

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1052

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE STATE SECURITIES
10 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2014;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE STATE SECURITIES
15 DEPARTMENT APPROPRIATION FOR THE 2013-
16 2014 FISCAL YEAR.
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18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the State Securities Department for the 2013-2014 fiscal year, the
24 following maximum number of regular employees.
25

26				Maximum Annual	
27			Maximum	Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2013-2014
30	(1)	U040U	SECURITIES COMMISSIONER	1	\$104,936
31	(2)	N137N	SECURITIES DEPUTY COMMISSIONER	2	GRADE N902
32	(3)	G025C	ATTORNEY SUPERVISOR	1	GRADE C127
33	(4)	G047C	ATTORNEY SPECIALIST	6	GRADE C126
34	(5)	X008C	SECURITIES CHIEF EXAMINER	2	GRADE C126
35	(6)	X015C	SECURITIES EXAMINER SUPERVISOR	3	GRADE C124
36	(7)	X032C	SENIOR SECURITIES EXAMINER	10	GRADE C122



1	(8)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
2	(9)	D051C	SYSTEMS APPLICATIONS SUPERVISOR	1	GRADE C121
3	(10)	X061C	SECURITIES EXAMINER	5	GRADE C119
4	(11)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
5	(12)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
6	(13)	C056C	ADMINISTRATIVE SPECIALIST III	3	GRADE C112
7	(14)	A098C	FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE C112
8			MAX. NO. OF EMPLOYEES	39	

9

10 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 11 the State Securities Department for the 2013-2014 fiscal year, the following
 12 maximum number of part-time or temporary employees, to be known as "Extra
 13 Help", payable from funds appropriated herein for such purposes: two (2)
 14 temporary or part-time employees, when needed, at rates of pay not to exceed
 15 those provided in the Uniform Classification and Compensation Act, or its
 16 successor, or this act for the appropriate classification.

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18 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 19 to the State Securities Department, to be payable from the Securities
 20 Department Fund, for personal services and operating expenses of the State
 21 Securities Department for the fiscal year ending June 30, 2014, the
 22 following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2013-2014</u>
26	(01) REGULAR SALARIES	\$2,014,418
27	(02) EXTRA HELP	16,000
28	(03) PERSONAL SERVICES MATCHING	634,967
29	(04) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	447,160
31	(B) CONF. & TRAVEL	30,000
32	(C) PROF. FEES	14,484
33	(D) CAP. OUTLAY	13,500
34	(E) DATA PROC.	0
35	(05) CONTINGENCY	200,000
36	(06) EXAMINATION TRAVEL	<u>20,000</u>

1 TOTAL AMOUNT APPROPRIATED \$3,390,529

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3 SECTION 4. APPROPRIATION - REFUNDS AND REIMBURSEMENTS. There is hereby
 4 appropriated, to the State Securities Department, to be payable from cash
 5 funds as defined by Arkansas Code 19-4-801 of the State Securities
 6 Department, for refunds and reimbursements of the State Securities Department
 7 for the fiscal year ending June 30, 2014, the following:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2013-2014</u>
11 (01) REFUNDS/REIMBURSEMENTS	<u>\$500,000</u>

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13 SECTION 5. APPROPRIATION - INVESTOR EDUCATION. There is hereby
 14 appropriated, to the State Securities Department, to be payable from the
 15 Investor Education Fund, for operating expenses, promotional items and grants
 16 of the State Securities Department for the fiscal year ending June 30, 2014,
 17 the following:

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19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2013-2014</u>
21 (01) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	\$36,000
23 (B) CONF. & TRAVEL	0
24 (C) PROF. FEES	0
25 (D) CAP. OUTLAY	0
26 (E) DATA PROC.	0
27 (02) PROMOTIONAL ITEMS	7,500
28 (03) INVESTOR EDUCATION GRANTS	<u>70,000</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$113,500</u>

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31 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 33 CONTINGENCY RESTRICTION. In the event additional appropriations become
 34 necessary that are not authorized or contemplated in Section 3 of this Act
 35 and specific cases, situations, and/or programs make it necessary that the
 36 State Securities Department receives additional appropriations to carry out

1 the objectives of the agency, the Securities Commissioner is hereby
2 authorized to request the approval of the Governor, the Chief Fiscal Officer
3 of the State and prior approval by the Arkansas Legislative Council or Joint
4 Budget Committee for transfers of the appropriations provided in the
5 Contingency line item of Section 3 of this Act to other line items within
6 Section 3. In no event shall the transfers in any fiscal year exceed the
7 appropriations provided in the Contingency line item of Section 3 of this
8 Act. The Governor may approve or modify such request for transfer of
9 appropriations as in his judgment he deems necessary, and shall inform the
10 Chief Fiscal Officer of the State and receive review and prior approval by
11 the Arkansas Legislative Council or Joint Budget Committee. Upon
12 notification, the Chief Fiscal Officer of the State shall direct the State
13 Auditor to process said transfer upon his books in accordance with the
14 provisions as set out herein.

15 Determining the maximum number of employees and the maximum amount of
16 appropriation and general revenue funding for a state agency each fiscal year
17 is the prerogative of the General Assembly. This is usually accomplished by
18 delineating such maximums in the appropriation act(s) for a state agency and
19 the general revenue allocations authorized for each fund and fund account by
20 amendment to the Revenue Stabilization law. Further, the General Assembly has
21 determined that the Securities Department may operate more efficiently if
22 some flexibility is provided to the Securities Department authorizing broad
23 powers under this section. Therefore, it is both necessary and appropriate
24 that the General Assembly maintain oversight by requiring prior approval of
25 the Legislative Council or Joint Budget Committee as provided by this
26 section. The requirement of approval by the Legislative Council or Joint
27 Budget Committee is not a severable part of this section. If the requirement
28 of approval by the Legislative Council or Joint Budget Committee is ruled
29 unconstitutional by a court of competent jurisdiction, this entire section is
30 void.

31 The provisions of this section shall be in effect only from July 1, ~~2012~~
32 2013 through June 30, ~~2013~~ 2014.

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34 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

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

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8 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this act shall be in compliance with the stated reasons for
11 which this act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

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17 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
18 Assembly, that the Constitution of the State of Arkansas prohibits the
19 appropriation of funds for more than a one (1) year period; that the
20 effectiveness of this Act on July 1, 2013 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the legislative session, the delay in the
23 effective date of this Act beyond July 1, 2013 could work irreparable harm
24 upon the proper administration and provision of essential governmental
25 programs. Therefore, an emergency is hereby declared to exist and this Act
26 being necessary for the immediate preservation of the public peace, health
27 and safety shall be in full force and effect from and after July 1, 2013.