

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: H3/6/03 H4/3/03*

# A Bill

HOUSE BILL 1562

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.  
19  
20  
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 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



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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 \$6,048,875 for the 2003-2004 fiscal year  
 11 and \$5,976,735 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				
20	(A) Special Revenue	\$ 5,144,765	\$	5,193,297
21	(B) Federal Funds as designated by			
22	the Chief Fiscal Officer of the			
23	State	\$ 628,536	\$	434,803
24	(C) Other funds	\$ 3,917,380	\$	3,584,038

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:

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

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

(2) Appropriation payable from:

	FISCAL YEARS	
	<u>2003-2004</u>	<u>2004-2005</u>

(A) General Revenue:		
Arkansas Department of		
Environmental Quality Fund		
Account	\$ 1,198,678	\$ 1,198,678
TOTAL General Revenue	\$ 1,198,678	\$ 1,198,678
(B) Special Revenue	\$ 2,262,755	\$ 2,262,755
(C) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 2,116,076	\$ 2,116,076
(D) Other funds	\$ 3,632,341	\$ 3,632,341

(3) Performance Targets:

(A) Percent of assessed surface waters that meet all water quality standards.	87	88
(B) Number of Total Maximum Daily Loads (TMDLs) completed in accordance with court ordered schedule.	26	3
(C) Number of watershed groups developing/implementing watershed 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	
No.	Code	Title		2003-2004 2004-2005
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	85,817	90,217
32	(B) CONF. & TRAVEL	3,722	3,922
33	(C) PROF. FEES	0	0
34	(D) CAP. OUTLAY	0	0
35	(E) DATA PROC.	<u>0</u>	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 235,799</u>	<u>\$ 244,076</u>

1  
2 SECTION 9. APPROPRIATION - POLLUTION CONTROL & ECOLOGY COMMISSION  
3 EXPENSES. There is hereby appropriated, to the Arkansas Department of  
4 Environmental Quality, to be payable from the State General Services Fund  
5 Account, for expenses of the Arkansas Department of Environmental Quality for  
6 the biennial period ending June 30, 2005, the following:

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

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8  
9  
10  
11  
12 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
14 ESTABLISHMENT OF A "GROWTH POOL". (a) To address needs emerging from  
15 statewide environmental quality issues, the Arkansas Department of  
16 Environmental Quality shall establish and maintain for the ~~2001-2003~~ 2003-  
17 2005 biennium a pool of twenty eight (28) classified positions, payable from  
18 funds appropriated herein for such purposes. These positions are to be used  
19 by the Department of Environmental Quality in the event that the number and  
20 level of positions available to address the needs emerging from statewide  
21 environmental quality issues exceed the classified positions regularly  
22 authorized for the Department of Environmental Quality by the Legislature.  
23 The Department of Environmental Quality shall provide justification to the  
24 Department of Finance and Administration's Office of Personnel Management  
25 (OPM) for the need to allocate titles from this "growth pool". No  
26 classifications will be assigned to the pool until such time as specific  
27 positions are requested by the Department of Environmental Quality,  
28 recommended by OPM and approved by the Legislative Council. The Department  
29 of Environmental Quality may transfer positions and appropriations from this  
30 pool to any appropriation/pay schedule the agency currently maintains or any  
31 appropriation/pay schedule the agency receives during the ~~2001-2003~~ 2003-2005  
32 biennium. This action is subject to OPM recommendation and to approval by  
33 the Legislative Council. Further, the Department of Finance and  
34 Administration is authorized to provide appropriation from the "growth pool"  
35 not to exceed \$60,000 each year to provide operating expenses for the above  
36 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:

ITEM	FISCAL YEARS	
NO.	<del>2001-2002 2002-2003</del>	
	<u>2003-2004 2004-2005</u>	
(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.

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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2 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
4 TRANSFER. Upon approval of the Chief Fiscal Officer of the State and review  
5 by the Legislative Council the Arkansas Department of Environmental Quality  
6 is hereby authorized to transfer up to the sum of five hundred thousand  
7 dollars (\$500,000) ~~annually through the biennial period~~ during the fiscal  
8 year ending June 30, 2003 June 30, 2004 from the interest earned on moneys  
9 from the current fiscal year only from the Landfill Post-Closure Trust Fund  
10 to the Performance Partnership Trust Fund to provide funds for the  
11 appropriation provided herein. The provisions of this section shall be in  
12 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,  
13 2005.

14  
15 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
16 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PERFORMANCE  
17 PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended balance of the  
18 appropriation authorized in Section 33 hereof, of item (01) Performance-  
19 Integrated Information System Expenses which remains at the close of the  
20 fiscal year ending ~~June 30, 2002~~ June 30, 2004 shall be carried forward and  
21 made available for the same purpose for the fiscal year ending ~~June 30, 2003~~  
22 June 30, 2005. The provisions of this section shall be in effect only from  
23 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

24  
25 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
27 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement  
28 Trust Fund for information technology needs may be made without prior  
29 approval of the Chief Fiscal Officer of the State, after seeking review of  
30 the Arkansas Legislative Council. Further, utilization of this appropriation  
31 for information technology needs of the Arkansas Department of Environmental  
32 Quality must also be approved by the Executive Chief Information Officer  
33 after the project is evaluated on the methodology recommended by the Chief  
34 Information Officer and the CIO Council, including an analysis of the return  
35 on investment and linkage to the Department's business objectives. Any  
36 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.

3  
4 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ  
6 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)  
7 shall be used by the department to fund operational expenses and to provide  
8 and train personnel to administer an asbestos program, as funding is  
9 available, including:

10 (a) Personnel dedicated to issue certificates and licenses to qualified  
11 persons/companies, to perform audit of trainers, and to regularly update the  
12 ADEQ web page providing a listing of asbestos licensed parties;

13 (b) Personnel who are trained as asbestos supervisors as defined by Arkansas  
14 Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission  
15 Regulation No.21 to approve asbestos Notices of Intent, perform and  
16 coordinate asbestos inspections, conduct enforcement actions, and provide  
17 regulatory compliance information to assist the regulated community. Asbestos  
18 inspectors shall have personal protective equipment when needed to enter a  
19 regulated area; and

20 (c) Other personnel as necessary to administer the asbestos program.  
21

22 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
23 by this act shall be limited to the appropriation for such agency and funds  
24 made available by law for the support of such appropriations; and the  
25 restrictions of the State Purchasing Law, the General Accounting and  
26 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
27 Procedures and Restrictions Act, or their successors, and other fiscal  
28 control laws of this State, where applicable, and regulations promulgated by  
29 the Department of Finance and Administration, as authorized by law, shall be  
30 strictly complied with in disbursement of said funds.

31  
32 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General Assembly  
33 that any funds disbursed under the authority of the appropriations contained  
34 in this act shall be in compliance with the stated reasons for which this act  
35 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
36 and Legislative Recommendations contained in the budget manuals prepared by



1 the Department of Finance and Administration, letters, or summarized oral  
2 testimony in the official minutes of the Arkansas Legislative Council or  
3 Joint Budget Committee which relate to its passage and adoption.

4  
5 SECTION 21. EMERGENCY CLAUSE. It is found and determined by the General  
6 Assembly, that the Constitution of the State of Arkansas prohibits the  
7 appropriation of funds for more than a two (2) year period; that the  
8 effectiveness of this Act on July 1, 2003 is essential to the operation of  
9 the agency for which the appropriations in this Act are provided, and that in  
10 the event of an extension of the Regular Session, the delay in the effective  
11 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
12 proper administration and provision of essential governmental programs.  
13 Therefore, an emergency is hereby declared to exist and this Act being  
14 necessary for the immediate preservation of the public peace, health and  
15 safety shall be in full force and effect from and after July 1, 2003.

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17 */s/ Joint Budget Committee*  
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