

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/9/21

A Bill

SENATE BILL 121

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 LABOR
10 AND LICENSING - DIVISION OF LABOR FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2022; AND FOR OTHER PURPOSES.
12
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Subtitle

14 AN ACT FOR THE DEPARTMENT OF LABOR AND
15 LICENSING - DIVISION OF LABOR
16 APPROPRIATION FOR THE 2021-2022 FISCAL
17 YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby
24 established for the Department of Labor and Licensing for the 2021-2022
25 fiscal year, the following maximum number of regular employees.
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2021-2022
31	(1) SC010	SECRETARY OF LABOR & LICENSING	1	GRADE SE05
32	(2) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
33	(3) D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
34	(4) D063C	COMPUTER SUPPORT SPECIALIST	3	GRADE IT05
35	(5) D052C	SOFTWARE SUPPORT ANALYST	1	GRADE IT05
36	(6) N245N	DLL CHIEF OF STAFF	1	GRADE GS15



1	(7)	G019C GENERAL COUNSEL	1	GRADE GS13
2	(8)	A021C AGENCY CONTROLLER I	1	GRADE GS12
3	(9)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE GS12
4	(10)	U088U DLL LABOR DEPUTY DIRECTOR	1	GRADE GS12
5	(11)	R013C AGENCY HUMAN RESOURCES MANAGER	1	GRADE GS11
6	(12)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
7	(13)	G308C DLL ENFORCEMENT MANAGER	1	GRADE GS10
8	(14)	R021C BUDGET ANALYST	2	GRADE GS08
9	(15)	R024C ASSISTANT PERSONNEL MANAGER	1	GRADE GS07
10	(16)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
11	(17)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
12	(18)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
13	(19)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
14	(20)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
15	(21)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
16		MAX. NO. OF EMPLOYEES	24	

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18 SECTION 2. EXTRA HELP - SHARED SERVICES. There is hereby authorized,
 19 for the Department of Labor and Licensing - Shared Services for the 2021-2022
 20 fiscal year, the following maximum number of part-time or temporary
 21 employees, to be known as "Extra Help", payable from funds appropriated
 22 herein for such purposes: *four (4)* temporary or part-time employees, when
 23 needed, at rates of pay not to exceed those provided in the Uniform
 24 Classification and Compensation Act, or its successor, or this act for the
 25 appropriate classification.

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27 SECTION 3. APPROPRIATION - SHARED SERVICES PAYING ACCOUNT. There is
 28 hereby appropriated, to the Department of Labor and Licensing, to be payable
 29 from the paying account as determined by the Chief Fiscal Officer of the
 30 State, for personal services and operating expenses of the Department of
 31 Labor and Licensing - Shared Services Paying Account for the fiscal year
 32 ending June 30, 2022, the following:

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34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2021-2022</u>
36	(01) REGULAR SALARIES	\$1,626,569

1	(02)	EXTRA HELP	77,000
2	(03)	PERSONAL SERVICES MATCHING	506,859
3	(04)	MAINT. & GEN. OPERATION	
4	(A)	OPER. EXPENSE	884,500
5	(B)	CONF. & TRAVEL	15,000
6	(C)	PROF. FEES	0
7	(D)	CAP. OUTLAY	0
8	(E)	DATA PROC.	<u>0</u>
9		TOTAL AMOUNT APPROPRIATED	<u><u>\$3,109,928</u></u>

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11 SECTION 4. REGULAR SALARIES - DIVISION OF LABOR. There is hereby
 12 established for the Department of Labor and Licensing - Division of Labor for
 13 the 2021-2022 fiscal year, the following maximum number of regular employees.

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15				Maximum Annual
16				Salary Rate
17	Item	Class	Maximum	Fiscal Year
18	No.	Code	No. of	2021-2022
	Title		Employees	
19	(1)	D068C	1	GRADE IT04
20	(2)	G096C	4	GRADE GS09
21	(3)	X052C	8	GRADE GS08
22	(4)	X051C	1	GRADE GS08
23	(5)	E026C	1	GRADE GS08
24	(6)	X065C	27	GRADE GS07
25	(7)	E048C	2	GRADE GS07
26	(8)	P013C	1	GRADE GS07
27	(9)	A072C	1	GRADE GS07
28	(10)	C037C	4	GRADE GS06
29	(11)	X122C	8	GRADE GS06
30	(12)	A093C	2	GRADE GS06
31	(13)	V014C	1	GRADE GS05
32	(14)	C056C	<u>9</u>	GRADE GS04
33		MAX. NO. OF EMPLOYEES	70	

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35 SECTION 5. APPROPRIATION - STATE OPERATIONS. There is hereby
 36 appropriated, to the Department of Labor and Licensing, to be payable from

1 the Department of Labor and Licensing Fund Account, for personal services and
 2 operating expenses of the Department of Labor and Licensing - Division of
 3 Labor - State Operations for the fiscal year ending June 30, 2022, the
 4 following:

6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2021-2022</u>
8	(01) REGULAR SALARIES	\$1,387,962
9	(02) EXTRA HELP	0
10	(03) PERSONAL SERVICES MATCHING	496,219
11	(04) MAINT. & GEN. OPERATION	
12	(A) OPER. EXPENSE	354,954
13	(B) CONF. & TRAVEL	42,395
14	(C) PROF. FEES	3,000
15	(D) CAP. OUTLAY	0
16	(E) DATA PROC.	<u>0</u>
17	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,284,530</u></u>

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19 SECTION 6. APPROPRIATION - BOILER INSPECTION. There is hereby
 20 appropriated, to the Department of Labor and Licensing, to be payable from
 21 the Department of Labor and Licensing Special Fund, for personal services and
 22 operating expenses of the Department of Labor and Licensing - Division of
 23 Labor - Boiler Inspection for the fiscal year ending June 30, 2022, the
 24 following:

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26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2021-2022</u>
28	(01) REGULAR SALARIES	\$429,520
29	(02) PERSONAL SERVICES MATCHING	153,391
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	201,804
32	(B) CONF. & TRAVEL	14,044
33	(C) PROF. FEES	0
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$798,759</u></u>

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SECTION 7. APPROPRIATION - BOARD OF ELECTRICAL EXAMINERS. There is hereby appropriated, to the Department of Labor and Licensing, to be payable from the Department of Labor and Licensing Special Fund, for personal services and operating expenses of the Department of Labor and Licensing - Division of Labor - Board of Electrical Examiners for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$413,711
(02) PERSONAL SERVICES MATCHING	143,558
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	131,738
(B) CONF. & TRAVEL	6,430
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$695,437</u>

SECTION 8. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Labor and Licensing, 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 Labor and Licensing - Division of Labor - Federal Programs for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$920,430
(02) PERSONAL SERVICES MATCHING	326,420
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	182,163
(B) CONF. & TRAVEL	43,950
(C) PROF. FEES	0
(D) CAP. OUTLAY	0

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,472,963</u></u>

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 4 SECTION 9. APPROPRIATION - WAGE AND HOUR - CASH. There is hereby
 5 appropriated, to the Department of Labor and Licensing, to be payable from
 6 the cash fund deposited in the State Treasury as determined by the Chief
 7 Fiscal Officer of the State, for distribution of wages due employees from
 8 employers in Arkansas by the Department of Labor and Licensing - Division of
 9 Labor - Wage and Hour - Cash for the fiscal year ending June 30, 2022, the
 10 following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2021-2022</u>
14	(01) WAGES DUE	<u><u>\$200,000</u></u>

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 16 SECTION 10. APPROPRIATION - SEMINAR AND CONFERENCE EXPENSES - CASH.
 17 There is hereby appropriated, to the Department of Labor and Licensing, to be
 18 payable from the cash fund deposited in the State Treasury as determined by
 19 the Chief Fiscal Officer of the State, for operating expenses from the
 20 deposit of registration fees collected for seminars and conferences by the
 21 Department of Labor and Licensing - Division of Labor - Seminar and
 22 Conference Expenses - Cash for the fiscal year ending June 30, 2022, the
 23 following:

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2021-2022</u>
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$2,000
29	(B) CONF. & TRAVEL	46,000
30	(C) PROF. FEES	0
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u><u>\$48,000</u></u>

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 35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED

1 SERVICES.

2 (a)(1)(A) The Chief Fiscal Officer of the State may create paying
3 accounts on his or her books and on the books of the Treasurer of State and
4 the Auditor of State for the payment of personal services and operating
5 expenses by the Department of Labor and Licensing.

6 (B) Upon prior approval of the Arkansas Legislative Council, or
7 if meeting in Legislative Session the Joint Budget Committee, the Chief
8 Fiscal Officer of the State shall direct the transfer of funds and
9 appropriations to the Shared Services Paying Account appropriation section of
10 this act and the transfer of positions to the Regular Salaries – Shared
11 Services appropriation section of this act on the books of the Treasurer of
12 State, the Auditor of State, and the Chief Fiscal Officer of the State.

13 (2) The transfer authority provided in subdivision (a)(1) of
14 this section for efficiencies and to eliminate duplication of services are
15 limited only to those services that are provided for multiple divisions of a
16 department, including without limitation to administration, human resources,
17 procurement, communications, fleet operations, and information services.

18 (3) The transfer authority provided to the department in
19 subdivision (a)(1) of this section may be used to make transfers only within
20 the department's appropriation act or between other appropriation acts
21 authorized for the department.

22 (b)(1) Each department utilizing the Shared Services Paying Account
23 section or Regular Salaries – Shared Services section of this act shall
24 submit a report to be included in the Budget Manuals for hearings, conducted
25 by the General Assembly, listing all shared services transfers of positions,
26 funds, and appropriation under this section, which shall be submitted as
27 instructed by the Department of Finance and Administration - Office of Budget
28 for uniformity.

29 (2) A report submitted under subdivision (b)(1) of this section
30 shall include the following:

31 (A) The position number, authorized position title, class
32 code, grade, business area, and name of the division, section, or unit for
33 the position being transferred to the Regular Salaries – Shared Services
34 section of this act; and

35 (B) The fund center, appropriation, appropriation amount,
36 commitment item or items, business area, and name of the division, section,

1 or unit for the fund or appropriation being transferred to the Shared
2 Services Paying Account.

3 (c)(1) It is the intent of the Ninety-Second General Assembly that the
4 authority under this section to transfer positions is intended for use for
5 the time period prior to Fiscal Year ~~2022~~ 2023 to allow cabinet-level
6 departments to establish a centralized Regular Salaries - Shared Services
7 section, with the recommendation that the position transfer authority granted
8 under this section be discontinued after that time.

9 (2) The Bureau of Legislative Research shall bring the
10 recommendation in subdivision (c)(1) of this section to the attention of the
11 chairs conducting the ~~2021~~ 2022 Regular Fiscal Session pre-session budget
12 hearings, the chairs of the Special Language Subcommittee, and the members of
13 the Special Language Subcommittee during pre-session budget hearings.

14 (d) Determining the maximum number of employees and the maximum amount
15 of appropriation and general revenue funding for a cabinet-level department
16 each fiscal year is the prerogative of the General Assembly and is usually
17 accomplished by delineating the maximums in the appropriation act or acts and
18 establishing authorized positions and the general revenue allocations
19 authorized for each fund and fund account by amendment to the Revenue
20 Stabilization Law. Further, the General Assembly has determined that the
21 cabinet-level departments created under Acts 2019, No. 910, may operate more
22 efficiently if some flexibility is provided as authorized under this section.
23 Therefore, it is both necessary and appropriate that the General Assembly
24 maintain oversight by requiring prior approval of the Legislative Council or,
25 if the General Assembly is in session, the Joint Budget Committee, as
26 provided by this section. The requirement of approval by the Legislative
27 Council or Joint Budget Committee is not a severable part of this section.
28 If the requirement of approval by the Legislative Council or Joint Budget
29 Committee is ruled unconstitutional by a court of competent jurisdiction,
30 this entire section is void.

31 (e) The provisions of this section shall be in effect from the date of
32 passage through June 30, ~~2021~~ 2022.

33
34 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

36 EXPENDITURE AND TRANSFER LIMITATIONS. (i) Notwithstanding any other transfer

1 provisions authorized by law, the expenditures for each individual Board,
2 Commission, Section or Division in the Department of Labor and Licensing
3 combined with fund transfers for the individual board, commission, section,
4 or division, such as but not limited to Shared Services Transfers, shall not
5 exceed the net collections of the individual board, commission, section, or
6 division in any fiscal year as set out in this section.

7 (ii) The calculations for each individual entities expenditures,
8 transfers and net collections or revenue shall be determined separately for
9 each board, commission, section or division and at no time shall a combined
10 calculation be utilized.

11 (iii) The total expenditures for a fiscal year for each entity shall be
12 determined by the average expenditures of the last three completed fiscal
13 years combined with any current fiscal year budgeted fund transfer.

14 (iv) The net collections or revenue for a fiscal year for each entity
15 shall be determined by the average revenue collections of the last three
16 completed fiscal years.

17 (v) At no time shall a fund transfer in a fiscal year cause the total
18 expenditures, as set out in subsection (iii) of this section, to exceed the
19 net collections or revenue, as set out in subsection (iv) of this section.

20 (vi) Any fund transfers combined with expenditures shall not be greater
21 than revenue collections that could create the need for a board, commission,
22 section or division to raise fees, fines, penalties, or any other collection
23 method in order to continue to provide the services for which they were
24 created.

25 (vii) Any expenditures for a board, commission, section or division
26 authorized by the General Assembly through the budget hearing and
27 appropriation process, that is specifically requested and approved to be
28 payable out of that individual entity's accumulated fund balances for
29 expenses other than normal operating expense shall be exempt from this
30 section and that expenditure from fund balances shall not be used to
31 calculate the expenditures as set out in subsection (iii) of this section.

32 (viii) The provisions as set forth in this section does not prevent any
33 individual board, commission, section, or division, from promulgating new or
34 update rules or submitting a request to raise or lower fees, fines,
35 penalties, or any other collection method.

36 (ix) In the event that an individual board, commission, section, or

1 division has a fiscal year where expenditures combined with budget transfers
2 out exceeds collections or revenue as set out in subsection (v) of this
3 section and that individual board, commission, section, or division has a
4 current fund balance greater than the average expenditures as calculated in
5 subsection (iii) of this section, then that individual board, commission,
6 section, or division is exempt from the provision of this section and may
7 utilize those fund balances to exceed the expenditure combined with transfers
8 without limitation.

9 (x) The provisions of this section shall be in effect only from July 1,
10 2021 through June 30, 2022.

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

21
22 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General
23 Assembly that any funds disbursed under the authority of the appropriations
24 contained in this act shall be in compliance with the stated reasons for
25 which this act was adopted, as evidenced by the Agency Requests, Executive
26 Recommendations and Legislative Recommendations contained in the budget
27 manuals prepared by the Department of Finance and Administration, letters, or
28 summarized oral testimony in the official minutes of the Arkansas Legislative
29 Council or Joint Budget Committee which relate to its passage and adoption.

30
31 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly, that the Constitution of the State of Arkansas prohibits
33 the appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2021 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the

1 effective date of this Act beyond July 1, 2021 could work irreparable harm
2 upon the proper administration and provision of essential governmental
3 programs. Therefore, an emergency is hereby declared to exist and this Act
4 being necessary for the immediate preservation of the public peace, health
5 and safety shall be in full force and effect from and after July 1, 2021.

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8 */s/Joint Budget Committee*
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