

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

A Bill

HOUSE BILL 1562

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 ENVIRONMENTAL QUALITY FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR
18 THE 2003-2005 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 Environmental Quality for the 2003-2005 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



02142003MAH1619.MAH099

1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2003-2004	2004-2005
4	(1)	9976	POL C DIRECTOR	1	\$101,258	\$103,526
5	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$83,103	\$85,082
6	(3)	8709	POL C DEP DIR - LAND RESOURCES	1	\$79,382	\$81,290
7	(4)	593Z	CHIEF WATER MANAGEMENT	1	GRADE 26	
8	(5)	594Z	DEQ CHIEF AIR DIVISION	1	GRADE 26	
9	(6)	R038	ATTORNEY SUPERVISOR	1	GRADE 26	
10	(7)	586Z	DEQ ADMINISTRATOR MANAGEMENT SVCS	1	GRADE 25	
11	(8)	592Z	DEQ CHIEF MINING DIVISION	1	GRADE 25	
12	(9)	595Z	DEQ CHIEF HAZARDOUS WASTE DIV	1	GRADE 25	
13	(10)	596Z	DEQ CHIEF SOLID WASTE DIVISION	1	GRADE 25	
14	(11)	597Z	DEQ CHIEF TECHNICAL SVCS DIV	1	GRADE 25	
15	(12)	915Z	ADEQ PROGRAM CHIEF	5	GRADE 25	
16	(13)	R170	ATTORNEY SPECIALIST	8	GRADE 25	
17	(14)	297Z	GENERAL BUSINESS MANAGER	1	GRADE 24	
18	(15)	591Z	DEQ DIVISION CHIEF	5	GRADE 24	
19	(16)	903Z	TECHNICAL ASSISTANCE MANAGER	8	GRADE 24	
20	(17)	X328	DEQ ASST CHIEF WATER POLLUTION	1	GRADE 24	
21	(18)	X339	ENGINEER SUPERVISOR	15	GRADE 24	
22	(19)	B012	CHEMIST SUPERVISOR	3	GRADE 23	
23	(20)	B106	GEOLOGY SUPERVISOR	4	GRADE 23	
24	(21)	D046	SYSTEMS APPLICATIONS SUPERVISOR	2	GRADE 23	
25	(22)	D080	APPLICATIONS & SYSTEMS MANAGER	1	GRADE 23	
26	(23)	Q020	HAZARDOUS WASTE INSPECTOR SUPV	2	GRADE 23	
27	(24)	909Z	PROGRAM SUPPORT MANAGER	18	GRADE 22	
28	(25)	B006	SR EPIDEMIOLOGIST	3	GRADE 22	
29	(26)	B014	PROFESSIONAL GEOLOGIST	17	GRADE 22	
30	(27)	B023	DEQ CHIEF ECOLOGIST	1	GRADE 22	
31	(28)	B099	ENVIRONMENTAL PROGRAM MANAGER	1	GRADE 22	
32	(29)	D012	NETWORK PLANNING PROJECT LDR	1	GRADE 22	
33	(30)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22	
34	(31)	D124	LEAD PROGRAMMER/ANALYST	7	GRADE 22	
35	(32)	Q006	DEQ PERMIT SUPERVISOR	1	GRADE 22	
36	(33)	Q120	POL C INSPECTOR SUPV	7	GRADE 22	

1	(34)	X338	ENGINEER, PE	56	GRADE 22
2	(35)	B126	WATER USE & RESOURCE SPECIALIST	2	GRADE 21
3	(36)	D010	DATA BASE ANALYST	1	GRADE 21
4	(37)	D123	APPLICATIONS & SYSTEMS ANALYST	1	GRADE 21
5	(38)	Q108	POL C HAZARDOUS WASTE INSPECTOR	10	GRADE 21
6	(39)	R298	AGENCY PROGRAM COORDINATOR	3	GRADE 21
7	(40)	R376	DEQ ENFORCEMENT ADMINISTRATOR	12	GRADE 21
8	(41)	R460	ENVIROMENTAL PLANNING SECTION MGR	2	GRADE 21
9	(42)	R462	DEQ PROGRAM COORD SECTION MGR	7	GRADE 21
10	(43)	R488	GRANTS ADMIN SUPV	1	GRADE 21
11	(44)	X341	ENGINEER II	2	GRADE 21
12	(45)	B010	CHEMIST II	10	GRADE 20
13	(46)	B080	DEQ ECOLOGIST II	9	GRADE 20
14	(47)	D121	USER SUPPORT ANALYST	1	GRADE 20
15	(48)	Q061	POL C INSPECTOR	53	GRADE 20
16	(49)	R266	MANAGEMENT PROJECT ANALYST II	16	GRADE 20
17	(50)	X314	DEQ AIR COMPLIANCE MONITOR	2	GRADE 20
18	(51)	R066	EMERG SVCS OPERATIONS OFFICER	1	GRADE 19
19	(52)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19
20	(53)	R280	ENVIROMENTAL PROGRAM COORDINATOR	13	GRADE 19
21	(54)	A111	ACCOUNTANT	2	GRADE 18
22	(55)	B008	CHEMIST I	1	GRADE 18
23	(56)	N328	INFORMATION OFFICER II	2	GRADE 18
24	(57)	R134	PLANNING SPECIALIST II	2	GRADE 18
25	(58)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
26	(59)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
27	(60)	R010	ADMINISTRATIVE ASSISTANT II	39	GRADE 17
28	(61)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
29	(62)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
30	(63)	K153	SECRETARY II	22	GRADE 13
31	(64)	K039	DOCUMENT EXAMINER II	<u>1</u>	GRADE 12
32			MAX. NO. OF EMPLOYEES	403	

33

34 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 35 Department of Environmental Quality for the 2003-2005 biennium, the following
 36 maximum number of part-time or temporary employees, to be known as "Extra

1 Help", payable from funds appropriated herein for such purposes: seventy
 2 (70) temporary or part-time employees, when needed, at rates of pay not to
 3 exceed those provided in the Uniform Classification and Compensation Act, or
 4 its successor, or this act for the appropriate classification.

5
 6 SECTION 3. APPROPRIATION – AIR PROGRAM. There is hereby appropriated, to
 7 be payable from the funds and fund accounts as set out herein, to the
 8 Arkansas Department of Environmental Quality for the biennial period ending
 9 June 30, 2005, the following:

10 (a) For the Air Program, the sum of \$4,848,875 for the 2003-2004 fiscal year
 11 and \$4,976,735 for the 2004-2005 fiscal year.

12 (1) Program Description. The Air Program encompasses a single Division
 13 within the Department of Environmental Quality responsible for enhancing and
 14 protecting health and the environment in relation to the air we breathe.
 15 This is accomplished through the safe management of air pollutants emitted
 16 into the air.

17
 18 (2) Appropriation payable from:

	FISCAL YEARS	
	<u>2003-2004</u>	<u>2004-2005</u>
19 (A) Special Revenue	\$ 4,144,765	\$ 4,193,297
20 (B) Federal Funds as designated by		
21 the Chief Fiscal Officer of the		
22 State	\$ 428,536	\$ 434,803
23 (C) Other funds	\$ 3,917,380	\$ 3,584,038

24
 25 (3) Performance Targets:

26 (A) Percent of major permits drafted		
27 within 180 days of receiving a		
28 complete application.	80	90
29 (B) Percent of minor permits drafted		
30 within 90 days of receiving a		
31 complete application.	80	90
32 (C) Percentage of regulated		
33 facilities in compliance with		
34 state and federal air standards.	90	90
35 (D) Number of people living in areas		
36 with air quality concentrations		

1	not meeting the National Ambient		
2	Air Quality Standards for carbon		
3	monoxide.	0	0
4	(E) Number of people living in areas		
5	with air quality concentrations		
6	not meeting the National Ambient		
7	Air Quality Standards for lead.	0	0
8	(F) Number of people living in areas		
9	with air quality concentrations		
10	not meeting the National Ambient		
11	Air Quality Standards for		
12	nitrogen dioxide.	0	0
13	(G) Number of people living in areas		
14	with air quality concentrations		
15	not meeting the National Ambient		
16	Air Quality Standards for ozone		
17	(1 hour).	53,161	53,751
18	(H) Number of people living in areas		
19	with air quality concentrations		
20	not meeting the National Ambient		
21	Air Quality Standards for ozone		
22	(8 hour).	611,952	619,012
23	(I) Number of people living in areas		
24	with air quality concentrations		
25	not meeting the National Ambient		
26	Air Quality Standards for		
27	particulate matter (10 microns).	0	0
28	(J) Number of days per year that air		
29	quality in Arkansas is unhealthy		
30	for sensitive groups for ozone,		
31	carbon monoxide or particulate		
32	matter.	5	5

33 SECTION 4. APPROPRIATION – WATER PROGRAM. There is hereby appropriated, to
 34 be payable from the funds and fund accounts as set out herein, to the
 35 Arkansas Department of Environmental Quality for the biennial period ending
 36 June 30, 2005, the following:

1 (a) For the Water Program, the sum of \$5,864,577 for the 2003-2004 fiscal
 2 year and \$5,864,577 for the 2004-2005 fiscal year.

3 (1) Program Description. The Water Program covers programs administered
 4 through the Water Division and the Environmental Preservation Division. The
 5 Water Division's responsibilities cover water quality related programs such
 6 as the National Pollutant Discharge Elimination System, saltwater disposal,
 7 clean lakes, confined animal wastes, storm water permitting, planning and
 8 standards development, groundwater quality protection, and the 106 water
 9 pollution control program. The Environmental Preservation Division actively
 10 works with watershed planning groups, participates in demonstration projects
 11 geared towards improving farm management practices, provides water education
 12 to school age children, and reviews environmental plans to insure that
 13 projects have the least impact to the environment.

14 (2) Appropriation payable from:	FISCAL YEARS	
	<u>2003-2004</u>	<u>2004-2005</u>
15		
16 (A) General Revenue:		
17 Arkansas Department of		
18 Environmental Quality Fund		
19 Account	\$ 1,198,678	\$ 1,198,678
20 TOTAL General Revenue	\$ 1,198,678	\$ 1,198,678
21 (B) Special Revenue	\$ 2,262,755	\$ 2,262,755
22 (C) Federal Funds as designated by		
23 the Chief Fiscal Officer of the		
24 State	\$ 2,116,076	\$ 2,116,076
25 (D) Other funds	\$ 3,632,341	\$ 3,632,341
26 (3) Performance Targets:		
27 (A) Percent of assessed surface		
28 waters that meet all water		
29 quality standards.	87	88
30 (B) Number of Total Maximum Daily		
31 Loads (TMDLs) completed in		
32 accordance with court ordered		
33 schedule.	26	3
34 (C) Number of watershed groups		
35 developing/implementing watershed		
36 management plans.	18	21

1 (D) Percentage of regulated
 2 facilities in compliance with
 3 state and federal water
 4 regulations. 87 89
 5

6 SECTION 5. APPROPRIATION – LAND PROGRAM. There is hereby appropriated, to
 7 be payable from the funds and fund accounts as set out herein, to the
 8 Arkansas Department of Environmental Quality for the biennial period ending
 9 June 30, 2005, the following:

10 (a) For the Land Program, the sum of \$73,756,288 for the 2003-2004 fiscal
 11 year and \$73,756,288 for the 2004-2005 fiscal year.

12 (1) Program Description. The Land Program area covers activities
 13 administered through the Department’s Divisions of Regulated Storage Tank,
 14 Solid Waste, Hazardous Waste, and Surface Mining and Reclamation. Each of
 15 these divisions have specific statutory authority governing the respective
 16 programs, and enhances and protects health and the environment through
 17 rulemaking, permitting, compliance monitoring, enforcement, site remediation,
 18 while encouraging waste minimization and pollution prevention activities.

19 (2) Appropriation payable from: FISCAL YEARS
 20 2003-2004 2004-2005

21 (A) General Revenue:			
22 Arkansas Department of			
23 Environmental Quality Fund			
24 Account	\$ 378,823	\$	378,823
25 TOTAL General Revenue	\$ 378,823	\$	378,823
26 (B) Special Revenue	\$ 13,930,800	\$	13,930,800
27 (C) Trust Funds	\$ 5,190,704	\$	5,190,704
28 (D) Federal Funds as designated by			
29 the Chief Fiscal Officer of the			
30 State	\$ 19,325,388	\$	19,325,388
31 (E) Other Funds	\$ 57,522,800	\$	57,522,800

32 (3) Performance Targets:

33 (A) Number of clean-ups initiated/completed:			
34 Mining	1/1		1/1
35 (B) Number of clean-ups initiated/completed:			
36 Regulated Storage Tanks	73/64		64/68

1	(C) Percent of material diverted		
2	from landfills through recycling		
3	and waste tire programs.	38.5	40.2
4	(D) Percentage of regulated		
5	facilities in compliance with		
6	Solid Waste, Hazardous Waste,		
7	Mining and Regulated Storage Tank		
8	laws.	66	69
9	(E) Acres of known environmentally		
10	impacted land returned to		
11	productive use.	763	1,659
12	(F) Percentage of hazardous waste		
13	recycled, reclaimed, used, or		
14	reused.	6	9
15	(G) Number of grants processed for		
16	recycling.	90	90
17	(H) Dollar amount processed for		
18	recycling.	\$ 3,200,000	\$ 3,300,000
19	(I) Number of grants processed for		
20	waste tires.	99	99
21	(J) Dollar amount processed for		
22	waste tires.	\$ 4,482,691	\$ 4,544,104
23	(K) Number of clean-ups initiated/completed:		
24	Solid Waste	26/41	27/48
25	(L) Number of clean-ups initiated/completed:		
26	Hazardous Waste	5/3	4/5

27

28 SECTION 6. APPROPRIATION - ENVIRONMENTAL MANAGEMENT PROGRAM. There is

29 hereby appropriated, to be payable from the funds and fund accounts as set

30 out herein, to the Arkansas Department of Environmental Quality for the

31 biennial period ending June 30, 2005, the following:

32 (a) For the Environmental Management Program, the sum of \$14,732,004 for the

33 2003-2004 fiscal year and \$14,732,004 for the 2004-2005 fiscal year.

34 (1) Program Description. The Environmental Management Program covers a

35 broad array of activities. Administrative functions are carried out through

36 the Fiscal Division, Management Services Division and the Director's Office.

1 The Legal Division provides legal representation for the Department's pursuit
 2 of environmental protection. The Department's Public Involvement is
 3 coordinated through the Customer Services Division. The Customer Services
 4 Division provides environmental assistance to the State by providing citizens
 5 and businesses a single point of contact to learn of their environmental
 6 obligations. The Computer Services Division supports all information
 7 technology needs of the Department ranging from desktop personal computers to
 8 a department wide information system handling various applications needed to
 9 track environmental activities and billings. The Technical Services Division
 10 supports an extensive laboratory responsible for analyzing, and often
 11 obtaining, environmental samples gathered through the water, air, hazardous
 12 waste, solid waste and mining programs. Emergency responses to environmental
 13 disasters are handled through this program as well.

(2) Appropriation payable from:	FISCAL YEARS	
	<u>2003-2004</u>	<u>2004-2005</u>
(A) General Revenue:		
Arkansas Department of		
Environmental Quality Fund		
Account	\$ 1,990,964	\$ 1,990,964
TOTAL General Revenue	\$ 1,990,964	\$ 1,990,964
(B) Special Revenue	\$ 3,298,508	\$ 3,298,508
(C) Trust Funds	\$ 3,160,177	\$ 3,160,177
(D) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 4,701,542	\$ 4,701,542
(E) Other Funds	\$ 9,061,298	\$ 9,061,298
(3) Performance Targets:		
(A) Number of ADEQ decisions		
reversed by Commission and/or		
Appellate Courts.	0	0
(B) Percent reduction in turnover		
rate.	10	0
(C) Number of ADEQ legal matters		
initiated/closed.	450/450	450/450
(D) Percent of agency performance		
measures met.	100	100

1	(E) Percent of agency staff and		
2	budget in the Administration		
3	Program compared to total agency		
4	positions and budget.	13	13
5	(F) Number of prior year audit		
6	findings repeated in subsequent		
7	audit.	0	0
8	(G) Number of Arkansans that		
9	participate in Department		
10	hearings and meetings and		
11	presentations.	2,200	2,420
12	(H) Number of responses to requests		
13	for information.	2,200	2,420
14	(I) Number of responses to requests		
15	for environmental/compliance		
16	assistance.	110	121
17	(J) Number of responses to public		
18	complaints on environmental		
19	conditions initiated through		
20	ADEQ's help-lines.	55	61
21	(K) Number of		
22	presentations/technical programs		
23	given by ADEQ staff.	500	500
24	(L) Number of samples analyzed.	6,600	6,700
25	(M) Percentage of samples analyzed		
26	within acceptable national		
27	laboratory standards.	80	85
28	(N) Percentage of Integrated		
29	Information System project		
30	milestones accomplished.	100	100

31

32 SECTION 7. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -

33 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas

34 Department of Environmental Quality for the 2003-2005 biennium, the following

35 maximum number of regular employees whose salaries shall be governed by the

36 provisions of the Uniform Classification and Compensation Act (Arkansas Code

1 §21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 2 Provided, however, that any position to which a specific maximum annual
 3 salary is set out herein in dollars, shall be exempt from the provisions of
 4 said Uniform Classification and Compensation Act. All persons occupying
 5 positions authorized herein are hereby governed by the provisions of the
 6 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 7 or its successor.

8

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class		Employees	2003-2004	2004-2005
No.	Code	Title			
13	(1)	R007 POL C ADMIN HEARING OFFICER	1	GRADE 26	
14	(2)	R010 ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
15	(3)	K117 MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14	
16		MAX. NO. OF EMPLOYEES	3		

17

18 SECTION 8. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 19 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas
 20 Department of Environmental Quality, to be payable from the Arkansas
 21 Department of Environmental Quality Fee Fund, for personal services and
 22 operating expenses of the Arkansas Department of Environmental Quality -
 23 Administrative Hearing Officer for the biennial period ending June 30, 2005,
 24 the following:

25

ITEM		FISCAL YEARS	
NO.		2003-2004	2004-2005
28	(01) REGULAR SALARIES	\$ 115,554	\$ 118,674
29	(02) PERSONAL SERV MATCH	30,706	31,263
30	(03) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	48,057	52,457
32	(B) CONF. & TRAVEL	3,722	3,922
33	(C) PROF. FEES	27,760	27,760
34	(D) CAP. OUTLAY	0	0
35	(E) DATA PROC.	<u>0</u>	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 225,799</u>	<u>\$ 234,076</u>

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SECTION 9. APPROPRIATION - POLLUTION CONTROL & ECOLOGY COMMISSION EXPENSES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the State General Services Fund Account, for expenses of the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) PC & E COMMISSION EXPENSES	\$ 4,025	\$ 4,025

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ESTABLISHMENT OF A "GROWTH POOL". (a) To address needs emerging from statewide environmental quality issues, the Arkansas Department of Environmental Quality shall establish and maintain for the ~~2001-2003~~ 2003-2005 biennium a pool of twenty eight (28) classified positions, payable from funds appropriated herein for such purposes. These positions are to be used by the Department of Environmental Quality in the event that the number and level of positions available to address the needs emerging from statewide environmental quality issues exceed the classified positions regularly authorized for the Department of Environmental Quality by the Legislature. The Department of Environmental Quality shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this "growth pool". No classifications will be assigned to the pool until such time as specific positions are requested by the Department of Environmental Quality, recommended by OPM and approved by the Legislative Council. The Department of Environmental Quality may transfer positions and appropriations from this pool to any appropriation/pay schedule the agency currently maintains or any appropriation/pay schedule the agency receives during the ~~2001-2003~~ 2003-2005 biennium. This action is subject to OPM recommendation and to approval by the Legislative Council. Further, the Department of Finance and Administration is authorized to provide appropriation from the "growth pool" not to exceed \$60,000 each year to provide operating expenses for the above positions. This action is subject to approval by the Chief Fiscal Officer of

1 the State and review by the Legislative Council. If the agency requests
2 continuation of a "Growth Pool" position(s) as established herein during the
3 next biennium, the position(s) must be requested as a new position(s) in the
4 agency's biennial budget request.

5 (b) Determining the number of personnel to be employed by a state agency
6 is the prerogative of the General Assembly and is usually accomplished by
7 delineating the maximum number of personnel by identifying job titles and the
8 Maximum grade or salary attached to those titles. The General Assembly has
9 determined that the Arkansas Department of Environmental Quality could be
10 operated more efficiently if some flexibility is given to that agency. That
11 flexibility is being accomplished by providing growth pools in subsection (a)
12 of this section and since the General Assembly has granted the agency broad
13 powers under the growth pool concept, it is both necessary and appropriate
14 that the General Assembly maintain oversight of the utilization of the growth
15 pool by requiring prior approval of the Legislative Council in the
16 utilization of the growth pool. Therefore, the requirement of approval by
17 the Legislative Council is not a severable part of this section. If the
18 requirement of approval by the Legislative Council is ruled unconstitutional
19 by a court of competent jurisdiction, this entire section is void.

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

22
23 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
25 GROWTH POOL APPROPRIATION. There is hereby appropriated to the Department of
26 Environmental Quality for any program, to be payable from the Department of
27 Environmental Quality's paying accounts for any program, as designated by the
28 Chief Fiscal Officer of the State, for use in responding to emerging
29 environmental needs, the following:

30	ITEM	FISCAL YEARS	
31	NO.	2001-2002	2002-2003
32		<u>2003-2004</u>	<u>2004-2005</u>
33	(01) GROWTH POOL	\$1,124,000	\$1,150,000

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

36

1 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 3 HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the
 4 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program
 5 for the ~~2001—2003~~, 2003-2005 biennium, the following maximum number of
 6 part-time or temporary employees, to be known as "Extra Help", payable from
 7 funds appropriated herein for such purposes: Four (4) temporary or part-time
 8 employees, when needed, at rates of pay not to exceed those provided in the
 9 Uniform Classification and Compensation Act, or its successor, for the
 10 appropriate classification. These four positions are utilized for a specific
 11 project and are specifically exempt from the limitations, either by act or
 12 regulation, of hours worked. The provisions of this section shall be in
 13 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
 14 2005.

15
 16 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT
 18 PURCHASE RESTRICTIONS. Expenditures for the purchase of departmental
 19 laboratory equipment, including maintenance contracts, and data processing
 20 equipment and mission-critical software, including maintenance contracts, as
 21 appropriated in Section 16, in Items (03)(D) and (05) shall be funded only
 22 through interest earnings from the Hazardous Substance Remedial Action Trust
 23 Fund. Further, the Department shall report biennially to the Legislative
 24 Council all expenditures from interest earnings for these purchases. The
 25 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
 26 2003 through ~~June 30, 2003~~ June 30, 2005.

27
 28 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 29 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS
 30 WASTE CLEANUP APPROPRIATION. Any unexpended balance of the appropriation
 31 authorized in Section 16 hereof, of item (04) Contractual Services which
 32 remains at the close of the fiscal year ending ~~June 30, 2002~~ June 30, 2004
 33 shall be carried forward and made available for the same purpose for the
 34 fiscal year ending ~~June 30, 2003~~ June 30, 2005. The provisions of this
 35 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
 36 ~~30, 2003~~ June 30, 2005.

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SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Upon approval of the Chief Fiscal Officer of the State and review by the Legislative Council the Arkansas Department of Environmental Quality is hereby authorized to transfer up to the sum of five hundred thousand dollars (\$500,000) ~~annually through the biennial period~~ during the fiscal year ending ~~June 30, 2003~~ June 30, 2004 from the interest earned on moneys from the current fiscal year only from the Landfill Post-Closure Trust Fund to the Performance Partnership Trust Fund to provide funds for the appropriation provided herein. The provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended balance of the appropriation authorized in Section 33 hereof, of item (01) Performance-Integrated Information System Expenses which remains at the close of the fiscal year ending ~~June 30, 2002~~ June 30, 2004 shall be carried forward and made available for the same purpose for the fiscal year ending ~~June 30, 2003~~ June 30, 2005. The provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement Trust Fund for information technology needs may be made without prior approval of the Chief Fiscal Officer of the State, after seeking review of the Arkansas Legislative Council. Further, utilization of this appropriation for information technology needs of the Arkansas Department of Environmental Quality must also be approved by the Executive Chief Information Officer after the project is evaluated on the methodology recommended by the Chief Information Officer and the CIO Council, including an analysis of the return on investment and linkage to the Department's business objectives. Any approved projects and expenditures for information technology from the

1 Environmental Settlement Trust Fund shall be reported annually to the Joint
 2 Committee on Advanced Communications and Information Technology.

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

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

22
 23 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
 24 Assembly, that the Constitution of the State of Arkansas prohibits the
 25 appropriation of funds for more than a two (2) year period; that the
 26 effectiveness of this Act on July 1, 2003 is essential to the operation of
 27 the agency for which the appropriations in this Act are provided, and that in
 28 the event of an extension of the Regular Session, the delay in the effective
 29 date of this Act beyond July 1, 2003 could work irreparable harm upon the
 30 proper administration and provision of essential governmental programs.
 31 Therefore, an emergency is hereby declared to exist and this Act being
 32 necessary for the immediate preservation of the public peace, health and
 33 safety shall be in full force and effect from and after July 1, 2003.