

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S4/1/99
A Bill

SENATE BILL 725

5 *By: Joint Budget Committee*
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR EXPENSES OF
10 DESIGNING AND ESTABLISHING A MANAGEMENT ORGANIZATION
11 UTILIZING THE PRINCIPLES OF THE NATIONAL ENVIRONMENTAL
12 PERFORMANCE PARTNERSHIP SYSTEM ADVOCATED BY THE U. S.
13 ENVIRONMENTAL PROTECTION AGENCY WHICH INTEGRATES
14 ENVIRONMENTAL INDICATORS, MANAGEMENT INFORMATION, AND
15 PERFORMANCE-BASED BUDGETING AND ACCOUNTING TO MEASURE
16 AGENCY PERFORMANCE FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY FOR THE BIENNIAL PERIOD ENDING
18 JUNE 30, 2001; AND FOR OTHER PURPOSES. "
19

Subtitle

20
21 "AN ACT FOR THE ARKANSAS DEPARTMENT OF
22 ENVIRONMENTAL QUALITY - PERFORMANCE
23 PARTNERSHIP APPROPRIATION FOR THE 1999-
24 2001 BIENNIAL. "
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There
30 is hereby appropriated, to the Arkansas Department of Environmental Quality,
31 to be payable from the Performance Partnership Trust Fund, for expenses of
32 designing and establishing a management organization utilizing the principles
33 of the National Environmental Performance Partnership System advocated by the
34 U. S. Environmental Protection Agency which integrates environmental
35 indicators, management information, and performance-based budgeting and
36 accounting to measure agency performance, for the biennial period ending June

PLR082

0226990458. PLR082

1 30, 2001, the following:

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3	ITEM	FISCAL YEARS	
4	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
5	(01) PERFORMANCE BUDGETING ORGANIZATION		
6	EXPENSES	\$ <u>500,000</u>	\$ <u>500,000</u>

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8 SECTION 2. SPECIAL LANGUAGE. LANDFILL POST-CLOSURE TRUST FUND. Arkansas
 9 Code § 8-6-1002(a) is amended to read as follows:

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11 "(a)(1) There is established on the books of the Treasurer of State, Auditor
 12 of State, and Chief Fiscal Officer of the State a trust fund to be known as
 13 the "Landfill Post-Closure Trust Fund".

14 (2) In addition to all moneys appropriated by the General Assembly to the
 15 fund, there shall be deposited in the fund all landfill disposal fees
 16 collected pursuant to this subchapter and any moneys received by the state as
 17 a gift or donation to the fund or any federal moneys designated to enter the
 18 fund, and all interest earned upon moneys deposited in the fund.

19 (3) Moneys received into the fund may also be used by the department for
 20 administrative purposes, at a level not to exceed three hundred thousand
 21 dollars (\$300,000) annually, with an annual escalator not to exceed three
 22 percent (3%). In the event the total amount in the Landfill Post-Closure Trust
 23 Fund equals or exceeds twenty-five million dollars (\$25,000,000), no
 24 additional moneys shall be collected pursuant to this subchapter until the
 25 total amount in the fund equals or is less than fifteen million dollars
 26 (\$15,000,000), at which time such collection of moneys shall resume.

27 (4)(A) Effective July 1, 1997, and annually thereafter, an apportionment
 28 of the moneys in the Landfill Post-Closure Trust Fund, not to exceed one
 29 million dollars (\$1,000,000) per fiscal year, shall be allocated from the
 30 moneys deposited into the Landfill Post-Closure Trust Fund to be utilized by
 31 the department to administer and enforce the Illegal Dump Eradication and
 32 Corrective Action Program, in accordance with conditions set forth in § 8-6-
 33 501, et seq. No more than fifteen percent (15%) of this allocation may be used
 34 for administrative purposes by the department pursuant to the activities
 35 related to the Illegal Dump Eradication and Corrective Action Program for the
 36 first fiscal year of the program and ten percent (10%) annually thereafter.

1 Further, the Illegal Dump Eradication and Corrective Action Program shall also
2 include any moneys received by the state as a gift or donation to the program
3 and any federal government moneys designated to enter the program.

4 (B) The apportionment authorized by this subsection shall terminate
5 five (5) years from March 31, 1997, and that the Illegal Dump Eradication and
6 Corrective Action Program shall receive no funds from the Landfill Post-
7 Closure Trust Fund beyond that date.

8 (5)(A) Effective July 1, 1999, and annually thereafter, an apportionment
9 of the interest earned on moneys in the Landfill Post-Closure Trust Fund, not
10 to exceed five hundred thousand dollars (\$500,000) per fiscal year, shall be
11 allocated from the moneys deposited into the Landfill Post-Closure Trust Fund
12 to be utilized by the department for instituting a management organization
13 utilizing the principles of the National Environmental Performance Partnership
14 System advocated by the U. S. Environmental Protection Agency which integrates
15 environmental indicators, management information, and performance-based
16 budgeting and accounting to measure agency performance.

17 (B) The apportionment authorized by this subsection shall terminate
18 five (5) years from July 1, 1999, and the agency shall use no funds from the
19 Landfill Post-Closure Trust Fund for the purpose of instituting a performance
20 partnership management organization beyond that date."

21
22 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
23 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
24 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
25 Officer of the State shall transfer on his books and those of the State
26 Treasurer the sum of five hundred thousand dollars (\$500,000) annually through
27 the biennial period ending June 30, 2001 from the interest earned on moneys
28 from the Landfill Post-Closure Trust Fund to the Performance Partnership Trust
29 Fund to provide funds for the appropriation provided herein.

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31 SECTION 4. SPECIAL LANGUAGE. FUND CREATED. There is hereby created on the
32 books of the State Treasurer, State Auditor and Chief Fiscal Officer of the
33 State the "Performance Partnership Trust Fund" to consist of funds transferred
34 therein from the Landfill Post-Closure Trust Fund and such other funds as are
35 made available by law. The fund shall be used by the Department of
36 Environmental Quality to defray the costs of developing and implementing a

1 management organization utilizing the principles of the National Environmental
2 Performance Partnership System advocated by the U. S. Environmental Protection
3 Agency which integrates environmental indicators, management information, and
4 performance-based budgeting and accounting to measure agency performance.

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6 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
7 this act shall be limited to the appropriation for such agency and funds made
8 available by law for the support of such appropriations; and the restrictions
9 of the State Purchasing Law, the General Accounting and Budgetary Procedures
10 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
11 Restrictions Act, or their successors, and other fiscal control laws of this
12 State, where applicable, and regulations promulgated by the Department of
13 Finance and Administration, as authorized by law, shall be strictly complied
14 with in disbursement of said funds.

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16 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
17 that any funds disbursed under the authority of the appropriations contained
18 in this act shall be in compliance with the stated reasons for which this act
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations
20 and Legislative Recommendations contained in the budget manuals prepared by
21 the Department of Finance and Administration, letters, or summarized oral
22 testimony in the official minutes of the Arkansas Legislative Council or Joint
23 Budget Committee which relate to its passage and adoption.

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25 SECTION 7. CODE. All provisions of this Act of a general and permanent
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 8. SEVERABILITY. If any provision of this act or the application
30 thereof to any person or circumstance is held invalid, such invalidity shall
31 not affect other provisions or applications of the act which can be given
32 effect without the invalid provision or application, and to this end the
33 provisions of this act are declared to be severable.

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35 SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict with
36 this act are hereby repealed.

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SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second 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, 1999 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, 1999 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, 1999.

/s/ Russ