

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.

1 State of Arkansas As Engrossed: H2/1/01 H2/19/01 H2/23/01 H3/27/01 H3/28/01

2 83rd General Assembly

A Bill

3 Regular Session, 2001

HOUSE BILL 1490

4

5 By: Joint Budget Committee

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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE ARKANSAS DEPARTMENT OF
11 ENVIRONMENTAL QUALITY FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2003; AND FOR OTHER PURPOSES.

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Subtitle

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

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23 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
24 Department of Environmental Quality for the 2001-2003 biennium, the following
25 maximum number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual salary
29 is set out herein in dollars, shall be exempt from the provisions of said
30 Uniform Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.

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Maximum Annual
Maximum Salary Rate

1	Item	Class		No. of	Fiscal Years	
2	No.	Code	Title	Employees	2001-2002	2002-2003
3	(1)	9976	ADEQ DIRECTOR	1	\$96,513	\$99,022
4	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$79,105	\$81,161
5	(3)	8709	ADEQ DEP DIR - LAND RESOURCES	1	\$75,547	\$77,511
6	(4)	8710	ADEQ DEP DIR - WATER & AIR RESOURC	1	\$73,769	\$75,686
7	(5)	R038	ATTORNEY SUPERVISOR	1		GRADE 26
8	(6)	593Z	CHIEF WATER MANAGEMENT	1		GRADE 26
9	(7)	594Z	DEQ CHIEF AIR DIVISION	1		GRADE 26
10	(8)	R170	ATTORNEY SPECIALIST	8		GRADE 25
11	(9)	586Z	DEQ ADMINISTRATOR MANAGEMENT SVCS	1		GRADE 25
12	(10)	598Z	DEQ CHIEF CONST ASST DIVISION	1		GRADE 25
13	(11)	595Z	DEQ CHIEF HAZARDOUS WASTE DIV	1		GRADE 25
14	(12)	592Z	DEQ CHIEF MINING DIVISION	1		GRADE 25
15	(13)	596Z	DEQ CHIEF SOLID WASTE DIVISION	1		GRADE 25
16	(14)	597Z	DEQ CHIEF TECHNICAL SVCS DIV	1		GRADE 25
17	(15)	X328	DEQ ASST CHIEF WATER POLLUTION	1		GRADE 24
18	(16)	591Z	DEQ DIVISION CHIEF	6		GRADE 24
19	(17)	X339	ENGINEER SUPERVISOR	16		GRADE 24
20	(18)	297Z	GENERAL BUSINESS MANAGER	2		GRADE 24
21	(19)	903Z	TECHNICAL ASSISTANCE MANAGER	8		GRADE 24
22	(20)	D080	APPLICATIONS & SYSTEMS MANAGER	1		GRADE 23
23	(21)	B012	CHEMIST SUPERVISOR	3		GRADE 23
24	(22)	B106	GEOLOGY SUPERVISOR	4		GRADE 23
25	(23)	Q020	HAZARDOUS WASTE INSPECTOR SUPV	2		GRADE 23
26	(24)	D046	SYSTEMS APPLICATIONS SUPERVISOR	1		GRADE 23
27	(25)	B023	DEQ CHIEF ECOLOGIST	1		GRADE 22
28	(26)	Q006	DEQ PERMIT SUPERVISOR	1		GRADE 22
29	(27)	X338	ENGINEER, PE	59		GRADE 22
30	(28)	B099	ENVIRONMENTAL PROGRAM MANAGER	1		GRADE 22
31	(29)	D124	LEAD PROGRAMMER/ANALYST	3		GRADE 22
32	(30)	D012	NETWORK PLANNING PROJECT LDR	1		GRADE 22
33	(31)	Q120	POLIC INSPECTOR SUPV	7		GRADE 22
34	(32)	B014	PROFESSIONAL GEOLOGIST	14		GRADE 22
35	(33)	909Z	PROGRAM SUPPORT MANAGER	18		GRADE 22
36	(34)	B006	SR EPIDEMIOLOGIST	3		GRADE 22

1	(35)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22
2	(36)	R298	AGENCY PROGRAM COORDINATOR	4	GRADE 21
3	(37)	D010	DATA BASE ANALYST	1	GRADE 21
4	(38)	R376	DEQ ENFORCEMENT ADMINISTRATOR	12	GRADE 21
5	(39)	R460	DEQ PLANNING SECTION MGR	3	GRADE 21
6	(40)	R462	DEQ PROGRAM COORD SECTION MGR	8	GRADE 21
7	(41)	X341	ENGINEER II	2	GRADE 21
8	(42)	R488	GRANTS ADMIN SUPV	1	GRADE 21
9	(43)	Q108	POL C HAZARDOUS WASTE INSPECTOR	9	GRADE 21
10	(44)	B032	SR GEOLOGIST	2	GRADE 21
11	(45)	D036	SR PROGRAMMER/ANALYST	4	GRADE 21
12	(46)	B126	WATER USE & RESOURCE SPECIALIST	1	GRADE 21
13	(47)	B010	CHEMIST II	10	GRADE 20
14	(48)	X314	DEQ AIR COMPLIANCE MONITOR	2	GRADE 20
15	(49)	B080	DEQ ECOLOGIST II	9	GRADE 20
16	(50)	R266	MANAGEMENT PROJECT ANALYST II	14	GRADE 20
17	(51)	Q061	POL C INSPECTOR	53	GRADE 20
18	(52)	D121	USER SUPPORT ANALYST	1	GRADE 20
19	(53)	R030	ASST PERSONNEL MANAGER	1	GRADE 19
20	(54)	R280	DEQ PROGRAM COORDINATOR	15	GRADE 19
21	(55)	R066	EMERG SVCS OPERATIONS OFFICER	1	GRADE 19
22	(56)	R168	GRANTS COORDINATOR II	1	GRADE 19
23	(57)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19
24	(58)	A111	ACCOUNTANT	1	GRADE 18
25	(59)	N328	INFORMATION OFFICER II	2	GRADE 18
26	(60)	R134	PLANNING SPECIALIST II	2	GRADE 18
27	(61)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
28	(62)	R010	ADMINISTRATIVE ASSISTANT II	39	GRADE 17
29	(63)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	2	GRADE 17
30	(64)	X333	ENGINEER TECHNICIAN	1	GRADE 16
31	(65)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
32	(66)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	4	GRADE 14
33	(67)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
34	(68)	K153	SECRETARY II	26	GRADE 13
35	(69)	K039	DOCUMENT EXAMINER II	1	GRADE 12
36	(70)	K155	SECRETARY I	<u>1</u>	GRADE 11

1 MAX. NO. OF EMPLOYEES 413

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3 SECTION 2. EXTRA HELP - STATE. There is hereby authorized, for the
4 Arkansas Department of Environmental Quality - State for the 2001-2003
5 biennium, the following maximum number of part-time or temporary employees, to
6 be known as "Extra Help", payable from funds appropriated herein for such
7 purposes: six (6) temporary or part-time employees, when needed, at rates of
8 pay not to exceed those provided in the Uniform Classification and
9 Compensation Act, or its successor, or this act for the appropriate
10 classification.

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12 SECTION 3. EXTRA HELP - FEDERAL. There is hereby authorized, for the
13 Arkansas Department of Environmental Quality - Federal for the 2001-2003
14 biennium, the following maximum number of part-time or temporary employees, to
15 be known as "Extra Help", payable from funds appropriated herein for such
16 purposes: thirty-eight (38) temporary or part-time employees, when needed, at
17 rates of pay not to exceed those provided in the Uniform Classification and
18 Compensation Act, or its successor, or this act for the appropriate
19 classification.

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21 SECTION 4. EXTRA HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby
22 authorized, for the Arkansas Department of Environmental Quality - Hazardous
23 Waste Permit Program for the 2001-2003 biennium, the following maximum number
24 of part-time or temporary employees, to be known as "Extra Help", payable from
25 funds appropriated herein for such purposes: two (2) temporary or part-time
26 employees, when needed, at rates of pay not to exceed those provided in the
27 Uniform Classification and Compensation Act, or its successor, or this act for
28 the appropriate classification.

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30 SECTION 5. EXTRA HELP - FEE ADMINISTRATION. There is hereby authorized,
31 for the Arkansas Department of Environmental Quality - Fee Administration for
32 the 2001-2003 biennium, the following maximum number of part-time or temporary
33 employees, to be known as "Extra Help", payable from funds appropriated herein
34 for such purposes: *twenty-four (24)* temporary or part-time employees, when
35 needed, at rates of pay not to exceed those provided in the Uniform
36 Classification and Compensation Act, or its successor, or this act for the

1 appropriate classification.

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3 SECTION 6. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 4 to the Arkansas Department of Environmental Quality, to be payable from the
 5 Arkansas Department of Environmental Quality Fund Account, for personal
 6 services and operating expenses of the Arkansas Department of Environmental
 7 Quality - State Operations for the biennial period ending June 30, 2003, the
 8 following:

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ITEM		FISCAL YEARS	
NO.		2001-2002	2002-2003
(01)	REGULAR SALARIES	\$ 2,706,221	\$ 2,776,577
(02)	EXTRA HELP	25,674	25,674
(03)	PERSONAL SERV MATCHING	661,206	673,847
(04)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSE	611,441	611,441
	(B) CONF. & TRAVEL	13,260	10,860
	(C) PROF. FEES	14,500	16,900
	(D) CAP. OUTLAY	19,700	13,900
	(E) DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,052,002</u>	<u>\$ 4,129,199</u>

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23 SECTION 7. APPROPRIATION - FEDERAL. There is hereby appropriated, to the
 24 Arkansas Department of Environmental Quality, to be payable from the federal
 25 funds as designated by the Chief Fiscal Officer of the State, for personal
 26 services and operating expenses of the Arkansas Department of Environmental
 27 Quality - Federal for the biennial period ending June 30, 2003, the following:

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ITEM		FISCAL YEARS	
NO.		2001-2002	2002-2003
(01)	REGULAR SALARIES	\$ 3,723,109	\$ 3,819,916
(02)	EXTRA HELP	148,585	148,585
(03)	PERSONAL SERV MATCHING	974,563	991,830
(04)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSE	2,576,300	2,941,800
	(B) CONF. & TRAVEL	246,912	245,412

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1	(C) PROF. FEES	1,280,809	1,830,809
2	(D) CAP. OUTLAY	2,400,719	867,209
3	(E) DATA PROC.	0	0
4	(05) CONTRACTUAL SERVICES	<u>5,600,000</u>	<u>5,600,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 16,950,997</u>	<u>\$ 16,445,561</u>

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7 SECTION 8. APPROPRIATION - WASTE WATER LICENSING. There is hereby
8 appropriated, to the Arkansas Department of Environmental Quality, to be
9 payable from the Wastewater Licensing Fund, for personal services and
10 operating expenses of the Arkansas Department of Environmental Quality - Waste
11 Water Licensing for the biennial period ending June 30, 2003, the following:

13	ITEM	FISCAL YEARS	
14	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
15	(01) REGULAR SALARIES	\$ 26,659	\$ 27,352
16	(02) PERSONAL SERV MATCHING	7,717	7,840
17	(03) MAINT. & GEN. OPERATION		
18	(A) OPER. EXPENSE	24,632	24,632
19	(B) CONF. & TRAVEL	5,089	5,089
20	(C) PROF. FEES	0	0
21	(D) CAP. OUTLAY	2,000	2,000
22	(E) DATA PROC.	<u>0</u>	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 66,097</u>	<u>\$ 66,913</u>

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25 SECTION 9. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,
26 to the Arkansas Department of Environmental Quality, to be payable from the
27 Land Reclamation Fund, for land reclamation contracts of the Arkansas
28 Department of Environmental Quality - Land Reclamation for the biennial period
29 ending June 30, 2003, the following:

31	ITEM	FISCAL YEARS	
32	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
33	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>	<u>\$ 950,000</u>

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35 SECTION 10. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby
36 appropriated, to the Arkansas Department of Environmental Quality, to be

1 payable from the Hazardous Waste Permit Fund, for personal services and
 2 operating expenses of the Arkansas Department of Environmental Quality –
 3 Hazardous Waste Permit Program for the biennial period ending June 30, 2003,
 4 the following:

ITEM		FISCAL YEARS	
NO.		2001-2002	2002-2003
8	(01) REGULAR SALARIES	\$ 884,764	\$ 907,769
9	(02) EXTRA HELP	15,795	15,795
10	(03) PERSONAL SERV MATCHING	221,429	225,533
11	(04) OVERTIME	1,250	1,250
12	(05) MAINT. & GEN. OPERATION		
13	(A) OPER. EXPENSE	193,804	193,804
14	(B) CONF. & TRAVEL	41,700	41,700
15	(C) PROF. FEES	53,000	53,000
16	(D) CAP. OUTLAY	0	10,200
17	(E) DATA PROC.	<u>0</u>	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,411,742</u>	<u>\$ 1,449,051</u>

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 20 SECTION 11. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby
 21 appropriated, to the Arkansas Department of Environmental Quality, to be
 22 payable from the Abandoned Mine Reclamation Fund, for contractual services of
 23 the Arkansas Department of Environmental Quality - Reclamation of Abandoned
 24 Mines for the biennial period ending June 30, 2003, the following:

ITEM		FISCAL YEARS	
NO.		2001-2002	2002-2003
28	(01) ABANDONED MINE RECLAMATION CONTRACTUAL		
29	SERVICES	<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

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 31 SECTION 12. APPROPRIATION - SURFACE COAL MINING. There is hereby
 32 appropriated, to the Arkansas Department of Environmental Quality, to be
 33 payable from the Surface Coal Mining Operation Fund, for operating expenses of
 34 the Arkansas Department of Environmental Quality - Surface Coal Mining for the
 35 biennial period ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	5,653	5,653
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,653</u>	<u>\$ 5,653</u>

SECTION 13. 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 Program for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MINING RECLAMATION CONTRACTUAL SERVICES	<u>\$ 1,520,000</u>	<u>\$ 1,520,000</u>

SECTION 14. APPROPRIATION - FEE ADMINISTRATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Arkansas Department of Environmental Quality Fee Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Fee Administration for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 4,774,017	\$ 4,898,144
(02) EXTRA HELP	45,000	45,000
(03) PERSONAL SERV MATCHING	1,272,733	1,294,841
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,112,745	1,112,745
(B) CONF. & TRAVEL	115,411	115,411

1	(C) PROF. FEES	1,168,107	1,168,107
2	(D) CAP. OUTLAY	473,720	395,120
3	(E) DATA PROC.	<u>0</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,961,733</u>	<u>\$ 9,029,368</u>

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 6 SECTION 15. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There is
 7 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 8 be payable from the Solid Waste Performance Bond Fund, for contractual
 9 services of the Arkansas Department of Environmental Quality - Solid Waste
 10 Performance Bonds Program for the biennial period ending June 30, 2003, the
 11 following:

13	ITEM	FISCAL YEARS	
14	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
15	(01) SOLID WASTE PERFORMANCE BONDS		
16	CONTRACTUAL SERVICES	<u>\$ 500,000</u>	<u>\$ 500,000</u>

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 18 SECTION 16. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby
 19 appropriated, to the Arkansas Department of Environmental Quality, to be
 20 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 21 services and operating expenses of the Arkansas Department of Environmental
 22 Quality - Hazardous Waste Cleanup Program for the biennial period ending June
 23 30, 2003, the following:

25	ITEM	FISCAL YEARS	
26	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
27	(01) REGULAR SALARIES	\$ 121,887	\$ 125,057
28	(02) PERSONAL SERV MATCHING	33,588	34,153
29	(03) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	27,358	27,358
31	(B) CONF. & TRAVEL	34,560	34,560
32	(C) PROF. FEES	440,224	440,224
33	(D) CAP. OUTLAY	170,360	258,400
34	(E) DATA PROC.	0	0
35	(04) CONTRACTUAL SERVICES	6,500,000	6,500,000
36	(05) DATA PROCESSING PURCHASES	<u>455,937</u>	<u>455,937</u>

1 TOTAL AMOUNT APPROPRIATED \$ 7,783,914 \$ 7,875,689

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3 SECTION 17. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby
 4 appropriated, to the Arkansas Department of Environmental Quality, to be
 5 payable from the Emergency Response Fund, for personal services and operating
 6 expenses of the Arkansas Department of Environmental Quality - Emergency
 7 Response Program for the biennial period ending June 30, 2003, the following:

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9 ITEM	FISCAL YEARS	
10 NO.	2001-2002	2002-2003
11 (01) REGULAR SALARIES	\$ 93,317	\$ 95,743
12 (02) PERSONAL SERV MATCHING	22,567	22,998
13 (03) MAINT. & GEN. OPERATION		
14 (A) OPER. EXPENSE	3,822	3,822
15 (B) CONF. & TRAVEL	0	0
16 (C) PROF. FEES	0	0
17 (D) CAP. OUTLAY	0	0
18 (E) DATA PROC.	0	0
19 (04) CONTRACTUAL SERVICES	<u>374,655</u>	<u>374,655</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 494,361</u>	<u>\$ 497,218</u>

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22 SECTION 18. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby
 23 appropriated, to the Arkansas Department of Environmental Quality, to be
 24 payable from the Asbestos Control Fund, for personal services and operating
 25 expenses of the Arkansas Department of Environmental Quality - Asbestos
 26 Control Program for the biennial period ending June 30, 2003, the following:

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28 ITEM	FISCAL YEARS	
29 NO.	2001-2002	2002-2003
30 (01) REGULAR SALARIES	\$ 232,557	\$ 238,604
31 (02) PERSONAL SERV MATCHING	62,215	63,292
32 (03) MAINT. & GEN. OPERATION		
33 (A) OPER. EXPENSE	17,552	17,552
34 (B) CONF. & TRAVEL	4,090	4,090
35 (C) PROF. FEES	20,000	10,000
36 (D) CAP. OUTLAY	24,000	4,000

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 360,414</u>	<u>\$ 337,538</u>

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4 SECTION 19. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM.

5 There is hereby appropriated, to the Arkansas Department of Environmental

6 Quality, to be payable from the Solid Waste Management Recycling Fund, for

7 personal services and operating expenses of the Arkansas Department of

8 Environmental Quality - Solid Waste Management and Recycling Program for the

9 biennial period ending June 30, 2003, the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
13	(01) REGULAR SALARIES	\$ 605,094	\$ 620,829
14	(02) PERSONAL SERV MATCHING	164,212	167,009
15	(03) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	86,502	86,502
17	(B) CONF. & TRAVEL	15,668	15,668
18	(C) PROF. FEES	22,527	22,527
19	(D) CAP. OUTLAY	13,500	11,500
20	(E) DATA PROC.	0	0
21	(04) RECYCLING GRANTS	<u>4,650,000</u>	<u>4,650,000</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 5,557,503</u>	<u>\$ 5,574,035</u>

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24 SECTION 20. APPROPRIATION - REGULATED SUBSTANCE STORAGE TANK PROGRAM. There

25 is hereby appropriated, to the Arkansas Department of Environmental Quality,

26 to be payable from the Regulated Substance Storage Tank Program Fund, for

27 personal services and operating expenses of the Arkansas Department of

28 Environmental Quality - Regulated Substance Storage Tank Program for the

29 biennial period ending June 30, 2003, the following:

31	ITEM	FISCAL YEARS	
32	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
33	(01) REGULAR SALARIES	\$ 520,696	\$ 534,234
34	(02) PERSONAL SERV MATCHING	140,268	142,678
35	(03) MAINT. & GEN. OPERATION		
36	(A) OPER. EXPENSE	66,028	66,028

1	(B) CONF. & TRAVEL	5,005	5,005
2	(C) PROF. FEES	0	0
3	(D) CAP. OUTLAY	13,964	10,500
4	(E) DATA PROC.	<u>0</u>	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 745,961</u>	<u>\$ 758,445</u>

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 7 SECTION 21. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is
 8 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 9 be payable from the Petroleum Storage Tank Trust Fund, for personal services
 10 and operating expenses of the Arkansas Department of Environmental Quality -
 11 Petroleum Storage Tank Program for the biennial period ending June 30, 2003,
 12 the following:

14	ITEM	FISCAL YEARS	
15	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
16	(01) REGULAR SALARIES	\$ 173,373	\$ 177,882
17	(02) PERSONAL SERV MATCHING	42,766	43,574
18	(03) MAINT. & GEN. OPERATION		
19	(A) OPER. EXPENSE	19,000,000	19,000,000
20	(B) CONF. & TRAVEL	3,005	3,005
21	(C) PROF. FEES	2,500,000	2,500,000
22	(D) CAP. OUTLAY	0	0
23	(E) DATA PROC.	<u>0</u>	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,719,144</u>	<u>\$ 21,724,461</u>

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 26 SECTION 22. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL. There
 27 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 28 to be payable from the federal funds as designated by the Chief Fiscal Officer
 29 of the State, for contractual services of the Arkansas Department of
 30 Environmental Quality - Regulated Storage Tank Program for the biennial period
 31 ending June 30, 2003, the following:

33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
35	(01) REGULATED STORAGE TANK CONTRACTUAL		
36	SERVICES	<u>\$ 5,000,000</u>	<u>\$ 5,000,000</u>

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SECTION 23. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Landfill Post-Closure Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Landfill Post-Closure Program for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 250,220	\$ 256,725
(02) PERSONAL SERV MATCHING	65,364	66,522
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	77,043	77,043
(B) CONF. & TRAVEL	7,000	7,000
(C) PROF. FEES	16,777	16,777
(D) CAP. OUTLAY	25,000	5,000
(E) DATA PROC.	0	0
(04) CONTRACTUAL SERVICES	9,000,000	9,000,000
(05) ILLEGAL DUMP ERADICATION	<u>1,750,000</u>	<u>1,278,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 11,191,404</u>	<u>\$ 10,707,067</u>

SECTION 24. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Waste Tire Grant Fund, for waste tire recycling grants of the Arkansas Department of Environmental Quality - Waste Tire Recycling Program for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) WASTE TIRE RECYCLING GRANTS	<u>\$ 5,871,000</u>	<u>\$ 5,871,000</u>

SECTION 25. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Marketing Board Fund, for operating expenses of the Arkansas Department of Environmental Quality - State Marketing Board

1 for Recyclables Program for the biennial period ending June 30, 2003, the
 2 following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	9,846	9,846
(B) CONF. & TRAVEL	6,415	6,415
(C) PROF. FEES	10,125	10,125
(D) CAP. OUTLAY	0	4,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 26,386</u>	<u>\$ 30,386</u>

13
 14 SECTION 26. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is
 15 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 16 be payable from the Environmental Education Fund, for personal services and
 17 operating expenses of the Arkansas Department of Environmental Quality -
 18 Environmental Education Program for the biennial period ending June 30, 2003,
 19 the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 29,837	\$ 30,613
(02) PERSONAL SERV MATCHING	8,285	8,422
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	78,668	78,668
(B) CONF. & TRAVEL	4,500	4,500
(C) PROF. FEES	118,793	118,793
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 240,083</u>	<u>\$ 240,996</u>

32
 33 SECTION 27. REGULAR SALARIES - PCE COMMISSION - ADMINISTRATIVE HEARING
 34 OFFICER. There is hereby established for the Arkansas Department of
 35 Environmental Quality for the 2001-2003 biennium, the following maximum number
 36 of regular employees whose salaries shall be governed by the provisions of the

1 Uni form Cl assi fi ca tion and Com pen sa tion Act (Arkansas Code §§21-5-201 et
 2 seq.), or its successor, and all laws amendatory thereto. Provided, however,
 3 that any position to which a specific maximum annual salary is set out herein
 4 in dollars, shall be exempt from the provisions of said Uni form Cl assi fi ca tion
 5 and Com pen sa tion Act. All persons occupying posi ti ons au tho ri zed here in are
 6 hereby governed by the provisions of the Regular Salaries Procedures and
 7 Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class	Maximum	Maximum Annual
No.	Code	No. of	Salary Rate
		Empl oyees	Fiscal Years
			2001-2002
			2002-2003
13	(1) R007 POL C ADMIN HEARING OFFICER	1	GRADE 26
14	(2) R010 ADMINISTRATIVE ASSISTANT II	1	GRADE 17
15	(3) K117 MEDICAL OR LEGAL SECRETARY	1	GRADE 14
16	MAX. NO. OF EMPLOYEES	3	

18 SECTION 28. APPROPRIATION - PCE COMMISSION - ADMINISTRATIVE HEARING
 19 OFFICER. There is hereby appropriated, to the Arkansas Department of
 20 Environmental Quality, to be payable from the Arkansas Department of
 21 Environmental Quality Fee Fund, for personal services and operating expenses
 22 of the Arkansas Department of Environmental Quality - Administrative Hearing
 23 Officer for the biennial period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
27 (01) REGULAR SALARIES	\$ 109,665	\$ 112,516
28 (02) PERSONAL SERVICES MATCHING	28,445	28,954
29 (03) MAINT. & GEN. OPERATION		
30 (A) OPER. EXPENSE	29,714	32,057
31 (B) CONF. & TRAVEL	3,497	3,522
32 (C) PROF. FEES	27,760	27,760
33 (D) CAP. OUTLAY	2,600	3,400
34 (E) DATA PROC.	0	0
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 201,681</u>	<u>\$ 208,209</u>

36

1 SECTION 29. APPROPRIATION - PC&E COMMISSION EXPENSES. There is hereby
 2 appropriated, to the Arkansas Department of Environmental Quality, to be
 3 payable from the State General Services Fund Account, for use in the expenses
 4 of the Pollution Control and Ecology Commission of the Arkansas Department of
 5 Environmental Quality for the biennial period ending June 30, 2003, the
 6 following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) POLLUTION CONTROL AND ECOLOGY COMMISSION EXPENSES	\$ 9,025	\$ 9,025

14 SECTION 30. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is
 15 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 16 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of
 17 the Lead-Based Paint Hazard Program of the Arkansas Department of
 18 Environmental Quality for the biennial period ending June 30, 2003, the
 19 following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	12,825	12,825
(B) CONF. & TRAVEL	1,425	1,425
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	4,000	4,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 18,250</u>	<u>\$ 18,250</u>

31 SECTION 31. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM EXPENSES.
 32 There is hereby appropriated, to the Arkansas Department of Environmental
 33 Quality, to be payable from the Small Business Revolving Loan Fund, for
 34 expenses of the Small Business Revolving Loan Program of the Arkansas
 35 Department of Environmental Quality - Small Business Loans for the biennial
 36 period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	9,010	9,010
(B) CONF. & TRAVEL	3,650	3,650
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	2,000	2,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 14,660</u>	<u>\$ 14,660</u>

SECTION 32. APPROPRIATIONS - SMALL BUSINESS LOANS. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Small Business Revolving Loan Fund, the following:

(A) For providing loans to small businesses for projects to meet regulatory mandates in pollution control and prevention technologies, the sum of \$1,100,000.

SECTION 33. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Performance Partnership Trust Fund, for expenses of designing and establishing a management organization of the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) PERFORMANCE - INTEGRATED INFORMATION SYSTEM EXPENSES	<u>\$ 1,125,000</u>	<u>\$ 500,000</u>

SECTION 34. APPROPRIATION - AIR PERMIT PERFORMANCE APPROPRIATION. There is hereby appropriated, to be payable from the funds and fund accounts as set out herein, to the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2003, the following:

(a) For the Air Permitting Program, the sum of \$1,492,549 for the 2001-2002

1 fiscal year and \$1,524,985 for the 2002-2003 fiscal year.

2 (1) Program Description. The Air Permitting Program protects the air
 3 quality in Arkansas by issuing permits that limit the emissions of air toxins
 4 and contaminants to levels approved by the Environmental Protection Agency

5

6 (2) Appropriation payable from:

	FISCAL YEARS	
	<u>2001-2002</u>	<u>2002-2003</u>
7 (A) Special Revenue	\$ 1,389,405	\$ 1,419,313
8 (B) Federal Funds as designated by		
9 the Chief Fiscal Officer of the		
10 State	\$ 103,144	\$ 105,672

11 (3) Performance Targets:

12 (A) % of permits successfully		
13 challenged or vetoed	0	0
14 (B) % of permits drafted within		
15 specified timeframes	90	90

16

17

18 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 ESTABLISHMENT OF A "GROWTH POOL". (a) To address needs emerging from
 21 statewide environmental quality issues, the Arkansas Department of
 22 Environmental Quality shall establish and maintain for the ~~1999-2001~~ 2001-2003
 23 biennium a pool of ~~forty four (44)~~ twenty eight (28) classified positions,
 24 payable from funds appropriated herein for such purposes. These positions are
 25 to be used by the Department of Environmental Quality in the event that the
 26 number and level of positions available to address the needs emerging from
 27 statewide environmental quality issues exceed the classified positions
 28 regularly authorized for the Department of Environmental Quality by the
 29 Legislature. The Department of Environmental Quality shall provide
 30 justification to the Department of Finance and Administration's Office of
 31 Personnel Management (OPM) for the need to allocate titles from this "growth
 32 pool". No classifications will be assigned to the pool until such time as
 33 specific positions are requested by the Department of Environmental Quality,
 34 recommended by OPM and approved by the Legislative Council. The Department of
 35 Environmental Quality may transfer positions and appropriations from this pool
 36 to any appropriation/pay schedule the agency currently maintains or any

1 appropriation/pay schedule the agency receives during the ~~1999-2001~~ 2001-2003
 2 biennium. This action is subject to OPM recommendation and to approval by the
 3 Legislative Council. Further, the Department of Finance and Administration is
 4 authorized to provide appropriation from the "growth pool" not to exceed
 5 ~~\$100,000~~ \$60,000 each year to ~~support~~ provide operating expenses for the
 6 above positions. This action is subject to approval by the Chief Fiscal
 7 Officer of the State and review by the Legislative Council.

8 (b) Determining the number of personnel to be employed by a state
 9 agency is the prerogative of the General Assembly and is usually accomplished
 10 by delineating the maximum number of personnel by identifying job titles and
 11 the Maximum grade or salary attached to those titles. The General Assembly has
 12 determined that the Arkansas Department of Environmental Quality could be
 13 operated more efficiently if some flexibility is given to that agency. That
 14 flexibility is being accomplished by providing growth pools in subsection (a)
 15 of this section and since the General Assembly has granted the agency broad
 16 powers under the growth pool concept, it is both necessary and appropriate
 17 that the General Assembly maintain oversight of the utilization of the growth
 18 pool by requiring prior approval of the Legislative Council in the utilization
 19 of the growth pool. Therefore, the requirement of approval by the Legislative
 20 Council is not a severable part of this section. If the requirement of
 21 approval by the Legislative Council is ruled unconstitutional by a court
 22 jurisdiction, this entire section is void. The provisions of this section
 23 shall be in effect only from July 1, 2001 through June 30, 2003.

24
 25 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
 27 GROWTH POOL APPROPRIATION. There is hereby appropriated to the Department of
 28 Environmental Quality for any program, to be payable from the Department of
 29 Environmental Quality's paying accounts for any program, as designated by the
 30 Chief Fiscal Officer of the State, for use in responding to emerging
 31 environmental needs, the following:

ITEM	FISCAL YEARS
NO.	1999-2000 2000-2001
	<u>2001-2002 2002-2003</u>
(01) GROWTH POOL	\$1,504,500 \$1,540,000

1 \$1,124,000 \$1,150,000
2

3 The provisions of this section shall be in effect only from July 1, 2001
4 through June 30, 2003.
5

6 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 UTILIZATION OF LANDFILL POST CLOSURE FUND. Any appropriation, not to exceed
9 \$150,000 per year, made payable from the Landfill Post Closure Trust Fund for
10 payment of claims against the Department of Environmental Quality or any fund
11 transfers necessary for the purchase of departmental vehicles shall not be
12 considered as an administrative purpose as found in the restrictions of the
13 fund in Arkansas Code Annotated § 8-6-1002. The provisions of this section
14 shall be in effect only from July 1, 2001 through June 30, 2003.
15

16 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP
18 - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the
19 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program
20 for the ~~1999-2001~~ 2001 - 2003 biennium, the following maximum number of part-
21 time or temporary employees, to be known as "Extra Help", payable from funds
22 appropriated herein for such purposes: Four (4) temporary or part-time
23 employees, when needed, at rates of pay not to exceed those provided in the
24 Uniform Classification and Compensation Act, or its successor, for the
25 appropriate classification. These four positions are utilized for a specific
26 project and are specifically exempt from the limitations, either by act or
27 regulation, of hours worked. The provisions of this section shall be in effect
28 only from July 1, 2001 through June 30, 2003.
29

30 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT
32 PURCHASE RESTRICTIONS. Expenditures for the purchase of departmental
33 laboratory equipment, including maintenance contracts, and data processing
34 equipment and mission-critical software, including maintenance contracts, as
35 appropriated in Section 16, in Items (03)(D) and (05) shall be funded only
36 through interest earnings from the Hazardous Substance Remedial Action Trust

1 Fund. Further, the Department shall report biennially to the Legislative
2 Council all expenditures from interest earnings for these purchases. The
3 provisions of this section shall be in effect only from July 1, 2001 through
4 June 30, 2003.

5
6 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
7 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS WASTE
8 CLEANUP APPROPRIATION. Any unexpended balance of the appropriation authorized
9 in Section 16 hereof, of item (04) Contractual Services which remains at the
10 close of the fiscal year ending June 30, 2002 shall be carried forward and made
11 available for the same purpose for the fiscal year ending June 30, 2003. The
12 provisions of this section shall be in effect only from July 1, 2001 through
13 June 30, 2003.

14
15 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
17 TRANSFER. ~~Immediately upon the effective date of this act, the Chief Fiscal~~
18 ~~Officer of the State shall transfer on his books and those of the State~~
19 ~~Treasurer the~~ Upon approval of the Chief Fiscal Officer of the State and
20 review by the Legislative Council the Arkansas Department of Environmental
21 Quality is hereby authorized to transfer the sum of five hundred thousand
22 dollars (\$500,000) annually through the biennial period ending June 30, ~~2001~~
23 2003 from the interest earned on moneys from the Landfill Post-Closure Trust
24 Fund to the Performance Partnership Trust Fund to provide funds for the
25 appropriation provided herein. The provisions of this section shall be in
26 effect only from July 1, 2001 through June 30, 2003.

27
28 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PERFORMANCE
30 PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended balance of the
31 appropriation authorized in Section 33 hereof, of item (01) *Performance-*
32 *Integrated Information System* Expenses which remains at the close of the fiscal
33 year ending June 30, 2002 shall be carried forward and made available for the
34 same purpose for the fiscal year ending June 30, 2003. The provisions of this
35 section shall be in effect only from July 1, 2001 through June 30, 2003.

36

1 SECTION 43. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is hereby
2 appropriated, to the Arkansas Department of Environmental Quality, to be
3 payable from the ADEQ Environmental Settlement Trust Fund, for expenses as
4 authorized through various settlement agreements benefiting the State of
5 Arkansas as administered through the Arkansas Department of Environmental
6 Quality for the biennial period ending June 30, 2003, the sum of
7 \$3,000,000.

8
9 SECTION 44. FUND CREATED. ADEQ ENVIRONMENTAL SETTLEMENT TRUST FUND. There
10 is hereby created on the books of the State Treasurer, State Auditor and Chief
11 Fiscal Officer of the State, the "ADEQ Environmental Settlement Trust Fund" to
12 consist of funds received by the State of Arkansas pursuant to settlement
13 agreements for environmental or natural resources damages, interest earnings,
14 and any other moneys designated to be deposited into this fund, there to be
15 administered by the Director of the Department of Environmental Quality.

16
17 SECTION 45. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
18 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATIONS RESTRICTIONS.
19 No expenditure from the Environmental Settlement Trust Fund for information
20 technology needs may be made without prior approval of the Chief Fiscal
21 Officer of the State, after seeking review of the Arkansas Legislative
22 Council. Further, utilization of this appropriation for information
23 technology needs of the Arkansas Department of Environmental Quality must also
24 be approved by the Executive Chief Information Officer after the project is
25 evaluated on the methodology recommended by the Chief Information Officer and
26 the CIO Council, including an analysis of the return on investment and linkage
27 to the Department's business objectives. Any approved projects and
28 expenditures for information technology from the Environmental Settlement
29 Trust Fund shall be reported annually to the Joint Committee on Advanced
30 Communications and Information Technology.

31
32 Section 46. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is
33 hereby appropriated, to the Arkansas Department of Environmental quality, to
34 be payable from the Electronic Equipment Recycling Fund, for grants and
35 expenses of the Arkansas Department of Environmental Quality - Computer and
36 Electronic Recycling Program for the biennial period ending June 30, 2003, the

1 following:

2

3	ITEM	FISCAL YEARS	
4	NO.	2001-2002	2002-2003

5

6	(01) Computer and Electronic Recycling Management		
7	Expenses or Grants	\$150,000	\$150,000

8

9 SECTION 47. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
10 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
11 appropriations as provided in this Act, the agency disbursing officer shall
12 monitor the level of fund balances in relation to expenditures on a monthly
13 basis. If any proposed expenditures would cause a fund balance to decline to
14 less than fifty percent (50%) of the balance available on July 1, 2001, the
15 disbursing officer shall immediately notify the executive head of the agency.
16 Prior to any obligations being made under these circumstances, the agency head
17 shall file written documentation with the Chief Fiscal Officer of the State
18 requesting approval of the expenditures. Such documentation shall provide
19 sufficient financial data to justify the expenditures and shall include the
20 following:

- 21 1) a plan that clearly indicates the specific fiscal impact of such
- 22 expenditures on the fund balance.
- 23 2) information clearly indicating and explaining what programs would be cut or
- 24 any other measures to be taken by the agency to restore the fund balance.
- 25 3) the extent to which any of the planned expenditures are for one-time costs
- 26 or one-time purchase of capitalized items.
- 27 4) a statement certifying that the expenditure of fund balances will not
- 28 jeopardize the financial health of the agency, nor result in a permanent
- 29 depletion of the fund balance.

30 (B) The Chief Fiscal Officer of the State shall review the request and
31 approve or disapprove all or any part of the request, after having sought
32 prior review by the Legislative Council.

33

34 SECTION 48. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
35 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Immediately
36 upon the effective date of this act, the Chief Fiscal Officer of the State

1 shall transfer on his books and those of the State Treasurer the sum of
2 \$200,000 from the Remedial Action Trust Fund to the Abandoned Agricultural
3 Pesticide and Plant Regulator Disposal Trust Fund to provide funds for the
4 appropriation provided herein. The provisions of this section shall be in
5 effect only from July 1, 2001 through June 30, 2003.

6

7 SECTION 49. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
8 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. INTENT OF
9 FUND. The General Assembly intends to provide a method for disposal of
10 agricultural pesticides which have been abandoned due to a change of ownership
11 of the real property or a change in agricultural practices in a region of the
12 state. The provisions of this section shall be in effect only from July 1,
13 2001 through June 30, 2003.

14

15

16 SECTION 50. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
17 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Definitions.
18 As used in this act:

19 (1) "Abandoned" means chemicals which are no longer used and for which
20 there is not planned use;

21 (2) "Agricultural Pesticide" means any substance or mixture of substances
22 intended for preventing, destroying, repelling or mitigating any pests; or any
23 substance or mixture of substances intended for use as a plant regulator,
24 defoliant or desiccant; and any substance or mixture of substances intended to
25 be used as a spray adjuvant;

26 (3) "Plant regulator" means any substance or mixture of substances intended
27 through physiological action for accelerating or retarding the rate of growth
28 or rate of maturation or for otherwise altering the behavior of plants or the
29 produce thereof. The term shall not include substances to the extent that
30 they are intended as plant nutrients, trace elements, nutritional chemicals,
31 plant inoculants or soil amendments.

32 The provisions of this section shall be in effect only from July 1, 2001
33 through June 30, 2003.

34

35 SECTION 51. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
36 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. FUND

1 *CREATED. There is hereby created on the books of the State Treasurer, State*
2 *Auditor and Chief Fiscal Officer of the State the "Abandoned Agricultural*
3 *Pesticide and Plant Regulator Disposal Trust Fund" to consist of funds*
4 *transferred therein from the Remedial Action Trust Fund and such other funds*
5 *as are made available by law. The fund shall be used by the Department of*
6 *Environmental Quality to defray the costs of developing and implementing a*
7 *plan for the disposal of abandoned agricultural pesticides and plant*
8 *regulators.*

9 *The provisions of this section shall be in effect only from July 1, 2001*
10 *through June 30, 2003.*

11
12 *Section 52. APPROPRIATION – PESTICIDE AND PLANT REGULATOR DISPOSAL. There*
13 *is hereby appropriated, to the Arkansas Department of Environmental Quality,*
14 *to be payable from the Arkansas Agricultural Pesticide and Plant Regulator*
15 *Disposal Trust Fund, for planning, identification, removal and disposal of*
16 *abandoned agricultural chemicals and the development of a plan for removal and*
17 *disposal of abandoned agricultural chemicals of the Arkansas Department of*
18 *Environmental Quality for the biennial period ending June 30, 2003, the sum*
19 *of.....\$200,000.*

20
21 *SECTION 53. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized*
22 *by this act shall be limited to the appropriation for such agency and funds*
23 *made available by law for the support of such appropriations; and the*
24 *restrictions of the State Purchasing Law, the General Accounting and Budgetary*
25 *Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures*
26 *and Restrictions Act, or their successors, and other fiscal control laws of*
27 *this State, where applicable, and regulations promulgated by the Department of*
28 *Finance and Administration, as authorized by law, shall be strictly complied*
29 *with in disbursement of said funds.*

30
31 *SECTION 54. LEGISLATIVE INTENT. It is the intent of the General Assembly*
32 *that any funds disbursed under the authority of the appropriations contained*
33 *in this act shall be in compliance with the stated reasons for which this act*
34 *was adopted, as evidenced by the Agency Requests, Executive Recommendations*
35 *and Legislative Recommendations contained in the budget manuals prepared by*
36 *the Department of Finance and Administration, letters, or summarized oral*

1 testimony in the official minutes of the Arkansas Legislative Council or Joint
2 Budget Committee which relate to its passage and adoption.

3
4 SECTION 55. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly, that the Constitution of the State of Arkansas prohibits the
6 appropriation of funds for more than a two (2) year period; that the
7 effectiveness of this Act on July 1, 2001 is essential to the operation of the
8 agency for which the appropriations in this Act are provided, and that in the
9 event of an extension of the Regular Session, the delay in the effective date
10 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
11 administration and provision of essential governmental programs. Therefore, an
12 emergency is hereby declared to exist and this Act being necessary for the
13 immediate preservation of the public peace, health and safety shall be in full
14 force and effect from and after July 1, 2001.

15
16 */s/ Joint Budget Committee*
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