

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 81

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, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS REAL ESTATE COMMISSION APPROPRIATION FOR THE 2012-2013 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 2012-2013 fiscal year, the following maximum number of regular employees.

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2012-2013 |
|----------|------------|----------------------------------|--------------------------|--|
| (1) | U097U | AREC EXECUTIVE DIRECTOR | 1 | \$94,257 |
| (2) | G054C | AREC DEPUTY EXECUTIVE DIRECTOR | 1 | GRADE C126 |
| (3) | C004C | AREC SUPERVISOR | 1 | GRADE C121 |
| (4) | X091C | AREC SR REAL ESTATE 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 |



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|------|-------|-------------------------------|----------|------------|
| (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 2012-2013 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, 2013, the following:

| ITEM | FISCAL YEAR |
|---------------------------------|---------------------------|
| <u>NO.</u> | <u>2012-2013</u> |
| (01) REGULAR SALARIES | \$666,395 |
| (02) EXTRA HELP | 16,000 |
| (03) PERSONAL SERVICES MATCHING | 204,848 |
| (04) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 400,774 |
| (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><u>\$1,344,608</u></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, 2013, the following:

| ITEM | FISCAL YEAR |
|---------------------------|-------------------------|
| <u>NO.</u> | <u>2012-2013</u> |
| (01) DAMAGE PAYMENT | \$250,000 |
| (02) EDUCATION | <u>102,500</u> |
| TOTAL AMOUNT APPROPRIATED | <u><u>\$352,500</u></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 employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and

Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 7. 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 8. 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 one (1) year period; that the effectiveness of this Act on July 1, 2012 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 legislative session, the delay in the effective date of this Act beyond July 1, 2012 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, 2012.