

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1418

4 By: Joint Budget Committee

5
6

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE DEPARTMENT OF POLLUTION CONTROL
10 AND ECOLOGY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1997;
11 AND FOR OTHER PURPOSES."

12
13

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF POLLUTION
15 CONTROL AND ECOLOGY APPROPRIATION FOR
16 THE 1995-97 BIENNIUM."

17
18

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

19
20

SECTION 1. REGULAR SALARIES. There is hereby established for the
21 Department of Pollution Control and Ecology for the 1995-97 biennium, the
22 following maximum number of regular employees whose salaries shall be
23 governed by the provisions of the Uniform Classification and Compensation Act
24 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
25 thereto. Provided, however, that any position to which a specific maximum
26 annual salary is set out herein in dollars, shall be exempt from the
27 provisions of said Uniform Classification and Compensation Act. All persons
28 occupying positions authorized herein are hereby governed by the provisions
29 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
30 101), or its successor.

31
32

Item Class		Maximum	Maximum Annual	
No.	Code	No. of	Salary Rate	Fiscal Years
	Title	Employees	1995-96	1996-97

1	(1) 9976 POL C DIRECTOR	1	\$ 78,500	\$
2	80,698			
3	(2) POL C DEP DIR - LAND RESOURCES	1	\$ 61,448	\$
4	63,169			
5	(3) POL C DEP DIR - WATER & AIR RESOURCES	1	60,000	
6	61,680			
7	(4) POL C DEP DIR - ENVIRON RESOURCES	1	55,000	
8	56,540			
9	(5) R038 ATTORNEY SUPERVISOR	1		GRADE 26
10	593Z CHIEF WATER MANAGEMENT	1		
11	594Z POL C CHIEF - AIR DIVISION	1		
12	(3) 586Z POL C ADMINISTRATOR MANAGEMENT SVCS	1		GRADE 25
13	592Z POL C CHIEF MINING DIVISION	1		
14	597Z POL C CHIEF - TECHNICAL SVCS DIV	1		
15	595Z POL C CHIEF - HAZARDOUS WASTE DIV	1		
16	596Z POL C CHIEF - SOLID WASTE DIVISION	1		
17	598Z POL C CHIEF - CONST ASST DIVISION	1		
18	R170 ATTORNEY SPECIALIST	5		
19	(4) 591Z POL C DIVISION CHIEF	6		GRADE 24
20	X339 ENGINEER SUPERVISOR	16		
21	X328 POL C ASST CHIEF WATER POLLUTION	1		
22	297Z GENERAL BUSINESS MANAGER	1		
23	903Z TECHNICAL ASSISTANCE MANAGER	5		
24	R036 ATTORNEY	3		
25	(5) D046 SYSTEMS APPLICATIONS SUPERVISOR	1		GRADE 23
26	B012 CHEMIST SUPERVISOR	3		
27	B106 GEOLOGY SUPERVISOR	4		
28	(6) 909Z PROGRAM SUPPORT MANAGER	12		GRADE 22
29	X338 ENGINEER, PE	61		
30	Q020 HAZARDOUS WASTE INSPECTOR SUPV	2		
31	Q006 POL C PERMIT SUPERVISOR	1		
32	B023 POL C CHIEF ECOLOGIST	1		
33	(7) R488 GRANTS ADMIN SUPV	3		GRADE 21
34	R376 POL C ENFORCEMENT ADMINISTRATOR	11		
35	D036 SR PROGRAMMER/ANALYST	2		

1	Q120 POL C INSPECTOR SUPV	7	
2	R462 POL C PROGRAM COORD SECTION MGR	10	
3	B032 SR GEOLOGIST	8	
4	X341 ENGINEER II	21	
5	R460 POL C PLANNING SECTION MGR	3	
6	V012 PURCHASING MANAGER	1	
7	B126 WATER USE & RESOURCE SPECIALIST	1	
8	(8) B080 POL C ECOLOGIST II	10	GRADE 20
9	B010 CHEMIST II	11	
10	X314 PC&E AIR COMPLIANCE MONITOR	1	
11	Q108 POL C HAZARDOUS WASTE INSPECTOR	12	
12	R266 MANAGEMENT PROJECT ANALYST II	3	
13	(9) R168 GRANTS COORDINATOR II	4	GRADE 19
14	B030 GEOLOGIST	13	
15	R280 PC&E PROGRAM COORDINATOR	17	
16	Q061 POL C INSPECTOR	68	
17	R066 EMERG SVCS OPERATIONS OFFICER	1	
18	D132 SYSTEMS COORDINATION ANALYST I	1	
19	(10) N328 INFORMATION OFFICER II	3	GRADE 18
20	A111 ACCOUNTANT	2	
21	D034 PROGRAMMER ANALYST	4	
22	R264 MANAGEMENT PROJECT ANALYST I	8	
23	D129 DATA PROCESSING COORDINATOR	1	
24	R204 PARALEGAL/LEGAL ASSISTANT	1	
25	D128 P C SUPPORT SPECIALIST	2	
26	(11) R010 ADMINISTRATIVE ASSISTANT II	25	GRADE 17
27	B078 POL C ECOLOGIST I	3	
28	(12) X333 ENGINEER TECHNICIAN	2	GRADE 16
29	R132 PLANNING SPECIALIST I	1	
30	(13) R009 ADMINISTRATIVE ASSISTANT I	13	GRADE 15
31	A063 PAYROLL OFFICER	1	
32	N311 COMMERCIAL ARTIST I/GRAPHIC ART I	1	
33	(14) K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	4	GRADE 14
34	N327 INFORMATION OFFICER I	1	
35	K117 MEDICAL OR LEGAL SECRETARY	2	

1	(15) K153 SECRETARY II	33	GRADE 13
2	(16) K039 DOCUMENT EXAMINER II	2	GRADE 12
3	(17) K155 SECRETARY I	2	GRADE 11
4	(18) K006 DATA ENTRY SPECIALIST	<u>2</u>	GRADE 10
5	MAX NO. OF EMPLOYEES	456	

6
7 SECTION 2. EXTRA HELP - STATE. There is hereby authorized, for the
8 Department of Pollution Control and Ecology - State for the 1995-97 biennium,
9 the following maximum number of part-time or temporary employees, to be known
10 as "Extra Help", payable from funds appropriated herein for such purposes:
11 ten (10) temporary or part-time employees, when needed, at rates of pay not
12 to exceed those provided in the Uniform Classification and Compensation Act,
13 or its successor, or this act for the appropriate classification.

14
15 SECTION 3. EXTRA HELP - FEDERAL. There is hereby authorized, for
16 the Department of Pollution Control and Ecology - Federal for the 1995-97
17 biennium, the following maximum number of part-time or temporary employees,
18 to be known as "Extra Help", payable from funds appropriated herein for such
19 purposes: twenty-five (25) temporary or part-time employees, when needed, at
20 rates of pay not to exceed those provided in the Uniform Classification and
21 Compensation Act, or its successor, or this act for the appropriate
22 classification.

23
24 SECTION 4. EXTRA HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is
25 hereby authorized, for the Department of Pollution Control and Ecology -
26 Hazardous Waste Permit Program for the 1995-97 biennium, the following
27 maximum number of part-time or temporary employees, to be known as "Extra
28 Help", payable from funds appropriated herein for such purposes: Four (4)
29 temporary or part-time employees, when needed, at rates of pay not to exceed
30 those provided in the Uniform Classification and Compensation Act, or its
31 successor, for the appropriate classification. These four positions are
32 utilized for a specific project and are specifically exempt from the
33 limitations, either by act or regulation, of hours worked.

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

1 authorized, for the Department of Pollution Control and Ecology - Fee
2 Administration for the 1995-97 biennium, the following maximum number of
3 part-time or temporary employees, to be known as "Extra Help", payable from
4 funds appropriated herein for such purposes: ten (10) temporary or part-time
5 employees, when needed, at rates of pay not to exceed those provided in the
6 Uniform Classification and Compensation Act, or its successor, or this act
7 for the appropriate classification.

8

9 SECTION 6. EXTRA HELP - POLLUTION CONTROL AND ECOLOGY COMMISSION -
10 ADMINISTRATIVE HEARING OFFICER. There is hereby authorized, for the
11 Pollution Control and Ecology Commission - Administrative Hearing Officer for
12 the 1995-97 biennium, the following maximum number of part-time or temporary
13 employees, to be known as "Extra Help", payable from funds appropriated
14 herein for such purposes: one (1) temporary or part-time employees, when
15 needed, at rates of pay not to exceed those provided in the Uniform
16 Classification and Compensation Act, or its successor, or this act for the
17 appropriate classification.

18

19 SECTION 7. APPROPRIATIONS - STATE. There is hereby appropriated, to
20 the Department of Pollution Control and Ecology, to be payable from the
21 Department of Pollution Control and Ecology Fund Account, for personal
22 services and operating expenses of the Department of Pollution Control and
23 Ecology - State for the biennial period ending June 30, 1997, the following:

24

25 ITEM	FISCAL YEARS	
26 NO.	1995-96	1996-97
27 (01) REGULAR SALARIES	\$	2,012,683 \$
28 2,013,237		
29 (02) EXTRA HELP		22,674
30 22,674		
31 (03) PERSONAL SERV MATCHING		514,808
32 514,907		
33 (04) MAINT. & GEN. OPERATION		
34 (A) OPER. EXPENSE \$	473,211 \$	474,296
35 (B) CONF. & TRVL.	3,885	3,885

1	(C) PROF. FEES	17,500	17,500
2	(D) CAP. OUTLAY	12,068	1,560
3	(E) DATA PROC.	<u>0</u>	<u>0</u>
4	TOTAL MAINT. & GEN. OPER.		<u>506,664</u>
5			<u>497,241</u>
6	TOTAL AMOUNT APPROPRIATED		<u>\$ 3,056,829</u>
7			<u>3,048,059</u>

8

9 SECTION 8. APPROPRIATIONS - FEDERAL. There is hereby appropriated, to

10 the Department of Pollution Control and Ecology, to be payable from the

11 federal funds as designated by the Chief Fiscal Officer of the State, for

12 personal services and operating expenses of the Department of Pollution

13 Control and Ecology - Federal for the biennial period ending June 30, 1997,

14 the following:

16 ITEM	17 FISCAL YEARS	
18 NO.	19 1995-96	20 1996-97
21 (01) REGULAR SALARIES	\$ 3,177,089	\$
22 3,221,121		
23 (02) EXTRA HELP	33,850	
24 34,110		
25 (03) PERSONAL SERV MATCHING	870,615	
26 881,726		
27 (04) MAINT. & GEN. OPERATION		
28 (A) OPER. EXPENSE \$	1,362,876	\$ 1,356,031
29 (B) CONF. & TRVL.	45,210	45,210
30 (C) PROF. FEES	332,757	336,682
31 (D) CAP. OUTLAY	173,710	52,688
32 (E) DATA PROC.	<u>0</u>	<u>0</u>
33 TOTAL MAINT. & GEN. OPER.		1,914,553
34 1,790,611		
35 (05) CONTRACTUAL SERVICES		5,600,000
36 5,600,000		
37 (06) DATA PROCESSING RENTAL		<u>12,875</u>
38 <u>12,875</u>		

1 TOTAL AMOUNT APPROPRIATED \$ 11,608,982 \$
2 11,540,443

3
4 SECTION 9. APPROPRIATIONS - WASTE WATER LICENSE. There is hereby
5 appropriated, to the Department of Pollution Control and Ecology, to be
6 payable from cash funds as defined by Arkansas Code 19-4-801 of the
7 Department of Pollution Control and Ecology, for personal services and
8 ~~operating expenses of the Department of Pollution Control and Ecology - Waste~~
9 Water License for the biennial period ending June 30, 1997, the following:

11 ITEM		FISCAL YEARS	
12 NO.		1995-96	1996-97
13 (01)	REGULAR SALARIES	\$ 19,104	\$
14	19,104		
15 (02)	PERSONAL SERV MATCHING	6,035	
16	6,035		
17 (03)	MAINT. & GEN. OPERATION		
18	(A) OPER. EXPENSE \$	19,345	\$ 14,880
19	(B) CONF. & TRVL.	239	239
20	(C) PROF. FEES	17,450	16,300
21	(D) CAP. OUTLAY	0	0
22	(E) DATA PROC.	<u>0</u>	<u>0</u>
23	TOTAL MAINT. & GEN. OPER.		<u>37,034</u>
24	<u>31,419</u>		
25	TOTAL AMOUNT APPROPRIATED	\$	<u>62,173</u> \$
26	<u>56,558</u>		

27
28 SECTION 10. APPROPRIATIONS - LAND RECLAMATION CONTRACTS. There is
29 hereby appropriated, to the Department of Pollution Control and Ecology, to
30 be payable from the Land Reclamation Fund, for reclamation contracts of the
31 Department of Pollution Control and Ecology - Reclamation Contracts for the
32 biennial period ending June 30, 1997, the following:

34 ITEM		FISCAL YEARS	
35 NO.		1995-96	1996-97

1 (01) RECLAMATION CONTRACTS \$ 950,000 \$
2 950,000

3

4 SECTION 11. APPROPRIATIONS - HAZARDOUS WASTE PERMIT PROGRAM. There is
5 hereby appropriated, to the Department of Pollution Control and Ecology, to
6 be payable from the Hazardous Waste Permit Fund, for personal services and
7 operating expenses of the Department of Pollution Control and Ecology -
8 Hazardous Waste Permit Program for the biennial period ending June 30, 1997,
9 the following:

10

11 ITEM	FISCAL YEARS	
12 NO.	1995-96	1996-97
13 (01) REGULAR SALARIES	\$ 535,114	\$
14 644,929		
15 (02) EXTRA HELP	15,795	
16 15,795		
17 (03) PERSONAL SERV MATCHING	156,394	
18 192,341		
19 (04) OVERTIME	1,250	
20 1,250		

21 (05) MAINT. & GEN. OPERATION

22 (A) OPER. EXPENSE	\$ 131,626	\$ 131,626
23 (B) CONF. & TRVL.	2,240	2,240
24 (C) PROF. FEES	230,489	230,489
25 (D) CAP. OUTLAY	45,011	37,570
26 (E) DATA PROC.	<u>0</u>	<u>0</u>
27 TOTAL MAINT. & GEN. OPER.		<u>409,366</u>

28 401,925

29 TOTAL AMOUNT APPROPRIATED \$ 1,117,919 \$

30 1,256,240

31

32 SECTION 12. APPROPRIATIONS - RECLAMATION OF ABANDONED MINES. There is
33 hereby appropriated, to the Department of Pollution Control and Ecology, to
34 be payable from the Abandoned Mine Reclamation Fund, for contractual services
35 of the Department of Pollution Control and Ecology - Reclamation of Abandoned

1 Mines for the biennial period ending June 30, 1997, the following:

2

3 ITEM	FISCAL YEARS	
4 NO.	1995-96	1996-97
5 (01) CONTRACTUAL SERVICES	<u>\$ 5,700,000</u>	<u>\$</u>
6 <u>5,700,000</u>		

7

8 SECTION 13. APPROPRIATIONS - SURFACE COAL MINING. There is hereby
 9 appropriated, to the Department of Pollution Control and Ecology, to be
 10 payable from the Surface Coal Mining Operation Fund, for operating expenses
 11 of the Department of Pollution Control and Ecology - Surface Coal Mining for
 12 the biennial period ending June 30, 1997, the following:

13

14 ITEM	FISCAL YEARS	
15 NO.	1995-96	1996-97
16 (01) MAINT. & GEN. OPERATION		
17 (A) OPER. EXPENSE \$	5,738 \$	5,738
18 (B) CONF. & TRVL.	0	0
19 (C) PROF. FEES	0	0
20 (D) CAP. OUTLAY	0	0
21 (E) DATA PROC.	<u>0</u>	<u>0</u>
22 TOTAL MAINT. & GEN. OPER.		<u>5,738</u>
23 <u>5,738</u>		
24 TOTAL AMOUNT APPROPRIATED	<u>\$ 5,738</u>	<u>\$</u>
25 <u>5,738</u>		

26

27 SECTION 14. APPROPRIATIONS - MINING RECLAMATION. There is hereby
 28 appropriated, to the Department of Pollution Control and Ecology, to be
 29 payable from the Mining Reclamation Fund, for contractual services of the
 30 Department of Pollution Control and Ecology - Mining Reclamation for the
 31 ~~biennial period ending June 30, 1997, the following:~~

32

33 ITEM	FISCAL YEARS	
34 NO.	1995-96	1996-97
35 (01) CONTRACTUAL SERVICES	<u>\$ 1,520,000</u>	<u>\$</u>

1 1,520,000

2

3 SECTION 15. APPROPRIATIONS - FEE ADMINISTRATION. There is hereby
4 appropriated, to the Department of Pollution Control and Ecology, to be
5 payable from the Arkansas Department of Pollution Control and Ecology Fee
6 ~~Fund, for personal services and operating expenses of the Department of~~
7 Pollution Control and Ecology - Fee Administration for the biennial period
8 ending June 30, 1997, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	1995-96	1996-97
12 (01) REGULAR SALARIES	\$ 5,345,345	\$
13 5,367,446		
14 (02) EXTRA HELP		10,000
15 10,000		
16 (03) PERSONAL SERV MATCHING		1,494,881
17 1,498,936		
18 (04) MAINT. & GEN. OPERATION		
19 (A) OPER. EXPENSE \$	763,436	\$ 765,467
20 (B) CONF. & TRVL.	25,213	25,213
21 (C) PROF. FEES	58,332	58,332
22 (D) CAP. OUTLAY	267,998	46,221
23 (E) DATA PROC.	<u>0</u>	<u>0</u>
24 TOTAL MAINT. & GEN. OPER.		1,114,979
25 895,233		
26 (05) DATA PROCESSING RENTAL		<u>3,500</u>
27 <u>3,500</u>		
28 TOTAL AMOUNT APPROPRIATED		<u>\$ 7,968,705</u> \$
29 <u>7,775,115</u>		

30

31 SECTION 16. APPROPRIATIONS - SOLID WASTE PERFORMANCE BONDS PROGRAM.
32 There is hereby appropriated, to the Department of Pollution Control and
33 Ecology, to be payable from the Solid Waste Performance Bond Fund, for
34 contractual services of the Department of Pollution Control and Ecology -
35 Solid Waste Performance Bonds Program for the biennial period ending June 30,

1 1997, the following:

3 ITEM	FISCAL YEARS	
4 NO.	1995-96	1996-97
5 (01) CONTRACTUAL SERVICES	<u>\$ 500,000</u>	<u>\$</u>
6 <u>500,000</u>		

7

8 SECTION 17. APPROPRIATIONS - HAZARDOUS WASTE CLEAN UP. There is hereby

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

10 payable from the Hazardous Substance Remedial Action Trust Fund, for personal

11 services, operating expenses and contractual services of the Department of

12 Pollution Control and Ecology - Hazardous Waste Clean Up for the biennial

13 period ending June 30, 1997, the following:

15 ITEM	FISCAL YEARS	
16 NO.	1995-96	1996-97
17 (01) REGULAR SALARIES	\$ 84,550	\$
18 84,550		
19 (02) PERSONAL SERV MATCHING	25,582	
20 25,582		
21 (03) MAINT. & GEN. OPERATION		
22 (A) OPER. EXPENSE \$	12,558	\$ 12,558
23 (B) CONF. & TRVL.	0	0
24 (C) PROF. FEES	652,854	652,854
25 (D) CAP. OUTLAY	429,232	245,036
26 (E) DATA PROC.	<u>0</u>	<u>0</u>
27 TOTAL MAINT. & GEN. OPER.	1,094,644	
28 910,448		
29 (04) CONTRACTUAL SERVICES	<u>6,000,000</u>	
30 <u>6,500,000</u>		
31 TOTAL AMOUNT APPROPRIATED	<u>\$ 7,204,776</u>	<u>\$</u>
32 <u>7,520,580</u>		

33

34 SECTION 18. APPROPRIATIONS - EMERGENCY RESPONSE PROGRAM. There is

35 hereby appropriated, to the Department of Pollution Control and Ecology, to

1 be payable from the Emergency Response Fund, for personal services, operating
2 expenses and contractual services of the Department of Pollution Control and
3 Ecology - Emergency Response Program for the biennial period ending June 30,
4 1997, the following:

ITEM		FISCAL YEARS	
NO.		1995-96	1996-97
(01)	REGULAR SALARIES	\$ 72,748	\$ 72,748
(02)	PERSONAL SERV MATCHING	18,178	18,178
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSE \$	15,000	\$ 15,000
	(B) CONF. & TRVL.	0	0
	(C) PROF. FEES	0	0
	(D) CAP. OUTLAY	0	0
	(E) DATA PROC.	0	0
	TOTAL MAINT. & GEN. OPER.	15,000	15,000
(04)	CONTRACTUAL SERVICES	374,655	374,655
	TOTAL AMOUNT APPROPRIATED	\$ 480,581	\$ 480,581

24
25 SECTION 19. APPROPRIATIONS - ASBESTOS CONTROL PROGRAM. There is hereby
26 appropriated, to the Department of Pollution Control and Ecology, to be
27 payable from the Asbestos Control Fund, for personal services and operating
28 expenses of the Department of Pollution Control and Ecology - Asbestos
29 Control Program for the biennial period ending June 30, 1997, the following:

ITEM		FISCAL YEARS	
NO.		1995-96	1996-97
(01)	REGULAR SALARIES	\$ 84,545	\$ 84,545
(02)	PERSONAL SERV MATCHING	22,917	22,917

1	22,917		
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE \$	20,728 \$	20,728
4	(B) CONF. & TRVL.	2,325	2,325
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	0	0
7	(E) DATA PROC.	<u>0</u>	<u>0</u>
8	TOTAL MAINT. & GEN. OPER.		<u>23,053</u>
9	<u>23,053</u>		
10	TOTAL AMOUNT APPROPRIATED		<u>\$ 130,515 \$</u>
11	<u>130,515</u>		

12

13 SECTION 20. APPROPRIATIONS - SOLID WASTE MANAGEMENT AND RECYCLING

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

15 Control and Ecology, to be payable from the Solid Waste Management and

16 Recycling Fund, for personal services, operating expenses and recycling

17 grants of the Department of Pollution Control and Ecology - Solid Waste

18 Management and Recycling Program for the biennial period ending June 30,

19 1997, the following:

20			
21	ITEM		FISCAL YEARS
22	NO.		1995-96 1996-97
23	(01) REGULAR SALARIES	\$	516,993 \$
24	516,993		
25	(02) PERSONAL SERV MATCHING		141,864
26	141,864		
27	(03) MAINT. & GEN. OPERATION		
28	(A) OPER. EXPENSE \$	69,205 \$	69,205
29	(B) CONF. & TRVL.	5,133	5,133
30	(C) PROF. FEES	42,000	44,000
31	(D) CAP. OUTLAY	8,146	8,146
32	(E) DATA PROC.	<u>0</u>	<u>0</u>
33	TOTAL MAINT. & GEN. OPER.		124,484
34	126,484		
35	(04) RECYCLING GRANTS		<u>4,650,000</u>

1 4,650,000

2 TOTAL AMOUNT APPROPRIATED \$ 5,433,341 \$

3 5,435,341

4

5 SECTION 21. APPROPRIATIONS - REGULATED SUBSTANCE STORAGE TANK PROGRAM -
6 SPECIAL REVENUE. There is hereby appropriated, to the Department of
7 Pollution Control and Ecology, to be payable from the Regulated Substance
8 Storage Tank Program Fund, for personal services and operating expenses of
9 the Department of Pollution Control and Ecology - Regulated Substance Storage
10 Tank Program for the biennial period ending June 30, 1997, the following:

11

ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) REGULAR SALARIES	\$	594,027 \$
594,027		
(02) PERSONAL SERV MATCHING		163,452
163,452		
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE \$	117,546 \$	117,546
(B) CONF. & TRVL.	5,005	5,005
(C) PROF. FEES	640	640
(D) CAP. OUTLAY	15,300	12,190
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.		<u>138,491</u>

25 135,381

26 TOTAL AMOUNT APPROPRIATED \$ 895,970 \$

27 892,860

28

29 SECTION 22. APPROPRIATIONS - PETROLEUM STORAGE TANK TRUST FUND ACT.
30 There is hereby appropriated, to the Department of Pollution Control and
31 Ecology, to be payable from the Petroleum Storage Tank Trust Fund, for
32 operating expenses of the Department of Pollution Control and Ecology -
33 Petroleum Storage Tank Trust Fund Act for the biennial period ending June 30,
34 1997, the following:

35

1 ITEM	FISCAL YEARS		
	2 NO.	1995-96	1996-97
3 (01) MAINT. & GEN. OPERATION			
4 (A) OPER. EXPENSE	\$ 25,000,000	\$ 25,000,000	
5 (B) CONF. & TRVL.	0	0	
6 (C) PROF. FEES	0	0	
7 (D) CAP. OUTLAY	0	0	
8 (E) DATA PROC.	<u>0</u>	<u>0</u>	
9 TOTAL MAINT. & GEN. OPER.		<u>25,000,000</u>	
10 <u>25,000,000</u>			
11 TOTAL AMOUNT APPROPRIATED		<u>\$ 25,000,000</u>	<u>\$</u>
12 <u>25,000,000</u>			

~~14 SECTION 23. APPROPRIATIONS - REGULATED STORAGE TANK PROGRAM - FEDERAL.~~

15 There is hereby appropriated, to the Department of Pollution Control and
16 Ecology, to be payable from the federal funds as designated by the Chief
17 Fiscal Officer of the State, for contractual services of the Department of
18 Pollution Control and Ecology - Regulated Storage Tank Program - Federal for
19 the biennial period ending June 30, 1997, the following:

21 ITEM	FISCAL YEARS		
	22 NO.	1995-96	1996-97
23 (01) CONTRACTUAL SERVICES		<u>\$ 5,000,000</u>	<u>\$</u>
24 <u>5,000,000</u>			

26 SECTION 24. APPROPRIATIONS - HAZARDOUS WASTE MANAGEMENT PROGRAM. There
27 is hereby appropriated, to the Department of Pollution Control and Ecology,
28 to be payable from the Hazardous Waste Permit Fund, for personal services and
29 operating expenses of the Department of Pollution Control and Ecology -
30 Hazardous Waste Management Program for the biennial period ending June 30,
31 1997, the following:

33 ITEM	FISCAL YEARS		
	34 NO.	1995-96	1996-97
35 (01) REGULAR SALARIES		\$ 147,789	\$

1	147,789		
2	(02) PERSONAL SERV MATCHING		39,407
3	39,407		
4	(03) MAINT. & GEN. OPERATION		
5	(A) OPER. EXPENSE \$	16,446 \$	16,446
6	(B) CONF. & TRVL.	3,520	3,520
7	(C) PROF. FEES	0	0
8	(D) CAP. OUTLAY	0	0
9	(E) DATA PROC.	0	0
10	TOTAL MAINT. & GEN. OPER.		<u>19,966</u>
11	<u>19,966</u>		
12	TOTAL AMOUNT APPROPRIATED		<u>\$ 207,162 \$</u>
13	<u>207,162</u>		

14

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

16 hereby appropriated, to the Department of Pollution Control and Ecology, to

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

18 operating expenses and contractual services of the Department of Pollution

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

20 ending June 30, 1997, the following:

21			
22	ITEM		FISCAL YEARS
23	NO.		1995-96 1996-97
24	(01) REGULAR SALARIES	\$	24,996 \$
25	24,996		
26	(02) PERSONAL SERV MATCHING		7,077
27	7,077		
28	(03) MAINT. & GEN. OPERATION		
29	(A) OPER. EXPENSE \$	11,610 \$	11,610
30	(B) CONF. & TRVL.	2,841	2,841
31	(C) PROF. FEES	0	0
32	(D) CAP. OUTLAY	2,000	1,041
33	(E) DATA PROC.	<u>0</u>	<u>0</u>
34	TOTAL MAINT. & GEN. OPER.		16,451
35	15,492		

1	(04) CONTRACTUAL SERVICES	<u>7,500,000</u>
2		<u>9,000,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,548,524 \$</u>
4		<u>9,047,565</u>

5

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

7 hereby appropriated, to the Department of Pollution Control and Ecology,

8 to be payable from the Waste Tire Grant Fund, for tire recycling grants of

9 the Department of Pollution Control and Ecology - Waste Tire Recycling

10 Program for the biennial period ending June 30, 1997, the following:

11			
12	ITEM	FISCAL YEARS	
13	NO.	1995-96	1996-97
14	(01) TIRE RECYCLING GRANTS	<u>\$ 5,371,000 \$</u>	
15		<u>5,371,000</u>	

16

17 SECTION 27. APPROPRIATIONS - STATE MARKETING BOARD FOR RECYCLABLES

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

19 Control and Ecology, to be payable from the Marketing Board Fund, for

20 operating expenses of the Department of Pollution Control and Ecology - State

21 Marketing Board for Recyclables Program for the biennial period ending June

22 30, 1997, the following:

23			
24	ITEM	FISCAL YEARS	
25	NO.	1995-96	1996-97
26	(01) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE \$	19,846 \$	19,846
28	(B) CONF. & TRVL.	8,665	8,665
29	(C) PROF. FEES	40,000	42,000
30	(D) CAP. OUTLAY	0	0
31	(E) DATA PROC.	<u>0</u>	<u>0</u>
32	TOTAL MAINT. & GEN. OPER.	<u>68,511</u>	
33		<u>70,511</u>	
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 68,511 \$</u>	
35		<u>70,511</u>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 28. APPROPRIATIONS - ENVIRONMENTAL EDUCATION PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Environmental Education Fund, for personal services and operating expenses of the Department of Pollution Control and Ecology - Environmental Education Program for the biennial period ending June 30, 1997, the following:

ITEM NO.	FISCAL YEARS	
	1995-96	1996-97
(01) REGULAR SALARIES	\$ 41,070	\$ 41,070
(02) PERSONAL SERV MATCHING	12,579	12,579
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 73,833	\$ 73,833
(B) CONF. & TRVL.	3,000	3,000
(C) PROF. FEES	55,450	55,450
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL MAINT. & GEN. OPER.	<u>132,283</u>	<u>132,283</u>
<hr/>		
TOTAL AMOUNT APPROPRIATED	<u>\$ 185,932</u>	<u>\$ 185,932</u>

SECTION 29. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Pollution Control and Ecology Commission for the 1995-97 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

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

			Maximum Annual	
			Maximum	Salary Rate
			No. of	Fiscal Years
6 Item	7 Class	7 No. Code Title	8 Employees	9 1995-96 1996-97
8	(1)	R007 POL C COMM ADMIN HEARING OFFICER	1	GRADE 26
9	(2)	R010 ADMINISTRATIVE ASSISTANT II	1	GRADE 17
10	(3)	K117 MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14
11		MAX NO. OF EMPLOYEES	3	

12

13 SECTION 30. APPROPRIATIONS - POLLUTION CONTROL AND ECOLOGY COMMISSION -

14 ~~ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the~~

15 Pollution Control and Ecology Commission, to be payable from the Arkansas

16 Department of Pollution Control and Ecology Fee Fund, for personal services

17 and operating expenses of the Pollution Control and Ecology Commission for

18 the biennial period ending June 30, 1997, the following:

20 ITEM	21 FISCAL YEARS	
21 NO.	1995-96	1996-97
22 (01) REGULAR SALARIES	\$ 95,096	\$
23 95,476		
24 (02) EXTRA HELP	1,500	
25 2,000		
26 (03) PERSONAL SERVICES MATCHING	25,535	
27 25,640		
28 (04) MAINT. & GEN. OPERATION	<hr/>	
29 (A) OPER. EXPENSE \$	21,702	\$ 18,667
30 (B) CONF. & TRVL.	8,275	8,475
31 (C) PROF. FEES	27,500	38,000
32 (D) CAP. OUTLAY	5,443	398
33 (E) DATA PROC.	<u>0</u>	<u>0</u>
34 TOTAL MAINT. & GEN. OPER.	<hr/>	62,920
35 <u>65,540</u>		

1 4,700,000

2

3 SECTION 33. The Arkansas Department of Pollution Control and Ecology
4 is hereby authorized to provide special compensation to certain employees for
5 each full pay period (80 hours) worked in a job which requires contact with
6 inspection sites or emergency sites or other sites where exposure to
7 potentially hazardous substances is possible. State and Federal law and
8 statute mandate regulatory inspection to protect the environment and the
9 health of the citizens of the State of Arkansas. It is further recognized
10 that many substances which may be encountered are suspected carcinogens
11 and/or mutagens and may create harmful health effects from either short-term
12 or long-term exposure.

13

14 This special pay is to compensate the employees for the increased risk of
15 personal injury.

16

17 Rate of pay will be five and one half percent (5-1/2%) above regular
18 authorized pay or rate of pay. Payment will be controlled through personnel
19 actions by Administrative Services, Personnel Section. Rate of pay for
20 individuals who work less than a full pay period (80 hours) and/or transfer
21 to other work areas not defined above will not receive any enhanced rate of
22 pay for that or subsequent pay periods. This covers employees who may be
23 exposed to potentially hazardous substances during the daily performance of
24 their job duties.

25

26 Eligible classifications are restricted to:

27

- 28 Pollution Control Inspector II
- 29 Pollution Control Haz. Wst. Inspector
- 30 Pollution Control Inspector Supervisor
- 31 Hazardous Waste Inspector Supervisor

32

33 A monthly report shall be made to the Arkansas Legislative Council describing
34 all payments made to employees under the provisions of this section.

35

1 SECTION 34. There is hereby established a pool of twenty-three (23)
2 positions in the title of X338 Engineer, PE, grade 22. In the event that any
3 employee of the Department occupying the classification of X341 Engineer II,
4 grade 21 attains certification and registration through the Arkansas Board of
5 Registration for Engineers and Land Surveyors during the 1995-97 biennium,
6 the Department may, after submitting verifying documentation and receiving
7 the approval of the Chief Fiscal Officer of the State, surrender the Engineer
8 II title for that of Engineer, PE, grade 22. It is the intent of this
9 section that the employee shall be eligible for movement to the Engineer, PE
10 classification on the basis of a promotion and shall be eligible for any
11 compensation adjustments provided for by law as a result. All promotions
12 executed under the provisions of this section shall be submitted for prior
13 review by the Legislative Council, and all positions surrendered shall remain
14 unused for the remainder of the biennium.

15

16 SECTION 35. The Department of Pollution Control and Ecology is hereby
17 authorized to enter into agreements or contracts with the Arkansas Game and
18 Fish Commission or other entities as necessary to implement the
19 recommendations of the Mercury Task Force.

20

21 SECTION 36. (a) The Pollution Control and Ecology Commission (the
22 Commission) shall employ a full time administrative hearing officer to
23 perform such functions and duties as the Commission shall direct and in
24 particular to advise the Commission on matters of law and procedure that may
25 arise during the conduct of Commission duties and responsibilities as
26 outlined in Ark. Code §8-1-203, §8-4-201, §8-4-202, §8-4-311, §8-5-205, §8-6-
27 207 or as otherwise provided by law.

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

31 (c) Subject to such rules and regulations as may be implemented by the Chief
32 Fiscal Officer of the State, and after having sought the approval of the
33 Chief Fiscal Officer, and prior review by the Arkansas Legislative Council,
34 the Pollution Control and Ecology Commission may transfer appropriation from
35 Maintenance and General Operations from the appropriation provided to the

1 Department for Fee Administration payable from the Arkansas Department of
 2 Pollution Control and Ecology Fee Fund to the Maintenance and General
 3 Operations appropriation provided for the Commission's Hearing Officer.
 4 (d) The office space for the hearing officer shall be at a location other
 5 than the offices of the Department of Pollution Control and Ecology.
 6 (e) The Administrative Assistant II shall be supervised by and provide
 7 assistance to the administrative hearing officer authorized herein.
 8 (f) The Disbursing Officer of the Department of Pollution Control and
 9 Ecology shall disburse the funds appropriated for the Commission's hearing
 10 officer.

11

12 *SECTION 37. APPROPRIATIONS - POLLUTION CONTROL AND ECOLOGY COMMISSION*
 13 *- EXPENSES. There is hereby appropriated, to the Pollution Control and*
 14 *Ecology Commission, to be payable from the State General Services Fund*
 15 *Account, for use in the educational and training expenses of the Pollution*
 16 *Control and Ecology Commission for the biennial period ending June 30, 1997,*
 17 *the following:*

18

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>1995-96</i></u>	<u><i>1996-97</i></u>
<i>(01) COMMISSION EDUCATIONAL/TRAINING EXPENSES</i>	<u><i>\$ 10,000</i></u>	<u><i>\$ 10,000</i></u>

22

23

24 *SECTION 38. COMPLIANCE WITH OTHER LAWS. Disbursement of funds*
 25 *authorized by this Act shall be limited to the appropriation for such agency*
 26 *and funds made available by law for the support of such appropriations; and*
 27 *the restrictions of the State Purchasing Law, the General Accounting and*
 28 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
 29 *Procedures and Restrictions Act, or their successors, and other fiscal*
 30 *control laws of this State, where applicable, and regulations promulgated by*
 31 *the Department of Finance and Administration, as authorized by law, shall be*
 32 *strictly complied with in disbursement of said funds.*

33

34 *SECTION 39. LEGISLATIVE INTENT. It is the intent of the General*
 35 *Assembly that any funds disbursed under the authority of the appropriations*

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

7

8 *SECTION 40. (a) For purposes of this section "motor vehicle" means*
9 *every motor vehicle defined by Ark. Code 8-9-402.*

10 *(b) Due to the noise, air pollution and traffic congestion caused by*
11 *motor vehicle racing facilities, no motor vehicle racing facility may be*
12 *constructed in this state after passage of this act without the consent of at*
13 *least seventy-five percent (75%) of the property owners and seventy-five*
14 *percent (75%) of the adult residents within three (3) miles of the outside*
15 *boundary of the proposed facility. Such consent shall be accomplished by*
16 *signing petitions which shall be filed with the city clerk if the facility is*
17 *to be located within the boundaries of any city or town or with the county*
18 *clerk if the facility is to be located wholly or partially outside the*
19 *boundaries of any city or town. The petitions shall indicate the name,*
20 *residence address, or if a non-resident property owner, the address or legal*
21 *description of the property located within the three (3) mile area, and the*
22 *date of the signature. The petitions must be verified pursuant to Ark. Code*
23 *7-9-109. Signatures shall become invalid sixty (60) days after signing.*

24 *(c) It shall be the duty of the county clerk or city clerk, as the*
25 *case may be, to determine the sufficiency of the signatures.*

26

27 *SECTION 41. CODE. All provisions of this Act of a general and*
28 *permanent nature are amendatory to the Arkansas Code of 1987 Annotated and*
29 *the Arkansas Code Revision Commission shall incorporate the same in the Code.*

30

31 *SECTION 42. SEVERABILITY. If any provision of this Act or the*
32 *application thereof to any person or circumstance is held invalid, such*
33 *invalidity shall not affect other provisions or applications of the Act which*
34 *can be given effect without the invalid provision or application, and to this*
35 *end the provisions of this Act are declared to be severable.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 43. GENERAL REPEALER. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 44. EMERGENCY CLAUSE. It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.

/s/Rep. E. Thicksten

.As Engrossed: 3/10/95 3/22/95 4/7/95

HB 1418

1
2
3
4
5
6
7
8
9
10