

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 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1767

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE STATE SECURITIES
11 DEPARTMENT FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2003; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE STATE SECURITIES
16 DEPARTMENT APPROPRIATION FOR THE 2001-
17 2003 BIENNIAL PERIOD.
18
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the State
24 Securities Department for the 2001-2003 biennium, the following maximum number
25 of regular employees whose salaries shall be governed by the provisions of the
26 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
27 seq.), or its successor, and all laws amendatory thereto. Provided, however,
28 that any position to which a specific maximum annual salary is set out herein
29 in dollars, shall be exempt from the provisions of said Uniform Classification
30 and Compensation Act. All persons occupying positions authorized herein are
31 hereby governed by the provisions of the Regular Salaries Procedures and
32 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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Item Class	Maximum No. of	Maximum Annual Salary Rate Fiscal Years
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No.	Code	Title	Employees	2001-2002	2002-2003
(1)	9921	SECURITIES COMMISSIONER	1	\$78,040	\$80,069
(2)	R038	ATTORNEY SUPERVISOR	1	GRADE 26	
(3)	696Z	SECURITIES DEPUTY COMMISSIONER	1	GRADE 26	
(4)	R170	ATTORNEY SPECIALIST	2	GRADE 25	
(5)	R011	SECURITIES ASSISTANT COMMISSIONER	3	GRADE 25	
(6)	070Z	SECURITIES CHIEF EXAMINER	1	GRADE 23	
(7)	A044	SECURITIES EXAMINER SUPERVISOR	3	GRADE 22	
(8)	A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
(9)	A090	SECURITIES EXAMINER	9	GRADE 20	
(10)	R010	ADMINISTRATIVE ASSISTANT II	3	GRADE 17	
(11)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	
(12)	K117	MEDICAL OR LEGAL SECRETARY	2	GRADE 14	
(13)	K153	SECRETARY II	1	GRADE 13	
(14)	K039	DOCUMENT EXAMINER II	2	GRADE 12	
(15)	K077	MICRO-PHOTOGRAPHER II	1	GRADE 09	
		MAX. NO. OF EMPLOYEES	32		

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19 SECTION 2. EXTRA HELP. There is hereby authorized, for the State
 20 Securities Department for the 2001-2003 biennium, the following maximum number
 21 of part-time or temporary employees, to be known as "Extra Help", payable from
 22 funds appropriated herein for such purposes: two (2) temporary or part-time
 23 employees, when needed, at rates of pay not to exceed those provided in the
 24 Uniform Classification and Compensation Act, or its successor, or this act for
 25 the appropriate classification.

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27 SECTION 3. APPROPRIATION. There is hereby appropriated, to the State
 28 Securities Department, to be payable from the Securities Department Fund, for
 29 personal services and operating expenses of the State Securities Department
 30 for the biennial period ending June 30, 2003, the following:

31

ITEM	FISCAL YEARS		
	NO.	2001-2002	2002-2003
(01)	REGULAR SALARIES	\$ 1,295,533	\$ 1,329,219
(02)	EXTRA HELP	12,000	12,000
(03)	PERSONAL SERV MATCHING	324,510	331,193

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1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	237,335	237,335
3	(B) CONF. & TRAVEL	8,100	8,100
4	(C) PROF. FEES	24,484	24,484
5	(D) CAP. OUTLAY	28,500	28,500
6	(E) DATA PROC.	0	0
7	(05) CONTINGENCY	200,000	200,000
8	(06) EXAMINATION TRAVEL	<u>7,500</u>	<u>7,500</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,137,962</u>	<u>\$ 2,178,331</u>

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11 SECTION 4. APPROPRIATIONS - CASH. There is hereby appropriated, to the
 12 State Securities Department, to be payable from cash funds as defined by
 13 Arkansas Code 19-4-801 of the State Securities Department, for refunds/
 14 transfers to the State Treasury by the State Securities Department for the
 15 biennial period ending June 30, 2003, the following:

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17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
19	(01) REFUNDS/TRANSFERS TO TREASURY	<u>\$ 15,000,000</u>	<u>\$ 15,000,000</u>

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21 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 22 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTINGENCY
 23 RESTRICTION. In the event additional appropriations become necessary that are
 24 not authorized or contemplated in Section 3 of this Act and specific cases,
 25 situations, and/or programs make it necessary that the State Securities
 26 Department receives additional appropriations to carry out the objectives of
 27 the agency, the Securities Commissioner is hereby authorized to request the
 28 approval of the Governor and the Chief Fiscal Officer of the State for
 29 transfers of the appropriations provided in the Contingency line item of
 30 Section 3 of this Act to other line items within Section 3. In no event shall
 31 the transfers in any fiscal year exceed the appropriations provided in the
 32 Contingency line item of Section 3 of this Act. The Governor may approve or
 33 modify such request for transfer of appropriations as in his judgment he deems
 34 necessary, and shall inform the Chief Fiscal Officer of the State and receive
 35 review of the Arkansas Legislative Council. Upon notification, the Chief
 36 Fiscal Officer of the State shall direct the State Auditor to process said

1 transfer upon his books in accordance with the provisions as set out herein.

2 The provisions of this section shall be in effect only from July 1, 2001
3 through June 30, 2003.

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5 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
6 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
7 appropriations as provided in this Act, the agency disbursing officer shall
8 monitor the level of fund balances in relation to expenditures on a monthly
9 basis. If any proposed expenditures would cause a fund balance to decline to
10 less than fifty percent (50%) of the balance available on July 1, 2001, the
11 disbursing officer shall immediately notify the executive head of the agency.
12 Prior to any obligations being made under these circumstances, the agency head
13 shall file written documentation with the Chief Fiscal Officer of the State
14 requesting approval of the expenditures. Such documentation shall provide
15 sufficient financial data to justify the expenditures and shall include the
16 following:

- 17 1) a plan that clearly indicates the specific fiscal impact of such
18 expenditures on the fund balance.
- 19 2) information clearly indicating and explaining what programs would be cut or
20 any other measures to be taken by the agency to restore the fund balance.
- 21 3) the extent to which any of the planned expenditures are for one-time costs
22 or one-time purchase of capitalized items.
- 23 4) a statement certifying that the expenditure of fund balances will not
24 jeopardize the financial health of the agency, nor result in a permanent
25 depletion of the fund balance.

26 (B) The Chief Fiscal Officer of the State shall review the request and
27 approve or disapprove all or any part of the request , after having sought
28 prior review by the Legislative Council.

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30 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
31 this act shall be limited to the appropriation for such agency and funds made
32 available by law for the support of such appropriations; and the restrictions
33 of the State Purchasing Law, the General Accounting and Budgetary Procedures
34 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
35 Restrictions Act, or their successors, and other fiscal control laws of this
36 State, where applicable, and regulations promulgated by the Department of

1 Finance and Administration, as authorized by law, shall be strictly complied
2 with in disbursement of said funds.

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

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13 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a two (2) year period; that the
16 effectiveness of this Act on July 1, 2001 is essential to the operation of the
17 agency for which the appropriations in this Act are provided, and that in the
18 event of an extension of the Regular Session, the delay in the effective date
19 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
20 administration and provision of essential governmental programs. Therefore, an
21 emergency is hereby declared to exist and this Act being necessary for the
22 immediate preservation of the public peace, health and safety shall be in full
23 force and effect from and after July 1, 2001.

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