

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  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1320

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE  
12 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR  
18 THE 2005-2007 BIENNIUM.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas  
25 Department of Environmental Quality for the 2005-2007 biennium, the following  
26 maximum number of regular employees whose salaries shall be governed by the  
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
29 Provided, however, that any position to which a specific maximum annual  
30 salary is set out herein in dollars, shall be exempt from the provisions of  
31 said Uniform Classification and Compensation Act. All persons occupying  
32 positions authorized herein are hereby governed by the provisions of the  
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
34 or its successor.  
35

36 Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9976	ADEQ DIRECTOR	1	\$105,988	\$108,487
5	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$87,248	\$89,455
6	(3)	8709	ADEQ DEP DIR - LAND RESOURCES	1	\$83,384	\$85,518
7	(4)	593Z	CHIEF WATER MANAGEMENT	1	GRADE	26
8	(5)	594Z	DEQ CHIEF AIR DIVISION	1	GRADE	26
9	(6)	R038	ATTORNEY SUPERVISOR	1	GRADE	26
10	(7)	R170	ATTORNEY SPECIALIST	8	GRADE	25
11	(8)	595Z	DEQ CHIEF HAZARDOUS WASTE DIV	1	GRADE	25
12	(9)	596Z	DEQ CHIEF SOLID WASTE DIVISION	1	GRADE	25
13	(10)	597Z	DEQ CHIEF TECHNICAL SVCS DIV	1	GRADE	25
14	(11)	586Z	DEQ ADMINISTRATOR MANAGEMENT SVCS	1	GRADE	25
15	(12)	592Z	DEQ CHIEF MINING DIVISION	1	GRADE	25
16	(13)	915Z	ADEQ PROGRAM CHIEF	5	GRADE	25
17	(14)	903Z	TECHNICAL ASSISTANCE MANAGER	9	GRADE	24
18	(15)	297Z	GENERAL BUSINESS MANAGER	1	GRADE	24
19	(16)	591Z	DEQ DIVISION CHIEF	5	GRADE	24
20	(17)	X328	DEQ ASST CHIEF WATER POLLUTION	1	GRADE	24
21	(18)	X339	ENGINEER SUPERVISOR	15	GRADE	24
22	(19)	Q020	HAZARDOUS WASTE INSPECTOR SUPV	2	GRADE	23
23	(20)	B012	CHEMIST SUPERVISOR	3	GRADE	23
24	(21)	B106	GEOLOGY SUPERVISOR	4	GRADE	23
25	(22)	D046	SYSTEMS APPLICATIONS SUPERVISOR	2	GRADE	23
26	(23)	D080	APPLICATIONS & SYSTEMS MANAGER	1	GRADE	23
27	(24)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE	22
28	(25)	D124	LEAD PROGRAMMER/ANALYST	7	GRADE	22
29	(26)	B099	ENVIRONMENTAL PROGRAM MANAGER	1	GRADE	22
30	(27)	D012	NETWORK PLANNING PROJECT LDR	1	GRADE	22
31	(28)	B014	PROFESSIONAL GEOLOGIST	18	GRADE	22
32	(29)	B023	DEQ CHIEF ECOLOGIST	1	GRADE	22
33	(30)	909Z	PROGRAM SUPPORT MANAGER	18	GRADE	22
34	(31)	B006	SR EPIDEMIOLOGIST	4	GRADE	22
35	(32)	Q120	POL C INSPECTOR SUPV	7	GRADE	22
36	(33)	Q006	DEQ PERMIT SUPERVISOR	1	GRADE	22

1	(34)	X338	ENGINEER, PE	57	GRADE 22
2	(35)	X341	ENGINEER II	2	GRADE 21
3	(36)	Q108	POL C HAZARDOUS WASTE INSPECTOR	12	GRADE 21
4	(37)	D123	APPLICATIONS & SYSTEMS ANALYST	1	GRADE 21
5	(38)	R298	AGENCY PROGRAM COORDINATOR	2	GRADE 21
6	(39)	R376	DEQ ENFORCEMENT ADMINISTRATOR	13	GRADE 21
7	(40)	R460	ENVIRONMENTAL PLANNING SECTION MGR	2	GRADE 21
8	(41)	R462	DEQ PROGRAM COORD SECTION MGR	6	GRADE 21
9	(42)	R488	GRANTS ADMIN SUPV	1	GRADE 21
10	(43)	B126	WATER USE & RESOURCE SPECIALIST	2	GRADE 21
11	(44)	D010	DATA BASE ANALYST	1	GRADE 21
12	(45)	B080	DEQ ECOLOGIST II	11	GRADE 20
13	(46)	D121	USER SUPPORT ANALYST	1	GRADE 20
14	(47)	B010	CHEMIST II	11	GRADE 20
15	(48)	Q061	POL C INSPECTOR	58	GRADE 20
16	(49)	X314	DEQ AIR COMPLIANCE MONITOR	2	GRADE 20
17	(50)	R266	MANAGEMENT PROJECT ANALYST II	22	GRADE 20
18	(51)	R280	ENVIRONMENTAL PROGRAM COORDINATOR	12	GRADE 19
19	(52)	R066	EMERG SVCS OPERATIONS OFFICER	1	GRADE 19
20	(53)	R134	PLANNING SPECIALIST II	2	GRADE 18
21	(54)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
22	(55)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
23	(56)	N328	INFORMATION OFFICER II	1	GRADE 18
24	(57)	A111	ACCOUNTANT	2	GRADE 18
25	(58)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
26	(59)	R010	ADMINISTRATIVE ASSISTANT II	37	GRADE 17
27	(60)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
28	(61)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
29	(62)	K153	SECRETARY II	22	GRADE 13
30	(63)	K039	DOCUMENT EXAMINER II	<u>1</u>	GRADE 12
31			MAX. NO. OF EMPLOYEES	417	

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33 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
 34 Department of Environmental Quality for the 2005-2007 biennium, the following  
 35 maximum number of part-time or temporary employees, to be known as "Extra  
 36 Help", payable from funds appropriated herein for such purposes: seventy

(70) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - AIR PROGRAM. 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, 2007, the following:

(a) For the Air Program, the sum of \$6,624,422 for the 2005-2006 fiscal year and \$6,750,319 for the 2006-2007 fiscal year.

(1) Program Description. The Air Program encompasses a single Division within the Department of Environmental Quality responsible for enhancing and protecting health and the environment in relation to the air we breathe. This is accomplished through the safe management of air pollutants emitted into the air.

(2) Appropriation payable from:	FISCAL YEARS	
	<u>2005-2006</u>	<u>2006-2007</u>
(A) Federal Funds as designated by the Chief Fiscal Officer of the State	\$ 501,003	\$ 509,681
(B) Special Revenue	\$ 5,623,419	\$ 6,240,638
(C) Other Funds	\$ 9,542,859	\$ 9,042,859

(3) Performance Targets:

(A) Number of days per year that air quality in Arkansas is unhealthy for sensitive groups for ozone, carbon monoxide or particulate matter.	5	5
(B) Percentage of regulated facilities in compliance with state and federal air standards.	85%	85%

SECTION 4. APPROPRIATION - WATER PROGRAM. 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, 2007, the following:

1 (a) For the Water Program, the sum of \$5,741,543 for the 2005-2006 fiscal  
2 year and \$5,817,173 for the 2006-2007 fiscal year.

3 (1) Program Description. The Water Program covers programs administered  
4 through the Water Division. The Water Division's responsibilities cover  
5 water quality protection related programs such as the National Pollutant  
6 Discharge Elimination System, saltwater disposal, clean lakes, confined  
7 animal wastes, storm water permitting, planning and standards development,  
8 groundwater quality protection, and the 106 water pollution control program.

9	(2) Appropriation payable from:	FISCAL YEARS	
10		<u>2005-2006</u>	<u>2006-2007</u>
11	(A) General Revenue:		
12	Arkansas Department of		
13	Environmental Quality Fund		
14	Account	\$ <u>676,760</u>	\$ <u>694,359</u>
15	TOTAL General Revenue	\$ 676,760	\$ 694,359
16	(B) Federal Funds as designated by		
17	the Chief Fiscal Officer of the		
18	State	\$ 2,344,956	\$ 2,373,238
19	(C) Special Revenue	\$ 2,718,710	\$ 2,748,278
20	(D) Other Funds	\$ 3,624,087	\$ 3,622,970

21	(3) Performance Targets:		
22	(A) Percent of assessed surface		
23	waters that meet all water		
24	quality standards.	85%	85%
25	(B) Percentage of regulated		
26	facilities in compliance with		
27	state and federal water		
28	regulations.	90%	91%

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30 SECTION 5. APPROPRIATION - LAND PROGRAM. There is hereby appropriated, to  
31 be payable from the funds and fund accounts as set out herein, to the  
32 Arkansas Department of Environmental Quality for the biennial period ending  
33 June 30, 2007, the following:

34 (a) For the Land Program, the sum of \$71,551,437 for the 2005-2006 fiscal  
35 year and \$70,472,937 for the 2006-2007 fiscal year.

36 (1) Program Description. The Land Program area covers programs

1 administered through the Department's Divisions of Regulated Storage Tank,  
 2 Solid Waste, Hazardous Waste, and Surface Mining and Reclamation. Each of  
 3 these divisions have specific statutory authority governing the respective  
 4 programs, and enhances and protects health and the environment through  
 5 rulemaking, permitting, compliance monitoring, enforcement, site remediation,  
 6 while encouraging waste minimization and pollution prevention activities,  
 7 clean-up/remediation.

(2) Appropriation payable from:	FISCAL YEARS	
	<u>2005-2006</u>	<u>2006-2007</u>
(A) General Revenue:		
Arkansas Department of		
Environmental Quality Fund		
Account	\$ <u>461,599</u>	\$ <u>473,216</u>
TOTAL General Revenue	\$ 461,599	\$ 473,216
(B) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 14,151,617	\$ 14,225,830
(C) Special Revenue	\$ 22,382,625	\$ 22,472,277
(D) Trust Funds	\$ 6,944,871	\$ 6,948,168
(E) Other Funds	\$ 70,752,006	\$ 72,125,144
(3) Performance Targets:		
(A) Acres of known environmentally		
impacted land returned to		
productive use.	700-800	700-800
(B) Number of clean-ups		
initiated/completed: Hazardous		
Waste	5/6	5/7
(C) Number of clean-ups		
initiated/completed: Mining	1/1	1/1
(D) Number of clean-ups		
initiated/completed: Solid Waste	1/1	0/1
(E) Number of clean-ups		
initiated/completed : Regulated		
Storage Tanks	50/50	50/50
(F) Percent of material diverted		
from landfills through recycling		

1	and waste tire programs.	41%	43%
2	(G) Percentage of regulated		
3	facilities in compliance with		
4	Solid Waste, Hazardous Waste,		
5	Mining and Regulated Storage Tank		
6	laws	73%	76%

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8 SECTION 6. APPROPRIATION - ENVIRONMENTAL MANAGEMENT PROGRAM. There is

9 hereby appropriated, to be payable from the funds and fund accounts as set

10 out herein, to the Arkansas Department of Environmental Quality for the

11 biennial period ending June 30, 2007, the following:

12 (a) For the Environmental Management Program, the sum of \$17,007,062 for the

13 2005-2006 fiscal year and \$17,368,055 for the 2006-2007 fiscal year.

14 (1) Program Description. The Environmental Management Program covers a

15 broad array of activities. Administrative functions are carried out through

16 the Fiscal Division, Management Services Division and the Director's Office.

17 The Legal Division provides legal representation for the Department's pursuit

18 of environmental protection. The Department's Public Involvement is

19 coordinated through the Customer Services Division. The Customer Services

20 Division provides environmental assistance to the State by providing citizens

21 and businesses a single point of contact to learn of their environmental

22 obligations. The Computer Services Division supports all information

23 technology needs of the Department ranging from desktop personal computers to

24 a department wide information system handling various applications needed to

25 track environmental activities and billings. The Technical Services Division

26 supports an extensive laboratory responsible for analyzing, and often

27 obtaining, environmental samples as gathered through the water, air,

28 hazardous waste, solid waste and mining programs. Emergency responses to

29 environmental disasters are handled through this program as well. The

30 Environmental Preservation Division actively works with airshed and watershed

31 planning groups, participates in demonstration projects geared towards

32 improving farm management practices, provides water education to school age

33 children, and reviews environmental plans to insure that projects have the

34 least impact to the environment.

35	(2) Appropriation payable from:	FISCAL YEARS	
36		<u>2005-2006</u>	<u>2006-2007</u>

1	(A) General Revenue:		
2	Arkansas Department of		
3	Environmental Quality Fund		
4	Account	\$ <u>2,593,012</u>	\$ <u>2,649,069</u>
5	TOTAL General Revenue	\$ 2,593,012	\$ 2,649,069
6	(B) Federal Funds as designated by		
7	the Chief Fiscal Officer of the		
8	State	\$ 7,213,639	\$ 8,560,976
9	(C) Special Revenue	\$ 3,678,420	\$ 3,726,579
10	(D) Trust Funds	\$ 2,983,131	\$ 2,983,131
11	(E) Other Funds	\$ 10,962,857	\$ 11,724,331
12	(3) Performance Targets:		
13	(A) Number of prior year audit		
14	findings repeated in subsequent		
15	audit	0	0
16	(B) Percent of agency budget in the		
17	Administration Program compared		
18	to total agency budget	13%	13%
19	(C) Percent of agency key		
20	performance measures met.	72%	72%
21	(D) Percentage of samples analyzed		
22	within acceptable national		
23	laboratory standards.	100%	100%
24			

25 SECTION 7. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 26 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas  
 27 Department of Environmental Quality for the 2005-2007 biennium, the following  
 28 maximum number of regular employees whose salaries shall be governed by the  
 29 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
 30 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
 31 Provided, however, that any position to which a specific maximum annual  
 32 salary is set out herein in dollars, shall be exempt from the provisions of  
 33 said Uniform Classification and Compensation Act. All persons occupying  
 34 positions authorized herein are hereby governed by the provisions of the  
 35 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
 36 or its successor.



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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
(1)	R007	POL C ADMIN HEARING OFFICER	1	GRADE 26	
(2)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
(3)	K117	MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14	
		MAX. NO. OF EMPLOYEES	3		

SECTION 8. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION. 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 for the biennial period ending June 30, 2007, the following:

ITEM NO.		FISCAL YEARS	
		2005-2006	2006-2007
(01)	REGULAR SALARIES	\$ 122,015	\$ 125,397
(02)	PERSONAL SERVICES MATCHING	35,276	35,935
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	90,217	90,217
(B)	CONF. & TRAVEL	3,922	3,922
(C)	PROF. FEES	0	0
(D)	CAP. OUTLAY	0	0
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 251,430</u>	<u>\$ 255,471</u>

SECTION 9. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION - ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Miscellaneous Agencies Fund Account, for expenses of the Arkansas Department of Environmental Quality for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) PC & E COMMISSION	\$ 3,977	\$ 3,977

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP - LAND PROGRAM HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the, ~~2003-2005~~ 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. These four positions are utilized for a specific project and are specifically exempt from the limitations, either by act or regulation, of hours worked. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ENVIRONMENTAL MANAGEMENT PROGRAM - EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of departmental laboratory equipment, including maintenance contracts, and data processing equipment and mission-critical software, including maintenance contracts, all of which are paid from the appropriation for the ~~Land~~ Environmental Management Program shall be funded only through interest earnings from the Hazardous Substance Remedial Action Trust Fund. Further, the Department shall report biennially to the Legislative Council all expenditures from interest earnings for these purchases. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LAND PROGRAM - HAZARDOUS WASTE CLEANUP APPROPRIATION. Up to ~~\$6,500,000~~ \$6,502,000

1 of the appropriation authorized for the Land Program and funded from the  
 2 Hazardous ~~Waste~~ Substance Remedial Action Trust Fund during the fiscal year  
 3 ending June 30, ~~2004~~ 2006 may be carried forward and made available for  
 4 Contractual Services in the Land Program and funded from the Hazardous ~~Waste~~  
 5 Substance Remedial Action Trust Fund for the fiscal year ending June 30, ~~2005~~  
 6 2007.

7 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 8 2005 through June 30, ~~2005~~ 2007.

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10 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 12 ENVIRONMENTAL MANAGEMENT PROGRAM - PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES  
 13 APPROPRIATION. Any unexpended balance of the appropriation authorized in the  
 14 Environmental Management Program, used for Performance-Integrated Information  
 15 System Expenses, not to exceed ~~\$2,100,000~~ \$1,500,000, and funded from the  
 16 Performance Partnership Trust Fund which remains at the close of the fiscal  
 17 year ending June 30, ~~2004~~ 2006 shall be carried forward and made available  
 18 for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

19 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 20 2005 through June 30, ~~2005~~ 2007.

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22 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 24 ENVIRONMENTAL MANAGEMENT PROGRAM - SMALL BUSINESS LOANS. Of the amount  
 25 appropriated for the Environmental Management Program for the year ending  
 26 June 30, ~~2004~~ 2006, an amount of \$1,100,000 shall be available for the  
 27 exclusive purpose of providing loans to small businesses for projects to meet  
 28 regulatory mandates in pollution control and prevention technologies. The  
 29 unexpended balance of the \$1,100,000 appropriated for this purpose that  
 30 remains at June 30, ~~2004~~ 2006 shall be carried forward and made available for  
 31 the same purpose for the fiscal year ending June 30, ~~2005~~ 2007.

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33 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 34 2005 through June 30, ~~2005~~ 2007.

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36 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 2 ENVIRONMENTAL MANAGEMENT PROGRAM - ENVIRONMENTAL SETTLEMENT TRUST. Of the  
 3 amount appropriated for the Environmental Management Program for the year  
 4 ended June 30, ~~2004~~ 2006, an amount of \$3,000,000 shall be available for  
 5 paying expenses as authorized through various settlement agreements  
 6 benefiting the State of Arkansas as administered through the Arkansas  
 7 Department of Environmental Quality. The unexpended balance of the \$3,000,000  
 8 appropriated for this purpose that remains at June 30, ~~2004~~ 2006 shall be  
 9 carried forward and made available for the same purpose for the fiscal year  
 10 ending June 30, ~~2005~~ 2007.  
 11 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005  
 12 through June 30, ~~2005~~ 2007.

13  
 14 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 16 ENVIRONMENTAL MANAGEMENT PROGRAM - APPROPRIATIONS RESTRICTIONS. No  
 17 expenditure from the Environmental Settlement Trust Fund for information  
 18 technology needs may be made without prior approval of the Chief Fiscal  
 19 Officer of the State, after seeking review of the Arkansas Legislative  
 20 Council. Further, utilization of this appropriation for information  
 21 technology needs of the Arkansas Department of Environmental Quality must  
 22 also be approved by the Executive Chief Information Officer after the project  
 23 is evaluated on the methodology recommended by the Chief Information Officer  
 24 and the CIO Council, including an analysis of the return on investment and  
 25 linkage to the Department's business objectives. Any approved projects and  
 26 expenditures for information technology from the Environmental Settlement  
 27 Trust Fund shall be reported annually to the Joint Committee on Advanced  
 28 Communications and Information Technology.

29  
 30 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AIR  
 32 PROGRAM - ADEQ ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code  
 33 20-27-1004(5) shall be used by the department to fund operational expenses  
 34 and to provide and train personnel to administer an asbestos program, as  
 35 funding is available, including:  
 36 (a) Personnel dedicated to issue certificates and licenses to qualified

1 persons/companies, to perform audit of trainers, and to regularly update the  
 2 ADEQ web page providing a listing of asbestos licensed parties;

3 (b) Personnel who are trained as asbestos supervisors as defined by Arkansas  
 4 Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission  
 5 Regulation No.21 to approve asbestos Notices of Intent, perform and  
 6 coordinate asbestos inspections, conduct enforcement actions, and provide  
 7 regulatory compliance information to assist the regulated community. Asbestos  
 8 inspectors shall have personal protective equipment when needed to enter a  
 9 regulated area; and

10 (c) Other personnel as necessary to administer the asbestos program.

11  
 12 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 13 by this act shall be limited to the appropriation for such agency and funds  
 14 made available by law for the support of such appropriations; and the  
 15 restrictions of the State Procurement Law, the General Accounting and  
 16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 17 Procedures and Restrictions Act, or their successors, and other fiscal  
 18 control laws of this State, where applicable, and regulations promulgated by  
 19 the Department of Finance and Administration, as authorized by law, shall be  
 20 strictly complied with in disbursement of said funds.

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

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 31 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General  
 32 Assembly, that the Constitution of the State of Arkansas prohibits the  
 33 appropriation of funds for more than a two (2) year period; that the  
 34 effectiveness of this Act on July 1, 2005 is essential to the operation of  
 35 the agency for which the appropriations in this Act are provided, and that in  
 36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
2 proper administration and provision of essential governmental programs.  
3 Therefore, an emergency is hereby declared to exist and this Act being  
4 necessary for the immediate preservation of the public peace, health and  
5 safety shall be in full force and effect from and after July 1, 2005.

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