

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1189

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE
10 DEPARTMENT OF FINANCE AND ADMINISTRATION -
11 REVENUE SERVICES DIVISION FOR THE FISCAL YEAR
12 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF FINANCE AND
16 ADMINISTRATION - REVENUE SERVICES DIVISION
17 APPROPRIATION FOR THE 2011-2012 FISCAL
18 YEAR.
19
20
21

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

24 SECTION 1. REGULAR SALARIES - REVENUE SERVICES DIVISION. There is
25 hereby established for the Department of Finance and Administration - Revenue
26 Services Division for the 2011-2012 fiscal year, the following maximum number
27 of regular employees.
28

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2011-2012
33	(1) N003N	DFA REV ASST COMMISSIONER OPS & ADM	1	GRADE N912
34	(2) N004N	DFA REV ASST COMMISSR POLICY & LEGAL	1	GRADE N912
35	(3) N037N	DFA DRIVER LICENSE ADMINISTRATOR	1	GRADE N909
36	(4) N035N	DFA MOTOR VEHICLE ADMINISTRATOR	1	GRADE N909



1	(5)	G002N	DFA REVENUE CHIEF COUNSEL	1	GRADE N909
2	(6)	N030N	DFA STATE REVENUE OFFICE ADMINISTRATOR	1	GRADE N909
3	(7)	N029N	DFA TAX ADMINISTRATOR	2	GRADE N909
4	(8)	N028N	DFA TAX AUDIT ADMINISTRATOR	1	GRADE N909
5	(9)	A003C	DFA REVENUE ASSISTANT ADMINISTRATOR	12	GRADE C130
6	(10)	A006C	DFA REVENUE TAX DIVISION MANAGER	9	GRADE C129
7	(11)	G025C	ATTORNEY SUPERVISOR	2	GRADE C127
8	(12)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE C127
9	(13)	G047C	ATTORNEY SPECIALIST	12	GRADE C126
10	(14)	G045C	DFA DIVISION MANAGER III	2	GRADE C126
11	(15)	G044C	DFA REV PROBLEM RESOLUTION OFFICER	2	GRADE C126
12	(16)	G084C	DFA DIVISION MANAGER II	9	GRADE C123
13	(17)	A033C	TAX AUDITOR SUPERVISOR	27	GRADE C123
14	(18)	A049C	DFA REVENUE OFFICE DISTRICT MANAGER	5	GRADE C121
15	(19)	G133C	DFA DIVISION MANAGER I	19	GRADE C120
16	(20)	T032C	DFA REVENUE SECURITY COORDINATOR	1	GRADE C120
17	(21)	A054C	TAX AUDITOR II	171	GRADE C120
18	(22)	A069C	DFA REV OFFICE ASST DISTRICT MANAGER	5	GRADE C119
19	(23)	A059C	TAX AUDITOR	9	GRADE C119
20	(24)	A077C	DFA LOCAL REVENUE OFFICE MANAGER	50	GRADE C118
21	(25)	A074C	FISCAL SUPPORT SUPERVISOR	5	GRADE C118
22	(26)	A082C	ACCOUNTANT II	1	GRADE C117
23	(27)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
24	(28)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
25	(29)	A089C	ACCOUNTANT I	1	GRADE C116
26	(30)	P027C	PUBLIC INFORMATION SPECIALIST	1	GRADE C116
27	(31)	C037C	ADMINISTRATIVE ANALYST	3	GRADE C115
28	(32)	A091C	FISCAL SUPPORT ANALYST	21	GRADE C115
29	(33)	C029C	HEARING OFFICER	26	GRADE C115
30	(34)	R032C	HUMAN RESOURCES PROG REPRESENTATIVE	1	GRADE C115
31	(35)	V015C	PURCHASING SPECIALIST	2	GRADE C115
32	(36)	A094C	DFA LOCAL REVENUE OFFICE SUPERVISOR	90	GRADE C114
33	(37)	C042C	DFA REVENUE SUPERVISOR	29	GRADE C114
34	(38)	E051C	STAFF DEVELOPMENT SPECIALIST	1	GRADE C114
35	(39)	C048C	DFA SUPERVISOR	90	GRADE C113
36	(40)	C046C	LEGAL SUPPORT SPECIALIST	10	GRADE C113

1	(41)	S046C	MAINTENANCE TECHNICIAN	8	GRADE C113
2	(42)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
3	(43)	A098C	FISCAL SUPPORT SPECIALIST	2	GRADE C112
4	(44)	X172C	TAX INVESTIGATOR	34	GRADE C112
5	(45)	C059C	DFA SERVICE REPRESENTATIVE	670	GRADE C111
6	(46)	C073C	ADMINISTRATIVE SPECIALIST II	31	GRADE C109
7	(47)	C076C	DFA TECHNICIAN	107	GRADE C108
8	(48)	S084C	INSTITUTIONAL SERVICES SUPERVISOR	1	GRADE C104
9	(49)	S087C	INSTITUTIONAL SERVICES ASSISTANT	<u>11</u>	GRADE C103
10			MAX. NO. OF EMPLOYEES	1,506	

11

12 SECTION 2. EXTRA HELP - REVENUE SERVICES DIVISION. There is hereby
 13 authorized, for the Department of Finance and Administration - Revenue
 14 Services Division for the 2011-2012 fiscal year, the following maximum number
 15 of part-time or temporary employees, to be known as "Extra Help", payable
 16 from funds appropriated herein for such purposes: two hundred twenty-one
 17 (221) temporary or part-time employees, when needed, at rates of pay not to
 18 exceed those provided in the Uniform Classification and Compensation Act, or
 19 its successor, or this act for the appropriate classification.

20

21 SECTION 3. APPROPRIATION - REVENUE SERVICES DIVISION. There is hereby
 22 appropriated, to the Department of Finance and Administration - Revenue
 23 Services Division, to be payable from the State Central Services Fund, for
 24 personal services and operating expenses of the Department of Finance and
 25 Administration - Revenue Services Division - Operations for the fiscal year
 26 ending June 30, 2012, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2011-2012</u>
30	(01) REGULAR SALARIES	\$52,364,983
31	(02) EXTRA HELP	564,466
32	(03) PERSONAL SERVICES MATCHING	17,708,983
33	(04) OVERTIME	125,000
34	(05) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	25,311,452
36	(B) CONF. & TRAVEL	115,450

1	(C) PROF. FEES	893,207
2	(D) CAP. OUTLAY	633,000
3	(E) DATA PROC.	0
4	(06) REFUNDS/REIMBURSEMENTS	<u>250,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$97,966,541</u>

6

7 SECTION 4. APPROPRIATION - COMMERCIAL DRIVERS LICENSE PROGRAM. There

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

9 Revenue Services Division, to be payable from the Commercial Driver License

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

11 Finance and Administration - Revenue Services Division - Commercial Drivers

12 License Program for the fiscal year ending June 30, 2012, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2011-2012</u>
16	(01) REGULAR SALARIES	\$323,045
17	(02) PERSONAL SERVICES MATCHING	111,860
18	(03) MAINT. & GEN. OPERATION	
19	(A) OPER. EXPENSE	1,352,352
20	(B) CONF. & TRAVEL	0
21	(C) PROF. FEES	0
22	(D) CAP. OUTLAY	0
23	(E) DATA PROC.	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$1,787,257</u>

25

26 SECTION 5. APPROPRIATION - INDIVIDUAL INCOME TAX AND AD VALOREM

27 PROPERTY TAX REBATES. There is hereby appropriated, to the Department of

28 Finance and Administration - Revenue Services Division, to be payable from

29 the Individual Income Tax Withholding Fund, for the purpose of making

30 individual income tax refunds of taxes withheld under the provisions of

31 Arkansas Code beginning at 26-51-901 and property tax rebates under Amendment

32 79 of the Arkansas Constitution for the fiscal year ending June 30, 2012, the

33 following:

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2011-2012</u>

1 (01) INDIVIDUAL INCOME TAX & AD VALOREM
 2 PROPERTY TAX REBATES -
 3 REFUND/REIMBURSEMENTS \$680,000,000
 4

5 SECTION 6. APPROPRIATION - CORPORATE INCOME TAX. There is hereby
 6 appropriated, to the Department of Finance and Administration - Revenue
 7 Services Division, to be payable from the Corporate Income Tax Withholding
 8 Fund, for the purpose of making corporate income tax refunds of taxes
 9 withheld under the provisions of Arkansas Code 26-51-901 for the fiscal year
 10 ending June 30, 2012, the following:

11	ITEM	FISCAL YEAR
12	NO.	2011-2012
13	(01) CORPORATE INCOME TAX -	
14	REFUND/REIMBURSEMENTS	<u>\$200,000,000</u>

15
 16
 17 SECTION 7. APPROPRIATION - GASOLINE TAX REFUNDS. There is hereby
 18 appropriated, to the Department of Finance and Administration - Revenue
 19 Services Division, to be payable from the Gasoline Tax Refund Fund, for
 20 paying the valid gasoline tax refund claims of agricultural users and bus
 21 drivers in the manner and to the extent provided by law for the fiscal year
 22 ending June 30, 2012, the following:

23	ITEM	FISCAL YEAR
24	NO.	2011-2012
25	(01) GASOLINE TAX REFUND CLAIMS	<u>\$1,500,000</u>

26
 27
 28 SECTION 8. APPROPRIATION - INTERSTATE MOTOR FUEL TAX REFUNDS. There is
 29 hereby appropriated, to the Department of Finance and Administration -
 30 Revenue Services Division, to be payable from the Interstate Motor Fuel Tax
 31 Refund Fund, for paying refunds to interstate users of motor fuels and
 32 special motor fuels as authorized by law for the fiscal year ending June 30,
 33 2012, the following:

34	ITEM	FISCAL YEAR
35	NO.	2011-2012
36		

1 (01) INTERSTATE MOTOR FUEL TAX -
 2 REFUND/REIMBURSEMENTS \$20,000,000

3
 4 SECTION 9. APPROPRIATION - MISCELLANEOUS TAX REFUNDS. There is hereby
 5 appropriated, to the Department of Finance and Administration - Revenue
 6 Services Division, to be payable from the Miscellaneous Revolving Fund, for
 7 making refunds of taxes erroneously paid and for refunds of the gross
 8 receipts taxes paid upon tickets to athletic events pursuant to Arkansas Code
 9 26-52-511 and for other purposes as authorized by law for the fiscal year
 10 ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) MISCELLANEOUS TAX -	
REFUND/REIMBURSEMENTS	<u>\$260,000,000</u>

16
 17 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 19 APPROPRIATION TRANSFERS. The Director of the Department of Finance and
 20 Administration is authorized to transfer appropriation between refund line
 21 item appropriations in this Act. The Director of the Department of Finance
 22 and Administration shall immediately report any such transfers to the
 23 Arkansas Legislative Council. Such report shall contain the amounts
 24 transferred and the reasons for the same.

25 The provisions of this section shall be in effect only from July 1, ~~2010~~
 26 2011 through June 30, ~~2011~~ 2012.

27
 28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 30 HELP EXEMPTION. Extra Help positions authorized herein are specifically
 31 exempt from limitation of hours, either by act or regulation. Provided,
 32 however, when a temporary or part-time employee is employed by the Department
 33 of Finance and Administration - Revenue Services for a period of time
 34 exceeding seven (7) months, a report of such shall be filed with the Arkansas
 35 Legislative Council.

36 The provisions of this section shall be in effect only from July 1,

~~2010~~ 2011 through June 30, ~~2011~~ 2012.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUTHORITY TO EMPLOY CERTIFIED LAW ENFORCEMENT OFFICERS. The Director of the Department of Finance and Administration is authorized to employ not more than one (1) certified law enforcement officer as certified under § 12-9-101 et seq. The certified law enforcement officer employed under this section shall be responsible for maintaining order and providing for the security, protection, and safety of Department buildings, grounds, property, employees and customers. The certified law enforcement officer shall have the powers, duties, privileges, and immunities of a certified law enforcement officer.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

CONTINGENT POSITIONS. There is hereby established for the Department of Finance and Administration - Revenue Division - Contingent Positions for the ~~2010-2011~~ 2011-2012 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS – DATA ENTRY

			MAXIMUM SALARY RATE	
ITEM CLASS		NO. OF	FISCAL YEARS	
<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u>	<u>2010-11</u>
				<u>2011-12</u>
(1)	C042C	DFA REVENUE SUPERVISOR	2	GRADE C114
(2)	C059C	DFA SERVICE REPRESENTATIVE	8	GRADE C111
(3)	C076C	DFA TECHNICIAN	<u>40</u>	GRADE C108
		MAX CONTINGENT EMPLOYEES	50	

If it has been determined by the Director of the Department of Finance and Administration that the Department cannot continue a contract with a private provider and the Director deems it necessary to utilize Department staff to

1 provide the required services, the Department is allowed, after seeking prior
2 review by the Arkansas Legislative Council or Joint Budget Committee, to
3 utilize the contingent positions for data entry contained in this Section and
4 make the appropriate transfers from the various Maintenance and Operations,
5 Professional Fees and Services or Data Processing line items contained in
6 Section 3 of this Act to Regular Salaries and Personal Services Matching.

7
8 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
9 authorized by this act shall be limited to the appropriation for such agency
10 and funds made available by law for the support of such appropriations; and
11 the restrictions of the State Procurement Law, the General Accounting and
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
13 Procedures and Restrictions Act, or their successors, and other fiscal
14 control laws of this State, where applicable, and regulations promulgated by
15 the Department of Finance and Administration, as authorized by law, shall be
16 strictly complied with in disbursement of said funds.

17
18 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
19 Assembly that any funds disbursed under the authority of the appropriations
20 contained in this act shall be in compliance with the stated reasons for
21 which this act was adopted, as evidenced by the Agency Requests, Executive
22 Recommendations and Legislative Recommendations contained in the budget
23 manuals prepared by the Department of Finance and Administration, letters, or
24 summarized oral testimony in the official minutes of the Arkansas Legislative
25 Council or Joint Budget Committee which relate to its passage and adoption.

26
27 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly, that the Constitution of the State of Arkansas prohibits
29 the appropriation of funds for more than a one (1) year period; that the
30 effectiveness of this Act on July 1, 2011 is essential to the operation of
31 the agency for which the appropriations in this Act are provided, and that in
32 the event of an extension of the legislative session, the delay in the
33 effective date of this Act beyond July 1, 2011 could work irreparable harm
34 upon the proper administration and provision of essential governmental
35 programs. Therefore, an emergency is hereby declared to exist and this Act
36 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, 2011.

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