

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.

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 125

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE ARKANSAS REAL ESTATE
COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30,
2003; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS REAL ESTATE
COMMISSION APPROPRIATION FOR THE
2001-2003 BIENNIUM.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Arkansas Real Estate Commission for the 2001-2003 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), 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 (Arkansas Code §21-5-101), or its successor.

Maximum Annual

Maximum

Salary Rate

Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		2001-2002	2002-2003
(1)	7103	REAL ESTATE EXECUTIVE DIRECTOR	1	\$71,353	\$73,208
(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 2001-2003 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, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 621,339	\$ 637,495
(02) EXTRA HELP	16,000	16,000

1	(03) PERSONAL SERV MATCHING	164,620	167,478
2	(04) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	211,174	211,174
4	(B) CONF. & TRAVEL	13,662	13,662
5	(C) PROF. FEES	32,929	32,929
6	(D) CAP. OUTLAY	30,500	12,000
7	(E) DATA PROC.	0	0
8	(05) INVESTMENTS	85,149	85,149
9	(06) REFUNDS/REIMBURSEMENTS	<u>65,000</u>	<u>65,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,240,373</u>	<u>\$ 1,240,887</u>

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12 SECTION 4. APPROPRIATIONS - REAL ESTATE RECOVERY. There is hereby
 13 appropriated, to the Arkansas Real Estate Commission, to be payable from cash
 14 funds as defined by Arkansas Code 19-4-801 of the Arkansas Real Estate
 15 Commission, for the purpose of funding the Real Estate Recovery Fund of the
 16 Arkansas Real Estate Commission for the biennial period ending June 30, 2003,
 17 the following:

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19	ITEM	FISCAL YEARS	
20	NO.	2001-2002	2002-2003
21	(01) INVESTMENTS	\$ 151,606	\$ 151,606
22	(02) DAMAGE PAYMENT	250,000	250,000
23	(03) EDUCATION	<u>102,500</u>	<u>102,500</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 504,106</u>	<u>\$ 504,106</u>

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

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34 The provisions of this section shall be in effect only from July 1, 2001
 35 through June 30, 2003.

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SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause a fund balance to decline to less than fifty percent (50%) of the balance available on July 1, 2001, the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

- 1) a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.
- 2) information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.
- 3) the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.
- 4) a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.

(B) The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.

SECTION 7. 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

1 agency needs the advice or assistance of legal counsel, and

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

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

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10 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
11 this act shall be limited to the appropriation for such agency and funds made
12 available by law for the support of such appropriations; and the restrictions
13 of the State Purchasing Law, the General Accounting and Budgetary Procedures
14 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
15 Restrictions Act, or their successors, and other fiscal control laws of this
16 State, where applicable, and regulations promulgated by the Department of
17 Finance and Administration, as authorized by law, shall be strictly complied
18 with in disbursement of said funds.

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

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29 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
30 Assembly, that the Constitution of the State of Arkansas prohibits the
31 appropriation of funds for more than a two (2) year period; that the
32 effectiveness of this Act on July 1, 2001 is essential to the operation of the
33 agency for which the appropriations in this Act are provided, and that in the
34 event of an extension of the Regular Session, the delay in the effective date
35 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
36 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, 2001.