

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1155

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

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 REAL ESTATE COMMISSION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE ARKANSAS REAL ESTATE
16 COMMISSION APPROPRIATION FOR THE
17 2005-2007 BIENNIUM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
24 the Arkansas Real Estate Commission for the 2005-2007 biennium, the following
25 maximum number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
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35 Maximum Annual
36 Maximum Salary Rate



Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		2005-2006	2006-2007
3	(1)	7103 REAL ESTATE EXECUTIVE DIRECTOR	1	\$78,833	\$80,880
4	(2)	036Z AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE	24
5	(3)	R045 AREC LICENSING SUPERVISOR	1	GRADE	23
6	(4)	R002 AREC SR REAL ESTATE INVESTIGATOR	1	GRADE	20
7	(5)	R037 AREC INVESTIGATOR	2	GRADE	19
8	(6)	A111 ACCOUNTANT	1	GRADE	18
9	(7)	R010 ADMINISTRATIVE ASSISTANT II	2	GRADE	17
10	(8)	R042 AREC EXAMINER	1	GRADE	15
11	(9)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE	14
12	(10)	K153 SECRETARY II	2	GRADE	13
13	(11)	K039 DOCUMENT EXAMINER II	<u>1</u>	GRADE	12
14		MAX. NO. OF EMPLOYEES	15		

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16 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 17 Arkansas Real Estate Commission for the 2005-2007 biennium, the following
 18 maximum number of part-time or temporary employees, to be known as "Extra
 19 Help", payable from funds appropriated herein for such purposes: four (4)
 20 temporary or part-time employees, when needed, at rates of pay not to exceed
 21 those provided in the Uniform Classification and Compensation Act, or its
 22 successor, or this act for the appropriate classification.

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24 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 25 the Arkansas Real Estate Commission, to be payable from the cash fund
 26 deposited in the State Treasury as determined by the Chief Fiscal Officer of
 27 the State, for personal services and operating expenses of the Arkansas Real
 28 Estate Commission for the biennial period ending June 30, 2007, the
 29 following:

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ITEM	FISCAL YEARS		
	NO.	2005-2006	2006-2007
34	(01) REGULAR SALARIES	\$ 554,305	\$ 570,482
35	(02) EXTRA HELP	16,000	16,000
36	(03) PERSONAL SERVICES MATCHING	163,042	166,084

1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	250,774	250,774
3	(B) CONF. & TRAVEL	13,662	13,662
4	(C) PROF. FEES	32,929	32,929
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	15,000	15,000
7	(05) REFUND/REIMBURSEMENTS	<u>10,000</u>	<u>10,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,055,712</u>	<u>\$ 1,074,931</u>

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10 SECTION 4. APPROPRIATION - REAL ESTATE RECOVERY. There is hereby

11 appropriated, to the Arkansas Real Estate Commission, to be payable from the

12 cash fund deposited in the State Treasury as determined by the Chief Fiscal

13 Officer of the State, for the purpose of funding the Real Estate Recovery

14 Cash Fund of the Arkansas Real Estate Commission for the biennial period

15 ending June 30, 2007, the following:

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18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
20	(01) DAMAGE PAYMENT	\$ 250,000	\$ 250,000
21	(02) EDUCATION	<u>102,500</u>	<u>102,500</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 352,500</u>	<u>\$ 352,500</u>

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24 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND

26 BALANCES – REAL ESTATE COMMISSION CASH FUND. (A) For all appropriations as

27 provided in this Act, the agency disbursing officer shall monitor the level

28 of fund balances in relation to expenditures on a monthly basis. If any

29 proposed expenditures would cause the Real Estate Commission Cash Fund to

30 decline below one hundred seventy-two thousand five hundred and six dollars

31 (\$172,506), the disbursing officer shall immediately notify the executive

32 head of the agency. Prior to any obligations being made under these

33 circumstances, the agency head shall file written documentation with the

34 Chief Fiscal Officer of the State requesting approval of the expenditures.

35 Such documentation shall provide sufficient financial data to justify the

36 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.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES – REAL ESTATE RECOVERY CASH FUND. (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 the Real Estate Recovery Cash Fund to decline below five hundred forty-eight thousand nine hundred eighty-seven dollars (\$548,987), 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

1 depletion of the fund balance.

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

5 The provisions of this section shall be in effect only from July 1, ~~2003~~
 6 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

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SECTION 9. 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 10. EMERGENCY CLAUSE. It is found and determined by the 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, 2005 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, 2005 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, 2005.