

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 H4/8/03

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

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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.

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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 \$5,940,203 for the 2003-2004 fiscal year and \$6,016,651 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	\$ 2,272,517	\$ 2,265,949
(C) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 2,128,308	\$ 2,146,740
(D) Other funds	\$ 3,294,065	\$ 3,041,074

(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.	10	12

1 (D) Percentage of regulated
 2 facilities in compliance with
 3 state and federal water
 4 regulations. 87 89
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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 \$73,988,062 for the 2003-2004 fiscal
 11 year and \$74,135,024 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		<u>2003-2004</u>	<u>2004-2005</u>
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	\$ 14,018,834	\$ 14,016,244
27	(C) Trust Funds	\$ 5,082,892	\$ 5,047,892
28	(D) Federal Funds as designated by		
29	the Chief Fiscal Officer of the		
30	State	\$ 19,412,235	\$ 19,467,356
31	(E) Other Funds	\$ 53,179,450	\$ 50,309,789
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

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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 \$18,441,624 for the
 33 2003-2004 fiscal year and \$12,790,092 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	\$ 3,259,715	\$ 3,254,151
(C) Trust Funds	\$ 4,565,210	\$ 1,085,210
(D) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 4,619,042	\$ 4,588,948
(E) Other Funds	\$ 8,917,681	\$ 4,465,260
(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.	450/250	450/250
(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	<i>presentations.</i>	<i>11,000</i>	<i>12,000</i>
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	<i>assistance.</i>	<i>1,100</i>	<i>1,200</i>
17	(J) Number of responses to public		
18	complaints on environmental		
19	conditions initiated through		
20	<i>ADEQ'S help lines.</i>	<i>200</i>	<i>200</i>
21	(K) Number of		
22	presentations/technical programs		
23	<i>given by ADEQ staff.</i>	<i>200</i>	<i>240</i>
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

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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.

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

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

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ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 115,554	\$ 118,674
(02) PERSONAL SERV MATCH	30,706	31,263
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	85,817	90,217
(B) CONF. & TRAVEL	3,722	3,922
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 235,799</u>	<u>\$ 244,076</u>

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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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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.

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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.	2001-2002 2002-2003	
	<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.

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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)~~ all of which are paid
22 from the appropriation for the Land Program shall be funded only through
23 interest earnings from the Hazardous Substance Remedial Action Trust Fund.
24 Further, the Department shall report biennially to the Legislative Council
25 all expenditures from interest earnings for these purchases. The provisions
26 of this section shall be in effect only from ~~July 1, 2001~~ July 1, 2003
27 through ~~June 30, 2003~~ June 30, 2005.

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29 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS
31 WASTE CLEANUP APPROPRIATION. Up to \$6,500,000 of the appropriation authorized
32 for the Land Program and funded from the Hazardous Waste Remedial Action
33 Trust Fund during the fiscal year ending June 30, 2004 may be carried forward
34 and made available for Contractual Services in the Land Program and funded
35 from the Hazardous Waste Remedial Action Trust Fund for the fiscal year
36 ending June 30, 2005.

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

3 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
5 TRANSFER. Upon approval of the Chief Fiscal Officer of the State and review
6 by the Legislative Council the Arkansas Department of Environmental Quality
7 is hereby authorized to transfer up to the sum of five hundred thousand
8 dollars (\$500,000) ~~annually through the biennial period~~ during the fiscal
9 year ending June 30, 2003 June 30, 2004 from the interest earned on moneys
10 from the current fiscal year only from the Landfill Post-Closure Trust Fund
11 to the Performance Partnership Trust Fund to provide funds for the
12 appropriation provided herein. 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 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
18 PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended
19 balance of the appropriation authorized in the Environmental Management
20 Program, used for Performance-Integrated Information System Expenses, not to
21 exceed \$2,100,000, and funded from the Performance Partnership Trust Fund
22 which remains at the close of the fiscal year ending June 30, 2004 shall be
23 carried forward and made available for the same purpose for the fiscal year
24 ending June 30, 2005.

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

27
28 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SMALL
30 BUSINESS LOANS. Of the amount appropriated for the Environmental Management
31 Program for the year ending June 30, 2004, an amount of \$1,100,000 shall be
32 available for the exclusive purpose of providing loans to small businesses
33 for projects to meet regulatory mandates in pollution control and prevention
34 technologies. The unexpended balance of the \$1,100,000 appropriated for this
35 purpose that remains at June 30, 2004 shall be carried forward and made
36 available for the same purpose for the fiscal year ending June 30, 2005.

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

3
4 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 ENVIRONMENTAL SETTLEMENT TRUST. Of the amount appropriated for the
7 Environmental Management Program for the year ended June 30, 2004, an amount
8 of \$3,000,000 shall be available for paying expenses as authorized through
9 various settlement agreements benefiting the State of Arkansas as
10 administered through the Arkansas Department of Environmental Quality. The
11 unexpended balance of the \$3,000,000 appropriated for this purpose that
12 remains at June 30, 2004 shall be carried forward and made available for the
13 same purpose for the fiscal year ending June 30, 2005.
14 The provisions of this section shall be in effect only from July 1, 2003 through June 30,
15 2005.

16
17 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement
20 Trust Fund for information technology needs may be made without prior
21 approval of the Chief Fiscal Officer of the State, after seeking review of
22 the Arkansas Legislative Council. Further, utilization of this appropriation
23 for information technology needs of the Arkansas Department of Environmental
24 Quality must also be approved by the Executive Chief Information Officer
25 after the project is evaluated on the methodology recommended by the Chief
26 Information Officer and the CIO Council, including an analysis of the return
27 on investment and linkage to the Department's business objectives. Any
28 approved projects and expenditures for information technology from the
29 Environmental Settlement Trust Fund shall be reported annually to the Joint
30 Committee on Advanced Communications and Information Technology.

31
32 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
34 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)
35 shall be used by the department to fund operational expenses and to provide
36 and train personnel to administer an asbestos program, as funding is

1 available, including:

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

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

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

13
14 SECTION 21. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
15 by this act shall be limited to the appropriation for such agency and funds
16 made available by law for the support of such appropriations; and the
17 restrictions of the State Purchasing Law, the General Accounting and
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
19 Procedures and Restrictions Act, or their successors, and other fiscal
20 control laws of this State, where applicable, and regulations promulgated by
21 the Department of Finance and Administration, as authorized by law, shall be
22 strictly complied with in disbursement of said funds.

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

32
33 SECTION 23. EMERGENCY CLAUSE. It is found and determined by the General
34 Assembly, that the Constitution of the State of Arkansas prohibits the
35 appropriation of funds for more than a two (2) year period; that the
36 effectiveness of this Act on July 1, 2003 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the Regular Session, the delay in the effective
3 date of this Act beyond July 1, 2003 could work irreparable harm upon the
4 proper administration and provision of essential governmental programs.
5 Therefore, an emergency is hereby declared to exist and this Act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after July 1, 2003.

8
9 */s/ Joint Budget Committee*

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