

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 910 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H3/2/05*

**A Bill**

HOUSE BILL 1126

5 By: Joint Budget Committee  
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**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE OIL AND  
11 GAS COMMISSION FOR THE BIENNIAL PERIOD ENDING  
12 JUNE 30, 2007; AND FOR OTHER PURPOSES.  
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**Subtitle**

15 AN ACT FOR THE OIL AND GAS COMMISSION  
16 APPROPRIATION FOR THE 2005-2007  
17 BIENNIUM.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the Oil and  
24 Gas Commission for the 2005-2007 biennium, the following maximum number of  
25 regular employees whose salaries shall be governed by the provisions of the  
26 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et  
27 seq.), or its successor, and all laws amendatory thereto. Provided, however,  
28 that any position to which a specific maximum annual salary is set out herein  
29 in dollars, shall be exempt from the provisions of said Uniform  
30 Classification and Compensation Act. All persons occupying positions  
31 authorized herein are hereby governed by the provisions of the Regular  
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
33 successor.  
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Maximum Annual



Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2005-2006	Salary Rate Fiscal Years 2006-2007
4	(1) 9914	OIL & GAS DIRECTOR	1	\$92,148	\$94,440
5	(2) 9897	OIL & GAS DEPUTY DIRECTOR	1	\$84,183	\$86,332
6	(3) 9895	SENIOR PETROLEUM ENGINEER	1	\$78,723	\$80,768
7	(4) R170	ATTORNEY SPECIALIST	1	GRADE 25	
8	(5) B015	SENIOR PETROLEUM GEOLOGIST	2	GRADE 24	
9	(6) D038	SYSTEMS PROGRAMMER	1	GRADE 22	
10	(7) D121	USER SUPPORT ANALYST	1	GRADE 20	
11	(8) R266	MANAGEMENT PROJECT ANALYST II	2	GRADE 20	
12	(9) X354	OIL & GAS TECHNICIAN II	6	GRADE 20	
13	(10) X403	OIL & GAS DIST PETROLEUM TECH	1	GRADE 20	
14	(11) A110	ACCOUNTANT II	1	GRADE 19	
15	(12) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
16	(13) R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15	
17	(14) A108	ACCOUNTING TECHNICIAN II	5	GRADE 15	
18	(15) K153	SECRETARY II	1	GRADE 13	
19	(16) K155	SECRETARY I	<u>2</u>	GRADE 11	
20		MAX. NO. OF EMPLOYEES	28		

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22 SECTION 2. EXTRA HELP. There is hereby authorized, for the Oil and Gas  
 23 Commission for the 2005-2007 biennium, the following maximum number of part-  
 24 time or temporary employees, to be known as "Extra Help", payable from funds  
 25 appropriated herein for such purposes: six (6) temporary or part-time  
 26 employees, when needed, at rates of pay not to exceed those provided in the  
 27 Uniform Classification and Compensation Act, or its successor, or this act  
 28 for the appropriate classification.

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30 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 31 the Oil and Gas Commission, to be payable from the Oil and Gas Commission  
 32 Fund, for personal services and operating expenses of the Oil and Gas  
 33 Commission for the biennial period ending June 30, 2007, the following:

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ITEM NO.	FISCAL YEARS 2005-2006	FISCAL YEARS 2006-2007
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1	(01)	REGULAR SALARIES	\$ 1,099,672	\$ 1,131,298
2	(02)	EXTRA HELP	45,000	45,000
3	(03)	PERSONAL SERVICES MATCHING	333,406	339,758
4	(04)	MAINT. & GEN. OPERATION		
5	(A)	OPER. EXPENSE	329,476	329,476
6	(B)	CONF. & TRAVEL	15,000	15,000
7	(C)	PROF. FEES	62,000	62,000
8	(D)	CAP. OUTLAY	75,000	75,000
9	(E)	DATA PROC.	0	0
10	(05)	POLLUTION CONTROL	10,000	10,000
11	(06)	DATA PROCESSING SERVICES	250,000	0
12	(07)	INTERSTATE OIL COMPACT	10,000	10,000
13	(08)	UNDERGROUND INJECTION CONTROL	60,000	60,000
14	(09)	GROUNDWATER PROTECTION	<u>5,000</u>	<u>5,000</u>
15		TOTAL AMOUNT APPROPRIATED	<u>\$ 2,294,554</u>	<u>\$ 2,082,532</u>

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17 SECTION 4. APPROPRIATIONS - REFUNDS AND TRANSFERS. There is hereby  
 18 appropriated, to the Oil and Gas Commission, to be payable from cash funds as  
 19 defined by Arkansas Code 19-4-801 of the Oil and Gas Commission, for refunds  
 20 and transfers to the State Treasury of the Oil and Gas Commission for the  
 21 biennial period ending June 30, 2007, the following:

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23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
25	(01) REFUNDS/TRANSFERS TO STATE TREASURY	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>

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27 SECTION 5. APPROPRIATIONS - WELL PLUGGING PROGRAM. There is hereby  
 28 appropriated, to the Oil and Gas Commission, to be payable from the Abandoned  
 29 and Orphan Well Plugging Fund, for well plugging program expenses of the Oil  
 30 and Gas Commission for the biennial period ending June 30, 2007, the sum  
 31 of.....\$1,500,000.

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33 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 35 FORWARD. Any unexpended balance of the appropriation authorized for Data  
 36 Processing in Item (06) of Section 3 of this Act which remains at the close

1 of the fiscal year ending June 30, ~~2004~~ 2006, shall be carried forward and  
2 made available for the same purpose for the fiscal year ending June 30, ~~2005~~  
3 2007, after having sought prior review by the Arkansas Legislative Council or  
4 the Joint Budget Committee.

5 The provisions of this section shall be in effect only from July 1, ~~2003~~  
6 2005 through June 30, ~~2005~~ 2007.

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8 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
10 BALANCES. OIL AND GAS COMMISSION FUND. (A) For all appropriations as  
11 provided in this Act, the agency disbursing officer shall monitor the level  
12 of fund balances in relation to expenditures on a monthly basis. If any  
13 proposed expenditures would cause the Oil and Gas Commission Fund to decline  
14 below nine hundred seven thousand, four hundred eighty-seven dollars  
15 (\$907,487.00), the disbursing officer shall immediately notify the executive  
16 head of the agency. Prior to any obligations being made under these  
17 circumstances, the agency head shall file written documentation with the  
18 Chief Fiscal Officer of the State requesting approval of the expenditures.  
19 Such documentation shall provide sufficient financial data to justify the  
20 expenditures and shall include the following:

- 21 1) a plan that clearly indicates the specific fiscal impact of such  
22 expenditures on the fund balance.  
23 2) information clearly indicating and explaining what programs would be cut  
24 or any other measures to be taken by the agency to restore the fund balance.  
25 3) the extent to which any of the planned expenditures are for one-time costs  
26 or one-time purchase of capitalized items.  
27 4) a statement certifying that the expenditure of fund balances will not  
28 jeopardize the financial health of the agency, nor result in a permanent  
29 depletion of the fund balance.

30 (B) The Chief Fiscal Officer of the State shall review the request and  
31 approve or disapprove all or any part of the request, after having sought  
32 prior review by the Legislative Council.

33 The provisions of this section shall be in effect only from July 1, ~~2003~~  
34 2005 through June 30, ~~2005~~ 2007.

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36 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

1 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER.  
2 Immediately upon the effective date of this Act, the Chief Fiscal Officer of  
3 the State shall transfer \$750,000 on his or her books and the books of the  
4 State Treasurer and the Auditor of the State from the Oil and Gas Commission  
5 Fund to the Abandoned and Orphan Well Plugging Fund.

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7 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
8 by this act shall be limited to the appropriation for such agency and funds  
9 made available by law for the support of such appropriations; and the  
10 restrictions of the State Procurement Law, the General Accounting and  
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
12 Procedures and Restrictions Act, or their successors, and other fiscal  
13 control laws of this State, where applicable, and regulations promulgated by  
14 the Department of Finance and Administration, as authorized by law, shall be  
15 strictly complied with in disbursement of said funds.

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17 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly  
18 that any funds disbursed under the authority of the appropriations contained  
19 in this act shall be in compliance with the stated reasons for which this act  
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
21 and Legislative Recommendations contained in the budget manuals prepared by  
22 the Department of Finance and Administration, letters, or summarized oral  
23 testimony in the official minutes of the Arkansas Legislative Council or  
24 Joint Budget Committee which relate to its passage and adoption.

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26 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General  
27 Assembly, that the Constitution of the State of Arkansas prohibits the  
28 appropriation of funds for more than a two (2) year period; that the  
29 effectiveness of this Act on July 1, 2005 is essential to the operation of  
30 the agency for which the appropriations in this Act are provided, and that in  
31 the event of an extension of the Regular Session, the delay in the effective  
32 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
33 proper administration and provision of essential governmental programs.  
34 Therefore, an emergency is hereby declared to exist and this Act being  
35 necessary for the immediate preservation of the public peace, health and  
36 safety shall be in full force and effect from and after July 1, 2005.

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*/s/ Joint Budget Committee*

*APPROVED: 3/18/2005*

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