

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.

Act 805 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/26/07

A Bill

HOUSE BILL 1398

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 ARKANSAS
11 DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 EMERGENCY MANAGEMENT APPROPRIATION FOR
18 THE 2007-2009 BIENNIUM.
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21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
25 Department of Emergency Management for the 2007-2009 biennium, the following
26 maximum number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2007-2008	2008-2009
(1)	9979	ADEM DIRECTOR	1	\$82,710	\$84,364
(2)	632Z	ADEM DEP DIR CHF FIELD OPNS	1	GRADE	25
(3)	920Z	ADEM ASSOCIATE DEPUTY DIRECTOR	1	GRADE	24
(4)	963Z	ADEM ADMIN & LOGISTICS DIV LEADER	1	GRADE	23
(5)	964Z	ADEM HOMELAND SECURITY DIVSION LEAD	1	GRADE	23
(6)	965Z	ADEM INFORMATION TECHNOLOGY DIV LEA	1	GRADE	23
(7)	966Z	ADEM TRAINING & EXERCISE DIVISION L	1	GRADE	23
(8)	967Z	ADEM PLANNING & OPERATIONS DIV LEAD	1	GRADE	23
(9)	909Z	PROGRAM SUPPORT MANAGER	8	GRADE	22
(10)	D124	LEAD PROGRAMMER/ANALYST	2	GRADE	22
(11)	E008	ADEM TRAINING PROJECT MANAGER	1	GRADE	21
(12)	R193	ADEM PROGRAM OPERATIONS MANAGER	5	GRADE	21
(13)	R298	AGENCY PROGRAM COORDINATOR	13	GRADE	21
(14)	X337	ENGINEER	1	GRADE	20
(15)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE	20
(16)	R048	BUDGET SPECIALIST	2	GRADE	19
(17)	R064	EMERG SVCS AREA COORD	7	GRADE	19
(18)	E068	TRAINING & EDUCATION COORD EMER SVC	1	GRADE	19
(19)	E074	TRAINING REPRESENTATIVE	1	GRADE	19
(20)	E072	TRAINING INSTRUCTOR	1	GRADE	18
(21)	D128	P C SUPPORT SPECIALIST	1	GRADE	18
(22)	D034	PROGRAMMER ANALYST	1	GRADE	18
(23)	A111	ACCOUNTANT	2	GRADE	18
(24)	R134	PLANNING SPECIALIST II	7	GRADE	18
(25)	T085	Emergency Management Duty Officer	6	GRADE	18
(26)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE	18
(27)	Y129	ELECTRONIC TECHNICIAN	3	GRADE	17
(28)	C017	TELECOMMUNICATIONS SUPERVISOR	1	GRADE	17
(29)	R010	ADMINISTRATIVE ASSISTANT II	6	GRADE	17
(30)	C016	EMERG COMMUNICATION SPECIALIST	<u>3</u>	GRADE	16
		MAX. NO. OF EMPLOYEES	82		

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SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Department of Emergency Management for the 2007-2009 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: one (1) 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 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Arkansas Department of Emergency Management, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Arkansas Department of Emergency Management - State Operations for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 1,585,766	\$ 1,617,460
(02) EXTRA HELP	1,200	1,200
(03) PERSONAL SERVICES MATCHING	544,826	551,787
(04) OVERTIME	10,000	10,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	328,627	328,627
(B) CONF. & TRAVEL	14,400	14,400
(C) PROF. FEES	20,000	20,000
(D) CAP. OUTLAY	50,000	50,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,554,819</u>	<u>\$ 2,593,474</u>

SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized, for the Arkansas Department of Emergency Management - Federal Operations for the 2007-2009 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: nine (9) 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.

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2 SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
3 appropriated, to the Arkansas Department of Emergency Management, to be
4 payable from the federal funds as designated by the Chief Fiscal Officer of
5 the State, for personal services and operating expenses of the Arkansas
6 Department of Emergency Management - Federal Operations for the biennial
7 period ending June 30, 2009, the following:

8
9 ITEM FISCAL YEARS
10 NO. 2007-2008 2008-2009
11 (01) REGULAR SALARIES \$ 764,902 \$ 780,185
12 (02) EXTRA HELP 20,000 20,000
13 (03) PERSONAL SERVICES MATCHING 267,578 270,933
14 (04) OVERTIME 25,000 25,000
15 (05) MAINT. & GEN. OPERATION
16 (A) OPER. EXPENSE 734,908 734,908
17 (B) CONF. & TRAVEL 203,832 203,832
18 (C) PROF. FEES 1,198,060 1,198,060
19 (D) CAP. OUTLAY 3,000,000 3,000,000
20 (E) DATA PROC. 0 0
21 (06) GRANTS/AID - FIRST RESPONDER &
22 HOMELAND SECURITY 37,733,570 37,733,570
23 TOTAL AMOUNT APPROPRIATED \$ 43,947,850 \$ 43,966,488

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25 SECTION 6. EXTRA HELP - DISASTER RELIEF GRANTS. There is hereby
26 authorized, for the Arkansas Department of Emergency Management - Disaster
27 Relief Grants for the 2007-2009 biennium, the following maximum number of
28 part-time or temporary employees, to be known as "Extra Help", payable from
29 funds appropriated herein for such purposes: ten (10) temporary or part-time
30 employees, when needed, at rates of pay not to exceed those provided in the
31 Uniform Classification and Compensation Act, or its successor, or this act
32 for the appropriate classification.

33
34 SECTION 7. APPROPRIATION - DISASTER RELIEF GRANTS. There is hereby
35 appropriated, to the Arkansas Department of Emergency Management, to be
36 payable from the federal funds as designated by the Chief Fiscal Officer of

1 the State, for personal services and operating expenses of the Arkansas
 2 Department of Emergency Management - Disaster Relief Grants for the biennial
 3 period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
NO.	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 162,415	\$ 165,661
(02) EXTRA HELP	50,000	50,000
(03) PERSONAL SERVICES MATCHING	70,207	70,916
(04) OVERTIME	50,000	50,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	63,848	63,848
(B) CONF. & TRAVEL	34,500	34,500
(C) PROF. FEES	40,000	40,000
(D) CAP. OUTLAY	100,000	100,000
(E) DATA PROC.	0	0
(06) GRANTS/AID - DISASTER RELIEF	<u>102,647,245</u>	<u>102,647,245</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 103,218,215</u>	<u>\$ 103,222,170</u>

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 20 SECTION 8. EXTRA HELP - HAZARDOUS MATERIALS. There is hereby authorized,
 21 for the Arkansas Department of Emergency Management - Hazardous Materials for
 22 the 2007-2009 biennium, the following maximum number of part-time or
 23 temporary employees, to be known as "Extra Help", payable from funds
 24 appropriated herein for such purposes: one (1) temporary or part-time
 25 employees, when needed, at rates of pay not to exceed those provided in the
 26 Uniform Classification and Compensation Act, or its successor, or this act
 27 for the appropriate classification.

28
 29 SECTION 9. APPROPRIATION - HAZARDOUS MATERIALS. There is hereby
 30 appropriated, to the Arkansas Department of Emergency Management, to be
 31 payable from the Office of Hazardous Materials Emergency Management Revolving
 32 Fund, for personal services and operating expenses of the Arkansas Department
 33 of Emergency Management - Hazardous Materials for the biennial period ending
 34 June 30, 2009, the following:

ITEM	FISCAL YEARS	
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NO.	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 118,368	\$ 120,733
(02) EXTRA HELP	4,000	4,000
(03) PERSONAL SERVICES MATCHING	44,727	45,245
(04) OVERTIME	4,000	4,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	90,208	90,208
(B) CONF. & TRAVEL	29,792	29,792
(C) PROF. FEES	19,908	19,908
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(06) GRANTS/AID - HAZARDOUS MATERIAL MANAGEMENT	<u>10,000</u>	<u>10,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 321,003</u>	<u>\$ 323,886</u>

SECTION 10. APPROPRIATION - DISASTER RELIEF TRUST. There is hereby appropriated, to the Arkansas Department of Emergency Management, to be payable from the Arkansas Disaster Relief Program Trust Fund, for assistance to victims of state or federally declared disasters of the Arkansas Department of Emergency Management for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) GRANTS/AID - DISASTER RELIEF	<u>\$ 220,000</u>	<u>\$ 220,000</u>

SECTION 11. APPROPRIATION - RADIOLOGICAL EMERGENCY RESPONSE GRANTS. There is hereby appropriated, to the Arkansas Department of Emergency Management, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Arkansas Department of Emergency Management - Radiological Emergency Response Grants for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	\$	8,000	\$	8,000
2	(B) CONF. & TRAVEL		9,000		9,000
3	(C) PROF. FEES		0		0
4	(D) CAP. OUTLAY		25,000		25,000
5	(E) DATA PROC.		<u>0</u>		<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	\$	<u>42,000</u>	\$	<u>42,000</u>

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8 SECTION 12. EXTRA HELP - HOMELAND SECURITY. There is hereby authorized,
 9 for the Arkansas Department of Emergency Management - Homeland Security for
 10 the 2007-2009 biennium, the following maximum number of part-time or
 11 temporary employees, to be known as "Extra Help", payable from funds
 12 appropriated herein for such purposes: one (1) temporary or part-time
 13 employees, when needed, at rates of pay not to exceed those provided in the
 14 Uniform Classification and Compensation Act, or its successor, or this act
 15 for the appropriate classification.

16

17 SECTION 13. APPROPRIATION - HOMELAND SECURITY. There is hereby
 18 appropriated, to the Arkansas Department of Emergency Management, to be
 19 payable from the Miscellaneous Agencies Fund Account, for personal services
 20 and operating expenses of the Arkansas Department of Emergency Management -
 21 Homeland Security for the biennial period ending June 30, 2009, the
 22 following:

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24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
26	(01) REGULAR SALARIES	\$ 171,341	\$ 174,765
27	(02) EXTRA HELP	10,000	10,000
28	(03) PERSONAL SERVICES MATCHING	61,727	62,479
29	(04) OVERTIME	10,000	10,000
30	(05) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	87,753	87,753
32	(B) CONF. & TRAVEL	20,000	20,000
33	(C) PROF. FEES	20,000	20,000
34	(D) CAP. OUTLAY	25,000	25,000
35	(E) DATA PROC.	0	0
36	(06) GRANTS/AID - LOCAL GOVERNMENT		

1	COORDINATION GRANT	15,000	15,000
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 420,821</u>	<u>\$ 424,997</u>

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4 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION

6 TRANSFER. Upon approval of the Chief Fiscal Officer of the State, the

7 Arkansas Department of Emergency Management is hereby authorized to transfer

8 positions between appropriations as may be required should a disaster occur

9 which results in a Presidential Disaster Proclamation and/or when an employee

10 occupies one position which is to be paid from two or more appropriations

11 during a single fiscal year. If a position is transferred pursuant to this

12 section, the Department shall report such transfer to the Arkansas

13 Legislative Council within thirty days of the transfer. Thereafter the

14 Legislative Council shall review and approve the transfer.

15

16 Determining the maximum number of employees and the maximum amount of

17 appropriation and general revenue funding for a state agency each fiscal year

18 is the prerogative of the General Assembly. This is usually accomplished by

19 delineating such maximums in the appropriation act(s) for a state agency and

20 the general revenue allocations authorized for each fund and fund account by

21 amendment to the Revenue Stabilization law. Further, the General Assembly

22 has determined that the Department of Emergency Management may operate more

23 efficiently if some flexibility is provided to the Department of Emergency

24 Management authorizing broad powers under this Section. Therefore, it is

25 both necessary and appropriate that the General Assembly maintain oversight

26 by requiring prior approval of the Legislative Council or Joint Budget

27 Committee as provided by this section. The requirement of approval by the

28 Legislative Council or Joint Budget Committee is not a severable part of this

29 section. If the requirement of approval by the Legislative Council or Joint

30 Budget Committee is ruled unconstitutional by a court of competent

31 jurisdiction, this entire section is void.

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33 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007

34 through June 30, ~~2007~~ 2009.

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36 SECTION 15. APPROPRIATIONS - TORNADO EXPENSES. There is hereby

1 appropriated, to the Department of Emergency Management, to be payable from
2 the General Improvement Fund or its successor fund or fund accounts, the
3 following:

4 (A) For state assistance for tornado related expenses and disaster relief,
5 the sum of\$250,000.

6
7 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
8 by this act shall be limited to the appropriation for such agency and funds
9 made available by law for the support of such appropriations; and the
10 restrictions of the State Procurement Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal
13 control laws of this State, where applicable, and regulations promulgated by
14 the Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

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

25
26 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General
27 Assembly, that the Constitution of the State of Arkansas prohibits the
28 appropriation of funds for more than a two (2) year period; that the
29 effectiveness of this Act on July 1, 2007 is essential to the operation of
30 the agency for which the appropriations in this Act are provided, and that in
31 the event of an extension of the Regular Session, the delay in the effective
32 date of this Act beyond July 1, 2007 could work irreparable harm upon the
33 proper administration and provision of essential governmental programs.
34 Therefore, an emergency is hereby declared to exist and this Act being
35 necessary for the immediate preservation of the public peace, health and
36 safety shall be in full force and effect from and after July 1, 2007.

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/s/ Joint Budget Committee

APPROVED: 4/2/2007