing  
 10 to the Attorney General of the State of Arkansas to provide the required legal  
 11 services. The Attorney General's Office shall provide the requested legal  
 12 services, or, if the Attorney General's Office shall determine that sufficient  
 13 personnel are not available to provide the requested legal services, the  
 14 Attorney General shall certify the same to the agency and may authorize the  
 15 agency to employ legal counsel and to expend monies appropriated for  
 16 Maintenance and General Operations therefor, if:

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

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

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

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 27 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by  
 28 this act shall be limited to the appropriation for such agency and funds made  
 29 available by law for the support of such appropriations; and the restrictions  
 30 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 31 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
 32 Restrictions Act, or their successors, and other fiscal control laws of this  
 33 State, where applicable, and regulations promulgated by the Department of  
 34 Finance and Administration, as authorized by law, shall be strictly complied  
 35 with in disbursement of said funds.

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1 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly  
2 that any funds disbursed under the authority of the appropriations contained  
3 in this act shall be in compliance with the stated reasons for which this act  
4 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
5 and Legislative Recommendations contained in the budget manuals prepared by  
6 the Department of Finance and Administration, letters, or summarized oral  
7 testimony in the official minutes of the Arkansas Legislative Council or Joint  
8 Budget Committee which relate to its passage and adoption.

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10 SECTION 10. CODE. All provisions of this Act of a general and permanent  
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
12 Code Revision Commission shall incorporate the same in the Code.

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14 SECTION 11. SEVERABILITY. If any provision of this act or the application  
15 thereof to any person or circumstance is held invalid, such invalidity shall  
16 not affect other provisions or applications of the act which can be given  
17 effect without the invalid provision or application, and to this end the  
18 provisions of this act are declared to be severable.

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20 SECTION 12. GENERAL REPEALER. All laws and parts of laws in conflict with  
21 this act are hereby repealed.

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23 SECTION 13. EMERGENCY CLAUSE. It is hereby found and determined by the  
24 Eighty-second General Assembly, that the Constitution of the State of Arkansas  
25 prohibits the appropriation of funds for more than a two (2) year period; that  
26 the effectiveness of this Act on July 1, 1999 is essential to the operation of  
27 the agency for which the appropriations in this Act are provided, and that in  
28 the event of an extension of the Regular Session, the delay in the effective  
29 date of this Act beyond July 1, 1999 could work irreparable harm upon the  
30 proper administration and provision of essential governmental programs.  
31 Therefore, an emergency is hereby declared to exist and this Act being  
32 necessary for the immediate preservation of the public peace, health and  
33 safety shall be in full force and effect from and after July 1, 1999.