

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/27/97

A Bill

ACT 1015 OF 1997
HOUSE BILL 1449

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
10 OPERATING EXPENSES FOR THE DEPARTMENT OF POLLUTION CONTROL
11 AND ECOLOGY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1999;
12 AND FOR OTHER PURPOSES."

Subtitle

13
14 "AN ACT FOR THE DEPARTMENT OF POLLUTION
15 CONTROL AND ECOLOGY APPROPRIATION FOR
16 THE 1997-99 BIENNIUM."
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. REGULAR SALARIES. There is hereby established for the
22 Department of Pollution Control and Ecology for the 1997-99 biennium, the
23 following maximum number of regular employees whose salaries shall be governed
24 by the provisions of the Uniform Classification and Compensation Act (Arkansas
25 Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
26 Provided, however, that any position to which a specific maximum annual salary
27 is set out herein in dollars, shall be exempt from the provisions of said
28 Uniform Classification and Compensation Act. All persons occupying positions
29 authorized herein are hereby governed by the provisions of the Regular
30 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
31 successor.
32

Item	Class	No. of	Maximum Annual
		Employees	Salary Rate
			Fiscal Years
No.	Code	Title	1997-98 1998-99

1				
2	(1)	9976 POL C DIRECTOR	1	\$ 84,615 \$ 86,984
3	(2)	8709 POL C DEP DIR - LAND RESOURCES	1	\$ 66,234 \$ 68,088
4	(3)	8710 POL C DEP DIR - WATER & AIR RESOURC	1	\$ 64,674 \$ 66,484
5	(4)	8711 POL C DEP DIR - ENVIRON RESOURCES	1	\$ 59,284 \$ 60,943
6	(5)	R038 ATTORNEY SUPERVISOR	1	GRADE 26
7		594Z POL C CHIEF - AIR DIVISION	1	
8		593Z CHIEF WATER MANAGEMENT	1	
9	(6)	592Z POL C CHIEF MINING DIVISION	1	GRADE 25
10		598Z POL C CHIEF - CONST ASST DIVISION	1	
11		R170 ATTORNEY SPECIALIST	5	
12		595Z POL C CHIEF - HAZARDOUS WASTE DIV	1	
13		596Z POL C CHIEF - SOLID WASTE DIVISION	1	
14		586Z POL C ADMINISTRATOR MANAGEMENT SVCS	1	
15		597Z POL C CHIEF - TECHNICAL SVCS DIV	1	
16	(7)	903Z TECHNICAL ASSISTANCE MANAGER	9	GRADE 24
17		X339 ENGINEER SUPERVISOR	18	
18		R036 ATTORNEY	3	
19		591Z POL C DIVISION CHIEF	6	
20		X328 POL C ASST CHIEF WATER POLLUTION	1	
21		297Z GENERAL BUSINESS MANAGER	1	
22	(8)	B106 GEOLOGY SUPERVISOR	4	GRADE 23
23		B012 CHEMIST SUPERVISOR	3	
24		Q020 HAZARDOUS WASTE INSPECTOR SUPV	3	
25		D046 SYSTEMS APPLICATIONS SUPERVISOR	1	
26		D080 APPLICATIONS & SYSTEMS MANAGER	1	
27	(9)	909Z PROGRAM SUPPORT MANAGER	15	GRADE 22
28		X338 ENGINEER, PE	53	
29		Q120 POL C INSPECTOR SUPV	6	
30		B023 POL C CHIEF ECOLOGIST	1	
31		Q006 POL C PERMIT SUPERVISOR	1	
32	(10)	R298 AGENCY PROGRAM COORDINATOR	3	GRADE 21
33		B032 SR GEOLOGIST	8	
34		Q108 POL C HAZARDOUS WASTE INSPECTOR	12	
35		R462 POL C PROGRAM COORD SECTION MGR	10	

1	R460 POL C PLANNING SECTION MGR	3	
2	R376 POL C ENFORCEMENT ADMINISTRATOR	12	
3	X341 ENGINEER II	20	
4	B126 WATER USE & RESOURCE SPECIALIST	1	
5	D036 SR PROGRAMMER/ANALYST	1	
6	R488 GRANTS ADMIN SUPV	1	
7 (11)	B010 CHEMIST II	11	GRADE 20
8	B080 POL C ECOLOGIST II	9	
9	R266 MANAGEMENT PROJECT ANALYST II	7	
10	Q061 POL C INSPECTOR	59	
11	X314 PC&E AIR COMPLIANCE MONITOR	2	
12	X337 ENGINEER	1	
13 (12)	R280 PC&E PROGRAM COORDINATOR	18	GRADE 19
14	B030 GEOLOGIST	9	
15	R168 GRANTS COORDINATOR II	2	
16	R066 EMERG SVCS OPERATIONS OFFICER	1	
17	D132 SYSTEMS COORDINATION ANALYST I	1	
18 (13)	R204 PARALEGAL/LEGAL ASSISTANT	1	GRADE 18
19	D128 P C SUPPORT SPECIALIST	1	
20	D034 PROGRAMMER ANALYST	4	
21	N328 INFORMATION OFFICER II	3	
22	R264 MANAGEMENT PROJECT ANALYST I	6	
23	R134 PLANNING SPECIALIST II	1	
24	A111 ACCOUNTANT	1	
25 (14)	R010 ADMINISTRATIVE ASSISTANT II	24	GRADE 17
26	N290 COMMERCIAL ARTIST II/GRAPHIC ART II	1	
27	B078 POL C ECOLOGIST I	1	
28 (15)	X333 ENGINEER TECHNICIAN	1	GRADE 16
29 (16)	R009 ADMINISTRATIVE ASSISTANT I	16	GRADE 15
30	N311 COMMERCIAL ARTIST I/GRAPHIC ART I	1	
31	A063 PAYROLL OFFICER	1	
32 (17)	K117 MEDICAL OR LEGAL SECRETARY	3	GRADE 14
33	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	3	
34	N327 INFORMATION OFFICER I	1	
35 (18)	K153 SECRETARY II	28	GRADE 13

1	(19) K039 DOCUMENT EXAMINER II	1	GRADE 12
2	(20) K155 SECRETARY I	1	GRADE 11
3	(21) K006 DATA ENTRY SPECIALIST	<u>2</u>	GRADE 10
4	MAX NO. OF EMPLOYEES	436	

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6 SECTION 2. EXTRA HELP - STATE. There is hereby authorized, for the

7 Department of Pollution Control and Ecology - State for the 1997-99 biennium,

8 the following maximum number of part-time or temporary employees, to be known

9 as "Extra Help", payable from funds appropriated herein for such purposes:

10 ten (10) temporary or part-time employees, when needed, at rates of pay not to

11 exceed those provided in the Uniform Classification and Compensation Act, or

12 its successor, or this act for the appropriate classification.

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14 SECTION 3. EXTRA HELP - FEDERAL. There is hereby authorized, for

15 the Department of Pollution Control and Ecology - Federal for the 1997-99

16 biennium, the following maximum number of part-time or temporary employees, to

17 be known as "Extra Help", payable from funds appropriated herein for such

18 purposes: twenty-six (26) temporary or part-time employees, when needed, at

19 rates of pay not to exceed those provided in the Uniform Classification and

20 Compensation Act, or its successor, or this act for the appropriate

21 classification.

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23 SECTION 4. SPECIAL LANGUAGE. EXTRA HELP - HAZARDOUS WASTE PERMIT

24 PROGRAM. There is hereby authorized, for the Department of Pollution Control

25 and Ecology - Hazardous Waste Permit Program for the 1995-97 biennium, the

26 following maximum number of part-time or temporary employees, to be known as

27 "Extra Help", payable from funds appropriated herein for such purposes: Four

28 (4) temporary or part-time employees, when needed, at rates of pay not to

29 exceed those provided in the Uniform Classification and Compensation Act, or

30 its successor, for the appropriate classification. These four positions are

31 utilized for a specific project and are specifically exempt from the

32 limitations, either by act or regulation, of hours worked.

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34 SECTION 5. EXTRA HELP - FEE ADMINISTRATION. There is hereby

35 authorized, for the Department of Pollution Control and Ecology - Fee

1 Administration for the 1997-99 biennium, the following maximum number of
 2 part-time or temporary employees, to be known as "Extra Help", payable from
 3 funds appropriated herein for such purposes: ten (10) temporary or part-time
 4 employees, when needed, at rates of pay not to exceed those provided in the
 5 Uniform Classification and Compensation Act, or its successor, or this act for
 6 the appropriate classification.

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8 SECTION 6. EXTRA HELP - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 9 ADMINISTRATIVE HEARING OFFICER. There is hereby authorized, for the
 10 Department of Pollution Control and Ecology Commission Administrative Hearing
 11 Officer for the 1997-99 biennium, the following maximum number of part-time or
 12 temporary employees, to be known as "Extra Help", payable from funds
 13 appropriated herein for such purposes: one (1) temporary or part-time
 14 employees, when needed, at rates of pay not to exceed those provided in the
 15 Uniform Classification and Compensation Act, or its successor, or this act for
 16 the appropriate classification.

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18 SECTION 7. APPROPRIATIONS - STATE. There is hereby appropriated, to the
 19 Department of Pollution Control and Ecology, to be payable from the Department
 20 of Pollution Control and Ecology Fund Account, for personal services and
 21 ~~operating expenses of the Department of Pollution Control and Ecology - State~~
 22 for the biennial period ending June 30, 1999, the following:

23

24 ITEM	FISCAL YEARS	
25 NO.	1997-98	1998-99
26 (01) REGULAR SALARIES	\$ 2,422,280	\$ 2,488,411
27 (02) EXTRA HELP	22,674	22,674
28 (03) PERSONAL SERV MATCHING	622,554	634,370
29 (04) MAINT. & GEN. OPERATION		
30 (A) OPER. EXPENSE	607,928	607,928
31 (B) CONF. & TRVL.	5,485	5,485
32 (C) PROF. FEES	17,500	17,500
33 (D) CAP. OUTLAY	3,000	3,000
34 (E) DATA PROC.	<u>0</u>	<u>0</u>
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,701,421</u>	<u>\$ 3,779,368</u>

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SECTION 8. APPROPRIATIONS - FEDERAL. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for ~~personal services, operating expenses, and contractual services of the~~ Department of Pollution Control and Ecology - Federal for the biennial period ending June 30, 1999, the following:

9 ITEM		FISCAL YEARS	
10 NO.		1997-98	1998-99
11 (01)	REGULAR SALARIES	\$ 3,314,396	\$ 3,404,513
12 (02)	EXTRA HELP	103,710	103,785
13 (03)	PERSONAL SERV MATCHING	894,497	910,490
14 (04)	MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	2,006,135	1,918,576
16	(B) CONF. & TRVL.	92,407	89,380
17	(C) PROF. FEES	756,726	667,256
18	(D) CAP. OUTLAY	664,884	337,685
19	(E) DATA PROC.	0	0
20 (05)	CONTRACTUAL SERVICES	<u>5,600,000</u>	<u>5,600,000</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,432,755</u>	<u>\$ 13,031,685</u>

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SECTION 9. APPROPRIATIONS - WASTE WATER LICENSE. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be ~~payable from the Waste Water Licensing Fund, for personal services and~~ operating expenses of the Department of Pollution Control and Ecology - Waste Water License for the biennial period ending June 30, 1999, the following:

29 ITEM		FISCAL YEARS	
30 NO.		1997-98	1998-99
31 (01)	REGULAR SALARIES	\$ 22,182	\$ 22,787
32 (02)	PERSONAL SERV MATCHING	6,944	7,051
33 (03)	MAINT. & GEN. OPERATION		
34	(A) OPER. EXPENSE	19,330	19,330
35	(B) CONF. & TRVL.	789	789

1	(C) PROF. FEES	0	0
2	(D) CAP. OUTLAY	6,760	4,000
3	(E) DATA PROC.	0	0
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 56,005</u>	<u>\$ 53,957</u>

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 6 SECTION 10. APPROPRIATIONS - LAND RECLAMATION CONTRACTS. There is
 7 ~~hereby appropriated, to the Department of Pollution Control and Ecology, to be~~
 8 payable from the Land Reclamation Fund, for reclamation contracts of the
 9 Department of Pollution Control and Ecology - Reclamation Contracts for the
 10 biennial period ending June 30, 1999, the following:

11			
12	ITEM	FISCAL YEARS	
13	NO.	1997-98	1998-99
14	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>	<u>\$ 950,000</u>

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 16 SECTION 11. APPROPRIATIONS - HAZARDOUS WASTE PERMIT PROGRAM. There is
 17 hereby appropriated, to the Department of Pollution Control and Ecology, to be
 18 ~~payable from the Hazardous Waste Permit Fund, for personal services and~~
 19 operating expenses of the Department of Pollution Control and Ecology -
 20 Hazardous Waste Permit Program for the biennial period ending June 30, 1999,
 21 the following:

22			
23	ITEM	FISCAL YEARS	
24	NO.	1997-98	1998-99
25	(01) REGULAR SALARIES	\$ 725,520	\$ 745,340
26	(02) EXTRA HELP	15,795	15,795
27	(03) PERSONAL SERV MATCHING	190,312	193,819
28	(04) OVERTIME	1,250	1,250
29	(05) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	131,626	131,626
31	(B) CONF. & TRVL.	2,240	2,240
32	(C) PROF. FEES	175,642	175,642
33	(D) CAP. OUTLAY	0	0
34	(E) DATA PROC.	0	0
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,242,385</u>	<u>\$ 1,265,712</u>

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2 ~~SECTION 12. APPROPRIATIONS RECLAMATION OF ABANDONED MINES. There is~~
 3 hereby appropriated, to the Department of Pollution Control and Ecology, to be
 4 payable from the Abandoned Mine Reclamation Fund, for contractual services of
 5 the Department of Pollution Control and Ecology - Reclamation of Abandoned
 6 Mines for the biennial period ending June 30, 1999, the following:

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8 ITEM	FISCAL YEARS	
9 NO.	1997-98	1998-99
10 (01) CONTRACTUAL SERVICES	<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

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12 ~~SECTION 13. APPROPRIATIONS SURFACE COAL MINING. There is hereby~~
 13 appropriated, to the Department of Pollution Control and Ecology, to be
 14 payable from the Surface Coal Mining Operation Fund, for operating expenses of
 15 the Department of Pollution Control and Ecology - Surface Coal Mining for the
 16 biennial period ending June 30, 1999, the following:

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18 ITEM	FISCAL YEARS	
19 NO.	1997-98	1998-99
20 (01) MAINT. & GEN. OPERATION		
21 (A) OPER. EXPENSE	\$ 6,451	\$ 5,951
22 (B) CONF. & TRVL.	0	0
23 (C) PROF. FEES	0	0
24 (D) CAP. OUTLAY	0	0
25 (E) DATA PROC.	<u>0</u>	<u>0</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$ 6,451</u>	<u>\$ 5,951</u>

27

28 ~~SECTION 14. APPROPRIATIONS MINING RECLAMATION. There is hereby~~
 29 appropriated, to the Department of Pollution Control and Ecology, to be
 30 payable from the Mining Reclamation Trust Fund, for contractual services of
 31 the Department of Pollution Control and Ecology - Mining Reclamation for the
 32 biennial period ending June 30, 1999, the following:

33

34 ITEM	FISCAL YEARS	
35 NO.	1997-98	1998-99

1 (01) CONTRACTUAL SERVICES \$ 1,520,000 \$ 1,520,000

3 SECTION 15. APPROPRIATIONS - FEE ADMINISTRATION. There is hereby
 4 appropriated, to the Department of Pollution Control and Ecology, to be
 5 payable from the Arkansas Department of Pollution Control and Ecology Fee
 6 Fund, for personal services and operating expenses of the Department of
 7 Pollution Control and Ecology - Fee Administration for the biennial period
 8 ending June 30, 1999, the following:

10 ITEM	FISCAL YEARS	
11 NO.	1997-98	1998-99
12 (01) REGULAR SALARIES	\$ 5,717,514	\$ 6,112,486
13 (02) EXTRA HELP	10,000	10,000
14 (03) PERSONAL SERV MATCHING	1,558,458	1,655,604
15 (04) MAINT. & GEN. OPERATION		
16 (A) OPER. EXPENSE	865,742	878,992
17 (B) CONF. & TRVL.	28,913	32,413
18 (C) PROF. FEES	58,332	58,332
19 (D) CAP. OUTLAY	165,700	133,000
20 (E) DATA PROC.	<u>0</u>	<u>0</u>
21 TOTAL AMOUNT APPROPRIATED	\$ <u>8,404,659</u>	\$ <u>8,880,827</u>

23 SECTION 16. APPROPRIATIONS - SOLID WASTE PERFORMANCE BONDS PROGRAM.
 24 There is hereby appropriated, to the Department of Pollution Control and
 25 Ecology, to be payable from the Solid Waste Performance Bond Fund, for
 26 contractual services of the Department of Pollution Control and Ecology -
 27 Solid Waste Performance Bonds Program for the biennial period ending June 30,
 28 1999, the following:

30 ITEM	FISCAL YEARS	
31 NO.	1997-98	1998-99
32 (01) CONTRACTUAL SERVICES	\$ <u>500,000</u>	\$ <u>500,000</u>

34 SECTION 17. APPROPRIATIONS - HAZARDOUS WASTE CLEAN UP. There is hereby
 35 appropriated, to the Department of Pollution Control and Ecology, to be

1 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 2 services, operating expenses, data processing purchases, and contractual
 3 services of the Department of Pollution Control and Ecology - Harzardous Waste
 4 Clean Up for the biennial period ending June 30, 1999, the following:

6 ITEM		FISCAL YEARS	
7 NO.		1997-98	1998-99
8 (01)	REGULAR SALARIES	\$ 173,890	\$ 178,688
9 (02)	PERSONAL SERV MATCHING	48,904	49,757
10 (03)	MAINT. & GEN. OPERATION		
11	(A) OPER. EXPENSE	30,958	27,358
12	(B) CONF. & TRVL.	4,700	4,700
13	(C) PROF. FEES	603,425	603,425
14	(D) CAP. OUTLAY	290,600	94,900
15	(E) DATA PROC.	0	0
16 (04)	DATA PROCESSING PURCHASES	67,000	328,000
17 (05)	CONTRACTUAL SERVICES	<u>6,500,000</u>	<u>6,500,000</u>
18	TOTAL AMOUNT APPROPRIATED	\$ 7,719,477	\$ 7,786,828

19
 20 SECTION 18. APPROPRIATIONS - EMERGENCY RESPONSE PROGRAM. There is
 21 hereby appropriated, to the Department of Pollution Control and Ecology, to be
 22 payable from the Emergency Response Fund, for personal services, operating
 23 expenses, and contractual services of the Department of Pollution Control and
 24 Ecology - Emergency Response Program for the biennial period ending June 30,
 25 1999, the following:

27 ITEM		FISCAL YEARS	
28 NO.		1997-98	1998-99
29 (01)	REGULAR SALARIES	\$ 83,096	\$ 85,361
30 (02)	PERSONAL SERV MATCHING	20,757	21,159
31 (03)	MAINT. & GEN. OPERATION		
32	(A) OPER. EXPENSE	9,703	9,703
33	(B) CONF. & TRVL.	0	0
34	(C) PROF. FEES	0	0
35	(D) CAP. OUTLAY	0	0

1	(E) DATA PROC.	0	0
2	(04) CONTRACTUAL SERVICES	<u>374,655</u>	<u>374,655</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 488,211</u>	<u>\$ 490,878</u>

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5 SECTION 19. APPROPRIATIONS - ASBESTOS CONTROL PROGRAM. There is hereby

6 appropriated, to the Department of Pollution Control and Ecology, to be

7 payable from the Asbestos Control Fund, for personal services and operating

8 expenses of the Department of Pollution Control and Ecology - Asbestos Control

9 Program for the biennial period ending June 30, 1999, the following:

10			
11	ITEM	FISCAL YEARS	
12	NO.	1997-98	1998-99
13	(01) REGULAR SALARIES	\$ 85,333	\$ 87,651
14	(02) PERSONAL SERV MATCHING	24,167	24,577
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	17,252	17,252
17	(B) CONF. & TRVL.	2,325	2,325
18	(C) PROF. FEES	0	0
19	(D) CAP. OUTLAY	0	0
20	(E) DATA PROC.	0	0
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 129,077</u>	<u>\$ 131,805</u>

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23 SECTION 20. APPROPRIATIONS - SOLID WASTE MANAGEMENT AND RECYCLING

24 PROGRAM. There is hereby appropriated, to the Department of Pollution Control

25 and Ecology, to be payable from the Solid Waste Management Recycling Fund, for

26 personal services, operating expenses, and recycling grants of the Department

27 of Pollution Control and Ecology - Solid Waste Management and Recycling

28 Program for the biennial period ending June 30, 1999, the following:

29			
30	ITEM	FISCAL YEARS	
31	NO.	1997-98	1998-99
32	(01) REGULAR SALARIES	\$ 611,354	\$ 628,040
33	(02) PERSONAL SERV MATCHING	168,328	171,445
34	(03) MAINT. & GEN. OPERATION		
35	(A) OPER. EXPENSE	94,502	94,502

1	(B) CONF. & TRVL.	7,668	7,668
2	(C) PROF. FEES	42,000	42,000
3	(D) CAP. OUTLAY	5,000	5,000
4	(E) DATA PROC.	0	0
5	(04) RECYCLING GRANTS	<u>4,650,000</u>	<u>4,650,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 5,578,852</u>	<u>\$ 5,598,655</u>

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8 SECTION 21. APPROPRIATIONS - REGULATED SUBSTANCE STORAGE TANK PROGRAM -

9 SPECIAL REVENUE. There is hereby appropriated, to the Department of Pollution

10 Control and Ecology, to be payable from the Regulated Substance Storage Tank

11 Program Fund, for personal services and operating expenses of the Department

12 of Pollution Control and Ecology - Regulated Substance Storage Tank Program -

13 Special Revenue for the biennial period ending June 30, 1999, the following:

15	ITEM	FISCAL YEARS	
16	NO.	1997-98	1998-99
17	(01) REGULAR SALARIES	\$ 633,826	\$ 651,076
18	(02) PERSONAL SERV MATCHING	175,629	178,691
19	(03) MAINT. & GEN. OPERATION		
20	(A) OPER. EXPENSE	73,543	73,543
21	(B) CONF. & TRVL.	5,005	5,005
22	(C) PROF. FEES	0	0
23	(D) CAP. OUTLAY	55,843	15,735
24	(E) DATA PROC.	<u>0</u>	<u>0</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 943,846</u>	<u>\$ 924,050</u>

26

27 SECTION 22. APPROPRIATIONS - PETROLEUM STORAGE TANK TRUST FUND ACT.

28 There is hereby appropriated, to the Department of Pollution Control and

29 Ecology, to be payable from the Petroleum Storage Tank Trust Fund, for

30 operating expenses of the Department of Pollution Control and Ecology -

31 Petroleum Storage Tank Trust Fund Act for the biennial period ending June 30,

32 1999, the following:

34	ITEM	FISCAL YEARS	
35	NO.	1997-98	1998-99

1	(01) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	\$ 19,000,000	\$ 19,000,000
3	(B) CONF. & TRVL.	0	0
4	(C) PROF. FEES	500,000	500,000
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	<u>0</u>	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,500,000</u>	<u>\$ 19,500,000</u>

SECTION 23. APPROPRIATIONS - REGULATED STORAGE TANK PROGRAM - FEDERAL.

There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for contractual services of the Department of Pollution Control and Ecology - Regulated Storage Tank Program - Federal for the biennial period ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
NO.	1997-98	1998-99
(01) CONTRACTUAL SERVICES	<u>\$ 5,000,000</u>	<u>\$ 5,000,000</u>

SECTION 24. APPROPRIATIONS - HAZARDOUS WASTE MANAGEMENT PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Hazardous Waste Permit Fund, for personal services and operating expenses of the Department of Pollution Control and Ecology - Hazardous Waste Management Program for the biennial period ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
NO.	1997-98	1998-99
(01) REGULAR SALARIES	\$ 140,858	\$ 144,677
(02) PERSONAL SERV MATCHING	40,032	40,711
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	16,446	16,446
(B) CONF. & TRVL.	3,520	3,520
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 200,856</u>	<u>\$ 205,354</u>

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4 SECTION 25. APPROPRIATIONS - LANDFILL POST-CLOSURE PROGRAM. There is

5 hereby appropriated, to the Department of Pollution Control and Ecology, to be

6 payable from the Landfill Post-Closure Trust Fund, for personal services,

7 operating expenses, and contractual services of the Department of Pollution

8 Control and Ecology - Landfill Post-Closure Program for the biennial period

9 ending June 30, 1999, the following:

11	ITEM	FISCAL YEARS	
12	NO.	1997-98	1998-99
13	(01) REGULAR SALARIES	\$ 233,645	\$ 240,163
14	(02) PERSONAL SERV MATCHING	63,014	64,774
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	104,971	103,944
17	(B) CONF. & TRVL.	7,000	7,000
18	(C) PROF. FEES	20,000	20,000
19	(D) CAP. OUTLAY	22,251	15,000
20	(E) DATA PROC.	0	0
21	(04) CONTRACTUAL SERVICES	9,000,000	9,000,000
22	(05) ILLEGAL DUMP ERADICATION AND		
23	CORRECTIVE ACTION PROGRAM	<u>850,000</u>	<u>850,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,300,881</u>	<u>\$ 10,300,881</u>

25

26 SECTION 26. APPROPRIATIONS - WASTE TIRE RECYCLING PROGRAM. There is

27 hereby appropriated, to the Department of Pollution Control and Ecology, to be

28 payable from the Waste Tire Grant Fund, for tire recycling grants of the

29 Department of Pollution Control and Ecology - Waste Tire Recycling Program for

30 the biennial period ending June 30, 1999, the following:

32	ITEM	FISCAL YEARS	
33	NO.	1997-98	1998-99
34	(01) TIRE RECYCLING GRANTS	\$ 5,371,000	\$ 5,371,000

35

1 SECTION 27. APPROPRIATIONS - STATE MARKETING BOARD FOR RECYCLABLES
 2 PROGRAM. There is hereby appropriated, to the Department of Pollution Control
 3 and Ecology, to be payable from the Marketing Board Fund, for operating
 4 expenses of the Department of Pollution Control and Ecology - State Marketing
 5 Board for Recyclables Program for the biennial period ending June 30, 1999,
 6 the following:

8 ITEM	FISCAL YEARS	
9 NO.	1997-98	1998-99
10 (01) MAINT. & GEN. OPERATION		
11 (A) OPER. EXPENSE	\$ 19,846	\$ 19,846
12 (B) CONF. & TRVL.	8,665	8,665
13 (C) PROF. FEES	38,474	38,474
14 (D) CAP. OUTLAY	0	0
15 (E) DATA PROC.	<u>0</u>	<u>0</u>
16 TOTAL AMOUNT APPROPRIATED	<u>\$ 66,985</u>	<u>\$ 66,985</u>

17
 18 SECTION 28. APPROPRIATIONS - ENVIRONMENTAL EDUCATION PROGRAM. There is
 19 hereby appropriated, to the Department of Pollution Control and Ecology, to be
 20 payable from the Environmental Education Fund, for personal services and
 21 operating expenses of the Department of Pollution Control and Ecology -
 22 Environmental Education Program for the biennial period ending June 30, 1999,
 23 the following:

25 ITEM	FISCAL YEARS	
26 NO.	1997-98	1998-99
27 (01) REGULAR SALARIES	\$ 44,372	\$ 45,580
28 (02) PERSONAL SERV MATCHING	10,879	11,093
29 (03) MAINT. & GEN. OPERATION		
30 (A) OPER. EXPENSE	68,245	68,245
31 (B) CONF. & TRVL.	3,000	3,000
32 (C) PROF. FEES	53,795	53,795
33 (D) CAP. OUTLAY	0	0
34 (E) DATA PROC.	<u>0</u>	<u>0</u>
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 180,291</u>	<u>\$ 181,713</u>

1
 2 ~~SECTION 29. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION~~
 3 - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the
 4 Pollution Control and Ecology Commission for the 1997-99 biennium, the
 5 following maximum number of regular employees whose salaries shall be governed
 6 by the provisions of the Uniform Classification and Compensation Act (Arkansas
 7 Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 8 Provided, however, that any position to which a specific maximum annual salary
 9 is set out herein in dollars, shall be exempt from the provisions of said
 10 Uniform Classification and Compensation Act. All persons occupying positions
 11 authorized herein are hereby governed by the provisions of the Regular
 12 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 13 successor.

			Maximum Annual	
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Years
No.	Code	Title	Employees	1997-98 1998-99
19	(1) R007	POL C COMM ADMIN HEARING OFFICER	1	GRADE 26
20	(2) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17
21	(3) K117	MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14
22		MAX NO. OF EMPLOYEES	3	

24 SECTION 30. APPROPRIATIONS - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 25 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the
 26 Pollution Control and Ecology Commission, to be payable from the Arkansas
 27 Department of Pollution Control and Ecology Fee Fund, for personal services
 28 and operating expenses of the Pollution Control and Ecology Commission for the
 29 biennial period ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
	1997-98	1998-99
32 NO.		
33 (01) REGULAR SALARIES	\$ 108,772	\$ 111,738
34 (02) EXTRA HELP	800	800
35 (03) PERSONAL SERVICES MATCHING	28,382	28,908

1	(04) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	18,667	18,667
3	(B) CONF. & TRVL.	4,975	4,975
4	(C) PROF. FEES	33,267	33,267
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	<u>0</u>	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 194,863</u>	<u>\$ 198,355</u>

8

9 SECTION 31. APPROPRIATIONS - POLLUTION CONTROL AND ECOLOGY COMMISSION -

10 EXPENSES. There is hereby appropriated, to the Pollution Control and Ecology

11 ~~Commission, to be payable from the State General Services Fund Account, for~~

12 use in the educational and training expenses of the Pollution Control and

13 Ecology Commission for the biennial period ending June 30, 1999, the

14 following:

15			
16	ITEM	FISCAL YEARS	
17	NO.	1997-98	1998-99
18	(01) COMMISSION EDUCATIONAL/TRAINING		
19	EXPENSES		
20	\$ <u>9,500</u>	\$ <u>9,500</u>	

21

22 SECTION 32. APPROPRIATIONS - LEAD-BASED PAINT HAZARD PROGRAM.

23 There is hereby appropriated, to the Department of Pollution Control and

24 Ecology, to be payable from the Lead-Based Paint Hazard Fund, for operating

25 expenses of the Department of Pollution Control and Ecology - Lead-Based Paint

26 Hazard Program for the biennial period ending June 30, 1999, the following:

27			
28	ITEM	FISCAL YEARS	
29	NO.	1997-98	1998-99
30	(01) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	\$ 13,500	\$ 13,500
32	(B) CONF. & TRAVEL	1,500	1,500
33	(C) PROF. FEES	0	0
34	(D) CAP. OUTLAY	1,000	1,000
35	(E) DATA PROC.	<u>0</u>	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$ 16,000 \$ 16,000

2

3 SECTION 33. APPROPRIATIONS - SMALL BUSINESS REVOLVING LOAN FUND

4 PROGRAM. There is hereby appropriated, to the Department of Pollution Control
 5 and Ecology, to be payable from the Small Business Revolving Loan Fund, for
 6 personal services and operating expenses of the Department of Pollution
 7 Control and Ecology - Small Business Revolving Loan Fund Program for the
 8 biennial period ending June 30, 1999, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	1997-98	1998-99
12 (01) REGULAR SALARIES	\$ 87,759	\$ 93,025
13 (02) PERSONAL SERVICES MATCHING	23,695	25,117
14 (03) MAINT. & GEN. OPERATION		
15 (A) OPER. EXPENSE	8,500	9,010
16 (B) CONF. & TRAVEL	3,500	3,650
17 (C) PROF. FEES	0	0
18 (D) CAP. OUTLAY	12,800	4,500
19 (E) DATA PROC.	<u>0</u>	<u>0</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 136,254</u>	<u>\$ 135,302</u>

21

22 SECTION 34. SPECIAL LANGUAGE. There is hereby established a pool of
 23 twenty-three (23) positions in the title of X338 Engineer, PE, grade 22. In
 24 the event that any employee of the Department occupying the classification of
 25 X341 Engineer II, grade 21 attains certification and registration through the
 26 Arkansas Board of Registration for Engineers and Land Surveyors during the
 27 1997-99 biennium, the Department may, after submitting verifying documentation
 28 ~~and receiving the approval of the Chief Fiscal Officer of the State, surrender~~
 29 the Engineer II title for that of Engineer, PE, grade 22. It is the intent of
 30 this section that the employee shall be eligible for movement to the Engineer,
 31 PE classification on the basis of a promotion and shall be eligible for any
 32 compensation adjustments provided for by law as a result. All promotions
 33 executed under the provisions of this section shall be submitted for prior
 34 review by the Legislative Council, and all positions surrendered shall remain
 35 unused for the remainder of the biennium.

1

2 SECTION 35. SPECIAL LANGUAGE. Arkanss Code 8-10-302 is hereby amended
3 to read as follows:

4 "(a)(1) Due to the noise, air pollution, and traffic congestion caused
5 by motor vehicle racing facilities, no motor vehicle racing facility may be
6 constructed in this state after passage of this act without the consent of at
7 least seventy-five percent (75%) of the property owners and seventy-five
8 percent (75%) of the adult residents within three (3) miles of the outside
9 boundary of the proposed facility.

10 (2)(A) Such consent shall be accomplished by signing petitions which
11 shall be filed with the city clerk if the facility is to be located within the
12 boundaries of any city or town or with the county clerk if the facility is to
13 be located wholly or partially outside the boundaries of any city or town.

14 (B) The petitions shall indicate:

15 (i) The name;

16 (ii)(a) The residence address; or

17 (b) If a nonresident property owner, the address or legal description
18 of the property located within the three-mile area; and

19 (iii) The date of the signature.

20 (C)(i) The petitions must be verified pursuant to § 7-9-109.

21 (ii) Signatures shall become invalid sixty (60) days after signing.

22 (iii) It shall be the duty of the county clerk or city clerk, as the
23 case may be, to determine the sufficiency of the signatures.

24 (b) For purposes of this section, "motor vehicle" means every motor
25 vehicle defined by § 8-9-402."

26

27 SECTION 36. SPECIAL LANGUAGE. Expenditures for the purchase of
28 departmental laboratory and data processing equipment as appropriated in
29 Section 17, in Items (03)(D) an (04) shall be funded only through interest
30 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,
31 the Department shall report biennially to the Arkansas Legislative Council all
32 expenditures from interest earnings for these purchases.

33

34 SECTION 37. SPECIAL LANGUAGE. The nine additional positions listed
35 below which were authorized in the Department of Pollution Control and

1 Ecology's Fee Administration Appropriation for FY 1998-99 for the Air
 2 Pollution Control Division to enable the Department to process air permit
 3 applications in a timely fashion, shall not be included in the base level
 4 number of positions in the 1999-2001 biennial budget request submitted by the
 5 Department:

<u>Class</u>			<u>No. of</u>
<u>Code</u>	<u>Title</u>	<u>Grade</u>	<u>Positions</u>
9 <u>X339</u>	<u>ENGINEER SUPERVISOR</u>	<u>24</u>	<u>1</u>
10 <u>X338</u>	<u>ENGINEER, PE</u>	<u>22</u>	<u>3</u>
11 <u>R376</u>	<u>POL C ENFORCEMENT</u>		
12	<u>ADMINISTRATOR</u>	<u>21</u>	<u>1</u>
13 <u>Q061</u>	<u>POL C INSPECTOR</u>	<u>20</u>	<u>2</u>
14 <u>R009</u>	<u>ADMINISTRATIVE ASSISTANT I</u>	<u>15</u>	<u>2</u>

15
 16 SECTION 38. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 17 authorized by this Act shall be limited to the appropriation for such agency
 18 and funds made available by law for the support of such appropriations; and
 19 the restrictions of the State Purchasing Law, the General Accounting and
 20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 21 Procedures and Restrictions Act, or their successors, and other fiscal control
 22 laws of this State, where applicable, and regulations promulgated by the
 23 Department of Finance and Administration, as authorized by law, shall be
 24 strictly complied with in disbursement of said funds.

25
 26 SECTION 39. LEGISLATIVE INTENT. It is the intent of the General
 27 Assembly that any funds disbursed under the authority of the appropriations
 28 contained in this Act shall be in compliance with the stated reasons for which
 29 this Act was adopted, as evidenced by the Agency Requests, Executive
 30 Recommendations and Legislative Recommendations contained in the budget
 31 manuals prepared by the Department of Finance and Administration, letters, or
 32 summarized oral testimony in the official minutes of the Arkansas Legislative
 33 Council or Joint Budget Committee which relate to its passage and adoption.

34
 35 SECTION 40. CODE. All provisions of this Act of a general and

1 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
2 Arkansas Code Revision Commission shall incorporate the same in the Code.

3

4 SECTION 41. SEVERABILITY. If any provision of this Act or the
5 application thereof to any person or circumstance is held invalid, such
6 invalidity shall not affect other provisions or applications of the Act which
7 can be given effect without the invalid provision or application, and to this
8 end the provisions of this Act are declared to be severable.

9

10 SECTION 42. GENERAL REPEALER. All laws and parts of laws in conflict
11 with this Act are hereby repealed.

12

13 SECTION 43. EMERGENCY CLAUSE. It is hereby found and determined by the
14 Eighty-First General Assembly, that the Constitution of the State of Arkansas
15 prohibits the appropriation of funds for more than a two (2) year period; that
16 the effectiveness of this Act on July 1, 1997 is essential to the operation of
17 the agency for which the appropriations in this Act are provided, and that in
18 the event of an extension of the Regular Session, the delay in the effective
19 date of this Act beyond July 1, 1997 could work irreparable harm upon the
20 proper administration and provision of essential governmental programs.
21 Therefore, an emergency is hereby declared to exist and this Act being
22 necessary for the immediate preservation of the public peace, health and
23 safety shall be in full force and effect from and after July 1, 1997.

24

/s/JBC

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26

APPROVED: 4-02-97

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