

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1398

4
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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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.
35

36 Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2007-2008	2008-2009
4	(1)	9979	ADEM DIRECTOR	1	\$82,710	\$84,364
5	(2)	632Z	ADEM DEP DIR CHF FIELD OPNS	1	GRADE	25
6	(3)	920Z	ADEM ASSOCIATE DEPUTY DIRECTOR	1	GRADE	24
7	(4)	963Z	ADEM ADMIN & LOGISTICS DIV LEADER	1	GRADE	23
8	(5)	964Z	ADEM HOMELAND SECURITY DIVSION LEAD	1	GRADE	23
9	(6)	965Z	ADEM INFORMATION TECHNOLOGY DIV LEA	1	GRADE	23
10	(7)	966Z	ADEM TRAINING & EXERCISE DIVISION L	1	GRADE	23
11	(8)	967Z	ADEM PLANNING & OPERATIONS DIV LEAD	1	GRADE	23
12	(9)	909Z	PROGRAM SUPPORT MANAGER	8	GRADE	22
13	(10)	D124	LEAD PROGRAMMER/ANALYST	2	GRADE	22
14	(11)	E008	ADEM TRAINING PROJECT MANAGER	1	GRADE	21
15	(12)	R193	ADEM PROGRAM OPERATIONS MANAGER	5	GRADE	21
16	(13)	R298	AGENCY PROGRAM COORDINATOR	13	GRADE	21
17	(14)	X337	ENGINEER	1	GRADE	20
18	(15)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE	20
19	(16)	R048	BUDGET SPECIALIST	2	GRADE	19
20	(17)	R064	EMERG SVCS AREA COORD	7	GRADE	19
21	(18)	E068	TRAINING & EDUCATION COORD EMER SVC	1	GRADE	19
22	(19)	E074	TRAINING REPRESENTATIVE	1	GRADE	19
23	(20)	E072	TRAINING INSTRUCTOR	1	GRADE	18
24	(21)	D128	P C SUPPORT SPECIALIST	1	GRADE	18
25	(22)	D034	PROGRAMMER ANALYST	1	GRADE	18
26	(23)	A111	ACCOUNTANT	2	GRADE	18
27	(24)	R134	PLANNING SPECIALIST II	7	GRADE	18
28	(25)	T085	Emergency Management Duty Officer	6	GRADE	18
29	(26)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE	18
30	(27)	Y129	ELECTRONIC TECHNICIAN	3	GRADE	17
31	(28)	C017	TELECOMMUNICATIONS SUPERVISOR	1	GRADE	17
32	(29)	R010	ADMINISTRATIVE ASSISTANT II	6	GRADE	17
33	(30)	C016	EMERG COMMUNICATION SPECIALIST	<u>3</u>	GRADE	16
34			MAX. NO. OF EMPLOYEES	82		

36 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for

1 the Arkansas Department of Emergency Management for the 2007-2009 biennium,
 2 the following maximum number of part-time or temporary employees, to be known
 3 as "Extra Help", payable from funds appropriated herein for such purposes:
 4 one (1) temporary or part-time employees, when needed, at rates of pay not to
 5 exceed those provided in the Uniform Classification and Compensation Act, or
 6 its successor, or this act for the appropriate classification.

7

8 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 9 to the Arkansas Department of Emergency Management, to be payable from the
 10 Miscellaneous Agencies Fund Account, for personal services and operating
 11 expenses of the Arkansas Department of Emergency Management - State
 12 Operations for the biennial period ending June 30, 2009, the following:

13

ITEM	FISCAL YEARS	
NO.	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>

27

28 SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized,
 29 for the Arkansas Department of Emergency Management - Federal Operations for
 30 the 2007-2009 biennium, the following maximum number of part-time or
 31 temporary employees, to be known as "Extra Help", payable from funds
 32 appropriated herein for such purposes: nine (9) temporary or part-time
 33 employees, when needed, at rates of pay not to exceed those provided in the
 34 Uniform Classification and Compensation Act, or its successor, or this act
 35 for the appropriate classification.

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SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby appropriated, to the Arkansas Department of Emergency Management, 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 Arkansas Department of Emergency Management - Federal Operations for the biennial period ending June 30, 2009, the following:

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

SECTION 6. EXTRA HELP - DISASTER RELIEF GRANTS. There is hereby authorized, for the Arkansas Department of Emergency Management - Disaster Relief Grants 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: ten (10) 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 7. APPROPRIATION - DISASTER RELIEF GRANTS. There is hereby appropriated, to the Arkansas Department of Emergency Management, 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 Arkansas

1 Department of Emergency Management - Disaster Relief Grants for the biennial
 2 period ending June 30, 2009, the following:

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

18
 19 SECTION 8. EXTRA HELP - HAZARDOUS MATERIALS. There is hereby authorized,
 20 for the Arkansas Department of Emergency Management - Hazardous Materials for
 21 the 2007-2009 biennium, the following maximum number of part-time or
 22 temporary employees, to be known as "Extra Help", payable from funds
 23 appropriated herein for such purposes: one (1) temporary or part-time
 24 employees, when needed, at rates of pay not to exceed those provided in the
 25 Uniform Classification and Compensation Act, or its successor, or this act
 26 for the appropriate classification.

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

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009

1	(01)	REGULAR SALARIES	\$	118,368	\$	120,733
2	(02)	EXTRA HELP		4,000		4,000
3	(03)	PERSONAL SERVICES MATCHING		44,727		45,245
4	(04)	OVERTIME		4,000		4,000
5	(05)	MAINT. & GEN. OPERATION				
6	(A)	OPER. EXPENSE		90,208		90,208
7	(B)	CONF. & TRAVEL		29,792		29,792
8	(C)	PROF. FEES		19,908		19,908
9	(D)	CAP. OUTLAY		0		0
10	(E)	DATA PROC.		0		0
11	(06)	GRANTS/AID - HAZARDOUS MATERIAL				
12		MANAGEMENT		<u>10,000</u>		<u>10,000</u>
13		TOTAL AMOUNT APPROPRIATED	\$	<u>321,003</u>	\$	<u>323,886</u>

15 SECTION 10. APPROPRIATION - DISASTER RELIEF TRUST. There is hereby
 16 appropriated, to the Arkansas Department of Emergency Management, to be
 17 payable from the Arkansas Disaster Relief Program Trust Fund, for assistance
 18 to victims of state or federally declared disasters of the Arkansas
 19 Department of Emergency Management for the biennial period ending June 30,
 20 2009, the following:

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

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

33	ITEM			FISCAL YEARS	
34	<u>NO.</u>			<u>2007-2008</u>	<u>2008-2009</u>
35	(01)	MAINT. & GEN. OPERATION			
36	(A)	OPER. EXPENSE	\$	8,000	\$ 8,000

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

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

15

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

23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
25	(01) REGULAR SALARIES	\$ 171,341	\$ 174,765
26	(02) EXTRA HELP	10,000	10,000
27	(03) PERSONAL SERVICES MATCHING	61,727	62,479
28	(04) OVERTIME	10,000	10,000
29	(05) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	87,753	87,753
31	(B) CONF. & TRAVEL	20,000	20,000
32	(C) PROF. FEES	20,000	20,000
33	(D) CAP. OUTLAY	25,000	25,000
34	(E) DATA PROC.	0	0
35	(06) GRANTS/AID - LOCAL GOVERNMENT		
36	COORDINATION GRANT	<u>15,000</u>	<u>15,000</u>

1 TOTAL AMOUNT APPROPRIATED \$ 420,821 \$ 424,997

2
3 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
5 TRANSFER. Upon approval of the Chief Fiscal Officer of the State, the
6 Arkansas Department of Emergency Management is hereby authorized to transfer
7 positions between appropriations as may be required should a disaster occur
8 which results in a Presidential Disaster Proclamation and/or when an employee
9 occupies one position which is to be paid from two or more appropriations
10 during a single fiscal year. If a position is transferred pursuant to this
11 section, the Department shall report such transfer to the Arkansas
12 Legislative Council within thirty days of the transfer. Thereafter the
13 Legislative Council shall review and approve the transfer.

14
15 Determining the maximum number of employees and the maximum amount of
16 appropriation and general revenue funding for a state agency each fiscal year
17 is the prerogative of the General Assembly. This is usually accomplished by
18 delineating such maximums in the appropriation act(s) for a state agency and
19 the general revenue allocations authorized for each fund and fund account by
20 amendment to the Revenue Stabilization law. Further, the General Assembly
21 has determined that the Department of Emergency Management may operate more
22 efficiently if some flexibility is provided to the Department of Emergency
23 Management authorizing broad powers under this Section. Therefore, it is
24 both necessary and appropriate that the General Assembly maintain oversight
25 by requiring prior approval of the Legislative Council or Joint Budget
26 Committee as provided by this section. The requirement of approval by the
27 Legislative Council or Joint Budget Committee is not a severable part of this
28 section. If the requirement of approval by the Legislative Council or Joint
29 Budget Committee is ruled unconstitutional by a court of competent
30 jurisdiction, this entire section is void.

31
32 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007
33 through June 30, ~~2007~~ 2009.

34
35 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

1 made available by law for the support of such appropriations; and the
2 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 16. LEGISLATIVE INTENT. It is the intent of the General Assembly
10 that any funds disbursed under the authority of the appropriations contained
11 in this act shall be in compliance with the stated reasons for which this act
12 was adopted, as evidenced by the Agency Requests, Executive Recommendations
13 and Legislative Recommendations contained in the budget manuals prepared by
14 the Department of Finance and Administration, letters, or summarized oral
15 testimony in the official minutes of the Arkansas Legislative Council or
16 Joint Budget Committee which relate to its passage and adoption.

17
18 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a two (2) year period; that the
21 effectiveness of this Act on July 1, 2007 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 Regular Session, the delay in the effective
24 date of this Act beyond July 1, 2007 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 2007.