

State of Arkansas  
87th General Assembly  
Fiscal Session, 2010

# A Bill

HOUSE BILL 1070

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
SERVICES AND OPERATING EXPENSES FOR THE STATE  
SECURITIES DEPARTMENT FOR THE FISCAL YEAR ENDING  
JUNE 30, 2011; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE STATE SECURITIES  
DEPARTMENT APPROPRIATION FOR THE 2010-  
2011 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the State Securities Department for the 2010-2011 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

	Maximum Annual
Maximum	Salary Rate



Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2010-2011
(1)	U040U SECURITIES COMMISSIONER	1	\$98,653
(2)	N137N SECURITIES DEPUTY COMMISSIONER	1	GRADE N902
(3)	G025C ATTORNEY SUPERVISOR	1	GRADE C127
(4)	G047C ATTORNEY SPECIALIST	6	GRADE C126
(5)	X008C SECURITIES CHIEF EXAMINER	2	GRADE C126
(6)	X015C SECURITIES EXAMINER SUPERVISOR	3	GRADE C124
(7)	X032C SENIOR SECURITIES EXAMINER	9	GRADE C122
(8)	A052C ACCOUNTING COORDINATOR	1	GRADE C121
(9)	D051C SYSTEMS APPLICATIONS SUPERVISOR	1	GRADE C121
(10)	X061C SECURITIES EXAMINER	4	GRADE C119
(11)	C037C ADMINISTRATIVE ANALYST	1	GRADE C115
(12)	C046C LEGAL SUPPORT SPECIALIST	2	GRADE C113
(13)	C056C ADMINISTRATIVE SPECIALIST III	3	GRADE C112
(14)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE C112
(15)	C073C ADMINISTRATIVE SPECIALIST II	1	GRADE C109
(16)	C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
	MAX. NO. OF EMPLOYEES	38	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the State Securities Department for the 2010-2011 fiscal year, 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 - OPERATIONS. 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 fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 1,906,680

1	(02) EXTRA HELP	12,000
2	(03) PERSONAL SERVICES MATCHING	551,656
3	(04) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	447,160
5	(B) CONF. & TRAVEL	30,000
6	(C) PROF. FEES	14,484
7	(D) CAP. OUTLAY	13,500
8	(E) DATA PROC.	0
9	(05) CONTINGENCY	200,000
10	(06) EXAMINATION TRAVEL	<u>20,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,195,480</u>

12

13 SECTION 4. APPROPRIATION - REFUNDS AND TRANSFERS. There is hereby  
 14 appropriated, to the State Securities Department, to be payable from the cash  
 15 fund deposited in the State Treasury as determined by the Chief Fiscal  
 16 Officer of the State, for refunds and transfers to the State Treasury by the  
 17 State Securities Department for the fiscal year ending June 30, 2011, the  
 18 following:

19

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) REFUNDS/TRANSFERS TO TREASURY	<u>\$ 17,500,000</u>

23

24 SECTION 5. APPROPRIATION - INVESTOR EDUCATION. There is hereby  
 25 appropriated, to the State Securities Department, to be payable from the  
 26 Investor Education Fund, for operating expenses and promotional items for the  
 27 Investor Education Program of the State Securities Department for the fiscal  
 28 year ending June 30, 2011, the following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2010-2011</u>
32	(01) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	\$ 71,000
34	(B) CONF. & TRAVEL	0
35	(C) PROF. FEES	0
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	0
2	(02) PROMOTIONAL ITEMS	<u>7,500</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 78,500</u>

4

5 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
7 CONTINGENCY RESTRICTION. In the event additional appropriations become  
8 necessary that are not authorized or contemplated in Section 3 of this Act  
9 and specific cases, situations, and/or programs make it necessary that the  
10 State Securities Department receives additional appropriations to carry out  
11 the objectives of the agency, the Securities Commissioner is hereby  
12 authorized to request the approval of the Governor, the Chief Fiscal Officer  
13 of the State and prior approval by the Arkansas Legislative Council or Joint  
14 Budget Committee for transfers of the appropriations provided in the  
15 Contingency line item of Section 3 of this Act to other line items within  
16 Section 3. In no event shall the transfers in any fiscal year exceed the  
17 appropriations provided in the Contingency line item of Section 3 of this  
18 Act. The Governor may approve or modify such request for transfer of  
19 appropriations as in his judgment he deems necessary, and shall inform the  
20 Chief Fiscal Officer of the State and receive review and prior approval by  
21 the Arkansas Legislative Council or Joint Budget Committee. Upon  
22 notification, the Chief Fiscal Officer of the State shall direct the State  
23 Auditor to process said transfer upon his books in accordance with the  
24 provisions as set out herein.

25 Determining the maximum number of employees and the maximum amount of  
26 appropriation and general revenue funding for a state agency each fiscal year  
27 is the prerogative of the General Assembly. This is usually accomplished by  
28 delineating such maximums in the appropriation act(s) for a state agency and  
29 the general revenue allocations authorized for each fund and fund account by  
30 amendment to the Revenue Stabilization law. Further, the General Assembly has  
31 determined that the Securities Department may operate more efficiently if  
32 some flexibility is provided to the Securities Department authorizing broad  
33 powers under this section. Therefore, it is both necessary and appropriate  
34 that the General Assembly maintain oversight by requiring prior approval of  
35 the Legislative Council or Joint Budget Committee as provided by this  
36 section. The requirement of approval by the Legislative Council or Joint

1 Budget Committee is not a severable part of this section. If the requirement  
2 of approval by the Legislative Council or Joint Budget Committee is ruled  
3 unconstitutional by a court of competent jurisdiction, this entire section is  
4 void.

5 The provisions of this section shall be in effect only from July 1,  
6 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

7  
8 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
9 by this act shall be limited to the appropriation for such agency and funds  
10 made available by law for the support of such appropriations; and the  
11 restrictions of the State Procurement Law, the General Accounting and  
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
13 Procedures and Restrictions Act, or their successors, and other fiscal  
14 control laws of this State, where applicable, and regulations promulgated by  
15 the Department of Finance and Administration, as authorized by law, shall be  
16 strictly complied with in disbursement of said funds.

17  
18 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly  
19 that any funds disbursed under the authority of the appropriations contained  
20 in this act shall be in compliance with the stated reasons for which this act  
21 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
22 and Legislative Recommendations contained in the budget manuals prepared by  
23 the Department of Finance and Administration, letters, or summarized oral  
24 testimony in the official minutes of the Arkansas Legislative Council or  
25 Joint Budget Committee which relate to its passage and adoption.

26  
27 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
28 Assembly, that the Constitution of the State of Arkansas prohibits the  
29 appropriation of funds for more than a one (1) year period; that the  
30 effectiveness of this Act on July 1, 2010 is essential to the operation of  
31 the agency for which the appropriations in this Act are provided, and that in  
32 the event of an extension of the legislative session, the delay in the  
33 effective date of this Act beyond July 1, 2010 could work irreparable harm  
34 upon the proper administration and provision of essential governmental  
35 programs. Therefore, an emergency is hereby declared to exist and this Act  
36 being necessary for the immediate preservation of the public peace, health

and safety shall be in full force and effect from and after July 1, 2010.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36