

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 682

4
5 By: Senator Mahony
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For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE DIRECTOR OF THE ARKANSAS
10 DEPARTMENT OF ENVIRONMENTAL QUALITY TO DESIGN AND
11 ESTABLISH A MANAGEMENT ORGANIZATION UTILIZING THE
12 PRINCIPLES OF THE NATIONAL ENVIRONMENTAL PERFORMANCE
13 PARTNERSHIP SYSTEM WHICH INTEGRATES ENVIRONMENTAL
14 INDICATORS, MANAGEMENT INFORMATION AND PERFORMANCE-
15 BASED BUDGETING AND ACCOUNTING TO MEASURE AGENCY
16 PERFORMANCE; TO CREATE A NEW CHAPTER OF TITLE 8 OF THE
17 ARKANSAS CODE; AND FOR OTHER PURPOSES."

Subtitle

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19 "AUTHORIZE DEPARTMENT OF ENVIRONMENTAL
20 QUALITY TO DESIGN AND ESTABLISH A
21 MANAGEMENT ORGANIZATION WHICH UTILIZES
22 ENVIRONMENTAL INDICATORS, MANAGEMENT
23 INFORMATION AND PERFORMANCE-BASED
24 BUDGETING AND ACCOUNTING."
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Title 8 of the Arkansas Code is amended to add a new chapter
31 to read as follows:

32 "8-11-101. Purpose. It is recognized that:

33 (1) The improvement of the environment and the management of
34 environmental concerns within the State of Arkansas is a matter of interest to
35 all citizens of this state;

36 (2) Environmental protection and improvement could be enhanced by

1 authorizing the Director of the Arkansas Department of Environmental Quality
 2 to design and establish a management organization which incorporates specific
 3 goals for environmental protection and uses environmental indicators to
 4 measure agency performance; and

5 (3) The Director of the Arkansas Department of Environmental Quality
 6 should execute a management process which:

7 (A) Creates an integrated agency information system;

8 (B) Organizes the department according to business function;

9 (C) Utilizes environmental indicators to measure progress in
 10 protecting and enhancing the environment;

11 (D) Employs a collaborative public involvement process to define
 12 the environmental indicators to be used to measure environmental enhancement;
 13 and

14 (E) Establishes a performance-based financial management system
 15 that links funding of agency activities to environmental results.

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 17 8-11-102. Authority to Adopt Alternative Organization.

18 The director, with the advice and consent of the Governor, may establish
 19 any number of divisions for the conduct of environmental affairs of the state
 20 and may prescribe the functions and duties of each division; provided,
 21 however, that:

22 (1) All functions and duties prescribed by a grant agreement with an
 23 entity of the federal government shall be maintained for the duration of such
 24 agreement;

25 (2) This section does not limit any provision of state law directing
 26 or requiring the department to carry out any function or provide any service.
 27 However, nothing in this section shall be construed to prevent the
 28 reassignment of functions or services assigned by state law where reassignment
 29 does not alter the obligation of the department to continue providing such
 30 function or service;

31 (3) Such reorganization shall be based on a comprehensive analysis of
 32 all functions and duties administered by the department and the development of
 33 a ten (10) year strategic plan of department operations; and

34 (4) The conduct of such comprehensive analysis and the development of
 35 a strategic plan shall be financed by an appropriation or authorization of the
 36 General Assembly for these specific purposes.

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2 8-11-103. Requirements for Comprehensive Analysis and Strategic
3 Planning.

4 (a) Any reorganization of the functions and duties for the conduct of
5 environmental affairs through the provisions of this chapter shall be based on
6 a comprehensive analysis of existing operations of the department and the
7 development of a ten (10) year strategic plan for department operations. Such
8 strategic plan shall be reviewed and updated on an annual basis and shall be
9 made available for public review through formal notice.

10 (b) The comprehensive analysis of each division, function, and duty
11 shall consist of the following requirements:

12 (1) A comprehensive analysis of each existing division,
13 function, and duty performed by the department in providing environmental
14 services; and

15 (2) A comprehensive comparative analysis of the functions and
16 duties to be performed through the proposed alternative organization with
17 regard to improved efficiency, effectiveness, responsiveness, and
18 accountability to the people.

19 (c) The strategic plan shall outline a management organization for the
20 department that promotes environmental protection and enhancement. Such
21 management organization shall consist of the following requirements:

22 (1) Establishes an integrated agency information system that:

23 (A) Ensures compatibility between state standards and
24 facility identification and location data standards established by the U. S.
25 Environmental Protection Agency;

26 (B) Reduces reporting and record-keeping burdens on
27 industry;

28 (C) Establishes a public participation process to define
29 and adopt reporting and data management reforms;

30 (D) Measures improvements in waste reduction recycling of
31 waste materials, conservation and reuse of resources, and pollution
32 prevention; and

33 (E) Expands public access to environmental performance
34 information;

35 (2) Institutes environmental performance indicators to measure
36 progress in protecting and enhancing the environment. Such indicators shall

1 emphasize waste reduction, recycling of waste materials, conservation and
 2 reuse of materials, and pollution prevention; and shall be formulated using
 3 numeric goals and expressed in plain language terms. Such indicators shall be
 4 developed by a work group appointed by the director consisting of
 5 representatives of the department working in collaboration with
 6 representatives from state and federal agencies, city and county officials,
 7 non-profit organizations, minority groups, industry, colleges and
 8 universities, civic groups, and other stakeholders in environmental affairs;

9 (3) Organizes the department according to business functions and
 10 duties;

11 (4) Establishes a performance-based financial management system
 12 that links expenditures within divisions, functions, and duties to
 13 environmental protection and enhancement; and

14 (5) Embodies the above elements into a reorganization plan which
 15 provides for the scheduling of any transfer of functions and duties,
 16 acquisition of equipment, development of procedures, programming, records,
 17 documents, properties, assets, funds, liabilities, and bonding resulting from
 18 the proposed changes."

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 20 SECTION 2. All laws and parts of laws which are in conflict herewith
 21 are hereby repealed to the extent of such conflict.

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 23 SECTION 3. If any provision of this act or the application thereof to
 24 any person or circumstance is held invalid, such invalidity shall not affect
 25 other provisions or applications of the act which can be given effect without
 26 the invalid provision or application, and to this end the provisions of this
 27 act are declared severable.

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 29 SECTION 4. If another act of the 1999 Regular Session of the General
 30 Assembly adds a new Chapter 11 to Title 8 of the Arkansas Code, the Arkansas
 31 Code Revision Commission shall renumber the chapter, and its sections, added
 32 by this act.

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 34 SECTION 5. Emergency Clause. It is hereby found and determined by the
 35 General Assembly that it is vital that a management process be executed to
 36 improve our ability to protect and enhance the environment through the

1 development and use of measurable environmental indicators. Therefore, an
2 emergency is declared to exist and this act being immediately necessary for
3 the preservation of the public peace, health and safety shall become effective
4 on the date of its approval by the Governor. If the bill is neither approved
5 nor vetoed by the Governor, it shall become effective on the expiration of the
6 period of time during which the Governor may veto the bill. If the bill is
7 vetoed by the Governor and veto is overridden, it shall become effective on
8 the date the last house overrides the veto.

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