

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

# A Bill

**SENATE BILL 772**

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

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

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

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

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

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

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

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

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

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15 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
16 authorized by this Act shall be limited to the appropriation for such agency  
17 and funds made available by law for the support of such appropriations; and  
18 the restrictions of the State Purchasing Law, the General Accounting and  
19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
20 Procedures and Restrictions Act, or their successors, and other fiscal control  
21 laws of this State, where applicable, and regulations promulgated by the  
22 Department of Finance and Administration, as authorized by law, shall be  
23 strictly complied with in disbursement of said funds.

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

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34 SECTION 6. CODE. All provisions of this Act of a general and permanent  
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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

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

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

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*/s/Senator Yates*

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