

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.  
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 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.

17

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:

23

| 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

2

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:

8

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

12

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:

18

| 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> |

30

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.

33  
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.

7  
 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.

16  
 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.

28  
 29  
 30 **APPROVED: 02/19/2013**