

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/26/03

A Bill

Act 1058 of 2003
HOUSE BILL 1643

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE STATE
11 FORESTRY COMMISSION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE STATE FORESTRY
16 COMMISSION APPROPRIATION FOR THE
17 2003-2005 BIENNIUM.
18
19
20

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

23 SECTION 1. REGULAR SALARIES. There is hereby established for the State
24 Forestry Commission for the 2003-2005 biennium, the following maximum number
25 of regular employees whose salaries shall be governed by the provisions of
26 the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
27 seq.), or its successor, and all laws amendatory thereto. Provided, however,
28 that any position to which a specific maximum annual salary is set out herein
29 in dollars, shall be exempt from the provisions of said Uniform
30 Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
34

35 Maximum Annual
36 Maximum Salary Rate



| Item | Class | | No. of Employees | Fiscal Years | |
|------|-------|----------------------------------------|---------------------|--------------|-----------|
| | No. | Code Title | | 2003-2004 | 2004-2005 |
| 3 | (1) | 9995 STATE FORESTER | 1 | \$84,259 | \$86,259 |
| 4 | (2) | 025Z FORESTRY DEPUTY STATE FORESTER | 1 | GRADE | 25 |
| 5 | (3) | 015Z ASST STATE FORESTER | 2 | GRADE | 23 |
| 6 | (4) | 147Z DISTRICT FORESTER | 11 | GRADE | 22 |
| 7 | (5) | 184Z FORESTRY FISCAL OFFICER | 1 | GRADE | 22 |
| 8 | (6) | J008 STATE FOREST MANAGER | 1 | GRADE | 22 |
| 9 | (7) | B126 WATER USE & RESOURCE SPECIALIST | 1 | GRADE | 21 |
| 10 | (8) | J006 FOREST REFORESTATION MANAGER | 1 | GRADE | 21 |
| 11 | (9) | J010 NURSERY SUPERVISOR | 1 | GRADE | 21 |
| 12 | (10) | N326 FORESTRY INFORMATION & ED MANAGER | 1 | GRADE | 21 |
| 13 | (11) | R386 RURAL FIRE DEFENSE ADMR | 1 | GRADE | 21 |
| 14 | (12) | 912Z STAFF FORESTER | 5 | GRADE | 20 |
| 15 | (13) | A036 FIELD AUDITOR SUPERVISOR | 1 | GRADE | 20 |
| 16 | (14) | C020 COMMUNICATIONS SYSTEMS MANAGER | 1 | GRADE | 20 |
| 17 | (15) | E114 STAFF DEVELOPMENT COORDINATOR | 1 | GRADE | 20 |
| 18 | (16) | J003 AVIATION MANAGER | 1 | GRADE | 20 |
| 19 | (17) | R236 FORESTRY PERSONNEL MANAGER | 1 | GRADE | 20 |
| 20 | (18) | B009 FOREST ENTOMOLOGIST | 1 | GRADE | 19 |
| 21 | (19) | A111 ACCOUNTANT | 1 | GRADE | 18 |
| 22 | (20) | E072 TRAINING INSTRUCTOR | 2 | GRADE | 18 |
| 23 | (21) | J001 ARK FORESTRY COMM INVESTIGATOR | 3 | GRADE | 18 |
| 24 | (22) | J022 FORESTER II | 44 | GRADE | 18 |
| 25 | (23) | N328 INFORMATION OFFICER II | 2 | GRADE | 18 |
| 26 | (24) | V025 RURAL FIRE PROGRAM COORDINATOR | 1 | GRADE | 18 |
| 27 | (25) | V040 PURCHASE AGENT II/PURCHASE AGENT | 4 | GRADE | 18 |
| 28 | (26) | Y005 AUTO/DIESEL MECHANIC SUPERVISOR | 2 | GRADE | 18 |
| 29 | (27) | J004 AIRCRAFT PILOT | 5 | GRADE | 17 |
| 30 | (28) | J013 FOREST RANGER III | 147 | GRADE | 17 |
| 31 | (29) | R010 ADMINISTRATIVE ASSISTANT II | 1 | GRADE | 17 |
| 32 | (30) | R190 PERSONNEL OFFICER II | 1 | GRADE | 17 |
| 33 | (31) | Y003 AUTO/DIESEL MECHANIC | 5 | GRADE | 17 |
| 34 | (32) | Y129 ELECTRONIC TECHNICIAN | 3 | GRADE | 17 |
| 35 | (33) | G027 BLDG PLANT MAINTENANCE SUPV I | 1 | GRADE | 16 |
| 36 | (34) | R440 BUSINESS CONTROLLER II | 1 | GRADE | 16 |

| | | | | | |
|----|------|------|----------------------------------|----------|----------|
| 1 | (35) | A108 | ACCOUNTING TECHNICIAN II | 1 | GRADE 15 |
| 2 | (36) | J011 | FOREST RANGER II | 36 | GRADE 15 |
| 3 | (37) | J015 | FOREST TECHNICIAN | 2 | GRADE 15 |
| 4 | (38) | K011 | ADMINISTRATIVE OFFICE SUPERVISOR | 1 | GRADE 15 |
| 5 | (39) | R009 | ADMINISTRATIVE ASSISTANT I | 1 | GRADE 15 |
| 6 | (40) | J031 | NURSERY/SEED ORCHARD TECHNICIAN | 5 | GRADE 14 |
| 7 | (41) | K153 | SECRETARY II | 15 | GRADE 13 |
| 8 | (42) | J005 | FOREST DISPATCHER | 10 | GRADE 12 |
| 9 | (43) | G073 | HEAVY EQUIP OPERATOR | <u>2</u> | GRADE 11 |
| 10 | | | MAX. NO. OF EMPLOYEES | 329 | |

11

12 SECTION 2. EXTRA HELP. There is hereby authorized, for the State Forestry
 13 Commission for the 2003-2005 biennium, the following maximum number of part-
 14 time or temporary employees, to be known as "Extra Help", payable from funds
 15 appropriated herein for such purposes: ninety (90) temporary or part-time
 16 employees, when needed, at rates of pay not to exceed those provided in the
 17 Uniform Classification and Compensation Act, or its successor, or this act
 18 for the appropriate classification.

19

20 SECTION 3. APPROPRIATION - ADMINISTRATION PROGRAM. There is hereby
 21 appropriated, to be payable from the funds and fund accounts as set out
 22 herein, to the State Forestry Commission for the biennial period ending June
 23 30, 2005, the following:

24 (a) For the Administration Program, the sum of \$2,783,350 for the 2003-2004
 25 fiscal year and \$2,783,350 for the 2004-2005 fiscal year.

26 (1) Program Description. AFC administration, which includes personnel,
 27 fiscal, and conservation education, will lead, direct, and support employees
 28 to accomplish the agency mission.

29 (2) Appropriation payable from:

| | FISCAL YEARS | |
|----|------------------------------------|-------------------------------------|
| | <u>2003-2004</u> | <u>2004-2005</u> |
| 30 | | |
| 31 | (A) General Revenue: | |
| 32 | State Forestry Fund | \$ <u>971,485</u> \$ <u>971,485</u> |
| 33 | TOTAL General Revenue | \$ 971,485 \$ 971,485 |
| 34 | (B) Special Revenue | \$ 952,000 \$ 952,000 |
| 35 | (C) Federal Funds as designated by | |
| 36 | the Chief Fiscal Officer of the | |

| | | | | | |
|----|-----------------------------------|----|---------|----|---------|
| 1 | State | \$ | 449,451 | \$ | 449,451 |
| 2 | (D) Other Funds | \$ | 741,437 | \$ | 702,453 |
| 3 | (3) Performance Targets: | | | | |
| 4 | (A) Percent of agency performance | | | | |
| 5 | targets met. | | 100 | | 100 |
| 6 | (B) Percent of Administration | | | | |
| 7 | positions and budgets to total | | | | |
| 8 | agency positions. | | 3 | | 3 |
| 9 | (C) Percent of agency Information | | | | |
| 10 | Technology budget to total agency | | | | |
| 11 | budget. | | .5 | | .5 |
| 12 | (D) Number of proprietary systems | | | | |
| 13 | maintained by agency staff or | | | | |
| 14 | through contractual services | | 6 | | 6 |
| 15 | (E) Number of prior year audit | | | | |
| 16 | findings repeated in subsequent | | | | |
| 17 | audit. | | 0 | | 0 |

19 SECTION 4. APPROPRIATION - FOREST RESOURCE PROTECTION AND MANAGEMENT
 20 PROGRAM. There is hereby appropriated, to be payable from the funds and fund
 21 accounts as set out herein, to the State Forestry Commission for the biennial
 22 period ending June 30, 2005, the following:

23 (a) For the Forest Resource Protection and Management Program, the sum of
 24 \$21,178,493 for the 2003-2004 fiscal year and \$21,178,493 for the 2004-2005
 25 fiscal year.

26 (1) Program Description. The AFC is responsible for the protection of
 27 Arkansas' forest through wildland fire protection, law enforcement, and rural
 28 community fire protection, and works with private non-industrial forest
 29 landowners, forest industry, university, private forest consultants, other
 30 governmental agencies, and communities to promote stewardship and
 31 sustainability of Arkansas' rural and urban forests.

| | | | | | |
|----|---------------------------------|----|------------------|------------------|------------------|
| 32 | (2) Appropriation payable from: | | FISCAL YEARS | | |
| 33 | | | <u>2003-2004</u> | <u>2004-2005</u> | |
| 34 | (A) General Revenue: | | | | |
| 35 | State Forestry Fund | \$ | <u>4,781,290</u> | \$ | <u>4,781,290</u> |
| 36 | TOTAL General Revenue | \$ | 4,781,290 | \$ | 4,781,290 |

| | | | |
|----|-------------------------------------|--------------|--------------|
| 1 | (B) Special Revenue | \$ 4,500,763 | \$ 4,500,763 |
| 2 | (C) Trust Funds | \$ 1,600,000 | \$ 1,600,000 |
| 3 | (D) Federal Funds as designated by | | |
| 4 | the Chief Fiscal Officer of the | | |
| 5 | State | \$ 6,556,825 | \$ 6,556,825 |
| 6 | (E) Other Funds | \$ 5,857,165 | \$ 5,791,237 |
| 7 | (3) Performance Targets: | | |
| 8 | (A) Average size of wildland fires | | |
| 9 | (acres). | 14 | 13 |
| 10 | (B) Percentage of law enforcement | | |
| 11 | cases closed. | 52 | 54 |
| 12 | (C) Number of assists to rural | | |
| 13 | communities and fire departments. | 1,350 | 1,400 |
| 14 | (D) Provide wildland fire | | |
| 15 | suppression training to volunteer | | |
| 16 | fire department and cooperator | | |
| 17 | personnel (number of people | | |
| 18 | trained). | 1,500 | 1,500 |
| 19 | (E) Acres of private non-industrial | | |
| 20 | land reforested, afforested, or | | |
| 21 | improved by timber stand | | |
| 22 | improvement through AFC assistance. | 9,750 | 10,000 |
| 23 | (F) Number of FIA plots measured. | 945 | 1,130 |
| 24 | (G) Rating BMP implementation by | | |
| 25 | forest landowners. Reported on a | | |
| 26 | biannual basis. | 85% | 86% |
| 27 | (H) Number of forestry assists to | | |
| 28 | communities and organizations. | 160 | 170 |
| 29 | (I) Number of workshops, and field | | |
| 30 | days and presentations to | | |
| 31 | organizations and school groups. | 1,200 | 1,300 |

32

33 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 35 HELP PROVISION. No employee of the Arkansas Forestry Commission who is
 36 employed as "Extra Help" may receive an amount to exceed 3/4 of the maximum

1 annual salary for a comparable position as authorized by Arkansas Code 21-5-
2 201 et seq. during any fiscal year, nor may such employee be employed for a
3 period of time to exceed nine (9) months in any single fiscal year.

4 Provided, however, that no employee of the Arkansas Forestry Commission who
5 is employed as "Extra Help" may receive an amount to exceed seventy five
6 percent (75%) of the maximum annual salary for a comparable position as
7 authorized by Arkansas Code 21-5-201 et seq. during any fiscal year, nor
8 shall such employee be employed for a period of time to exceed fourteen
9 ~~fifteen~~ hundred (1400) ~~(1500)~~ hours in any single fiscal year.

10 The provisions of this section shall be in effect only from ~~July 1, 2001~~
11 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

12
13 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
14 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - STATE
15 FORESTRY TRUST FUND. (A) For all appropriations as provided in this Act,
16 the agency disbursing officer shall monitor the level of fund balances in
17 relation to expenditures on a monthly basis. If any proposed expenditures
18 would cause the State Forestry Trust Fund to decline below five hundred
19 thirty-one thousand twenty two dollars (\$531,022) ~~a fund balance to decline~~
20 ~~to less than fifty percent (50%) of the balance available on July 1, 2001,~~
21 the disbursing officer shall immediately notify the executive head of the
22 agency. Prior to any obligations being made under these circumstances, the
23 agency head shall file written documentation with the Chief Fiscal Officer of
24 the State requesting approval of the expenditures. Such documentation shall
25 provide sufficient financial data to justify the expenditures and shall
26 include the following:

- 27 1) a plan that clearly indicates the specific fiscal impact of such
- 28 expenditures on the fund balance.
- 29 2) information clearly indicating and explaining what programs would be cut
- 30 or any other measures to be taken by the agency to restore the fund balance.
- 31 3) the extent to which any of the planned expenditures are for one-time costs
- 32 or one-time purchase of capitalized items.
- 33 4) a statement certifying that the expenditure of fund balances will not
- 34 jeopardize the financial health of the agency, nor result in a permanent
- 35 depletion of the fund balance.

36 (B) The Chief Fiscal Officer of the State shall review the request and

1 approve or disapprove all or any part of the request, after having sought
2 prior review by the Legislative Council.

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

5
6 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
7 by this act shall be limited to the appropriation for such agency and funds
8 made available by law for the support of such appropriations; and the
9 restrictions of the State Purchasing Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

15
16 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly
17 that any funds disbursed under the authority of the appropriations contained
18 in this act shall be in compliance with the stated reasons for which this act
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations
20 and Legislative Recommendations contained in the budget manuals prepared by
21 the Department of Finance and Administration, letters, or summarized oral
22 testimony in the official minutes of the Arkansas Legislative Council or
23 Joint Budget Committee which relate to its passage and adoption.

24
25 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
26 Assembly, that the Constitution of the State of Arkansas prohibits the
27 appropriation of funds for more than a two (2) year period; that the
28 effectiveness of this Act on July 1, 2003 is essential to the operation of
29 the agency for which the appropriations in this Act are provided, and that in
30 the event of an extension of the Regular Session, the delay in the effective
31 date of this Act beyond July 1, 2003 could work irreparable harm upon the
32 proper administration and provision of essential governmental programs.
33 Therefore, an emergency is hereby declared to exist and this Act being
34 necessary for the immediate preservation of the public peace, health and
35 safety shall be in full force and effect from and after July 1, 2003.

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/s/ Joint Budget Committee

APPROVED: 4/3/2003