

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1074

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, 2024; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF FINANCE AND  
ADMINISTRATION - REGULATORY DIVISION  
APPROPRIATION FOR THE 2023-2024 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 2023-2024 fiscal year, the following maximum number of  
regular employees.

		Maximum Annual	
		Maximum	Salary Rate
		No. of	Fiscal Year
Item	Class		
No.	Code Title	Employees	2023-2024
(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



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	

13

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:

19

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><u>\$3,107,007</u></u>

32

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

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

ITEM	FISCAL YEAR
NO.	2023-2024
(01) REGULAR SALARIES	\$587,226
(02) PERSONAL SERVICES MATCHING	212,265
(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><u>\$1,143,263</u></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, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
(01) REGULAR SALARIES	\$373,379
(02) PERSONAL SERVICES MATCHING	138,190
(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

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>

15

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	NO.	2023-2024
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>

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

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

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

30	Item	Class	Maximum	Maximum Annual
31	No.	Code	No. of	Salary Rate
32	No.	Code	Employees	Fiscal Year
33	(1)	G279C	1	2023-2024
34	(2)	G047C	3	GRADE GS15
35	(3)	C037C	1	GRADE GS11
36	(4)	C056C	1	GRADE GS06
				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 10. EXTRA HELP - ABC ADMINISTRATION. There is hereby authorized, for the Department of Finance and Administration - Alcoholic Beverage Control Administration for the 2023-2024 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 11. 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$666,420
(02) EXTRA HELP	7,000
(03) PERSONAL SERVICES MATCHING	236,342
(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>\$1,041,757</u></u>

SECTION 12. 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, 2024, the following:

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

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

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

SECTION 14. EXTRA HELP - RACING COMMISSION. There is hereby authorized, for the Department of Finance and Administration - Racing Commission for the 2023-2024 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 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
NO.	2023-2024
(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.	0
TOTAL AMOUNT APPROPRIATED	<u>\$1,934,373</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
NO.	2023-2024
(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>

18

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

Amendment 100 to the Arkansas Constitution for 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) GAMBLING ADDICTION TREATMENT & EDUCATION PROGRAMS	<u>\$200,000</u>

SECTION 20. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 21. 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 ~~2022-2023~~ 2023-2024 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 22. COMPLIANCE WITH OTHER LAWS. Disbursement of funds 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.