

Stricken language will be deleted and underlined language will be added.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/9/21
A Bill

SENATE BILL 121

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF LABOR
AND LICENSING - DIVISION OF LABOR FOR THE FISCAL YEAR
ENDING JUNE 30, 2022; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF LABOR AND
LICENSING - DIVISION OF LABOR
APPROPRIATION FOR THE 2021-2022 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby
established for the Department of Labor and Licensing for the 2021-2022
fiscal year, the following maximum number of regular employees.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2021-2022
(1)	SC010	SECRETARY OF LABOR & LICENSING	1	GRADE SE05
(2)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
(3)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
(4)	D063C	COMPUTER SUPPORT SPECIALIST	3	GRADE IT05
(5)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE IT05
(6)	N245N	DLL CHIEF OF STAFF	1	GRADE GS15



(7)	G019C GENERAL COUNSEL	1	GRADE GS13
(8)	A021C AGENCY CONTROLLER I	1	GRADE GS12
(9)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE GS12
(10)	U088U DLL LABOR DEPUTY DIRECTOR	1	GRADE GS12
(11)	R013C AGENCY HUMAN RESOURCES MANAGER	1	GRADE GS11
(12)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
(13)	G308C DLL ENFORCEMENT MANAGER	1	GRADE GS10
(14)	R021C BUDGET ANALYST	2	GRADE GS08
(15)	R024C ASSISTANT PERSONNEL MANAGER	1	GRADE GS07
(16)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(17)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
(18)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
(19)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
(20)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
(21)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
	MAX. NO. OF EMPLOYEES	24	

SECTION 2. EXTRA HELP - SHARED SERVICES. There is hereby authorized, for the Department of Labor and Licensing - Shared Services for the 2021-2022 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: *four (4)* 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 - SHARED SERVICES PAYING ACCOUNT. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Labor and Licensing - Shared Services Paying Account for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$1,626,569

(02)	EXTRA HELP	77,000
(03)	PERSONAL SERVICES MATCHING	506,859
(04)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	884,500
	(B) CONF. & TRAVEL	15,000
	(C) PROF. FEES	0
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
	TOTAL AMOUNT APPROPRIATED	<u>\$3,109,928</u>

SECTION 4. REGULAR SALARIES - DIVISION OF LABOR. There is hereby established for the Department of Labor and Licensing - Division of Labor for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
(1)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE IT04
(2)	G096C	DLL LABOR DIVISION MANAGER	4	GRADE GS09
(3)	X052C	DLL LABOR INSPECTOR SUPERVISOR	8	GRADE GS08
(4)	X051C	DLL LABOR MEDIATOR	1	GRADE GS08
(5)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE GS08
(6)	X065C	DLL LABOR INSPECTOR	27	GRADE GS07
(7)	E048C	EDUCATION & INSTRUCTION SPECIALIST	2	GRADE GS07
(8)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
(9)	A072C	RESEARCH & STATISTICS MANAGER	1	GRADE GS07
(10)	C037C	ADMINISTRATIVE ANALYST	4	GRADE GS06
(11)	X122C	DLL LABOR STANDARDS INVESTIGATOR	8	GRADE GS06
(12)	A093C	STATISTICIAN	2	GRADE GS06
(13)	V014C	BUYER	1	GRADE GS05
(14)	C056C	ADMINISTRATIVE SPECIALIST III	<u>9</u>	GRADE GS04
		MAX. NO. OF EMPLOYEES	70	

SECTION 5. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from

the Department of Labor and Licensing Fund Account, for personal services and operating expenses of the Department of Labor and Licensing - Division of Labor - State Operations for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) REGULAR SALARIES	\$1,387,962
(02) EXTRA HELP	0
(03) PERSONAL SERVICES MATCHING	496,219
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	354,954
(B) CONF. & TRAVEL	42,395
(C) PROF. FEES	3,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,284,530</u></u>

SECTION 6. APPROPRIATION - BOILER INSPECTION. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the Department of Labor and Licensing Special Fund, for personal services and operating expenses of the Department of Labor and Licensing - Division of Labor - Boiler Inspection for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) REGULAR SALARIES	\$429,520
(02) PERSONAL SERVICES MATCHING	153,391
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	201,804
(B) CONF. & TRAVEL	14,044
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$798,759</u></u>

SECTION 7. APPROPRIATION - BOARD OF ELECTRICAL EXAMINERS. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the Department of Labor and Licensing Special Fund, for personal services and operating expenses of the Department of Labor and Licensing - Division of Labor - Board of Electrical Examiners for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) REGULAR SALARIES	\$413,711
(02) PERSONAL SERVICES MATCHING	143,558
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	131,738
(B) CONF. & TRAVEL	6,430
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$695,437</u></u>

SECTION 8. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Labor and Licensing - Division of Labor - Federal Programs for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR 2021-2022
(01) REGULAR SALARIES	\$920,430
(02) PERSONAL SERVICES MATCHING	326,420
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	182,163
(B) CONF. & TRAVEL	43,950
(C) PROF. FEES	0
(D) CAP. OUTLAY	0

(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,472,963</u></u>

SECTION 9. APPROPRIATION - WAGE AND HOUR - CASH. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for distribution of wages due employees from employers in Arkansas by the Department of Labor and Licensing - Division of Labor - Wage and Hour - Cash for the fiscal year ending June 30, 2022, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2021-2022</u>
(01) WAGES DUE	<u><u>\$200,000</u></u>

SECTION 10. APPROPRIATION - SEMINAR AND CONFERENCE EXPENSES - CASH. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses from the deposit of registration fees collected for seminars and conferences by the Department of Labor and Licensing - Division of Labor - Seminar and Conference Expenses - Cash for the fiscal year ending June 30, 2022, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2021-2022</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$2,000
(B) CONF. & TRAVEL	46,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$48,000</u></u>

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED

SERVICES.

(a)(1)(A) The Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by the Department of Labor and Licensing.

(B) Upon prior approval of the Arkansas Legislative Council, or if meeting in Legislative Session the Joint Budget Committee, the Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act and the transfer of positions to the Regular Salaries – Shared Services appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The transfer authority provided in subdivision (a)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (a)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(b)(1) Each department utilizing the Shared Services Paying Account section or Regular Salaries – Shared Services section of this act shall submit a report to be included in the Budget Manuals for hearings, conducted by the General Assembly, listing all shared services transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (b)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries – Shared Services section of this act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section,

or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

(c)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the time period prior to Fiscal Year ~~2022~~ 2023 to allow cabinet-level departments to establish a centralized Regular Salaries - Shared Services section, with the recommendation that the position transfer authority granted under this section be discontinued after that time.

(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (c)(1) of this section to the attention of the chairs conducting the ~~2021~~ 2022 Regular Fiscal Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-session budget hearings.

(d) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(e) The provisions of this section shall be in effect from the date of passage through June 30, ~~2021~~ 2022.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

EXPENDITURE AND TRANSFER LIMITATIONS. (i) Notwithstanding any other transfer

provisions authorized by law, the expenditures for each individual Board, Commission, Section or Division in the Department of Labor and Licensing combined with fund transfers for the individual board, commission, section, or division, such as but not limited to Shared Services Transfers, shall not exceed the net collections of the individual board, commission, section, or division in any fiscal year as set out in this section.

(ii) The calculations for each individual entities expenditures, transfers and net collections or revenue shall be determined separately for each board, commission, section or division and at no time shall a combined calculation be utilized.

(iii) The total expenditures for a fiscal year for each entity shall be determined by the average expenditures of the last three completed fiscal years combined with any current fiscal year budgeted fund transfer.

(iv) The net collections or revenue for a fiscal year for each entity shall be determined by the average revenue collections of the last three completed fiscal years.

(v) At no time shall a fund transfer in a fiscal year cause the total expenditures, as set out in subsection (iii) of this section, to exceed the net collections or revenue, as set out in subsection (iv) of this section.

(vi) Any fund transfers combined with expenditures shall not be greater than revenue collections that could create the need for a board, commission, section or division to raise fees, fines, penalties, or any other collection method in order to continue to provide the services for which they were created.

(vii) Any expenditures for a board, commission, section or division authorized by the General Assembly through the budget hearing and appropriation process, that is specifically requested and approved to be payable out of that individual entity's accumulated fund balances for expenses other than normal operating expense shall be exempt from this section and that expenditure from fund balances shall not be used to calculate the expenditures as set out in subsection (iii) of this section.

(viii) The provisions as set forth in this section does not prevent any individual board, commission, section, or division, from promulgating new or update rules or submitting a request to raise or lower fees, fines, penalties, or any other collection method.

(ix) In the event that an individual board, commission, section, or

division has a fiscal year where expenditures combined with budget transfers out exceeds collections or revenue as set out in subsection (v) of this section and that individual board, commission, section, or division has a current fund balance greater than the average expenditures as calculated in subsection (iii) of this section, then that individual board, commission, section, or division is exempt from the provision of this section and may utilize those fund balances to exceed the expenditure combined with transfers without limitation.

(x) The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022.

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

SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2021 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the

effective date of this Act beyond July 1, 2021 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act 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, 2021.

/s/Joint Budget Committee