

Stricken language will be deleted and underlined language will be added.

State of Arkansas  
90th General Assembly  
Fiscal Session, 2016

# A Bill

SENATE BILL 38

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, 2017;  
AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS REAL ESTATE  
COMMISSION APPROPRIATION FOR THE 2016-  
2017 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 2016-2017 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2016-2017
(1)	U097U	AREC EXECUTIVE DIRECTOR	1	\$97,104
(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)	E048C	EDUCATION & INSTRUCTION SPECIALIST	1	GRADE C116



(8)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(9)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
(10)	X169C	AREC EXAMINER	1	GRADE C113
(11)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(12)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	15	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Real Estate Commission for the 2016-2017 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, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) REGULAR SALARIES	\$597,819
(02) EXTRA HELP	16,000
(03) PERSONAL SERVICES MATCHING	209,718
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	397,744
(B) CONF. & TRAVEL	16,662
(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>\$1,280,872</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, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</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, 2016 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, 2016 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, 2016.