

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 1281 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/29/07*

**A Bill**

HOUSE BILL 1349

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, 2009; AND FOR  
13 OTHER PURPOSES.  
14  
15

**Subtitle**

16 AN ACT FOR THE ARKANSAS DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR  
18 THE 2007-2009 BIENNIUM.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas  
25 Department of Environmental Quality for the 2007-2009 biennium, the following  
26 maximum number of regular employees whose salaries shall be governed by the  
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
29 Provided, however, that any position to which a specific maximum annual  
30 salary is set out herein in dollars, shall be exempt from the provisions of  
31 said Uniform Classification and Compensation Act. All persons occupying  
32 positions authorized herein are hereby governed by the provisions of the  
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
34 or its successor.  
35



				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class		Fiscal	Years	
	No.	Code	Title	Employees	2007-2008	2008-2009
5	(1)	9976	ADEQ DIRECTOR	1	\$110,656	\$112,869
6	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$91,244	\$93,068
7	(3)	8709	ADEQ DEP DIR - LAND RESOURCES	1	\$87,228	\$88,972
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	5	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	19	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	3	GRADE 21
7	(39)	R376	DEQ ENFORCEMENT ADMINISTRATOR	14	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	62	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)	N328	INFORMATION OFFICER II	1	GRADE 18
21	(53)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
22	(54)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
23	(55)	R134	PLANNING SPECIALIST II	2	GRADE 18
24	(56)	A111	ACCOUNTANT	2	GRADE 18
25	(57)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
26	(58)	R010	ADMINISTRATIVE ASSISTANT II	36	GRADE 17
27	(59)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
28	(60)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
29	(61)	K153	SECRETARY II	<u>20</u>	GRADE 13
30			MAX. NO. OF EMPLOYEES	420	

31

32 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for  
 33 the Arkansas Department of Environmental Quality - State Operations for the  
 34 2007-2009 biennium, the following maximum number of part-time or temporary  
 35 employees, to be known as "Extra Help", payable from funds appropriated  
 36 herein for such purposes: six (6) temporary or part-time employees, when

1 needed, at rates of pay not to exceed those provided in the Uniform  
 2 Classification and Compensation Act, or its successor, or this act for the  
 3 appropriate classification.

4  
 5 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
 6 to the Arkansas Department of Environmental Quality, to be payable from the  
 7 Arkansas Department of Environmental Quality Fund Account, for personal  
 8 services and operating expenses of the Arkansas Department of Environmental  
 9 Quality - State Operations for the biennial period ending June 30, 2009, the  
 10 following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) REGULAR SALARIES	\$ 2,797,056	\$ 2,852,968
(02) EXTRA HELP	25,674	25,674
(03) PERSONAL SERVICES MATCHING	812,760	824,280
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	263,269	268,269
(B) CONF. & TRAVEL	14,715	14,715
(C) PROF. FEES	4,100	4,100
(D) CAP. OUTLAY	14,500	9,500
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,932,074</u>	<u>\$ 3,999,506</u>

24  
 25 SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized,  
 26 for the Arkansas Department of Environmental Quality - Federal Operations for  
 27 the 2007-2009 biennium, the following maximum number of part-time or  
 28 temporary employees, to be known as "Extra Help", payable from funds  
 29 appropriated herein for such purposes: thirty-seven (37) temporary or part-  
 30 time employees, when needed, at rates of pay not to exceed those provided in  
 31 the Uniform Classification and Compensation Act, or its successor, or this  
 32 act for the appropriate classification.

33  
 34 SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby  
 35 appropriated, to the Arkansas Department of Environmental Quality, to be  
 36 payable from the federal funds as designated by the Chief Fiscal Officer of

1 the State, for personal services and operating expenses of the Arkansas  
 2 Department of Environmental Quality - Federal Operations for the biennial  
 3 period ending June 30, 2009, the following:

4		FISCAL YEARS	
5	ITEM		
6	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
7	(01) REGULAR SALARIES	\$ 4,962,718	\$ 5,064,693
8	(02) EXTRA HELP	148,585	148,585
9	(03) PERSONAL SERVICES MATCHING	1,507,116	1,528,348
10	(04) MAINT. & GEN. OPERATION		
11	(A) OPER. EXPENSE	4,701,647	4,667,447
12	(B) CONF. & TRAVEL	361,812	329,812
13	(C) PROF. FEES	2,484,105	2,394,105
14	(D) CAP. OUTLAY	1,819,333	1,755,333
15	(E) DATA PROC.	0	0
16	(05) CONTRACTUAL SERVICES	<u>2,565,000</u>	<u>2,565,000</u>
17	TOTAL AMOUNT APPROPRIATED	<u>\$ 18,550,316</u>	<u>\$ 18,453,323</u>

18  
 19 SECTION 6. APPROPRIATION - WASTE WATER LICENSING. There is hereby  
 20 appropriated, to the Arkansas Department of Environmental Quality, to be  
 21 payable from the Wastewater Licensing Fund, for personal services and  
 22 operating expenses of the Arkansas Department of Environmental Quality -  
 23 Waste Water Licensing for the biennial period ending June 30, 2009, the  
 24 following:

25		FISCAL YEARS	
26	ITEM		
27	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
28	(01) REGULAR SALARIES	\$ 36,413	\$ 37,087
29	(02) PERSONAL SERVICES MATCHING	11,251	11,388
30	(03) MAINT. & GEN. OPERATION		
31	(A) OPER. EXPENSE	26,632	26,632
32	(B) CONF. & TRAVEL	5,089	5,089
33	(C) PROF. FEES	0	0
34	(D) CAP. OUTLAY	0	0
35	(E) DATA PROC.	<u>0</u>	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 79,385</u>	<u>\$ 80,196</u>

SECTION 7. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Land Reclamation Fund, for land reclamation contracts of the Arkansas Department of Environmental Quality - Land Reclamation for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) RECLAMATION CONTRACTS	\$ 950,000	\$ 950,000

SECTION 8. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Hazardous Waste Permit Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 724,267	\$ 739,320
(02) EXTRA HELP	15,795	15,795
(03) PERSONAL SERVICES MATCHING	218,746	221,766
(04) OVERTIME	1,250	1,250
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	197,304	197,304
(B) CONF. & TRAVEL	47,700	47,700
(C) PROF. FEES	53,000	53,000
(D) CAP. OUTLAY	13,000	13,000
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	\$ 1,271,062	\$ 1,289,135

SECTION 9. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Abandoned Mine Reclamation Fund, for contractual services of the Arkansas Department of Environmental Quality - Reclamation of Abandoned

Mines for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) ABANDONED MINE RECLAMATION CONTRACTUAL SERVICES	\$ 5,700,000	\$ 5,700,000

SECTION 10. APPROPRIATION - SURFACE COAL MINING. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Surface Coal Mining Operation Fund, for operating expenses of the Arkansas Department of Environmental Quality - Surface Coal Mining for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 15,000	\$ 15,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	5,000	5,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	\$ <u>20,000</u>	\$ <u>20,000</u>

SECTION 11. APPROPRIATION - MINING RECLAMATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Mine Reclamation Trust Fund, for contractual services of the Arkansas Department of Environmental Quality - Mining Reclamation for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MINING RECLAMATION CONTRACTUAL SERVICES	\$ 1,520,000	\$ 1,520,000

SECTION 12. EXTRA HELP - FEE ADMINISTRATION. There is hereby authorized, for the Arkansas Department of Environmental Quality - Fee Administration for

1 the 2007-2009 biennium, the following maximum number of part-time or  
 2 temporary employees, to be known as "Extra Help", payable from funds  
 3 appropriated herein for such purposes: twenty-three (23) temporary or part-  
 4 time employees, when needed, at rates of pay not to exceed those provided in  
 5 the Uniform Classification and Compensation Act, or its successor, or this  
 6 act for the appropriate classification.

7

8 SECTION 13. APPROPRIATION - FEE ADMINISTRATION. There is hereby  
 9 appropriated, to the Arkansas Department of Environmental Quality, to be  
 10 payable from the Arkansas Department of Environmental Quality Fee Fund, for  
 11 personal services and operating expenses of the Arkansas Department of  
 12 Environmental Quality - Fee Administration for the biennial period ending  
 13 June 30, 2009, the following:

14

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) REGULAR SALARIES	\$ 6,492,300	\$ 6,621,979
(02) EXTRA HELP	45,000	45,000
(03) PERSONAL SERVICES MATCHING	2,013,945	2,040,272
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,383,468	1,383,468
(B) CONF. & TRAVEL	152,389	152,389
(C) PROF. FEES	2,153,821	2,137,821
(D) CAP. OUTLAY	1,197,450	1,181,450
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 13,438,373</u>	<u>\$ 13,562,379</u>

27

28 SECTION 14. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There  
 29 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 30 to be payable from the Solid Waste Performance Bond Fund, for contractual  
 31 services of the Arkansas Department of Environmental Quality - Solid Waste  
 32 Performance Bonds Program for the biennial period ending June 30, 2009, the  
 33 following:

34

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>

36

1 (01) SOLID WASTE PERFORMANCE BONDS  
 2 CONTRACTUAL SERVICES \$ 500,000 \$ 500,000  
 3

4 SECTION 15. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby  
 5 appropriated, to the Arkansas Department of Environmental Quality, to be  
 6 payable from the Hazardous Substance Remedial Action Trust Fund, for personal  
 7 services and operating expenses of the Arkansas Department of Environmental  
 8 Quality - Hazardous Waste Cleanup for the biennial period ending June 30,  
 9 2009, the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
13	(01) REGULAR SALARIES	\$ 102,895	\$ 104,952
14	(02) PERSONAL SERVICES MATCHING	33,487	33,905
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	99,358	93,358
17	(B) CONF. & TRAVEL	33,960	33,960
18	(C) PROF. FEES	250,000	250,000
19	(D) CAP. OUTLAY	261,000	275,000
20	(E) DATA PROC.	0	0
21	(04) CONTRACTUAL SERVICES	6,502,000	6,502,000
22	(05) DATA PROCESSING PURCHASES	<u>453,937</u>	<u>453,937</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,736,637</u>	<u>\$ 7,747,112</u>

24  
 25 SECTION 16. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby  
 26 appropriated, to the Arkansas Department of Environmental Quality, to be  
 27 payable from the Hazardous Substance Remedial Action Trust Fund, for personal  
 28 services and operating expenses of the Arkansas Department of Environmental  
 29 Quality - Emergency Response Program for the biennial period ending June 30,  
 30 2009, the following:

32	ITEM	FISCAL YEARS	
33	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
34	(01) REGULAR SALARIES	\$ 72,598	\$ 74,049
35	(02) PERSONAL SERVICES MATCHING	23,139	23,431
36	(03) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE	3,833	3,833
2	(B) CONF. & TRAVEL	2,000	2,000
3	(C) PROF. FEES	0	0
4	(D) CAP. OUTLAY	0	0
5	(E) DATA PROC.	0	0
6	(04) CONTRACTUAL SERVICES	<u>372,655</u>	<u>372,655</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 474,225</u>	<u>\$ 475,968</u>

8

9 SECTION 17. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby  
 10 appropriated, to the Arkansas Department of Environmental Quality, to be  
 11 payable from the Asbestos Control Fund, for personal services and operating  
 12 expenses of the Arkansas Department of Environmental Quality - Asbestos  
 13 Control Program for the biennial period ending June 30, 2009, the following:

14

15	ITEM	FISCAL YEARS	
16	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
17	(01) REGULAR SALARIES	\$ 113,313	\$ 115,577
18	(02) PERSONAL SERVICES MATCHING	39,802	40,262
19	(03) MAINT. & GEN. OPERATION		
20	(A) OPER. EXPENSE	29,452	29,452
21	(B) CONF. & TRAVEL	4,090	4,090
22	(C) PROF. FEES	2,100	2,100
23	(D) CAP. OUTLAY	3,200	3,200
24	(E) DATA PROC.	<u>0</u>	<u>0</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 191,957</u>	<u>\$ 194,681</u>

26

27 SECTION 18. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM.  
 28 There is hereby appropriated, to the Arkansas Department of Environmental  
 29 Quality, to be payable from the Solid Waste Management Recycling Fund, for  
 30 personal services and operating expenses of the Arkansas Department of  
 31 Environmental Quality - Solid Waste Management and Recycling Program for the  
 32 biennial period ending June 30, 2009, the following:

33

34	ITEM	FISCAL YEARS	
35	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
36	(01) REGULAR SALARIES	\$ 744,722	\$ 759,606

1	(02) PERSONAL SERVICES MATCHING	235,177	238,201
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	120,529	120,529
4	(B) CONF. & TRAVEL	15,668	15,668
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	20,000	20,000
7	(E) DATA PROC.	0	0
8	(04) RECYCLING GRANTS	4,650,000	4,650,000
9	(05) ELECTRONIC WASTE RECYCLING		
10	INFRASTRUCTURE	<u>2,500,000</u>	<u>2,500,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,286,096</u>	<u>\$ 8,304,004</u>

12

## 13 SECTION 19. APPROPRIATION - REGULATED SUBSTANCE STORAGE TANK PROGRAM.

14 There is hereby appropriated, to the Arkansas Department of Environmental  
 15 Quality, to be payable from the Regulated Substance Storage Tank Program  
 16 Fund, for personal services and operating expenses of the Arkansas Department  
 17 of Environmental Quality - Regulated Substance Storage Tank Program for the  
 18 biennial period ending June 30, 2009, the following:

19

20	ITEM	FISCAL YEARS	
21	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
22	(01) REGULAR SALARIES	\$ 663,690	\$ 677,310
23	(02) PERSONAL SERVICES MATCHING	213,383	216,240
24	(03) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	72,928	71,128
26	(B) CONF. & TRAVEL	5,005	5,005
27	(C) PROF. FEES	0	0
28	(D) CAP. OUTLAY	0	0
29	(E) DATA PROC.	<u>0</u>	<u>0</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 955,006</u>	<u>\$ 969,683</u>

31

32 SECTION 20. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is  
 33 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 34 be payable from the Petroleum Storage Tank Trust Fund, for personal services  
 35 and operating expenses of the Arkansas Department of Environmental Quality -  
 36 Petroleum Storage Tank Program for the biennial period ending June 30, 2009,

1 the following:

2

3 ITEM	FISCAL YEARS	
	2007-2008	2008-2009
4 <u>NO.</u>		
5 (01) REGULAR SALARIES	\$ 408,879	\$ 418,855
6 (02) PERSONAL SERVICES MATCHING	119,585	122,088
7 (03) MAINT. & GEN. OPERATION		
8 (A) OPER. EXPENSE	19,022,200	18,999,800
9 (B) CONF. & TRAVEL	3,005	3,005
10 (C) PROF. FEES	2,500,156	2,500,156
11 (D) CAP. OUTLAY	40,000	0
12 (E) DATA PROC.	<u>0</u>	<u>0</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 22,093,825</u>	<u>\$ 22,043,904</u>

14

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, 2009, the following:

21

22 ITEM	FISCAL YEARS	
	2007-2008	2008-2009
23 <u>NO.</u>		
24 (01) REGULATED STORAGE TANK & CONTRACTUAL		
25 SERVICES	<u>\$ 3,925,000</u>	<u>\$ 3,925,000</u>

26

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, 2009,  
 32 the following:

33

34 ITEM	FISCAL YEARS	
	2007-2008	2008-2009
35 <u>NO.</u>		
36 (01) REGULAR SALARIES	\$ 278,913	\$ 284,489

1	(02) PERSONAL SERVICES MATCHING	81,820	82,952
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	5,000	5,000
7	(E) DATA PROC.	0	0
8	(04) CONTRACTUAL SERVICES	<u>7,433,373</u>	<u>7,433,373</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,836,029</u>	<u>\$ 7,842,737</u>

10

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, 2009, the following:

16

17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
19	(01) WASTE TIRE RECYCLING GRANTS	<u>\$ 6,425,000</u>	<u>\$ 6,425,000</u>

20

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 personal services  
 24 and operating expenses of the Arkansas Department of Environmental Quality -  
 25 State Marketing Board for Recyclables Program for the biennial period ending  
 26 June 30, 2009, the following:

27

28	ITEM	FISCAL YEARS	
29	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
30	(01) REGULAR SALARIES	\$ 1,500	\$ 1,500
31	(02) PERSONAL SERVICES MATCHING	115	115
32	(03) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	13,846	13,846
34	(B) CONF. & TRAVEL	6,415	6,415
35	(C) PROF. FEES	7,000	7,000
36	(D) CAP. OUTLAY	3,125	3,125

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 32,001</u>	<u>\$ 32,001</u>

3  
 4 SECTION 25. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is  
 5 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 6 be payable from the Environmental Education Fund, for personal services and  
 7 operating expenses of the Arkansas Department of Environmental Quality -  
 8 Environmental Education Program for the biennial period ending June 30, 2009,  
 9 the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
13	(01) REGULAR SALARIES	\$ 40,110	\$ 40,912
14	(02) PERSONAL SERVICES MATCHING	12,342	12,505
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	151,961	151,961
17	(B) CONF. & TRAVEL	8,000	8,000
18	(C) PROF. FEES	94,000	94,000
19	(D) CAP. OUTLAY	11,000	11,000
20	(E) DATA PROC.	<u>0</u>	<u>0</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 317,413</u>	<u>\$ 318,378</u>

22  
 23 SECTION 26. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is  
 24 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 25 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of  
 26 the Lead-Based Paint Hazard Program of the Arkansas Department of  
 27 Environmental Quality for the biennial period ending June 30, 2009, the  
 28 following:

30	ITEM	FISCAL YEARS	
31	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
32	(01) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	\$ 16,825	\$ 16,825
34	(B) CONF. & TRAVEL	1,425	1,425
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>\$ 18,250</u>	<u>\$ 18,250</u>

3  
 4 SECTION 27. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby  
 5 appropriated, to the Arkansas Department of Environmental Quality, to be  
 6 payable from the Small Business Revolving Loan Fund, for providing loans to  
 7 small businesses for projects to meet regulatory mandates in pollution  
 8 control and prevention technologies of the Arkansas Department of  
 9 Environmental Quality for the biennial period ending June 30, 2009, the sum  
 10 of .....\$1,100,000.  
 11

12 SECTION 28. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM. There  
 13 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 14 to be payable from the Small Business Revolving Loan Fund, for personal  
 15 services and operating expenses of the Arkansas Department of Environmental  
 16 Quality - Small Business Revolving Loan Program for the biennial period  
 17 ending June 30, 2009, the following:  
 18

19	ITEM	FISCAL YEARS	
20	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
21	(01) REGULAR SALARIES	\$ 27,993	\$ 28,552
22	(02) PERSONAL SERVICES MATCHING	9,881	9,996
23	(03) MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE	11,010	11,010
25	(B) CONF. & TRAVEL	3,650	3,650
26	(C) PROF. FEES	5,000	5,000
27	(D) CAP. OUTLAY	0	0
28	(E) DATA PROC.	<u>0</u>	<u>0</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 57,534</u>	<u>\$ 58,208</u>

30  
 31 SECTION 29. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There  
 32 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 33 to be payable from the Performance Partnership Trust Fund, for expenses of  
 34 designing and establishing a management organization of the Arkansas  
 35 Department of Environmental Quality for the biennial period ending June 30,  
 36 2009, the following:

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ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) PERFORMANCE INTEGRATED INFORMATION		
SYSTEM EXPENSES	<u>\$ 600,000</u>	<u>\$ 600,000</u>

SECTION 30. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as authorized through various settlement agreements benefiting the State of Arkansas as administered through the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2009, the sum of .....  
.....\$1,500,000.

SECTION 31. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Computer and Electronic Recycling Fund, for grants and expenses of the Arkansas Department of Environmental Quality - Computer and Electronic Recycling for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) COMPUTER AND ELECTRONICS RECYCLING		
MANAGEMENT EXPENSES OR GRANTS	<u>\$ 250,000</u>	<u>\$ 250,000</u>

SECTION 32. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas Department of Environmental Quality for the 2007-2009 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the

1 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
 2 or its successor.

3  
4

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
6	Item	Class	Employees	2007-2008	2008-2009
7	No.	Code Title	Employees	2007-2008	2008-2009
8	(1)	R007 POL C ADMIN HEARING OFFICER	1	GRADE 26	
9	(2)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
10	(3)	K117 MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14	
11		MAX. NO. OF EMPLOYEES	3		

12  
13 SECTION 33. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 14 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas  
 15 Department of Environmental Quality, to be payable from the Arkansas  
 16 Department of Environmental Quality Fee Fund, for personal services and  
 17 operating expenses of the Arkansas Department of Environmental Quality -  
 18 Administrative Hearing Officer for the biennial period ending June 30, 2009,  
 19 the following:

20  
21

ITEM		FISCAL YEARS	
22	NO.	2007-2008	2008-2009
23	(01) REGULAR SALARIES	\$ 141,111	\$ 143,744
24	(02) PERSONAL SERVICES MATCHING	40,063	40,597
25	(03) MAINT. & GEN. OPERATION		
26	(A) OPER. EXPENSE	88,217	88,217
27	(B) CONF. & TRAVEL	5,922	5,922
28	(C) PROF. FEES	0	0
29	(D) CAP. OUTLAY	0	0
30	(E) DATA PROC.	<u>0</u>	<u>0</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 275,313</u>	<u>\$ 278,480</u>

32  
33 SECTION 34. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 34 EXPENSES. There is hereby appropriated, to the Arkansas Department of  
 35 Environmental Quality, to be payable from the Miscellaneous Agencies Fund  
 36 Account, for expenses of the Pollution Control and Ecology Commission of the

1 Arkansas Department of Environmental Quality for the biennial period ending  
 2 June 30, 2009, the following:

3

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
5 <u>NO.</u>		
6 (01) PC&E COMMISSION	\$ <u>3,977</u>	\$ <u>3,977</u>

7

8 *SECTION 35. APPROPRIATION – NON HAZARDOUS SITE CLEAN UP. There is hereby*  
 9 *appropriated, to the Arkansas Department of Environmental Quality, to be*  
 10 *payable from the Arkansas Department of Environmental Quality Fee Trust Fund,*  
 11 *for the clean up of non hazardous sites which pose a threat to the*  
 12 *environment for the biennial period ending June 30, 2009, the following:*

13

14

ITEM	FISCAL YEARS	
<u>No.</u>	2007-2008	2008-2009
17 (01) CONTRACTUAL SERVICES	\$ <u>500,000</u>	\$ <u>1,000,000</u>

18

19 *SECTION 36. Arkansas Code Annotated 8-1-105 is amended to read as follows:*  
 20 *(a) An "Arkansas Department of Environmental Quality Fee Trust Fund" is*  
 21 *established on the books of the Treasurer of State, the Auditor of State, and*  
 22 *the Chief Fiscal Officer of the State.*  
 23 *(b) All interest earnings and fees collected under the provisions of all laws*  
 24 *administered by the Arkansas Department of Environmental Quality shall be*  
 25 *deposited in this fund unless otherwise provided by law. The department shall*  
 26 *use these funds to defray the costs of operating the department.*

27

28 *SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
 29 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA*  
 30 *HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the*  
 31 *Arkansas Department of Environmental Quality - Hazardous Waste Permit Program*  
 32 *for the, ~~2005-2007~~ 2007-2009 biennium, the following maximum number of part-*  
 33 *time or temporary employees, to be known as "Extra Help", payable from funds*  
 34 *appropriated herein for such purposes: Four (4) temporary or part-time*  
 35 *employees, when needed, at rates of pay not to exceed those provided in the*  
 36 *Uniform Classification and Compensation Act, or its successor, for the*

1 appropriate classification. These four positions are utilized for a specific  
2 project and are specifically exempt from the limitations, either by act or  
3 regulation, of hours worked. The provisions of this section shall be in  
4 effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

5  
6 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT  
8 PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial  
9 Action Trust Fund for the purchase of departmental laboratory equipment,  
10 including maintenance contracts, and data processing equipment and mission-  
11 critical software, including maintenance contracts, as appropriated in  
12 Section 15, in Items (03)(D) and (05) shall be funded only through interest  
13 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,  
14 the Department shall report biennially to the Legislative Council all  
15 expenditures from interest earnings for these purchases. The provisions of  
16 this section shall be in effect only from July 1, ~~2005~~ 2007 through June 30,  
17 ~~2007~~ 2009.

18  
19  
20 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS  
22 WASTE CLEANUP APPROPRIATION. Any unexpended balance in Section 15 hereof, of  
23 item (04) Contractual Services which remains at the close of the fiscal year  
24 ending June 30, ~~2006~~ 2008 shall be carried forward and made available for the  
25 same purpose for the fiscal year ending June 30, ~~2007~~ 2009.

26 Any carry forward of unexpended balance of appropriation and/or funding as  
27 authorized herein, may be carried forward under the following conditions:  
28 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
29 its reason(s) for the need to carry forward said appropriation and/or funding  
30 to the Department of Finance and Administration Office of Budget;  
31 (2) The Department of Finance and Administration Office of Budget shall  
32 report to the Arkansas Legislative Council all amounts carried forward from  
33 the first fiscal year of the biennium to the second fiscal year of the  
34 biennium by the September Arkansas Legislative Council or Joint Budget  
35 Committee meeting in the second fiscal year of the biennial period which  
36 report shall include the name of the Agency, Board, Commission or Institution

1 and the amount of the appropriation and/or funding carried forward from the  
2 first fiscal year to the second fiscal year, the program name or line item,  
3 the funding source of that appropriation and a copy of the written request  
4 set forth in (1) above;

5 (3) Each Agency, Board, Commission or Institution shall provide a written  
6 report to the Arkansas Legislative Council or Joint Budget Committee  
7 containing all information set forth in item (2) above, along with a written  
8 statement as to the current status of the project, contract, purpose etc. for  
9 which the carry forward was originally requested no later than thirty (30)  
10 days prior to the time the Agency, Board, Commission or Institution presents  
11 its budget request to the Arkansas Legislative Council/Joint Budget  
12 Committee; and

13 (4) Thereupon, the Department of Finance and Administration shall include  
14 all information obtained in item (3) above in the biennial budget manuals  
15 and/or a statement of non-compliance by the Agency, Board, Commission or  
16 Institution.

17 The provisions of this section shall be in effect only from July 1, 2005  
18 2007 through June 30, ~~2007~~ 2009.

20 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

22 PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended  
23 balance of the appropriation authorized in Section 29 hereof, of item (01)  
24 PERFORMANCE INTEGRATED INFORMATION SYSTEM EXPENSES which remains at the close  
25 of the fiscal year ending June 30, ~~2006~~ 2008 shall be carried forward and  
26 made available for the same purpose for the fiscal year ending June 30, ~~2007~~  
27 2009.

28 Any carry forward of unexpended balance of appropriation and/or funding as  
29 authorized herein, may be carried forward under the following conditions:

30 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
31 its reason(s) for the need to carry forward said appropriation and/or funding  
32 to the Department of Finance and Administration Office of Budget;

33 (2) The Department of Finance and Administration Office of Budget shall  
34 report to the Arkansas Legislative Council all amounts carried forward from  
35 the first fiscal year of the biennium to the second fiscal year of the  
36 biennium by the September Arkansas Legislative Council or Joint Budget

1 Committee meeting in the second fiscal year of the biennial period which  
2 report shall include the name of the Agency, Board, Commission or Institution  
3 and the amount of the appropriation and/or funding carried forward from the  
4 first fiscal year to the second fiscal year, the program name or line item,  
5 the funding source of that appropriation and a copy of the written request  
6 set forth in (1) above;

7 (3) Each Agency, Board, Commission or Institution shall provide a written  
8 report to the Arkansas Legislative Council or Joint Budget Committee  
9 containing all information set forth in item (2) above, along with a written  
10 statement as to the current status of the project, contract, purpose etc. for  
11 which the carry forward was originally requested no later than thirty (30)  
12 days prior to the time the Agency, Board, Commission or Institution presents  
13 its budget request to the Arkansas Legislative Council/Joint Budget  
14 Committee; and

15 (4) Thereupon, the Department of Finance and Administration shall include  
16 all information obtained in item (3) above in the biennial budget manuals  
17 and/or a statement of non-compliance by the Agency, Board, Commission or  
18 Institution.

19 The provisions of this section shall be in effect only from July 1, 2005  
20 2007 through June 30, ~~2007~~ 2009.

21  
22 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
24 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement  
25 Trust Fund for information technology needs may be made without prior  
26 approval of the Chief Fiscal Officer of the State, after seeking review of  
27 the Arkansas Legislative Council. Further, utilization of this appropriation  
28 for information technology needs of the Arkansas Department of Environmental  
29 Quality must also be approved by the Executive Chief Information Officer  
30 after the project is evaluated on the methodology recommended by the Chief  
31 Information Officer and the CIO Council, including an analysis of the return  
32 on investment and linkage to the Department's business objectives. Any  
33 approved projects and expenditures for information technology from the  
34 Environmental Settlement Trust Fund shall be reported annually to the Joint  
35 Committee on Advanced Communications and Information Technology.

36

1 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ  
3 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)  
4 shall be used by the department to fund operational expenses and to provide  
5 and train personnel to administer an asbestos program, as funding is  
6 available, including:

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

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

17 (c) Other personnel as necessary to administer the asbestos program.  
18

19 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING  
21 REQUIREMENTS. The Department shall present the following data to Legislative  
22 Council quarterly, due by the 15th day of the month following the quarter,  
23 beginning July 15, ~~2005~~ 2007:

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

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

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

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

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

3 The provisions of this section shall be in effect only from July 1, ~~2005~~  
4 2007 through June 30, ~~2007~~ 2009.

5  
6 SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
8 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,  
9 for each fiscal year of the ~~2005-2007~~ 2007-2009 biennium, the Arkansas  
10 Department of Environmental Quality may transfer from various department  
11 funds to the Arkansas Department of Environmental Quality Fund Account, the  
12 sum of ~~\$3,731,371~~ \$3,866,298 in fiscal year ~~2005-2006~~ 2007-2008 and  
13 ~~\$3,816,614~~ \$3,866,635 in fiscal year ~~2006-2007~~ 2008-2009, for the exclusive  
14 purpose of supplementing funding for the appropriation provided in SECTION 3.  
15 APPROPRIATION - STATE OPERATIONS. The funds shall be used for personal  
16 services and operating expenses of the Arkansas Department of Environmental  
17 Quality - State Operations. Funds which remain in the Arkansas Department of  
18 Environmental Quality Fund Account at the close of each fiscal year of the  
19 ~~2005-2007~~ 2007-2009 biennium shall be carried forward and made available for  
20 the same purpose for the following fiscal year. These funds shall be used for  
21 the purpose stated above.

22  
23 SECTION 45. 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 46. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
32 FORWARD. Any unexpended balances of appropriation and funds authorized in  
33 Section 31 for Computer and Electronic Recycling Management Expenses or  
34 Grants, which remains at the close of fiscal year ending June 30, 2008 shall  
35 be carried forward and made available for the same purpose for the fiscal  
36 year ending June 30, 2009.

1 Any carry forward of unexpended balance of appropriation and/or funding as  
2 authorized herein, may be carried forward under the following conditions:

3 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
4 its reason(s) for the need to carry forward said appropriation and/or funding  
5 to the Department of Finance and Administration Office of Budget;

6 (2) The Department of Finance and Administration Office of Budget shall  
7 report to the Arkansas Legislative Council all amounts carried forward from  
8 the first fiscal year of the biennium to the second fiscal year of the  
9 biennium by the September Arkansas Legislative Council or Joint Budget  
10 Committee meeting in the second fiscal year of the biennial period which  
11 report shall include the name of the Agency, Board, Commission or Institution  
12 and the amount of the appropriation and/or funding carried forward from the  
13 first fiscal year to the second fiscal year, the program name or line item,  
14 the funding source of that appropriation and a copy of the written request  
15 set forth in (1) above;

16 (3) Each Agency, Board, Commission or Institution shall provide a written  
17 report to the Arkansas Legislative Council or Joint Budget Committee  
18 containing all information set forth in item (2) above, along with a written  
19 statement as to the current status of the project, contract, purpose etc. for  
20 which the carry forward was originally requested no later than thirty (30)  
21 days prior to the time the Agency, Board, Commission or Institution presents  
22 its budget request to the Arkansas Legislative Council/Joint Budget  
23 Committee; and

24 (4) Thereupon, the Department of Finance and Administration shall include  
25 all information obtained in item (3) above in the biennial budget manuals  
26 and/or a statement of non-compliance by the Agency, Board, Commission or  
27 Institution.

28 The provisions of this section shall be in effect only from July 1, 2007  
29 through June 30, 2009.

30  
31 SECTION 47. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL  
33 POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000  
34 per site from the Landfill Post-Closure Trust Fund, as appropriated in  
35 Section 22, Item (04) for corrective action to remedy environmental impacts  
36 of closed disposal sites previously operated as a landfill pursuant to state

1 law will be prioritized and authorized by the Commission after addressing  
2 corrective actions needed to address environmental impacts from from  
3 permitted landfills closed properly. The total of the said expenditures for  
4 the biennium shall not exceed 5 percent of the fund balance as of July 1,  
5 2007.

6  
7 SECTION 48. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON  
9 HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas  
10 Department of Environmental Quality Fee Trust Fund for the clean up of non  
11 hazardous sites which pose a threat to the environment, as appropriated in  
12 Section 35, shall be funded only through interest earnings from the Arkansas  
13 Department of Environmental Quality Fee Trust Fund. The Arkansas Department  
14 of Environmental Quality shall seek cost recovery from parties responsible  
15 for damages to the environment that dictate the use of appropriation  
16 authorized in Section 35 of this act, as well as, any other funds spent by a  
17 governmental entity to remediate such non hazardous sites.

18  
19 SECTION 49. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
21 APPROPRIATION PROVISIONS. On or after July 1, 2007, any appropriation made  
22 payable from the Arkansas Department of Environmental Quality Fee Fund shall  
23 be made payable from the Arkansas Department of Environmental Quality Fee  
24 Trust Fund.

25  
26 SECTION 50. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
27 by this act shall be limited to the appropriation for such agency and funds  
28 made available by law for the support of such appropriations; and the  
29 restrictions of the State Procurement Law, the General Accounting and  
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
31 Procedures and Restrictions Act, or their successors, and other fiscal  
32 control laws of this State, where applicable, and regulations promulgated by  
33 the Department of Finance and Administration, as authorized by law, shall be  
34 strictly complied with in disbursement of said funds.

35  
36 SECTION 51. LEGISLATIVE INTENT. It is the intent of the General Assembly

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

8  
9 SECTION 52. EMERGENCY CLAUSE. It is found and determined by the General  
10 Assembly, that the Constitution of the State of Arkansas prohibits the  
11 appropriation of funds for more than a two (2) year period; that the  
12 effectiveness of this Act on July 1, 2007 is essential to the operation of  
13 the agency for which the appropriations in this Act are provided, and that in  
14 the event of an extension of the Regular Session, the delay in the effective  
15 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
16 proper administration and provision of essential governmental programs.  
17 Therefore, an emergency is hereby declared to exist and this Act being  
18 necessary for the immediate preservation of the public peace, health and  
19 safety shall be in full force and effect from and after July 1, 2007.

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21 /s/ Joint Budget Committee

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23 APPROVED: 4/5/2007  
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