

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/8/05
A Bill

HOUSE BILL 1379

5 By: Joint Budget Committee
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF FINANCE AND ADMINISTRATION -
12 REVENUE SERVICES DIVISION FOR THE BIENNIAL PERIOD
13 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
14

15
16 **Subtitle**

17 AN ACT FOR THE DEPARTMENT OF FINANCE
18 AND ADMINISTRATION - REVENUE SERVICES
19 DIVISION APPROPRIATION FOR THE 2005-2007
20 BIENNIUM.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES - REVENUE SERVICES DIVISION. There is hereby
26 established for the Department of Finance and Administration - Revenue
27 Services Division for the 2005-2007 biennium, the following maximum number of
28 regular employees whose salaries shall be governed by the provisions of the
29 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
30 seq.), or its successor, and all laws amendatory thereto. Provided, however,
31 that any position to which a specific maximum annual salary is set out herein
32 in dollars, shall be exempt from the provisions of said Uniform
33 Classification and Compensation Act. All persons occupying positions
34 authorized herein are hereby governed by the provisions of the Regular
35 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
36 successor.



				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class			Fiscal Years	
	No.	Code	Title	Employees	2005-2006	2006-2007
6	(1)	7160	REV ASST CMSR - POLICY & LEGAL	1	\$96,431	\$98,787
7	(2)	7159	REV ASST CMSR - OPER & ADMIN	1	\$96,431	\$98,787
8	(3)	9942	DFA REVENUE CHIEF COUNSEL	1	\$90,081	\$92,342
9	(4)	9610	DFA STATE REVENUE OFC ADMR	1	\$90,081	\$92,342
10	(5)	9609	DFA TAX ADMINISTRATOR	2	\$90,081	\$92,342
11	(6)	9607	DFA MOTOR VEHICLE ADMR	1	\$90,081	\$92,342
12	(7)	9606	DFA TAX AUDIT ADMR	1	\$90,081	\$92,342
13	(8)	9605	DFA DRIVER LICENSE ADMR	1	\$90,081	\$92,342
14	(9)	R012	ADMINISTRATIVE LAW JUDGE	3	GRADE 26	
15	(10)	R038	ATTORNEY SUPERVISOR	2	GRADE 26	
16	(11)	R170	ATTORNEY SPECIALIST	9	GRADE 25	
17	(12)	512Z	DFA REVENUE PROBLEM RESOLUTION OFR	2	GRADE 25	
18	(13)	073Z	DFA REVENUE TAX DIVISION MANAGER	14	GRADE 25	
19	(14)	921Z	DFA DIVISION MANAGER III	3	GRADE 24	
20	(15)	138Z	DFA DIVISION MANAGER II	8	GRADE 23	
21	(16)	167Z	DFA DIVISION MANAGER I	13	GRADE 21	
22	(17)	A104	TAX AUDITOR SUPERVISOR	21	GRADE 21	
23	(18)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
24	(19)	A036	FIELD AUDITOR SUPERVISOR	1	GRADE 20	
25	(20)	A037	DFA REVENUE DISTRICT MANAGER	6	GRADE 20	
26	(21)	A069	DFA TAX ADMIN SECTION SUPERVISOR	4	GRADE 20	
27	(22)	A102	TAX AUDITOR II	167	GRADE 20	
28	(23)	A110	ACCOUNTANT II	6	GRADE 19	
29	(24)	G026	BLDG AND GROUNDS COORDINATOR	1	GRADE 19	
30	(25)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19	
31	(26)	R424	FAIR HEARING REFEREE	25	GRADE 19	
32	(27)	N199	TAXPAYER INFORMATION OFFICER	1	GRADE 19	
33	(28)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18	
34	(29)	A111	ACCOUNTANT	9	GRADE 18	
35	(30)	A176	DFA REVENUE ASST DIST MANAGER	5	GRADE 18	
36	(31)	A192	INCOME TAX AUDITOR	1	GRADE 18	

1	(32)	A194	TAX EXAMINER SUPV	10	GRADE 18
2	(33)	A071	REVENUE AGENT IV	12	GRADE 18
3	(34)	A043	DFA CASHIER SPECIALIST	3	GRADE 18
4	(35)	A029	DFA REVENUE SECTION SUPERVISOR	12	GRADE 18
5	(36)	A034	FIELD AUDITOR	4	GRADE 17
6	(37)	A172	REVENUE AGENT III	41	GRADE 17
7	(38)	R010	ADMINISTRATIVE ASSISTANT II	11	GRADE 17
8	(39)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
9	(40)	X349	TAX INVESTIGATOR	34	GRADE 17
10	(41)	G161	GENERAL MAINTENANCE REPAIRMAN	7	GRADE 17
11	(42)	K048	LEGAL SECRETARY II	9	GRADE 16
12	(43)	R156	REVENUE DEPT SUPERVISOR	31	GRADE 16
13	(44)	A134	TAXPAYER SERVICES REP	175	GRADE 16
14	(45)	A108	ACCOUNTING TECHNICIAN II	13	GRADE 15
15	(46)	A109	TAX EXAMINER II	4	GRADE 15
16	(47)	A028	REVENUE AGENT II	31	GRADE 15
17	(48)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
18	(49)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
19	(50)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	14	GRADE 15
20	(51)	K016	TRANSPORTATION SERVICES REP	183	GRADE 14
21	(52)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	6	GRADE 14
22	(53)	K079	MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
23	(54)	K117	MEDICAL OR LEGAL SECRETARY	1	GRADE 14
24	(55)	A027	REVENUE AGENT I	56	GRADE 14
25	(56)	K153	SECRETARY II	36	GRADE 13
26	(57)	K002	CASHIER III	61	GRADE 13
27	(58)	K145	CASHIER/CASHIER II	230	GRADE 12
28	(59)	K039	DOCUMENT EXAMINER II	86	GRADE 12
29	(60)	A106	ACCOUNTING TECHNICIAN I	3	GRADE 12
30	(61)	A184	ASST REVENUE AGENT	37	GRADE 12
31	(62)	K155	SECRETARY I	8	GRADE 11
32	(63)	V043	SHIPPING & RECEIVING CLERK	1	GRADE 11
33	(64)	W023	RECORDS CENTER OPERATOR II	4	GRADE 10
34	(65)	V029	INVENTORY CONTROL CLERK	1	GRADE 10
35	(66)	K006	DATA ENTRY SPECIALIST	2	GRADE 10
36	(67)	K037	DOCUMENT EXAMINER I	8	GRADE 10

1	(68)	K065	MAIL OFFICER	4	GRADE 09
2	(69)	K182	MAIL PROCESSOR	1	GRADE 08
3	(70)	G169	CUSTODIAL SUPV I	1	GRADE 06
4	(71)	G035	CUSTODIAL WRKR II	<u>11</u>	GRADE 04
5			MAX. NO. OF EMPLOYEES	1,468	

6

7 SECTION 2. EXTRA HELP - REVENUE SERVICES DIVISION. There is hereby
 8 authorized, for the Department of Finance and Administration - Revenue
 9 Services Division for the 2005-2007 biennium, the following maximum number of
 10 part-time or temporary employees, to be known as "Extra Help", payable from
 11 funds appropriated herein for such purposes: two hundred twenty one (221)
 12 temporary or part-time employees, when needed, at rates of pay not to exceed
 13 those provided in the Uniform Classification and Compensation Act, or its
 14 successor, or this act for the appropriate classification.

15

16 SECTION 3. APPROPRIATION - REVENUE SERVICES DIVISION - OPERATIONS. There
 17 is hereby appropriated, to the Department of Finance and Administration -
 18 Revenue Services Division, to be payable from the State Central Services
 19 Fund, for personal services and operating expenses of the Department of
 20 Finance and Administration - Revenue Services Division - Operations for the
 21 biennial period ending June 30, 2007, the following:

22

23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
25	(01) REGULAR SALARIES	\$ 40,269,852	\$ 42,056,956
26	(02) EXTRA HELP	666,866	664,466
27	(03) PERSONAL SERVICES MATCHING	13,263,263	13,688,725
28	(04) OVERTIME	125,000	125,000
29	(05) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	20,308,720	20,556,555
31	(B) CONF. & TRAVEL	115,450	115,450
32	(C) PROF. FEES	2,178,207	2,193,207
33	(D) CAP. OUTLAY	757,630	420,700
34	(E) DATA PROC.	680,000	180,000
35	(06) REFUND/REIMBURSEMENTS	<u>250,000</u>	<u>250,000</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 78,614,988</u>	<u>\$ 80,251,059</u>

1
 2 SECTION 4. APPROPRIATION - COMMERCIAL DRIVERS LICENSE PROGRAM. There is
 3 hereby appropriated, to the Department of Finance and Administration -
 4 Revenue Services Division, to be payable from the Commercial Driver License
 5 Fund, for personal services and operating expenses of the Department of
 6 Finance and Administration - Revenue Services Division - Commercial Driver's
 7 License Program for the biennial period ending June 30, 2007, the following:

8
 9

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 271,246	\$ 279,460
(02) PERSONAL SERVICES MATCHING	90,235	91,805
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	304,736	304,736
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>949,116</u>	<u>949,116</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,615,333</u>	<u>\$ 1,625,117</u>

21
 22 SECTION 5. APPROPRIATION - INDIVIDUAL INCOME TAX AND AD VALOREM PROPERTY
 23 TAX REBATES. There is hereby appropriated, to the Department of Finance and
 24 Administration - Revenue Services Division, to be payable from the Individual
 25 Income Tax Withholding Fund, for the purpose of making individual income tax
 26 refunds of taxes withheld under the provisions of Arkansas Code beginning at
 27 26-51-901 and property tax rebates under Amendment 79 of the Arkansas
 28 Constitution by the Department of Finance and Administration - Revenue
 29 Services Division for the biennial period ending June 30, 2007, the
 30 following:

31
 32

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) INDIVIDUAL INCOME TAX & AD VALOREM PROPERTY TAX REBATES - REFUND/REIMB	<u>\$ 580,000,000</u>	<u>\$ 580,000,000</u>

1
 2 SECTION 6. APPROPRIATION - CORPORATE INCOME TAX. There is hereby
 3 appropriated, to the Department of Finance and Administration - Revenue
 4 Services Division, to be payable from the Corporate Income Tax Withholding
 5 Fund, for the purpose of making corporate tax refunds of taxes withheld under
 6 the provisions of Arkansas Code 26-51-901 by the Department of Finance and
 7 Administration - Revenue Services Division for the biennial period ending
 8 June 30, 2007, the following:

9
 10

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) CORPORATE INCOME TAX - REFUND/REIMBURSEMENTS	<u>\$ 65,000,000</u>	<u>\$ 65,000,000</u>

15
 16 SECTION 7. APPROPRIATION - GASOLINE TAX REFUNDS. There is hereby
 17 appropriated, to the Department of Finance and Administration - Revenue
 18 Services Division, to be payable from the Gasoline Tax Refund 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 by the Department of
 21 Finance and Administration - Revenue Services Division for the biennial
 22 period ending June 30, 2007, the following:

23
 24

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) GASOLINE TAX REFUND CLAIMS	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>

25
 26
 27 SECTION 8. APPROPRIATION - INTERSTATE MOTOR FUEL TAX REFUNDS. There is
 28 hereby appropriated, to the Department of Finance and Administration -
 29 Revenue Services Division, to be payable from the Interstate Motor Fuel Tax
 30 Refund Fund, for paying refunds to interstate users of motor fuels and
 31 special motor fuels as authorized by law by the Department of Finance and
 32 Administration - Revenue Services Division for the biennial period ending
 33 June 30, 2007, the following:

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

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) INTERSTATE MOTOR FUEL TAX - REFUND/REIMBURSEMENTS	<u>\$ 12,000,000</u>	<u>\$ 12,000,000</u>

SECTION 9. APPROPRIATION - MISCELLANEOUS TAX REFUNDS. There is hereby appropriated, to the Department of Finance and Administration - Revenue Services Division, to be payable from the Miscellaneous Revolving Fund, for making refunds of taxes erroneously paid and for refunds of the gross receipts taxes paid upon tickets to athletic events pursuant to Arkansas Code 26-52-511 and for other purposes as authorized by law by the Department of Finance and Administration - Revenue Services Division for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MISCELLANEOUS TAX - REFUND/REIMBURSEMENTS	<u>\$ 40,000,000</u>	<u>\$ 40,000,000</u>

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATION TRANSFERS. The Director of the Department of Finance and Administration is authorized to transfer appropriation between refund line item appropriations in this Act. The Director of the Department of Finance and Administration shall immediately report any such transfers to the Arkansas Legislative Council. Such report shall contain the amounts transferred and the reasons for the same. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP EXEMPTION. Extra Help positions authorized herein are specifically exempt from limitation of hours, either by act or regulation. Provided, however, when a temporary or part-time employee is employed by the Department

1 of Finance and Administration - Revenue Services for a period of time
2 exceeding seven (7) months, a report of such shall be filed with the Arkansas
3 Legislative Council.

4 The provisions of this section shall be in effect only from July 1, ~~2003~~
5 2005 through June 30, ~~2005~~ 2007.

6
7 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
9 RATES OF PAY. Due to the highly competitive job market conditions for tax
10 professionals and the necessity of recruiting and retaining qualified
11 personnel, the Revenue Division is authorized special rates of pay for
12 current and new employees in the classification listed under subsection (a)
13 below.

14 (a) Special rates may be authorized up to the maximum authorized for the
15 grade assigned the classification of a position for the following specific
16 classifications only:

17 CLASS

18 CODE	TITLE	GRADE
19 A104	Tax Auditor Supervisor	21
20 A102	Tax Auditor II	20
21 A100	Tax Auditor I	18
22 A105	Tax Auditor Trainee	17

23 (b) A plan for providing special rates of pay indicated in subsection (a)
24 shall be reviewed by and approved by the Office of Personnel Management and
25 receive advice of the Legislative Council each year.

26 (c) This provision shall be in full force and effect for the biennium
27 beginning July 1, ~~2003~~ 2005, and ending June 30, ~~2005~~ 2007.

28
29 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
31 BALANCES. COMMERCIAL DRIVER LICENSE FUND (A) For all appropriations as
32 provided in this Act, the agency disbursing officer shall monitor the level
33 of fund balances in relation to expenditures on a monthly basis. If any
34 proposed expenditures would cause the Commercial Driver License Fund to
35 decline below one million, one hundred twenty-nine thousand, six hundred
36 dollars (\$1,129,600), the disbursing officer shall immediately notify the

1 executive head of the agency. Prior to any obligations being made under
2 these circumstances, the agency head shall file written documentation with
3 the Chief Fiscal Officer of the State requesting approval of the
4 expenditures. Such documentation shall provide sufficient financial data to
5 justify the expenditures and shall include the following:

- 6 1) a plan that clearly indicates the specific fiscal impact of such
7 expenditures on the fund balance.
- 8 2) information clearly indicating and explaining what programs would be cut
9 or any other measures to be taken by the agency to restore the fund balance.
- 10 3) the extent to which any of the planned expenditures are for one-time costs
11 or one-time purchase of capitalized items.
- 12 4) a statement certifying that the expenditure of fund balances will not
13 jeopardize the financial health of the agency, nor result in a permanent
14 depletion of the fund balance.

15 (B) The Chief Fiscal Officer of the State shall review the request and
16 approve or disapprove all or any part of the request, after having sought
17 prior review by the Legislative Council.

18

19 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
20 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTINGENT
21 POSITIONS. There is hereby established for the Department of Finance and
22 Administration - Revenue Division - Contingent Positions for the ~~2003-2005~~
23 2005-2007 biennium, the following maximum number of regular employees whose
24 salaries shall be governed by the provisions of the Uniform Classification and
25 Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all
26 laws amendatory thereto. All persons occupying positions authorized herein are
27 hereby governed by the provisions of the Regular Salaries Procedures and
28 Restrictions Act (Arkansas Code 21-5-101), or its successor.

29 CONTINGENT POSITIONS - DATA ENTRY

				MAXIMUM ANNUAL		
				MAXIMUM	SALARY RATE	
				NO. OF	FISCAL YEARS	
ITEM	CLASS			EMPLOYEES	2003-04	2004-05
NO.	CODE	TITLE			<u>2005-06</u>	<u>2006-07</u>
35	(1)	R156	REVENUE DEPT SUPERVISOR	2	GRADE 16	
36	(2)	K039	DOCUMENT EXAMINER II	8	GRADE 12	

1 (3) K006 DATA ENTRY SPECIALIST 40 GRADE 10
2 MAX CONTINGENT EMPLOYEES 50

3 If it has been determined by the Director of the Department of Finance and
4 Administration that the Department cannot continue a contract with a private
5 provider and the Director deems it necessary to utilize Department staff to
6 provide the required services, the Department is allowed, after seeking prior
7 review by the Arkansas Legislative Council or Joint Budget Committee, to
8 utilize the contingent positions for data entry contained in this Section and
9 make the appropriate transfers from the various *Maintenance and Operations*,
10 *Professional Fees and Services* or *Data Processing line items* contained in
11 *Section 3 of this Act* to Regular Salaries and Personal Services Matching.

12

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

22

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

31

32 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly, that the Constitution of the State of Arkansas prohibits the
34 appropriation of funds for more than a two (2) year period; that the
35 effectiveness of this Act on July 1, 2005 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 2005 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 2005.

7
8 */s/ Joint Budget Committee*
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