

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

ACT 1077 OF 1993
SENATE BILL 772

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE POLLUTION CONTROL AND ECOLOGY
10 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1995;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE POLLUTION CONTROL AND ECOLOGY COMMISSION
15 APPROPRIATION."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. REGULAR SALARIES - COMMISSION. There is hereby established
20 for the Pollution Control and Ecology Commission for the 1993-95 biennium, the
21 following maximum number of regular employees whose salaries shall be governed
22 by the provisions of the Uniform Classification and Compensation Act (Arkansas
23 Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
24 Provided, however, that any position to which a specific maximum annual salary
25 is set out herein in dollars, shall be exempt from the provisions of said
26 Uniform Classification and Compensation Act. All persons occupying positions
27 authorized herein are hereby governed by the provisions of the Regular
28 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
29 successor.

Item	Class	No. of	Maximum Annual	
			Employees	Salary Rate
No.	Code	Title	1993-94	1994-95
(1)		ADMINISTRATIVE LAW JUDGE	1	GRADE 26

1 SECTION 2. APPROPRIATIONS - COMMISSION. There is hereby appropriated,
 2 to the Pollution Control and Ecology Commission, to be payable from the
 3 Arkansas Department of Pollution Control and Ecology Fee Fund, for personal
 4 services and operating expenses of the Pollution Control and Ecology
 5 Commission for the biennial period ending June 30, 1995, the following:

7 ITEM	FISCAL YEARS	
8 NO.	1993-94	1994-95
9 (01) REGULAR SALARIES	\$ 79,000	\$82,000
10 (02) EXTRA HELP	1,000	1,000
11 (03) PERSONAL SERVICES MATCHING	19,200	19,900
12 (04) MAINTENANCE & GENERAL OPERATIONS		
13 (A) OPER. EXPENSES		
14 (B) CONF. & TRAVEL		
15 (C) PROF. FEES		
16 (D) CAPITAL OUTLAY		
17 (E) DATA PROCESSING		
18 TOTAL MAINT. & GEN. OPERATIONS		
19 TOTAL AMOUNT APPROPRIATED	<u>\$ 99,200</u>	<u>\$ 102,900</u>

22 SECTION 3. (a) The Pollution Control and Ecology Commission (the
 23 Commission) shall employ a full time administrative hearing officer to perform
 24 such functions and duties as the Commission shall direct and in particular to
 25 advise the Commission on matters of law and procedure that may arise during
 26 the conduct of Commission duties and responsibilities as outlined in Ark. Code
 27 §8-1-203, §8-4-201, §8-4-202, §8-4-311, §8-5-205, §8-6-207 or as otherwise
 28 provided by law.

29 (b) The administrative hearing officer shall be selected and hired by
 30 the Commission and shall be independent of and not an employee of the
 31 Department of Pollution Control and Ecology (the Department).

32 (c) Suitable office space and equipment shall be provided by the
 33 Department to the administrative hearing officer's office and sufficient
 34 appropriation for Maintenance and General Operations shall be transferred from
 35 the appropriation provided to the Department for Fee Administration payable

1 from the Arkansas Department of Pollution Control and Ecology Fee Fund as
2 required and in such amounts as directed by the Commission. The office space
3 shall be at a location other than the offices of the Department of Pollution
4 Control and Ecology.

5 (d) On the effective date of this Act, a position of Administrative
6 Assistant II shall be transferred from the Department of Pollution Control and
7 Ecology to the Commission, there to be paid from the appropriations and funds
8 provided by this Act. The Administrative Assistant II shall be supervised by
9 and provide assistance to the administrative hearing officer authorized
10 herein.

11 (e) The Disbursing Officer of the Department of Pollution Control and
12 Ecology shall disburse the funds appropriated by this Act.

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14 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
15 authorized by this Act shall be limited to the appropriation for such agency
16 and funds made available by law for the support of such appropriations; and
17 the 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 control
20 laws of this State, where applicable, and regulations promulgated by the
21 Department of Finance and Administration, as authorized by law, shall be
22 strictly complied with in disbursement of said funds.

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24 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
25 Assembly that any funds disbursed under the authority of the appropriations
26 contained in this Act shall be in compliance with the stated reasons for which
27 this Act was adopted, as evidenced by the Agency Requests, Executive
28 Recommendations and Legislative Recommendations contained in the budget
29 manuals prepared by the Department of Finance and Administration, letters, or
30 summarized oral testimony in the official minutes of the Arkansas Legislative
31 Council or Joint Budget Committee which relate to its passage and adoption.

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33 SECTION 6. CODE. All provisions of this Act of a general and permanent
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
35 Code Revision Commission shall incorporate the same in the Code.

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SECTION 7. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. GENERAL REPEALER. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993.

/s/Senator Yates

APPROVED: 04/12/93

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