

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

Act 39 of 2003  
HOUSE BILL 1081

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE STATE  
11 SECURITIES DEPARTMENT FOR THE BIENNIAL PERIOD  
12 ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE STATE SECURITIES  
16 DEPARTMENT APPROPRIATION FOR THE  
17 2003-2005 BIENNIUM.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the State  
24 Securities Department for the 2003-2005 biennium, the following maximum  
25 number of regular employees whose salaries shall be governed by the  
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual  
29 salary is set out herein in dollars, shall be exempt from the provisions of  
30 said Uniform Classification and Compensation Act. All persons occupying  
31 positions authorized herein are hereby governed by the provisions of the  
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
33 or its successor.  
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35 Maximum Annual  
36 Maximum Salary Rate



Item	Class	No. of	Fiscal Years			
No.	Code	Title	Employees	2003-2004	2004-2005	
3	(1)	9921	SECURITIES COMMISSIONER	1	\$81,990	\$83,948
4	(2)	696Z	SECURITIES DEPUTY COMMISSIONER	1	GRADE	26
5	(3)	R038	ATTORNEY SUPERVISOR	1	GRADE	26
6	(4)	R011	SECURITIES ASSISTANT COMMISSIONER	3	GRADE	25
7	(5)	R170	ATTORNEY SPECIALIST	2	GRADE	25
8	(6)	070Z	SECURITIES CHIEF EXAMINER	1	GRADE	23
9	(7)	D046	SYSTEMS APPLICATIONS SUPERVISOR	1	GRADE	23
10	(8)	A044	SECURITIES EXAMINER SUPERVISOR	3	GRADE	22
11	(9)	A008	ACCOUNTING SUPERVISOR II	1	GRADE	21
12	(10)	A098	SENIOR SECURITIES EXAMINER	8	GRADE	21
13	(11)	R010	ADMINISTRATIVE ASSISTANT II	3	GRADE	17
14	(12)	A108	ACCOUNTING TECHNICIAN II	1	GRADE	15
15	(13)	K117	MEDICAL OR LEGAL SECRETARY	2	GRADE	14
16	(14)	K153	SECRETARY II	1	GRADE	13
17	(15)	K039	DOCUMENT EXAMINER II	2	GRADE	12
18	(16)	K077	MICRO-PHOTOGRAPHER II	<u>1</u>	GRADE	09
19			MAX. NO. OF EMPLOYEES	32		

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Securities Department for the 2003-2005 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) 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. There is hereby appropriated, to the State Securities Department, to be payable from the Securities Department Fund, for personal services and operating expenses of the State Securities Department for the biennial period ending June 30, 2005, the following:

ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 1,362,248	\$ 1,399,028

1	(02)	EXTRA HELP	12,000	12,000
2	(03)	PERSONAL SERV MATCH	349,699	356,213
3	(04)	MAINT. & GEN. OPERATION		
4	(A)	OPER. EXPENSE	583,450	328,379
5	(B)	CONF. & TRAVEL	13,100	13,100
6	(C)	PROF. FEES	24,484	24,484
7	(D)	CAP. OUTLAY	30,000	10,000
8	(E)	DATA PROC.	0	0
9	(05)	PROMOTIONAL ITEMS	2,500	2,500
10	(06)	CONTINGENCY	200,000	200,000
11	(07)	EXAMINATION TRAVEL	<u>7,500</u>	<u>7,500</u>
12		TOTAL AMOUNT APPROPRIATED	<u>\$ 2,584,981</u>	<u>\$ 2,353,204</u>

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 14 SECTION 4. APPROPRIATIONS - CASH. There is hereby appropriated, to the  
 15 State Securities Department, to be payable from cash funds as defined by  
 16 Arkansas Code 19-4-801 of the State Securities Department, for refunds/  
 17 transfers to the State Treasury by the State Securities Department for the  
 18 biennial period ending June 30, 2005, the following:

19				
20	ITEM		FISCAL YEARS	
21	<u>NO.</u>		<u>2003-2004</u>	<u>2004-2005</u>
22	(01)	REFUNDS/TRANSFERS TO TREASURY	<u>\$ 15,000,000</u>	<u>\$ 15,000,000</u>

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 24 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 26 CONTINGENCY RESTRICTION. In the event additional appropriations become  
 27 necessary that are not authorized or contemplated in Section 3 of this Act  
 28 and specific cases, situations, and/or programs make it necessary that the  
 29 State Securities Department receives additional appropriations to carry out  
 30 the objectives of the agency, the Securities Commissioner is hereby  
 31 authorized to request the approval of the Governor~~and~~, the Chief Fiscal  
 32 Officer of the State and prior approval by the Arkansas Legislative Council  
 33 or Joint Budget Committee for transfers of the appropriations provided in the  
 34 Contingency line item of Section 3 of this Act to other line items within  
 35 Section 3. In no event shall the transfers in any fiscal year exceed the  
 36 appropriations provided in the Contingency line item of Section 3 of this

1 Act. The Governor may approve or modify such request for transfer of  
 2 appropriations as in his judgment he deems necessary, and shall inform the  
 3 Chief Fiscal Officer of the State and receive review and prior approval by  
 4 the Arkansas Legislative Council or Joint Budget Committee. ~~of the Arkansas~~  
 5 ~~Legislative Council.~~ Upon notification, the Chief Fiscal Officer of the  
 6 State shall direct the State Auditor to process said transfer upon his books  
 7 in accordance with the provisions as set out herein.

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

24 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July  
 25 1, 2003 through ~~July 1, 2003~~ June 30, 2005.

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 27 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 28 by this act shall be limited to the appropriation for such agency and funds  
 29 made available by law for the support of such appropriations; and the  
 30 restrictions of the State Purchasing Law, the General Accounting and  
 31 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 32 Procedures and Restrictions Act, or their successors, and other fiscal  
 33 control laws of this State, where applicable, and regulations promulgated by  
 34 the Department of Finance and Administration, as authorized by law, shall be  
 35 strictly complied with in disbursement of said funds.

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

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10 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
11 Assembly, that the Constitution of the State of Arkansas prohibits the  
12 appropriation of funds for more than a two (2) year period; that the  
13 effectiveness of this Act on July 1, 2003 is essential to the operation of  
14 the agency for which the appropriations in this Act are provided, and that in  
15 the event of an extension of the Regular Session, the delay in the effective  
16 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
17 proper administration and provision of essential governmental programs.  
18 Therefore, an emergency is hereby declared to exist and this Act being  
19 necessary for the immediate preservation of the public peace, health and  
20 safety shall be in full force and effect from and after July 1, 2003.

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24 APPROVED: 2/3/2003  
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