

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.

Act 2022 of the Regular Session

As Engrossed: H3/17/05 H4/5/05 H4/7/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 1320

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR
18 THE 2005-2007 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 2005-2007 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.
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				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class		Fiscal	Years	
	No.	Code	Title	Employees	2005-2006	2006-2007
5	(1)	9976	ADEQ DIRECTOR	1	\$105,988	\$108,487
6	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$87,248	\$89,455
7	(3)	8709	ADEQ DEP DIR - LAND RESOURCES	1	\$83,384	\$85,518
8	(4)	593Z	CHIEF WATER MANAGEMENT	1	GRADE	26
9	(5)	594Z	DEQ CHIEF AIR DIVISION	1	GRADE	26
10	(6)	R038	ATTORNEY SUPERVISOR	1	GRADE	26
11	(7)	R170	ATTORNEY SPECIALIST	8	GRADE	25
12	(8)	595Z	DEQ CHIEF HAZARDOUS WASTE DIV	1	GRADE	25
13	(9)	596Z	DEQ CHIEF SOLID WASTE DIVISION	1	GRADE	25
14	(10)	597Z	DEQ CHIEF TECHNICAL SVCS DIV	1	GRADE	25
15	(11)	586Z	DEQ ADMINISTRATOR MANAGEMENT SVCS	1	GRADE	25
16	(12)	592Z	DEQ CHIEF MINING DIVISION	1	GRADE	25
17	(13)	915Z	ADEQ PROGRAM CHIEF	5	GRADE	25
18	(14)	903Z	TECHNICAL ASSISTANCE MANAGER	9	GRADE	24
19	(15)	297Z	GENERAL BUSINESS MANAGER	1	GRADE	24
20	(16)	591Z	DEQ DIVISION CHIEF	5	GRADE	24
21	(17)	X328	DEQ ASST CHIEF WATER POLLUTION	1	GRADE	24
22	(18)	X339	ENGINEER SUPERVISOR	15	GRADE	24
23	(19)	Q020	HAZARDOUS WASTE INSPECTOR SUPV	2	GRADE	23
24	(20)	B012	CHEMIST SUPERVISOR	3	GRADE	23
25	(21)	B106	GEOLOGY SUPERVISOR	4	GRADE	23
26	(22)	D046	SYSTEMS APPLICATIONS SUPERVISOR	2	GRADE	23
27	(23)	D080	APPLICATIONS & SYSTEMS MANAGER	1	GRADE	23
28	(24)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE	22
29	(25)	D124	LEAD PROGRAMMER/ANALYST	7	GRADE	22
30	(26)	B099	ENVIRONMENTAL PROGRAM MANAGER	1	GRADE	22
31	(27)	D012	NETWORK PLANNING PROJECT LDR	1	GRADE	22
32	(28)	B014	PROFESSIONAL GEOLOGIST	18	GRADE	22
33	(29)	B023	DEQ CHIEF ECOLOGIST	1	GRADE	22
34	(30)	909Z	PROGRAM SUPPORT MANAGER	18	GRADE	22
35	(31)	B006	SR EPIDEMIOLOGIST	4	GRADE	22
36	(32)	Q120	POL C INSPECTOR SUPV	7	GRADE	22

1	(33)	Q006	DEQ PERMIT SUPERVISOR	1	GRADE 22
2	(34)	X338	ENGINEER, PE	57	GRADE 22
3	(35)	X341	ENGINEER II	2	GRADE 21
4	(36)	Q108	POL C HAZARDOUS WASTE INSPECTOR	12	GRADE 21
5	(37)	D123	APPLICATIONS & SYSTEMS ANALYST	1	GRADE 21
6	(38)	R298	AGENCY PROGRAM COORDINATOR	2	GRADE 21
7	(39)	R376	DEQ ENFORCEMENT ADMINISTRATOR	13	GRADE 21
8	(40)	R460	ENVIRONMENTAL PLANNING SECTION MGR	2	GRADE 21
9	(41)	R462	DEQ PROGRAM COORD SECTION MGR	6	GRADE 21
10	(42)	R488	GRANTS ADMIN SUPV	1	GRADE 21
11	(43)	B126	WATER USE & RESOURCE SPECIALIST	2	GRADE 21
12	(44)	D010	DATA BASE ANALYST	1	GRADE 21
13	(45)	B080	DEQ ECOLOGIST II	11	GRADE 20
14	(46)	D121	USER SUPPORT ANALYST	1	GRADE 20
15	(47)	B010	CHEMIST II	11	GRADE 20
16	(48)	Q061	POL C INSPECTOR	58	GRADE 20
17	(49)	X314	DEQ AIR COMPLIANCE MONITOR	2	GRADE 20
18	(50)	R266	MANAGEMENT PROJECT ANALYST II	22	GRADE 20
19	(51)	R280	ENVIRONMENTAL PROGRAM COORDINATOR	12	GRADE 19
20	(52)	R066	EMERG SVCS OPERATIONS OFFICER	1	GRADE 19
21	(53)	R134	PLANNING SPECIALIST II	2	GRADE 18
22	(54)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
23	(55)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
24	(56)	N328	INFORMATION OFFICER II	1	GRADE 18
25	(57)	A111	ACCOUNTANT	2	GRADE 18
26	(58)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
27	(59)	R010	ADMINISTRATIVE ASSISTANT II	37	GRADE 17
28	(60)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
29	(61)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
30	(62)	K153	SECRETARY II	22	GRADE 13
31	(63)	K039	DOCUMENT EXAMINER II	<u>1</u>	GRADE 12
32			MAX. NO. OF EMPLOYEES	417	

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34 SECTION 2. *EXTRA HELP - STATE OPERATIONS*. There is hereby authorized, for
 35 the Arkansas Department of Environmental *Quality - State Operations* for the
 36 2005-2007 biennium, the following maximum number of part-time or temporary

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

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 7 *SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,*
 8 *to the Arkansas Department of Environmental Quality, to be payable from the*
 9 *Arkansas Department of Environmental Quality Fund Account, for personal*
 10 *services and operating expenses of the Arkansas Department of Environmental*
 11 *Quality - State Operations for the biennial period ending June 30, 2007, the*
 12 *following:*

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ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 2,782,561	\$ 2,861,906
(02) EXTRA HELP	25,674	25,674
(03) PERSONAL SERVICES MATCHING	769,299	784,701
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	277,678	268,269
(B) CONF. & TRAVEL	14,715	14,715
(C) PROF. FEES	4,100	4,100
(D) CAP. OUTLAY	9,500	9,500
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,883,527</u>	<u>\$ 3,968,865</u>

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 27 *SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized,*
 28 *for the Department of Environmental Quality - Federal Operations for the*
 29 *2005-2007 biennium, the following maximum number of part-time or temporary*
 30 *employees, to be known as "Extra Help", payable from funds appropriated*
 31 *herein for such purposes: thirty-seven (37) temporary or part-time*
 32 *employees, when needed, at rates of pay not to exceed those provided in the*
 33 *Uniform Classification and Compensation Act, or its successor, or this act*
 34 *for the appropriate classification.*

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 36 *SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby*

1 appropriated, to the Arkansas Department of Environmental Quality, to be
 2 payable from the federal funds as designated by the Chief Fiscal Officer of
 3 the State, for personal services and operating expenses of the Arkansas
 4 Department of Environmental Quality - Federal Operations for the biennial
 5 period ending June 30, 2007, the following:

7 ITEM	FISCAL YEARS	
8 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
9 (01) REGULAR SALARIES	\$ 4,583,713	\$ 4,718,862
10 (02) EXTRA HELP	148,585	148,585
11 (03) PERSONAL SERVICES MATCHING	1,346,496	1,372,813
12 (04) MAINT. & GEN. OPERATION		
13 (A) OPER. EXPENSE	3,155,047	4,455,047
14 (B) CONF. & TRAVEL	300,312	300,312
15 (C) PROF. FEES	2,164,105	2,164,105
16 (D) CAP. OUTLAY	513,133	2,013,133
17 (E) DATA PROC.	0	0
18 (05) CONTRACTUAL SERVICES	<u>3,830,000</u>	<u>2,565,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$ 16,041,391</u>	<u>\$ 17,737,857</u>

21 SECTION 6. APPROPRIATION - WASTE WATER LICENSING. There is hereby
 22 appropriated, to the Arkansas Department of Environmental Quality, to be
 23 payable from the Wastewater Licensing Fund, for personal services and
 24 operating expenses of the Arkansas Department of Environmental Quality -
 25 Waste Water Licensing for the biennial period ending June 30, 2007, the
 26 following:

28 ITEM	FISCAL YEARS	
29 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
30 (01) REGULAR SALARIES	\$ 32,088	\$ 33,051
31 (02) PERSONAL SERVICES MATCHING	10,088	10,274
32 (03) MAINT. & GEN. OPERATION		
33 (A) OPER. EXPENSE	26,632	26,632
34 (B) CONF. & TRAVEL	5,089	5,089
35 (C) PROF. FEES	0	0
36 (D) CAP. OUTLAY	0	0

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 73,897</u>	<u>\$ 75,046</u>

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 4 SECTION 7. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,
 5 to the Arkansas Department of Environmental Quality, to be payable from the
 6 Land Reclamation Fund, for land reclamation contracts of the Arkansas
 7 Department of Environmental Quality - Land Reclamation for the biennial
 8 period ending June 30, 2007, the following:

11	ITEM	FISCAL YEARS	
12	NO.	2005-2006	2006-2007
13	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>	<u>\$ 950,000</u>

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 15 SECTION 8. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby
 16 appropriated, to the Arkansas Department of Environmental Quality, to be
 17 payable from the Hazardous Waste Permit Fund, for personal services and
 18 operating expenses of the Arkansas Department of Environmental Quality -
 19 Hazardous Waste Permit Program for the biennial period ending June 30, 2007,
 20 the following:

22	ITEM	FISCAL YEARS	
23	NO.	2005-2006	2006-2007
24	(01) REGULAR SALARIES	\$ 743,194	\$ 764,840
25	(02) EXTRA HELP	15,795	15,795
26	(03) PERSONAL SERVICES MATCHING	211,548	215,759
27	(04) OVERTIME	1,250	1,250
28	(05) MAINT. & GEN. OPERATION		
29	(A) OPER. EXPENSE	190,804	190,804
30	(B) CONF. & TRAVEL	44,700	44,700
31	(C) PROF. FEES	53,000	53,000
32	(D) CAP. OUTLAY	10,000	10,000
33	(E) DATA PROC.	<u>0</u>	<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,270,291</u>	<u>\$ 1,296,148</u>

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 36 SECTION 9. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby

1 appropriated, to the Arkansas Department of Environmental Quality, to be
 2 payable from the Abandoned Mine Reclamation Fund, for contractual services of
 3 the Arkansas Department of Environmental Quality - Reclamation of Abandoned
 4 Mines for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) ABANDONED MINE RECLAMATION CONTRACTUAL		
SERVICES	<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

11 SECTION 10. APPROPRIATION - SURFACE COAL MINING. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the Surface Coal Mining Operation Fund, for operating expenses
 14 of the Arkansas Department of Environmental Quality - Surface Coal Mining for
 15 the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 5,653	\$ 5,653
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,653</u>	<u>\$ 5,653</u>

27 SECTION 11. APPROPRIATION - MINING RECLAMATION. There is hereby
 28 appropriated, to the Arkansas Department of Environmental Quality, to be
 29 payable from the Mine Reclamation Trust Fund, for contractual services of the
 30 Arkansas Department of Environmental Quality - Mining Reclamation for the
 31 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) MINING RECLAMATION CONTRACTUAL		
SERVICES	<u>\$ 1,520,000</u>	<u>\$ 1,520,000</u>

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 2 SECTION 12. EXTRA HELP - FEE ADMINISTRATION. There is hereby authorized,
 3 for the Department of Environmental Quality - Fee Administration for the
 4 2005-2007 biennium, the following maximum number of part-time or temporary
 5 employees, to be known as "Extra Help", payable from funds appropriated
 6 herein for such purposes: twenty-three (23) temporary or part-time
 7 employees, when needed, at rates of pay not to exceed those provided in the
 8 Uniform Classification and Compensation Act, or its successor, or this act
 9 for the appropriate classification.

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 11 SECTION 13. APPROPRIATION - FEE ADMINISTRATION. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the Arkansas Department of Environmental Quality Fee Fund, for
 14 personal services and operating expenses of the Arkansas Department of
 15 Environmental Quality - Fee Administration for the biennial period ending
 16 June 30, 2007, the following:

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ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 6,370,766	\$ 6,559,455
(02) EXTRA HELP	45,000	45,000
(03) PERSONAL SERVICES MATCHING	1,881,598	1,918,339
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,066,629	2,076,038
(B) CONF. & TRAVEL	150,789	150,789
(C) PROF. FEES	1,863,221	1,828,221
(D) CAP. OUTLAY	109,850	109,850
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 12,487,853</u>	<u>\$ 12,687,692</u>

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 31 SECTION 14. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There
 32 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 33 to be payable from the Solid Waste Performance Bond Fund, for contractual
 34 services of the Arkansas Department of Environmental Quality - Solid Waste
 35 Performance Bonds Program for the biennial period ending June 30, 2007, the
 36 following:

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ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) SOLID WASTE PERFORMANCE BONDS		
CONTRACTUAL SERVICES	\$ 500,000	\$ 500,000

SECTION 15. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Hazardous Substance Remedial Action Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Hazardous Waste Cleanup for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 90,144	\$ 92,846
(02) PERSONAL SERVICES MATCHING	29,071	29,597
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	67,358	67,358
(B) CONF. & TRAVEL	33,960	33,960
(C) PROF. FEES	250,000	250,000
(D) CAP. OUTLAY	230,000	230,000
(E) DATA PROC.	0	0
(04) CONTRACTUAL SERVICES	6,502,000	6,502,000
(05) DATA PROCESSING PURCHASES	453,937	453,937
TOTAL AMOUNT APPROPRIATED	\$ 7,656,470	\$ 7,659,698

SECTION 16. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Emergency Response Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Emergency Response Program for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 103,876	\$ 106,906

1	(02) PERSONAL SERVICES MATCHING	27,905	28,494
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	3,833	3,833
4	(B) CONF. & TRAVEL	2,000	2,000
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	0	0
7	(E) DATA PROC.	0	0
8	(04) CONTRACTUAL SERVICES	<u>372,655</u>	<u>372,655</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 510,269</u>	<u>\$ 513,888</u>

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11 SECTION 17. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the Asbestos Control Fund, for personal services and operating
 14 expenses of the Arkansas Department of Environmental Quality - Asbestos
 15 Control Program for the biennial period ending June 30, 2007, the following:

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17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19	(01) REGULAR SALARIES	\$ 110,857	\$ 114,181
20	(02) PERSONAL SERVICES MATCHING	36,945	37,592
21	(03) MAINT. & GEN. OPERATION		
22	(A) OPER. EXPENSE	29,452	29,452
23	(B) CONF. & TRAVEL	4,090	4,090
24	(C) PROF. FEES	2,100	2,100
25	(D) CAP. OUTLAY	0	0
26	(E) DATA PROC.	<u>0</u>	<u>0</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 183,444</u>	<u>\$ 187,415</u>

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29 SECTION 18. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM.
 30 There is hereby appropriated, to the Arkansas Department of Environmental
 31 Quality, to be payable from the Solid Waste Management Recycling Fund, for
 32 personal services and operating expenses of the Arkansas Department of
 33 Environmental Quality - Solid Waste Management and Recycling Program for the
 34 biennial period ending June 30, 2007, the following:

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36	ITEM	FISCAL YEARS	
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<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 737,503	\$ 759,491
(02) PERSONAL SERVICES MATCHING	220,392	224,674
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	120,529	120,529
(B) CONF. & TRAVEL	15,668	15,668
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	20,000	20,000
(E) DATA PROC.	0	0
(04) RECYCLING GRANTS	<u>4,650,000</u>	<u>4,650,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,764,092</u>	<u>\$ 5,790,362</u>

SECTION 19. APPROPRIATION - REGULATED SUBSTANCE STORAGE TANK PROGRAM.

There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Regulated Substance Storage Tank Program Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Regulated Substance Storage Tank Program for the biennial period ending June 30, 2007, the following:

<u>ITEM</u> <u>NO.</u>	<u>FISCAL YEARS</u>	
	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 593,324	\$ 610,904
(02) PERSONAL SERVICES MATCHING	184,641	188,064
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	71,028	71,028
(B) CONF. & TRAVEL	5,005	5,005
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 853,998</u>	<u>\$ 875,001</u>

SECTION 20. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Petroleum Storage Tank Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Petroleum Storage Tank Program for the biennial period ending June 30, 2007,

1 the following:

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3 ITEM	FISCAL YEARS	
4 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
5 (01) REGULAR SALARIES	\$ 155,728	\$ 160,275
6 (02) PERSONAL SERVICES MATCHING	41,841	42,725
7 (03) MAINT. & GEN. OPERATION		
8 (A) OPER. EXPENSE	18,997,000	18,997,000
9 (B) CONF. & TRAVEL	3,005	3,005
10 (C) PROF. FEES	2,500,156	2,500,156
11 (D) CAP. OUTLAY	0	0
12 (E) DATA PROC.	<u>0</u>	<u>0</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 21,697,730</u>	<u>\$ 21,703,161</u>

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15 SECTION 21. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.

16 There is hereby appropriated, to the Arkansas Department of Environmental
 17 Quality, to be payable from the federal funds as designated by the Chief
 18 Fiscal Officer of the State, for contractual services of the Arkansas
 19 Department of Environmental Quality - Regulated Storage Tank Program -
 20 Federal for the biennial period ending June 30, 2007, the following:

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22 ITEM	FISCAL YEARS	
23 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
24 (01) REGULATED STORAGE TANK CONTRACTUAL		
25 SERVICES	<u>\$ 3,925,000</u>	<u>\$ 3,925,000</u>

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27 SECTION 22. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby
 28 appropriated, to the Arkansas Department of Environmental Quality, to be
 29 payable from the Landfill Post-Closure Trust Fund, for personal services and
 30 operating expenses of the Arkansas Department of Environmental Quality -
 31 Landfill Post-Closure Program for the biennial period ending June 30, 2007,
 32 the following:

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34 ITEM	FISCAL YEARS	
35 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
36 (01) REGULAR SALARIES	\$ 266,417	\$ 274,394

1	(02) PERSONAL SERVICES MATCHING	78,752	80,302
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	30,923	30,923
4	(B) CONF. & TRAVEL	6,000	6,000
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	0	0
7	(E) DATA PROC.	0	0
8	(04) CONTRACTUAL SERVICES	<u>7,758,373</u>	<u>7,433,373</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,140,465</u>	<u>\$ 7,824,992</u>

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11 SECTION 23. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the Waste Tire Grant Fund, for waste tire recycling grants of
 14 the Arkansas Department of Environmental Quality - Waste Tire Recycling
 15 Program for the biennial period ending June 30, 2007, the following:

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17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19	(01) WASTE TIRE RECYCLING GRANTS	<u>\$ 6,100,000</u>	<u>\$ 6,425,000</u>

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21 SECTION 24. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM.
 22 There is hereby appropriated, to the Arkansas Department of Environmental
 23 Quality, to be payable from the Marketing Board Fund, for operating expenses
 24 of the Arkansas Department of Environmental Quality - State Marketing Board
 25 for Recyclables Program for the biennial period ending June 30, 2007, the
 26 following:

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28	ITEM	FISCAL YEARS	
29	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
30	(01) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	\$ 13,846	\$ 13,846
32	(B) CONF. & TRAVEL	6,415	6,415
33	(C) PROF. FEES	10,125	10,125
34	(D) CAP. OUTLAY	0	0
35	(E) DATA PROC.	<u>0</u>	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 30,386</u>	<u>\$ 30,386</u>

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2 SECTION 25. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is
3 hereby appropriated, to the Arkansas Department of Environmental Quality, to
4 be payable from the Environmental Education Fund, for personal services and
5 operating expenses of the Arkansas Department of Environmental Quality -
6 Environmental Education Program for the biennial period ending June 30, 2007,
7 the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 38,179	\$ 39,324
(02) PERSONAL SERVICES MATCHING	11,274	11,496
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	151,961	151,961
(B) CONF. & TRAVEL	8,000	8,000
(C) PROF. FEES	94,000	94,000
(D) CAP. OUTLAY	8,000	8,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 311,414</u>	<u>\$ 312,781</u>

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21 SECTION 26. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is
22 hereby appropriated, to the Arkansas Department of Environmental Quality, to
23 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of
24 the Lead-Based Paint Hazard Program of the Arkansas Department of
25 Environmental Quality for the biennial period ending June 30, 2007, the
26 following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 16,825	\$ 16,825
(B) CONF. & TRAVEL	1,425	1,425
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 18,250</u>	<u>\$ 18,250</u>

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 2 SECTION 27. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby
 3 appropriated, to the Arkansas Department of Environmental Quality, to be
 4 payable from the Small Business Revolving Loan Fund, for providing loans to
 5 small businesses for projects to meet regulatory mandates in pollution
 6 control and prevention technologies for the biennial period ending June 30,
 7 2007, the sum of \$1,100,000.

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 9 SECTION 28. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM. There
 10 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 11 to be payable from the Small Business Revolving Loan Fund, for personal
 12 services and operating expenses of the Arkansas Department of Environmental
 13 Quality - Small Business Revolving Loan Program for the biennial period
 14 ending June 30, 2007, the following:

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 26,646	\$ 27,445
(02) PERSONAL SERVICES MATCHING	9,028	9,184
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	11,010	11,010
(B) CONF. & TRAVEL	3,650	3,650
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 50,334</u>	<u>\$ 51,289</u>

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 28 SECTION 29. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There
 29 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 30 to be payable from the Performance Partnership Trust Fund, for expenses of
 31 designing and establishing a management organization of the Arkansas
 32 Department of Environmental Quality for the biennial period ending June 30,
 33 2007, the following:

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>

1 (01) PERFORMANCE INTEGRATED INFORMATION

2 SYSTEM EXPENSES \$ 500,000 \$ 500,000

3
4 SECTION 30. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is
5 hereby appropriated, to the Arkansas Department of Environmental Quality, to
6 be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as
7 authorized through various settlement agreements benefiting the State of
8 Arkansas as administered through the Arkansas Department of Environmental
9 Quality for the biennial period ending June 30, 2007, the sum of
10\$1,500,000.

11
12 SECTION 31. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is
13 hereby appropriated, to the Arkansas Department of Environmental Quality, to
14 be payable from the Computer and Electronic Recycling Fund, for grants and
15 expenses of the Arkansas Department of Environmental Quality - Computer and
16 Electronic Recycling for the biennial period ending June 30, 2007, the
17 following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) COMPUTER AND ELECTRONICS RECYCLING		
MANAGEMENT EXPENSES OR GRANTS	\$ 150,000	\$ 150,000

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24 SECTION 32. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -
25 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas
26 Department of Environmental Quality for the 2005-2007 biennium, the following
27 maximum number of regular employees whose salaries shall be governed by the
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
30 Provided, however, that any position to which a specific maximum annual
31 salary is set out herein in dollars, shall be exempt from the provisions of
32 said Uniform Classification and Compensation Act. All persons occupying
33 positions authorized herein are hereby governed by the provisions of the
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
35 or its successor.

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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2005-2006	2006-2007
(1)	R007	POL C ADMIN HEARING OFFICER	1	GRADE 26	
(2)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
(3)	K117	MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14	
MAX. NO. OF EMPLOYEES			3		

SECTION 33. 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, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 122,015	\$ 125,397
(02)	PERSONAL SERVICES MATCHING	35,276	35,935
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	90,217	90,217
(B)	CONF. & TRAVEL	3,922	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>\$ 251,430</u>	<u>\$ 255,471</u>

SECTION 34. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION - EXPENSES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Miscellaneous Agencies Fund Account, for expenses of the Pollution Control and Ecology Commission of the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) PC & E COMMISSION	\$ 3,977	\$ 3,977

SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the, ~~2003-2005~~ 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. These four positions are utilized for a specific project and are specifically exempt from the limitations, either by act or regulation, of hours worked. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of departmental laboratory equipment, including maintenance contracts, and data processing equipment and mission-critical software, including maintenance contracts, ~~all of which are paid from the appropriation for the Land Program as appropriated in Section 15, in Items (03)(D) and (05)~~ shall be funded only through interest earnings from the Hazardous Substance Remedial Action Trust Fund. Further, the Department shall report biennially to the Legislative Council all expenditures from interest earnings for these purchases. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS WASTE CLEANUP APPROPRIATION. ~~Up to \$6,500,000 of the appropriation authorized for the Land Program and funded from the Hazardous Waste Remedial Action Trust Fund during the fiscal year ending June 30, 2004 may be carried forward~~

1 ~~and made available for Contractual Services in the Land Program and funded~~
2 ~~from the Hazardous Waste Remedial Action Trust Fund for the fiscal year~~
3 ~~ending June 30, 2005. Any unexpended balance in Section 15 hereof, of item~~
4 ~~(04) Contractual Services which remains at the close of the fiscal year~~
5 ~~ending June 30, 2006 shall be carried forward and made available for the same~~
6 ~~purpose for the fiscal year ending June 30, 2007.~~

7 The provisions of this section shall be in effect only from July 1, 2003
8 2005 through June 30, ~~2005~~ 2007.

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10 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended
13 balance of the appropriation authorized in ~~the Environmental Management~~
14 ~~Program, used for Performance Integrated Information System Expenses, not to~~
15 ~~exceed \$2,100,000, and funded from the Performance Partnership Trust Fund~~
16 ~~Section 29 hereof, of item (01) PERFORMANCE INTEGRATED INFORMATION SYSTEM~~
17 ~~EXPENSES~~ which remains at the close of the fiscal year ending June 30, 2004
18 2006 shall be carried forward and made available for the same purpose for the
19 fiscal year ending June 30, ~~2005~~ 2007.

20 The provisions of this section shall be in effect only from July 1, 2003
21 2005 through June 30, ~~2005~~ 2007.

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23 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement
26 Trust Fund for information technology needs may be made without prior
27 approval of the Chief Fiscal Officer of the State, after seeking review of
28 the Arkansas Legislative Council. Further, utilization of this appropriation
29 for information technology needs of the Arkansas Department of Environmental
30 Quality must also be approved by the Executive Chief Information Officer
31 after the project is evaluated on the methodology recommended by the Chief
32 Information Officer and the CIO Council, including an analysis of the return
33 on investment and linkage to the Department's business objectives. Any
34 approved projects and expenditures for information technology from the
35 Environmental Settlement Trust Fund shall be reported annually to the Joint
36 Committee on Advanced Communications and Information Technology.

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SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5) shall be used by the department to fund operational expenses and to provide and train personnel to administer an asbestos program, as funding is available, including:

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

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

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

SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING REQUIREMENTS. The Department shall present the following data to Legislative Council quarterly, due by the 15th day of the month following the quarter, beginning July 15, 2005:

a) Number and type of environmental permits currently authorized by the Department and the Pollution Control and Ecology Commission in each environmental permit category;

b) Total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually;

c) Description of each environmental permit application pending in each environmental permit category, the number of days each permit has been pending, and the reasons for delays in issuing permits for each permit that has been pending for more than 45 days;

d) Number and type of enforcement actions initiated by the Department, the geographic location of each violation and the total fines and collections from Supplemental Environmental Projects, the percent increase or decrease in

1 finer levied annually and
2 e) Description of all pending rulemaking activities and justifications
3 thereof, including economic impact and environmental benefit analysis.

4 The provisions of this section shall be in effect only from July 1, 2005
5 through June 30, 2007.

6
7 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
9 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,
10 for each fiscal year of the 2005-2007 biennium, the Arkansas Department of
11 Environmental Quality may transfer from various department funds to the
12 Arkansas Department of Environmental Quality Fund Account, the sum of
13 \$3,731,371 in fiscal year 2005-2006 and \$3,816,614 in fiscal year 2006-2007,
14 for the exclusive purpose of supplementing funding for the appropriation
15 provided in SECTION 3. APPROPRIATION - STATE OPERATIONS. The funds shall be
16 used for personal services and operating expenses of the Arkansas Department
17 of Environmental Quality - State Operations. Funds which remain in the
18 Arkansas Department of Environmental Quality Fund Account at the close of
19 each fiscal year of the 2005-2007 biennium shall be carried forward and made
20 available for the same purpose for the following fiscal year. These funds
21 shall be used for the purpose stated above.

22
23 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
25 REQUIREMENTS. For the purposes of the fund transfers provided for in SECTION
26 42 - FUND TRANSFER PROVISION, the amounts transferred shall not be considered
27 as part of any statutory limitation on the use of funds for administration of
28 programs of the Department.

29
30 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
31 by this act shall be limited to the appropriation for such agency and funds
32 made available by law for the support of such appropriations; and the
33 restrictions of the State Procurement Law, the General Accounting and
34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
35 Procedures and Restrictions Act, or their successors, and other fiscal
36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

3
4 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or
11 Joint Budget Committee which relate to its passage and adoption.

12
13 SECTION 46. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
15 TRANSFER. If House Bill 2431 is enacted by the 85th General Assembly, the
16 Chief Fiscal Officer of the State may transfer \$2,500,000 from the Public
17 Health Fund to the Department of Environmental Quality Fund Account for each
18 fiscal year of the biennium ending June 30, 2007.

19
20 SECTION 47. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly, that the Constitution of the State of Arkansas prohibits the
22 appropriation of funds for more than a two (2) year period; that the
23 effectiveness of this Act on July 1, 2005 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the Regular Session, the delay in the effective
26 date of this Act beyond July 1, 2005 could work irreparable harm upon the
27 proper administration and provision of essential governmental programs.
28 Therefore, an emergency is hereby declared to exist and this Act being
29 necessary for the immediate preservation of the public peace, health and
30 safety shall be in full force and effect from and after July 1, 2005.

31
32 /s/ Joint Budget Committee

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35 APPROVED: 04/13/2005

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