Stricken language will be deleted and underlined language will be added. Act 216 of the Fiscal Session

1	State of Arkansas	As Engrossed: H2/	22/18		
2	91st General Assemb	A Bill			
3	Fiscal Session, 2018			HOUSE BILL 1007	
4					
5	By: Joint Budget Con	mmittee			
6					
7		For An Act To Be E	ntitled		
8	AN A	ACT TO MAKE AN APPROPRIATION FO	R PERSONAL S	ERVICES	
9	AND	OPERATING EXPENSES FOR THE DEF	PARTMENT OF F	INANCE	
10	AND	ADMINISTRATION - REVENUE SERVI	CES DIVISION	FOR	
11	THE	FISCAL YEAR ENDING JUNE 30, 20	19; AND FOR	OTHER	
12	PURF	POSES.			
13					
14					
15		Subtitle			
16		AN ACT FOR THE DEPARTMENT OF	FINANCE AND		
17	ADMINISTRATION - REVENUE SERVICES				
18		DIVISION APPROPRIATION FOR T	HE 2018-2019		
19		FISCAL YEAR.			
20					
21					
22	BE IT ENACTED BY	THE GENERAL ASSEMBLY OF THE S	STATE OF ARKA	NSAS:	
23					
24	SECTION 1.	REGULAR SALARIES. There is h	ereby establ	ished for the	
25	Department of Fi	inance and Administration - Rev	enue Service	s Division for the	
26	2018-2019 fiscal	l year, the following maximum r	number of reg	ular employees.	
27					
28				Maximum Annual	
29			Maximum	Salary Rate	
30	Item Class		No. of	Fiscal Year	
31	No. Code Tit	cle	Employees	2018-2019	
32	(1) NOO3N DFA	A DEP DIR AND COMMR OF REVENUE	1	GRADE SE03	
33	(2) NO37N DFA	A DRIVER LICENSE ADMINISTRATOR	1	GRADE SE02	
34	(3) NO35N DFA	A MOTOR VEHICLE ADMINISTRATOR	1	GRADE SE02	
35	(4) NOO4N DFA	A REV ASST COMMR POLICY & LEGAL	, 1	GRADE SE02	
36	(5) G002N DFA	A REVENUE CHIEF COUNSEL	1	GRADE SE02	

1	(6)	NO30N DFA STATE REVENUE OFFICE ADMIN	1	GRADE SE02
2	(7)	NO29N DFA TAX ADMINISTRATOR	2	GRADE SE02
3	(8)	NO28N DFA TAX AUDIT ADMINISTRATOR	1	GRADE SE02
4	(9)	A003C DFA REVENUE ASSISTANT ADMINISTRATOR	12	GRADE GS14
5	(10)	A006C DFA REVENUE TAX DIVISION MANAGER	10	GRADE GS13
6	(11)	G025C ATTORNEY SUPERVISOR	2	GRADE GS12
7	(12)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE GS12
8	(13)	G047C ATTORNEY SPECIALIST	13	GRADE GS11
9	(14)	G044C DFA REV PROBLEM RESOLUTION OFFICER	2	GRADE GS11
10	(15)	A033C TAX AUDITOR SUPERVISOR	28	GRADE GS11
11	(16)	G045C DFA DIVISION MANAGER III	2	GRADE GS09
12	(17)	T106C DFA REVENUE SECURITY SUPERVISOR	1	GRADE GS09
13	(18)	A054C TAX AUDITOR II	181	GRADE GS09
14	(19)	A082C ACCOUNTANT II	1	GRADE GS08
15	(20)	G084C DFA DIVISION MANAGER II	6	GRADE GS08
16	(21)	A089C ACCOUNTANT I	1	GRADE GS07
17	(22)	G133C DFA DIVISION MANAGER I	17	GRADE GS07
18	(23)	A049C DFA REVENUE OFFICE DISTRICT MANAGER	5	GRADE GS07
19	(24)	T032C DFA REVENUE SECURITY COORDINATOR	4	GRADE GS07
20	(25)	A059C TAX AUDITOR	1	GRADE GS07
21	(26)	CO37C ADMINISTRATIVE ANALYST	3	GRADE GS06
22	(27)	A077C DFA LOCAL REVENUE OFFICE MANAGER	54	GRADE GS06
23	(28)	A074C FISCAL SUPPORT SUPERVISOR	5	GRADE GS06
24	(29)	CO29C HEARING OFFICER	26	GRADE GS06
25	(30)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
26	(31)	S017C MAINTENANCE COORDINATOR	1	GRADE GS06
27	(32)	PO27C PUBLIC INFORMATION SPECIALIST	1	GRADE GS06
28	(33)	S041C BOILER OPERATOR	7	GRADE GS05
29	(34)	A094C DFA LOCAL REVENUE OFFICE SUPERVISOR	88	GRADE GS05
30	(35)	A069C DFA REV OFFICE ASST DISTRICT MANAGER	5	GRADE GS05
31	(36)	CO42C DFA REVENUE SUPERVISOR	30	GRADE GS05
32	(37)	A091C FISCAL SUPPORT ANALYST	23	GRADE GS05
33	(38)	R032C HUMAN RESOURCES PROGRAM REP	1	GRADE GS05
34	(39)	VO15C PURCHASING SPECIALIST	2	GRADE GS05
35	(40)	CO56C ADMINISTRATIVE SPECIALIST III	12	GRADE GS04
36	(41)	CO48C DFA SUPERVISOR	94	GRADE GS04

1	(42)	A098C FISCAL SUPPORT SPECIALIST	2	GRADE GS04
2	(43)	CO46C LEGAL SUPPORT SPECIALIST	9	GRADE GS04
3	(44)	C073C ADMINISTRATIVE SPECIALIST II	28	GRADE GS03
4	(45)	C059C DFA SERVICE REPRESENTATIVE	673	GRADE GS03
5	(46)	X172C TAX INVESTIGATOR	34	GRADE GS03
6	(47)	CO76C DFA TECHNICIAN	69	GRADE GS02
7	(48)	S084C INSTITUTIONAL SERVICES SUPERVISOR	1	GRADE GS02
8	(49)	S087C INSTITUTIONAL SERVICES ASSISTANT	10	GRADE GS01
9		MAX. NO. OF EMPLOYEES	1,477	

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SECTION 2. EXTRA HELP - REVENUE SERVICES DIVISION. There is hereby authorized, for the Department of Finance and Administration - Revenue Services Division for the 2018-2019 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 hundred twenty-one (221) 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.

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20 SECTION 3. APPROPRIATION - REVENUE SERVICES DIVISION - OPERATIONS.

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

22 - Revenue Services Division, to be payable from the State Central Services

23 Fund, for personal services and operating expenses of the Department of

24 Finance and Administration - Revenue Services Division for the fiscal year

ending June 30, 2019, the following:

27	ITEM		FISCAL YEAR
28	NO.		2018-2019
29	(01)	REGULAR SALARIES	\$50,909,232
30	(02)	EXTRA HELP	564,466
31	(03)	PERSONAL SERVICES MATCHING	19,150,237
32	(04)	OVERTIME	125,000
33	(05)	MAINT. & GEN. OPERATION	
34		(A) OPER. EXPENSE	27,250,000
35		(B) CONF. & TRAVEL	115,450
36		(C) PROF. FEES	157,000

1	(D) CAP. OUTLAY	550,000
2	(E) DATA PROC.	0
3	(06) REFUNDS/REIMBURSEMENTS	25,000
4	TOTAL AMOUNT APPROPRIATED	\$98,846,385
5		
6	SECTION 4. APPROPRIATION - COMMERCIAL DRIVERS LICENSE	PROGRAM. There
7	is hereby appropriated, to the Department of Finance and Ado	ministration -
8	Revenue Services Division, to be payable from the Commercial	l Driver License
9	Fund, for personal services and operating expenses of the Do	epartment of
10	Finance and Administration - Revenue Services Division - Con	nmercial Drivers
11	License Program for the fiscal year ending June 30, 2019, the	ne following:
12		
13	ITEM	FISCAL YEAR
14	NO.	2018-2019
15	(01) REGULAR SALARIES	\$281,509
16	(02) PERSONAL SERVICES MATCHING	115,203
17	(03) MAINT. & GEN. OPERATION	
18	(A) OPER. EXPENSE	4,352,352
19	(B) CONF. & TRAVEL	0
20	(C) PROF. FEES	0
21	(D) CAP. OUTLAY	0
22	(E) DATA PROC.	0
23	TOTAL AMOUNT APPROPRIATED	\$4,749,064
24		
25	SECTION 5. APPROPRIATION - INDIVIDUAL INCOME TAX AND A	AD VALOREM
26	PROPERTY TAX REBATES. There is hereby appropriated, to the	Department of
27	Finance and Administration - Revenue Services Division, to 1	oe payable from
28	the Individual Income Tax Withholding Fund, for the purpose	of making
29	individual income tax refunds of taxes withheld under the property	rovisions of
30	Arkansas Code beginning at 26-51-901 and property tax rebate	es under Amendment
31	79 of the Arkansas Constitution for the fiscal year ending .	June 30, 2019, the
32	following:	
33		
34	ITEM	FISCAL YEAR
35	NO.	2018-2019
36	(01) INDIVIDUAL INCOME TAX & AD VALOREM	

1	PROPERTY TAX REBATES -				
2	REFUND/REIMBURSEMENTS	\$680,000,000			
3					
4	SECTION 6. APPROPRIATION - CORPORATE INCOME TAX. The	ere is hereby			
5	appropriated, to the Department of Finance and Administrati	on - Revenue			
6	Services Division, to be payable from the Corporate Income	Tax Withholding			
7	Fund, for the purpose of making corporate income tax refund	_			
8	withheld under the provisions of Arkansas Code 26-51-901 fo	or the fiscal year			
9	ending June 30, 2019, the following:	·			
10					
11	ITEM	FISCAL YEAR			
12	NO.	2018-2019			
13	(01) CORPORATE INCOME TAX -				
14	REFUND/REIMBURSEMENTS	\$200,000,000			
15					
16	SECTION 7. APPROPRIATION - GASOLINE TAX REFUNDS. The	ere is hereby			
17	appropriated, to the Department of Finance and Administrati	on - Revenue			
18	Services Division, to be payable from the Gasoline Tax Refu	ınd Fund, for			
19	paying the valid gasoline tax refund claims of agricultural users and bus				
20	drivers in the manner and to the extent provided by law for the fiscal year				
21	ending June 30, 2019, the following:				
22					
23	ITEM	FISCAL YEAR			
24	NO.	2018-2019			
25	(01) GASOLINE TAX REFUND CLAIMS	\$1,500,000			
26					
27	SECTION 8. APPROPRIATION - INTERSTATE MOTOR FUEL TAX	REFUNDS. There is			
28	hereby appropriated, to the Department of Finance and Admir	nistration -			
29	Revenue Services Division, to be payable from the Interstat	e Motor Fuel Tax			
30	Refund Fund, for paying refunds to interstate users of motor	or fuels and			
31	special motor fuels as authorized by law for the fiscal yea	ending June 30,			
32	2019, the following:				
33					
34	ITEM	FISCAL YEAR			
35	NO.	2018-2019			
36	(01) INTERSTATE MOTOR FUEL TAX -				

1	REFUND/REIMBURSEMENTS \$20,000,000				
2					
3	SECTION 9. APPROPRIATION - MISCELLANEOUS TAX REFUNDS. There is hereby				
4	appropriated, to the Department of Finance and Administration - Revenue				
5	Services Division, to be payable from the Miscellaneous Revolving Fund, for				
6	making refunds of taxes erroneously paid and for refunds of the gross				
7	receipts taxes paid upon tickets to athletic events pursuant to Arkansas Code				
8	26-52-412 and for other purposes as authorized by law for the fiscal year				
9	ending June 30, 2019, the following:				
10					
11	ITEM FISCAL YEAR				
12	NO. 2018-2019				
13	(01) MISCELLANEOUS TAX -				
14	REFUND/REIMBURSEMENTS \$260,000,000				
15					
16	SECTION 10. APPROPRIATION - SPECIAL PLATES. There is hereby				
17	appropriated, to the Department of Finance and Administration - Revenue				
18	Services Division, to be payable from the cash fund deposited in the State				
19	Treasury as determined by the Chief Fiscal Officer of the State, for				
20	administrative and operating expenses of disbursing the Motor Vehicle Special				
21	License Plates fees to the proper entities for the fiscal year ending June				
22	30, 2019, the following:				
23					
24	ITEM FISCAL YEAR				
25	NO. 2018-2019				
26	(01) MV SPECIAL PLATES-ADMINISTRATIVE &				
27	OPERATING EXPENSES \$4,000,000				
28					
29	SECTION 11. APPROPRIATION - REVENUE MISCELLANEOUS CASH. There is				
30	hereby appropriated, to the Department of Finance and Administration -				
31	Revenue Services Division, to be payable from the cash fund deposited in the				
32	State Treasury as determined by the Chief Fiscal Officer of the State, for				
33	distribution of fees and service charges collected on behalf of other				
34	entities and for other purposes as authorized by law for the fiscal year				
35	ending June 30, 2019, the following:				

As Engrossed: H2/22/18 HB1007

1	ITEM	FISCAL YEAR
2	NO.	2018-2019
3	(01) DISTRIBUTION OF FEES / SERVICE CHARGES	\$12,000,000
4		
5	SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED	INTO THE ARKANSAS
6	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORAR	Y LAW.
7	APPROPRIATION TRANSFERS. The Director of the Department of F	inance and
8	Administration is authorized to transfer appropriation betwee	en refund line
9	item appropriations in this Act. The Director of the Depart	ment of Finance
10	and Administration shall immediately report any such transfe	rs to the
11	Arkansas Legislative Council or Joint Budget Committee. Suc	h report shall
12	contain the amounts transferred and the reasons for the same	•
13	The provisions of this section shall be in effect only fr	om July 1, 2017
14	2018 through June 30, 2018 2019.	
15		
16	SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED	INTO THE ARKANSAS
17	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORAR	Y LAW. EXTRA
18	HELP EXEMPTION. Extra Help positions authorized herein are	specifically
19	exempt from limitation of hours, either by act or regulation	. Provided,
20	however, when a temporary or part-time employee is employed	by the Department
21	of Finance and Administration - Revenue Services Division fo	r a period of
22	time exceeding seven (7) months, a report of such shall be f	iled with the
23	Arkansas Legislative Council or Joint Budget Committee.	
24	The provisions of this section shall be in effect only fr	om July 1, 2017
25	2018 through June 30, 2018 2019.	
26		
27	SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED	INTO THE ARKANSAS
28	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORAR	Y LAW. AUTHORITY
29	TO EMPLOY CERTIFIED LAW ENFORCEMENT OFFICERS. The Director	of the Department
30	of Finance and Administration is authorized to employ certif	ied law
31	enforcement officers and specialized police personnel as cer	tified under §
32	12-9-101 et seq. The certified law enforcement officers and	specialized
33	police personnel employed under this section shall be respon	sible for
34	maintaining order and providing for the security, protection	, and safety of
35	the Department of Finance and Administration buildings, grou	nds, property,
36	employees and customers. The certified law enforcement offic	er shall have the

1 powers, duties, privileges, and immunities of a certified law enforcement 2 officer.

The following two classifications shall be used by the agency for security, protection, and safety personnel:

5			Maximum	Salary Rate
6	Item	Class	No. of	Fiscal Year
7	No.	Code Title	Employees	2017-2018 2018-2019
8	(1)	T106C DFA REVENUE SECURITY S	SUPERVISOR 1	GRADE C123 GS09
9	(2)	T032C DFA REVENUE SECURITY O	COORDINATOR <u>4</u>	GRADE C120 GS07
10		MAX. NO. OF EMPLOYEES	5	

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Department of Finance and Administration Alcoholic Beverage Control Enforcement Division will manage training and certification of the certified law enforcement officers and specialized police personnel and maintain all required documentation.

The provisions of this section shall be in effect only from July 1, 2017 2018 through June 30, 2018 2019.

18

19 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

21 CONTINGENT POSITIONS. There is hereby established for the Department of

22 Finance and Administration - Revenue Division - Contingent Positions for the

 $23 \quad \frac{2017-2018}{2018-2019}$ fiscal year, the following maximum number of regular

24 employees whose salaries shall be governed by the provisions of the Uniform

25 Classification and Compensation Act (Arkansas Code \S 21-5-201 et seq.), or

26 its successor, and all laws amendatory thereto. All persons occupying

27 positions authorized herein are hereby governed by the provisions of the

28 Regular Salaries Procedures and Restrictions Act (Arkansas Code § 21-5-101),

29 or its successor.

30 CONTINGENT POSITIONS - DATA ENTRY

31					MAXIMUM	SALARY RATE
32	ITEM	CLASS			NO. OF	FISCAL YEAR
33	NO.	CODE	TITLE		EMPLOYEES	2017-18 2018-2019
34	(1)	CO42C	DFA REVENUE	SUPERVISOR	2	GRADE C114 GS05
35	(2)	C059C	DFA SERVICE	REPRESENTATIVE	8	GRADE Clll <u>GS03</u>
36	(3)	C076C	DFA TECHNIC	IAN	<u>40</u>	GRADE C108 GS02

1 MAX CONTINGENT EMPLOYEES

2	If it has been determined by the Director of the Department of Finance and
3	Administration that the Department cannot continue a contract with a private
4	provider and the Director deems it necessary to utilize Department staff to
5	provide the required services, the Department is allowed, after seeking prior
6	review by the Arkansas Legislative Council or Joint Budget Committee, to
7	utilize the contingent positions for data entry contained in this Section and
8	make the appropriate transfers from the various Maintenance and Operations,
9	Professional Fees and Services or Data Processing line items contained in the
10	Revenue Services Division - Operations Appropriation Section of this Act to
11	Regular Salaries and Personal Services Matching.
12	The provisions of this section shall be in effect only from July 1, $\frac{2017}{}$
13	2018 through June 30, 2018 2019.
14	
15	SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. TAXATION
17	OF CANDY AND SOFT DRINKS.
18	(a) The Director of the Department of Finance and Administration shall
19	<pre>either:</pre>
20	(1)(A) By July 1, 2018, publish a list of the Universal Product
21	Codes for items that meet the definition of:
22	(i) A candy under § 26-52-103(3) or § 26-53-102(3);
23	<u>and</u>
24	(ii) A soft drink under § 26-52-103(28) or § 26-53-
25	<u>102(22).</u>
26	(B) The list published by the director under subdivision
27	(a)(l)(A) of this section shall provide guidance to retailers, sellers, and
28	vendors regarding which items are defined as a candy or a soft drink but not
29	<u>defined as food and food ingredients under the Arkansas Gross Receipts Act of</u>
30	1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, §
31	<u>26-53-101 et seq.</u>
32	(C) The list published by the director under subdivision
33	(a)(1)(A) of this section is exempt from the Arkansas Administrative
34	Procedure Act, § 25-15-201 et seq; or
35	(2) Not subject a retailer, seller, or vendor to the penalties
36	under § 26-18-201, § 26-18-202, § 26-18-208, § 26-18-209, § 26-52-512, or §

As Engrossed: H2/22/18 HB1007

1 26-53-125 if the retailer, seller, or vendor: 2 (A) Collects and remits tax payments to the Department of Finance and Administration on the gross receipts and gross proceeds derived 3 4 from the sale of items that meet the definition of: 5 (i) A candy under § 26-52-103(3) or § 26-53-102(3) 6 at the taxable rate for food and food ingredients under § 26-52-317 or § 26-7 53-145; or 8 (ii) A soft drink under § 26-52-103(28) or § 26-53-9 102(22) at the taxable rate for food and food ingredients under § 26-52-317 10 or § 26-53-145; and 11 (B) Demonstrates a good faith effort to collect and remit 12 tax payments to the department on the gross receipts and gross proceeds 13 derived from the sale of items that meet the definition of: 14 (i) A candy under § 26-52-103(3) or § 26-53-102(3) 15 at the taxable rate under § 26-52-301, § 26-52-302, § 26-53-106, or § 26-53-16 107; or 17 (ii) A soft drink under § 26-52-103(28) or § 26-53-102(22) at the taxable rate under § 26-52-301, § 26-52-302, § 26-53-106, or § 18 19 *26-53-107*. 20 (b) This section is effective until September 30, 2019. 21 22 SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds 23 authorized by this act shall be limited to the appropriation for such agency 24 and funds made available by law for the support of such appropriations; and 25 the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary 26 27 Procedures and Restrictions Act, or their successors, and other fiscal 28 control laws of this State, where applicable, and regulations promulgated by 29 the Department of Finance and Administration, as authorized by law, shall be 30 strictly complied with in disbursement of said funds. 31 32 SECTION 18. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations 33 34 contained in this act shall be in compliance with the stated reasons for 35 which this act was adopted, as evidenced by the Agency Requests, Executive 36 Recommendations and Legislative Recommendations contained in the budget

As Engrossed: H2/22/18 HB1007

1	manuals prepared by the Department of Finance and Administration, letters, or
2	summarized oral testimony in the official minutes of the Arkansas Legislative
3	Council or Joint Budget Committee which relate to its passage and adoption.
4	
5	SECTION 19. EFFECTIVE DATE. This act is effective on and after July 1,
6	<u>2018.</u>
7	
8	/s/Joint Budget Committee
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11	APPROVED: 3/2/18
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