

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

State of Arkansas
93rd General Assembly
Fiscal Session, 2022

As Engrossed: H3/2/22
A Bill

HOUSE BILL 1028

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 FINANCE AND ADMINISTRATION - REGULATORY DIVISION FOR THE FISCAL YEAR ENDING JUNE 30, 2023; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - REGULATORY DIVISION APPROPRIATION FOR THE 2022-2023 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - REGULATORY DIVISION. There is hereby established for the Department of Finance and Administration - Regulatory Division for the 2022-2023 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2022-2023
(1)	G305C	DFA REGULATORY ADMINISTRATOR	1	GRADE SE02
(2)	G280C	DFA REGULATORY ASST ADMIN-ENFORCEMENT	2	GRADE GS15
(3)	G047C	ATTORNEY SPECIALIST	1	GRADE GS11
(4)	A007C	AUDIT MANAGER	1	GRADE GS11



(5)	G246C DFA REGULATORY BRANCH MANAGER	1	GRADE GS10
(6)	T108C DFA REGULATORY BRANCH SUPERVISOR	1	GRADE GS09
(7)	X196C DFA SR REGULATORY ENFORCEMENT AGENT	8	GRADE GS08
(8)	A060C SENIOR AUDITOR	2	GRADE GS08
(9)	X131C DFA REGULATORY ENFORCEMENT AGENT	33	GRADE GS07
(10)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
(11)	R027C BUDGET SPECIALIST	1	GRADE GS06
(12)	T061C SENIOR IA	1	GRADE GS06
(13)	E046C TRAINING INSTRUCTOR	1	GRADE GS06
(14)	C056C ADMINISTRATIVE SPECIALIST III	<u>2</u>	GRADE GS04
	MAX. NO. OF EMPLOYEES	57	

SECTION 2. APPROPRIATION - REGULATORY DIVISION. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Department of Finance and Administration - Regulatory Division for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2022-2023</u>
(01) REGULAR SALARIES	\$1,921,312
(02) PERSONAL SERVICES MATCHING	645,338
(03) OVERTIME	10,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	294,918
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	5,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,901,568</u></u>

SECTION 3. APPROPRIATION - REGULATORY DIVISION - SALES TO MINORS ENFORCEMENT - CASH. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services, operating expenses, and the purchase of promotional items

of the Department of Finance and Administration - Regulatory Division - Sales to Minors Enforcement - Cash for the fiscal year ending June 30, 2023, the following:

ITEM NO.	FISCAL YEAR 2022-2023
(01) REGULAR SALARIES	\$567,087
(02) PERSONAL SERVICES MATCHING	196,364
(03) OVERTIME	5,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	332,072
(B) CONF. & TRAVEL	0
(C) PROF. FEES	1,700
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) PROMOTIONAL ITEMS	<u>5,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,107,223</u>

SECTION 4. APPROPRIATION - REGULATORY DIVISION - TOBACCO INSPECTION PROGRAM - FEDERAL. There is hereby appropriated, to the Department of Finance and Administration, 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 Finance and Administration - Regulatory Division - Tobacco Inspection Program - Federal for the fiscal year ending June 30, 2023, the following:

ITEM NO.	FISCAL YEAR 2022-2023
(01) REGULAR SALARIES	\$336,944
(02) PERSONAL SERVICES MATCHING	118,717
(03) OVERTIME	17,041
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	150,000
(B) CONF. & TRAVEL	5,000
(C) PROF. FEES	31,242
(D) CAP. OUTLAY	0

(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$658,944</u></u>

SECTION 5. APPROPRIATION - REGULATORY DIVISION - CIGARETTE FIRE SAFETY. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Cigarette Fire Safety Standard Fund, for personal services and operating expenses to support fire safety and prevention programs of the Department of Finance and Administration - Regulatory Division - Cigarette Fire Safety for the fiscal year ending June 30, 2023, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2022-2023</u>
(01) FIRE SAFETY & PREVENTION	<u><u>\$50,000</u></u>

SECTION 6. APPROPRIATION - REGULATORY DIVISION - SPIRITUOUS AND VINOUS BEVERAGES. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Alcoholic Beverage Control Fund, for promotion, education, training, alcohol safety awareness, enforcement activities, equipment and vehicle purchases of the Department of Finance and Administration - Regulatory Division for the fiscal year ending June 30, 2023, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2022-2023</u>
(01) PROMOTION, EDUCATION, TRAINING, SAFETY AWARENESS ENROLLMENT	<u><u>\$300,000</u></u>

SECTION 7. APPROPRIATION - REGULATORY DIVISION - REVENUE ENFORCEMENT. There is hereby appropriated, to the Department of Finance and Administration - Regulatory Division - Revenue Enforcement, to be payable from the Arkansas Tobacco Control Revenue Fund, for personal services and operating expenses related to carrying out the purposes authorized in 19-6-831 for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
------	-------------

<u>NO.</u>	<u>2022-2023</u>
(01) REGULAR SALARIES	\$143,170
(02) PERSONAL SERVICES MATCHING	50,295
(03) OVERTIME	5,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	92,817
(B) CONF. & TRAVEL	5,000
(C) PROF. FEES	500
(D) CAP. OUTLAY	22,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$318,782</u></u>

SECTION 8. REGULAR SALARIES - ABC ADMINISTRATION. There is hereby established for the Department of Finance and Administration - Alcoholic Beverage Control Administration for the 2022-2023 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual	
No.	Code	Title	Salary Rate	
<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>Fiscal Year</u>	
		No. of	2022-2023	
		Employees		
(1)	G279C	DFA REG ASST ADMIN-ADMINISTRATION	1	GRADE GS15
(2)	G047C	ATTORNEY SPECIALIST	3	GRADE GS11
(3)	C037C	ADMINISTRATIVE ANALYST	1	GRADE GS06
(4)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
(5)	C046C	LEGAL SUPPORT SPECIALIST	4	GRADE GS04
(6)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE GS03
		MAX. NO. OF EMPLOYEES	12	

SECTION 9. EXTRA HELP - ABC ADMINISTRATION. There is hereby authorized, for the Department of Finance and Administration - Alcoholic Beverage Control Administration for the 2022-2023 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 10. APPROPRIATION - ABC ADMINISTRATION - STATE OPERATIONS.

There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Department of Finance and Administration - Alcoholic Beverage Control Division for the fiscal year ending June 30, 2023, the following:

ITEM NO.	FISCAL YEAR 2022-2023
(01) REGULAR SALARIES	\$625,966
(02) EXTRA HELP	7,000
(03) PERSONAL SERVICES MATCHING	212,341
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	122,009
(B) CONF. & TRAVEL	4,986
(C) PROF. FEES	5,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$977,302</u></u>

SECTION 11. APPROPRIATION - ABC ADMINISTRATION - MEDICAL MARIJUANA

COMMISSION. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Medical Marijuana Commission Fund, for refunds, reimbursements and contingency related to agency medical marijuana expenses of the Department of Finance and Administration - Alcoholic Beverage Control Division for the fiscal year ending June 30, 2023, the following:

ITEM NO.	FISCAL YEAR 2022-2023
(01) REFUNDS/REIMBURSEMENTS	\$500,000
(02) CONTINGENCY	<u>2,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,500,000</u></u>

SECTION 12. REGULAR SALARIES - RACING COMMISSION. There is hereby

established for the Department of Finance and Administration - Racing Commission for the 2022-2023 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum	Maximum Annual
			No. of Employees	Salary Rate Fiscal Year 2022-2023
(1)	G287C	DFA REGULATORY ASST ADMIN-RACING	1	GRADE GS15
(2)	B009N	DFA DOG RACING VETERINARIAN	1	GRADE MP04
(3)	X069C	DFA RACING SUPERVISOR	3	GRADE GS09
(4)	C037C	ADMINISTRATIVE ANALYST	2	GRADE GS06
(5)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
(6)	X142C	DFA RACING COMMISSION JUDGE	2	GRADE GS05
(7)	A104C	DFA RACING COMMISSION OFFICE AUDITOR	1	GRADE GS04
(8)	B110C	VETERINARIAN ASSISTANT	<u>4</u>	GRADE GS03
MAX. NO. OF EMPLOYEES			15	

SECTION 13. EXTRA HELP - RACING COMMISSION. There is hereby authorized, for the Department of Finance and Administration - Racing Commission for the 2022-2023 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: thirty-one (31) 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 14. APPROPRIATION - RACING COMMISSION - STATE OPERATIONS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Department of Finance and Administration - Racing Commission for the fiscal year ending June 30, 2023, the following:

ITEM NO.	FISCAL YEAR
	<u>2022-2023</u>

(01)	REGULAR SALARIES	\$773,781
(02)	EXTRA HELP	460,000
(03)	PERSONAL SERVICES MATCHING	331,868
(04)	OVERTIME	10,000
(05)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	290,914
	(B) CONF. & TRAVEL	7,500
	(C) PROF. FEES	50,000
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
	TOTAL AMOUNT APPROPRIATED	<u>\$1,924,063</u>

SECTION 15. APPROPRIATION - RACING COMMISSION - CASH OPERATIONS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Finance and Administration - Racing Commission for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR	
<u>NO.</u>	<u>2022-2023</u>	
(01)	EXTRA HELP	\$65,000
(02)	PERSONAL SERVICES MATCHING	14,991
(03)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	231,000
	(B) CONF. & TRAVEL	5,000
	(C) PROF. FEES	0
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
(04)	REFUND/REIMBURSEMENTS	<u>5,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$320,991</u>

SECTION 16. APPROPRIATION - RACING COMMISSION - PURSES AND AWARDS TRANSFERS. There is hereby appropriated, to the Department of Finance and Administration - Racing Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of

the State, for the transfers to the Department of Finance and Administration - Racing Commission Purses and Awards Fund for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2022-2023</u>
(01) REFUNDS/INVESTMENTS/TRANSFERS	<u>\$25,000,000</u>

SECTION 17. APPROPRIATION - RACING COMMISSION - COMPULSIVE GAMBLING DISORDER TREATMENT/EDUCATIONAL PROGRAMS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from the Miscellaneous Agencies Fund Account, for compulsive gambling disorder treatment and educational programs as defined by Amendment 100 to the Arkansas Constitution for the Department of Finance and Administration - Racing Commission for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2022-2023</u>
(01) GAMBLING ADDICTION TREATMENT AND EDUCATION PROGRAMS	<u>\$200,000</u>

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. ASSESSMENT OF VEHICLES. (a) For purposes of assessing the value of a used vehicle:

(1) If a used vehicle was assessed in calendar year 2020 and is assessed in calendar year 2022, the value of the used vehicle as assessed in calendar year 2022 shall not be higher than its published assessed value in calendar year 2020; and

(2) If under subdivision (a)(1), a used vehicle's 2022 assessed value is decreased, then a county assessor is not required to notify the taxpayer of the decrease in the assessed value.

(b) Subsection (a) of this section shall be in effect only from the effective date of this section through December 31, 2023.

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ABC ADMINISTRATION - CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Chief Fiscal Officer of the State shall transfer appropriation as needed from the Contingency Appropriation authorized in this Act to the Alcoholic Beverage Control Division of the Department of Finance and Administration, the Department of Health and/or any other state agency incurring expenses for the implementation, administration, or enforcement of the Arkansas Medical Marijuana Amendment of 2016, to pay for personal services, operating expenses, professional fees, equipment, monitoring, auditing, and other miscellaneous expenses.

The provisions of this section shall be in effect only from July 1, ~~2021~~ 2022 through June 30, ~~2022~~ 2023.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIVISION OF RACING - EXTRA HELP. There is hereby authorized, for the Department of Finance and Administration - Division of Racing for the ~~2021-2022~~ 2022-2023 fiscal year, the maximum number of thirty-one (31) part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes, such employees shall be authorized to work over 1,000 hours per year.

The provisions of this section shall be in effect only from July 1, ~~2021~~ 2022 through June 30, ~~2022~~ 2023.

SECTION 21. 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 22. 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 23. EFFECTIVE DATE. Sections 1-17 and 19-22 are effective on and after July 1, 2022.

SECTION 24. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that coronavirus 2019 (COVID-19) created significant financial and economic burdens on many Arkansans; that one such burden is the extraordinarily high rate of inflation, which is increasingly eroding Arkansans' buying power; that another such burden is artificially inflated values of used vehicles due, in part, to supply-chain issues associated with new production; that the artificially inflated value of used goods is causing some Arkansans, whose buying power has already been eroded, to pay higher personal property taxes than they have in prior years on the same used vehicles; and that Section 18 of this act is immediately necessary to mitigate the foregoing financial and economic burdens. Therefore, an emergency is declared to exist, and Section 18 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Joint Budget Committee