

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1068

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE STATE
10 SECURITIES DEPARTMENT FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE STATE SECURITIES DEPARTMENT
15 APPROPRIATION FOR THE 2011-2012 FISCAL
16 YEAR.
17
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 2011-2012 fiscal year, the
24 following maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U040U	SECURITIES COMMISSIONER	1	\$100,487
31	(2) N137N	SECURITIES DEPUTY COMMISSIONER	1	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	1	GRADE C112
8	(15)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
9	(16)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
10			MAX. NO. OF EMPLOYEES	40	

11

12 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 13 the State Securities Department for the 2011-2012 fiscal year, the following
 14 maximum number of part-time or temporary employees, to be known as "Extra
 15 Help", payable from funds appropriated herein for such purposes: two (2)
 16 temporary or part-time employees, when needed, at rates of pay not to exceed
 17 those provided in the Uniform Classification and Compensation Act, or its
 18 successor, or this act for the appropriate classification.

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20 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 21 to the State Securities Department, to be payable from the Securities
 22 Department Fund, for personal services and operating expenses of the State
 23 Securities Department for the fiscal year ending June 30, 2012, the
 24 following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2011-2012</u>
28	(01) REGULAR SALARIES	\$2,084,729
29	(02) EXTRA HELP	12,000
30	(03) PERSONAL SERVICES MATCHING	605,045
31	(04) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	447,160
33	(B) CONF. & TRAVEL	30,000
34	(C) PROF. FEES	14,484
35	(D) CAP. OUTLAY	13,500
36	(E) DATA PROC.	0

1	(05) CONTINGENCY	200,000
2	(06) EXAMINATION TRAVEL	<u>20,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,426,918</u></u>

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5 SECTION 4. APPROPRIATION - REFUNDS AND TRANSFERS. There is hereby
 6 appropriated, to the State Securities Department, to be payable from the cash
 7 fund deposited in the State Treasury as determined by the Chief Fiscal
 8 Officer of the State, for refunds and transfers to the State Treasury by the
 9 State Securities Department for the fiscal year ending June 30, 2012, the
 10 following:

11

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) REFUNDS/TRANSFERS TO TREASURY	<u><u>\$17,500,000</u></u>

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16 SECTION 5. APPROPRIATION - INVESTOR EDUCATION. There is hereby
 17 appropriated, to the State Securities Department, to be payable from the
 18 Investor Education Fund, for operating expenses and promotional items of the
 19 State Securities Department for the fiscal year ending June 30, 2012, the
 20 following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2011-2012</u>
24	(01) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	\$71,000
26	(B) CONF. & TRAVEL	0
27	(C) PROF. FEES	0
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	0
30	(02) PROMOTIONAL ITEMS	<u>7,500</u>
31	TOTAL AMOUNT APPROPRIATED	<u><u>\$78,500</u></u>

32

33 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 35 CONTINGENCY RESTRICTION. In the event additional appropriations become
 36 necessary that are not authorized or contemplated in Section 3 of this Act

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

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

33 The provisions of this section shall be in effect only from July 1, ~~2010~~
34 2011 through June 30, ~~2010~~ 2012.

35

36 SECTION 7. SPECIAL LANGUAGE. Arkansas Code § 19-6-475 is amended to

1 read as follows:

2 19-6-475. Securities Department Fund.

3 The Securities Department Fund shall consist of those special revenues as
4 specified in 19-6-301(211) and until July 1, ~~2011~~ 2013, the first ~~one~~ two
5 million dollars ~~(\$1,000,000)~~ (\$2,000,000) of those special revenues as
6 specified in 19-6-301(173) and (174), and such other funds as may be provided
7 by law or regulatory action, there to be used for maintenance, operation,
8 support, and improvement of the State Securities Department in carrying out
9 its functions, powers, and duties as set out by law and by rule and
10 regulation not inconsistent with law, as set out in 23-42-211.

11

12 SECTION 8. SPECIAL LANGUAGE. Arkansas Code § 23-42-211(a)(4) is
13 amended to read as follows:

14 23-42-211. Disposition of fees.

15 (a)(4) Notwithstanding subdivision (a)(3) of this section, no more than
16 ~~one~~ two million dollars ~~(\$1,000,000)~~ (\$2,000,000) shall be deposited into the
17 fund in any one (1) fiscal year until July 1, ~~2011~~ 2013, at which time this
18 limitation shall expire ~~unless extended~~.

19

20 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Procurement Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal
26 control laws of this State, where applicable, and regulations promulgated by
27 the Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

29

30 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this act shall be in compliance with the stated reasons for
33 which this act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 manuals prepared by the Department of Finance and Administration, letters, or
36 summarized oral testimony in the official minutes of the Arkansas Legislative

1 Council or Joint Budget Committee which relate to its passage and adoption.

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3 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the
 4 General Assembly, that the Constitution of the State of Arkansas prohibits
 5 the appropriation of funds for more than a one (1) year period; that the
 6 effectiveness of this Act on July 1, 2011 is essential to the operation of
 7 the agency for which the appropriations in this Act are provided, and that in
 8 the event of an extension of the legislative session, the delay in the
 9 effective date of this Act beyond July 1, 2011 could work irreparable harm
 10 upon the proper administration and provision of essential governmental
 11 programs. Therefore, an emergency is hereby declared to exist and this Act
 12 being necessary for the immediate preservation of the public peace, health
 13 and safety shall be in full force and effect from and after July 1, 2011.