

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1074

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 DEPARTMENT OF FINANCE
10 AND ADMINISTRATION - REGULATORY DIVISION FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 AN ACT FOR THE DEPARTMENT OF FINANCE AND
16 ADMINISTRATION - REGULATORY DIVISION
17 APPROPRIATION FOR THE 2023-2024 FISCAL
18 YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - REGULATORY DIVISION. There is hereby
25 established for the Department of Finance and Administration - Regulatory
26 Division for the 2023-2024 fiscal year, the following maximum number of
27 regular employees.
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2023-2024
33	(1)	G305C DFA REGULATORY ADMINISTRATOR	1	GRADE SE02
34	(2)	G280C DFA REGULATORY ASST ADMIN-ENFORCEMENT	2	GRADE GS15
35	(3)	G047C ATTORNEY SPECIALIST	1	GRADE GS11
36	(4)	A007C AUDIT MANAGER	1	GRADE GS11



1	(5)	G246C DFA REGULATORY BRANCH MANAGER	1	GRADE GS10
2	(6)	T108C DFA REGULATORY BRANCH SUPERVISOR	1	GRADE GS09
3	(7)	X196C DFA SENIOR REGULATORY ENFORCEMENT AGENT	8	GRADE GS08
4	(8)	A060C SENIOR AUDITOR	2	GRADE GS08
5	(9)	X131C DFA REGULATORY ENFORCEMENT AGENT	33	GRADE GS07
6	(10)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
7	(11)	R027C BUDGET SPECIALIST	1	GRADE GS06
8	(12)	T061C SENIOR IA	1	GRADE GS06
9	(13)	E046C TRAINING INSTRUCTOR	1	GRADE GS06
10	(14)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
11	(15)	R036C HUMAN RESOURCES SPECIALIST	<u>1</u>	GRADE GS04
12		MAX. NO. OF EMPLOYEES	58	

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 14 SECTION 2. APPROPRIATION - REGULATORY DIVISION. There is hereby
 15 appropriated, to the Department of Finance and Administration, to be payable
 16 from the Miscellaneous Agencies Fund Account, for personal services and
 17 operating expenses of the Department of Finance and Administration -
 18 Regulatory Division for the fiscal year ending June 30, 2024, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2023-2024</u>
22	(01) REGULAR SALARIES	\$2,044,615
23	(02) PERSONAL SERVICES MATCHING	727,474
24	(03) OVERTIME	10,000
25	(04) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	294,918
27	(B) CONF. & TRAVEL	25,000
28	(C) PROF. FEES	5,000
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	<u>0</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$3,107,007</u>

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 33 SECTION 3. APPROPRIATION - REGULATORY DIVISION - SALES TO MINORS
 34 ENFORCEMENT - CASH. There is hereby appropriated, to the Department of
 35 Finance and Administration, to be payable from the cash fund deposited in the
 36 State Treasury as determined by the Chief Fiscal Officer of the State, for

1 personal services, operating expenses, and the purchase of promotional items
 2 of the Department of Finance and Administration - Regulatory Division - Sales
 3 to Minors - Cash for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
7 (01) REGULAR SALARIES	\$587,226
8 (02) PERSONAL SERVICES MATCHING	212,265
9 (03) OVERTIME	5,000
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	332,072
12 (B) CONF. & TRAVEL	0
13 (C) PROF. FEES	1,700
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (05) PROMOTIONAL ITEMS	<u>5,000</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,143,263</u></u>

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 19 SECTION 4. APPROPRIATION - REGULATORY DIVISION - TOBACCO INSPECTION
 20 PROGRAM - FEDERAL. There is hereby appropriated, to the Department of
 21 Finance and Administration, to be payable from the federal funds as
 22 designated by the Chief Fiscal Officer of the State, for personal services
 23 and operating expenses of the Department of Finance and Administration -
 24 Regulatory Division - Tobacco Inspection Program - Federal for the fiscal
 25 year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
29 (01) REGULAR SALARIES	\$373,379
30 (02) PERSONAL SERVICES MATCHING	138,190
31 (03) OVERTIME	17,041
32 (04) MAINT. & GEN. OPERATION	
33 (A) OPER. EXPENSE	150,000
34 (B) CONF. & TRAVEL	5,000
35 (C) PROF. FEES	31,242
36 (D) CAP. OUTLAY	0

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$714,852</u></u>

3
4 SECTION 5. APPROPRIATION - REGULATORY DIVISION - CIGARETTE FIRE SAFETY.

5 There is hereby appropriated, to the Department of Finance and
6 Administration, to be payable from the Cigarette Fire Safety Standard Fund,
7 for personal services and operating expenses to support fire safety and
8 prevention programs of the Department of Finance and Administration -
9 Regulatory Division - Cigarette Fire Safety for the fiscal year ending June
10 30, 2024, the following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2023-2024</u>
14	(01) FIRE SAFETY & PREVENTION	<u><u>\$50,000</u></u>

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16 SECTION 6. APPROPRIATION - REGULATORY DIVISION - SPIRITUOUS AND VINOUS
17 BEVERAGES. There is hereby appropriated, to the Department of Finance and
18 Administration, to be payable from the Alcoholic Beverage Control Fund, for
19 promotion, education, training, alcohol safety awareness, enforcement
20 activities, equipment and vehicle purchases of the Department of Finance and
21 Administration - Regulatory Division for the fiscal year ending June 30,
22 2024, the following:

23		
24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2023-2024</u>
26	(01) PROMOTION, EDUCATION, TRAINING,	
27	SAFETY AWARENESS ENROLLMENT	<u><u>\$300,000</u></u>

28
29 SECTION 7. APPROPRIATION - REGULATORY DIVISION - REVENUE ENFORCEMENT.
30 There is hereby appropriated, to the Department of Finance and Administration
31 - Regulatory Division - Revenue Enforcement, to be payable from the Arkansas
32 Tobacco Control Revenue Fund, for personal services and operating expenses
33 related to carrying out the purposes authorized in 19-6-831 for the fiscal
34 year ending June 30, 2024, the following:

35		
36	ITEM	FISCAL YEAR

1	<u>NO.</u>	<u>2023-2024</u>
2	(01) REGULAR SALARIES	\$163,783
3	(02) PERSONAL SERVICES MATCHING	58,677
4	(03) OVERTIME	5,000
5	(04) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	92,817
7	(B) CONF. & TRAVEL	5,000
8	(C) PROF. FEES	500
9	(D) CAP. OUTLAY	22,000
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$347,777</u></u>

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13 SECTION 8. APPROPRIATION - UNTAXED TOBACCO FORFEITURE. There is hereby
 14 appropriated, to the Department of Finance and Administration - Regulatory
 15 Division, to be payable from the cash fund deposited in the State Treasury as
 16 determined by the Chief Fiscal Officer of the State, for operational expenses
 17 and expense associated with untaxed tobacco forfeiture authorized in ACA 26-
 18 57-247 for the fiscal year ending June 30, 2024, the following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2023-2024</u>
22	(01) UNTAXED TOBACCO FORFEITURE	<u><u>\$100,000</u></u>

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24 SECTION 9. REGULAR SALARIES - ABC ADMINISTRATION. There is hereby
 25 established for the Department of Finance and Administration - Alcoholic
 26 Beverage Control Administration for the 2023-2024 fiscal year, the following
 27 maximum number of regular employees.

28

29			Maximum Annual
30		Maximum	Salary Rate
31	Item Class	No. of	Fiscal Year
32	<u>No. Code Title</u>	<u>Employees</u>	<u>2023-2024</u>
33	(1) G279C DFA REG ASST ADMIN-ADMINISTRATION	1	GRADE GS15
34	(2) G047C ATTORNEY SPECIALIST	3	GRADE GS11
35	(3) C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
36	(4) C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04

1	(5) C046C LEGAL SUPPORT SPECIALIST	4	GRADE GS04
2	(6) C073C ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE GS03
3	MAX. NO. OF EMPLOYEES	12	

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5 SECTION 10. EXTRA HELP - ABC ADMINISTRATION. There is hereby
 6 authorized, for the Department of Finance and Administration - Alcoholic
 7 Beverage Control Administration for the 2023-2024 fiscal year, the following
 8 maximum number of part-time or temporary employees, to be known as "Extra
 9 Help", payable from funds appropriated herein for such purposes: two (2)
 10 temporary or part-time employees, when needed, at rates of pay not to exceed
 11 those provided in the Uniform Classification and Compensation Act, or its
 12 successor, or this act for the appropriate classification.

13

14 SECTION 11. APPROPRIATION - ABC ADMINISTRATION - STATE OPERATIONS.
 15 There is hereby appropriated, to the Department of Finance and
 16 Administration, to be payable from the Miscellaneous Agencies Fund Account,
 17 for personal services and operating expenses of the Department of Finance and
 18 Administration - Alcoholic Beverage Control Division for the fiscal year
 19 ending June 30, 2024, the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2023-2024</u>
23	(01) REGULAR SALARIES	\$666,420
24	(02) EXTRA HELP	7,000
25	(03) PERSONAL SERVICES MATCHING	236,342
26	(04) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	122,009
28	(B) CONF. & TRAVEL	4,986
29	(C) PROF. FEES	5,000
30	(D) CAP. OUTLAY	0
31	(E) DATA PROC.	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,041,757</u></u>

33

34 SECTION 12. APPROPRIATION - ABC ADMINISTRATION - MEDICAL MARIJUANA
 35 COMMISSION. There is hereby appropriated, to the Department of Finance and
 36 Administration, to be payable from the Medical Marijuana Commission Fund, for

1 refunds, reimbursements and contingency related to agency medical marijuana
 2 expenses of the Department of Finance and Administration - Alcoholic Beverage
 3 Control Division for the fiscal year ending June 30, 2024, the following:

5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2023-2024</u>
7	(01) REFUNDS/REIMBURSEMENTS	\$500,000
8	(02) CONTINGENCY	<u>2,000,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,500,000</u></u>

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 11 SECTION 13. REGULAR SALARIES - RACING COMMISSION. There is hereby
 12 established for the Department of Finance and Administration - Racing
 13 Commission for the 2023-2024 fiscal year, the following maximum number of
 14 regular employees.

16				Maximum Annual
17				Salary Rate
18	Item	Class	Maximum	Fiscal Year
19	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>2023-2024</u>
20	(1)	B009N	DFA DOG RACING VETERINARIAN	1 GRADE MP04
21	(2)	G287C	DFA REGULATORY ASST ADMIN-RACING	1 GRADE GS15
22	(3)	X069C	DFA RACING SUPERVISOR	3 GRADE GS09
23	(4)	C037C	ADMINISTRATIVE ANALYST	2 GRADE GS06
24	(5)	X142C	DFA RACING COMMISSION JUDGE	2 GRADE GS05
25	(6)	A104C	DFA RACING COMMISSION OFFICE AUDITOR	1 GRADE GS04
26	(7)	B110C	VETERINARIAN ASSISTANT	<u>4</u> GRADE GS03
27			MAX. NO. OF EMPLOYEES	14

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 29 SECTION 14. EXTRA HELP - RACING COMMISSION. There is hereby
 30 authorized, for the Department of Finance and Administration - Racing
 31 Commission for the 2023-2024 fiscal year, the following maximum number of
 32 part-time or temporary employees, to be known as "Extra Help", payable from
 33 funds appropriated herein for such purposes: thirty-one (31) temporary or
 34 part-time employees, when needed, at rates of pay not to exceed those
 35 provided in the Uniform Classification and Compensation Act, or its
 36 successor, or this act for the appropriate classification.

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SECTION 15. 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$798,483
(02) EXTRA HELP	460,000
(03) PERSONAL SERVICES MATCHING	317,476
(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.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,934,373</u></u>

SECTION 16. 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) EXTRA HELP	\$200,000
(02) PERSONAL SERVICES MATCHING	120,409
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	600,000
(B) CONF. & TRAVEL	5,000

1	(C) PROF. FEES	50,000
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(04) REFUND/REIMBURSEMENTS	<u>5,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$980,409</u></u>

6

7 SECTION 17. APPROPRIATION - RACING COMMISSION - PURSES AND AWARDS FUND.

8 There is hereby appropriated, to the Department of Finance and Administration

9 - Racing Commission, to be payable from the cash fund deposited in the State

10 Treasury as determined by the Chief Fiscal Officer of the State, for the

11 transfers to the Department of Finance and Administration - Racing Commission

12 Purses and Awards Fund for the fiscal year ending June 30, 2024, the

13 following:

14		
15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2023-2024</u>
17	(01) REFUNDS/INVESTMENTS/TRANSFERS	<u><u>\$25,000,000</u></u>

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19 SECTION 18. APPROPRIATION - RACING COMMISSION - COMPULSIVE GAMBLING

20 ADDICTION. There is hereby appropriated, to the Department of Finance and

21 Administration, to be payable from the Miscellaneous Agencies Fund Account,

22 for compulsive gambling disorder treatment and educational programs as

23 defined by Amendment 100 to the Arkansas Constitution for the Department of

24 Finance and Administration - Racing Commission for the fiscal year ending

25 June 30, 2024, the following:

26		
27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2023-2024</u>
29	(01) GAMBLING ADDICTION TREATMENT &	
30	EDUCATION PROGRAMS	<u><u>\$200,000</u></u>

31

32 SECTION 19. APPROPRIATION - RACING COMMISSION - COMPULSIVE GAMBLING

33 DISORDER PROGRAMS. There is hereby appropriated, to the Department of

34 Finance and Administration, to be payable from the cash fund deposited in the

35 State Treasury as determined by the Chief Fiscal Officer of the State, for

36 compulsive gambling disorder treatment and educational programs as defined by

1 Amendment 100 to the Arkansas Constitution for the Department of Finance and
 2 Administration - Racing Commission for the fiscal year ending June 30, 2024,
 3 the following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2023-2024</u>
7 (01) GAMBLING ADDICTION TREATMENT & 8 EDUCATION PROGRAMS	<u>\$200,000</u>

9
 10 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ABC
 12 ADMINISTRATION - CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Chief
 13 Fiscal Officer of the State shall transfer appropriation as needed from the
 14 Contingency Appropriation authorized in this Act to the Alcoholic Beverage
 15 Control Division of the Department of Finance and Administration, the
 16 Department of Health and/or any other state agency incurring expenses for the
 17 implementation, administration, or enforcement of the Arkansas Medical
 18 Marijuana Amendment of 2016, to pay for personal services, operating
 19 expenses, professional fees, equipment, monitoring, auditing, and other
 20 miscellaneous expenses.

21 The provisions of this section shall be in effect only from July 1, ~~2022~~
 22 2023 through June 30, ~~2023~~ 2024.

23
 24 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIVISION
 26 OF RACING - EXTRA HELP. There is hereby authorized, for the Department of
 27 Finance and Administration - Division of Racing for the ~~2022-2023~~ 2023-2024
 28 fiscal year, the maximum number of thirty-one (31) part-time or temporary
 29 employees, to be known as "Extra Help", payable from funds appropriated
 30 herein for such purposes, such employees shall be authorized to work over
 31 1,000 hours per year.

32 The provisions of this section shall be in effect only from July 1, ~~2022~~
 33 2023 through June 30, ~~2023~~ 2024.

34
 35 SECTION 22. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 36 authorized by this act shall be limited to the appropriation for such agency

1 and funds made available by law for the support of such appropriations; and
 2 the restrictions of the State Procurement Law, the General Accounting and
 3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 4 Procedures and Restrictions Act, or their successors, and other fiscal
 5 control laws of this State, where applicable, and regulations promulgated by
 6 the Department of Finance and Administration, as authorized by law, shall be
 7 strictly complied with in disbursement of said funds.

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

17
 18 SECTION 24. EMERGENCY CLAUSE. It is found and determined by the
 19 General Assembly, that the Constitution of the State of Arkansas prohibits
 20 the appropriation of funds for more than a one (1) year period; that the
 21 effectiveness of this Act on July 1, 2023 is essential to the operation of
 22 the agency for which the appropriations in this Act are provided, and that in
 23 the event of an extension of the legislative session, the delay in the
 24 effective date of this Act beyond July 1, 2023 could work irreparable harm
 25 upon the proper administration and provision of essential governmental
 26 programs. Therefore, an emergency is hereby declared to exist and this Act
 27 being necessary for the immediate preservation of the public peace, health
 28 and safety shall be in full force and effect from and after July 1, 2023.

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 31 **APPROVED: 4/10/23**
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