

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1121

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 FISCAL YEAR ENDING
JUNE 30, 2010; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS REAL ESTATE
COMMISSION APPROPRIATION FOR THE
2009-2010 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Real Estate Commission for the 2009-2010 fiscal year, 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	Fiscal Year
No.	Code Title	Employees	2009-2010
(1)	U097U AREC EXECUTIVE DIRECTOR	1	\$88,353
(2)	G054C AREC DEPUTY EXECUTIVE DIRECTOR	1	GRADE C126
(3)	C004C AREC LICENSING SUPERVISOR	1	GRADE C121
(4)	X091C AREC SR INVESTIGATOR	1	GRADE C118
(5)	A082C ACCOUNTANT II	1	GRADE C117
(6)	X110C AREC INVESTIGATOR	2	GRADE C117
(7)	C037C ADMINISTRATIVE ANALYST	1	GRADE C115
(8)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
(9)	X169C AREC EXAMINER	1	GRADE C113
(10)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(11)	C073C ADMINISTRATIVE SPECIALIST II	2	GRADE C109
(12)	C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
	MAX. NO. OF EMPLOYEES	15	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 2009-2010 fiscal year, 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. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas Real Estate Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Arkansas Real Estate Commission for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 603,433
(02) EXTRA HELP	16,000
(03) PERSONAL SERVICES MATCHING	189,618
(04) MAINT. & GEN. OPERATION	

(A)	OPER. EXPENSE	300,774
(B)	CONF. & TRAVEL	13,662
(C)	PROF. FEES	32,929
(D)	CAP. OUTLAY	0
(E)	DATA PROC.	0
(05)	REFUNDS/REIMBURSEMENTS	<u>10,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,166,416</u>

SECTION 4. APPROPRIATION - REAL ESTATE RECOVERY. There is hereby appropriated, to the Arkansas Real Estate Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for the purpose of funding the Real Estate Recovery Cash Fund of the Arkansas Real Estate Commission for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) DAMAGE PAYMENT	\$ 250,000
(02) EDUCATION	<u>102,500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 352,500</u>

SECTION 5. 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 agency needs the advice or assistance of legal counsel, and
- (2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency.

Such certification shall be required with respect to each instance of the

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

6 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
7 by this act shall be limited to the appropriation for such agency and funds
8 made available by law for the support of such appropriations; and the
9 restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.
15

16 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
17 that any funds disbursed under the authority of the appropriations contained
18 in this act shall be in compliance with the stated reasons for which this act
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations
20 and Legislative Recommendations contained in the budget manuals prepared by
21 the Department of Finance and Administration, letters, or summarized oral
22 testimony in the official minutes of the Arkansas Legislative Council or
23 Joint Budget Committee which relate to its passage and adoption.
24

25 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
26 Assembly, that the Constitution of the State of Arkansas prohibits the
27 appropriation of funds for more than a one (1) year period; that the
28 effectiveness of this Act on July 1, 2009 is essential to the operation of
29 the agency for which the appropriations in this Act are provided, and that in
30 the event of an extension of the Regular Session, the delay in the effective
31 date of this Act beyond July 1, 2009 could work irreparable harm upon the
32 proper administration and provision of essential governmental programs.
33 Therefore, an emergency is hereby declared to exist and this Act being
34 necessary for the immediate preservation of the public peace, health and
35 safety shall be in full force and effect from and after July 1, 2009.
36