

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 25

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR ROAD AND BRIDGE REPAIR, MAINTENANCE, GRANTS, OPERATING EXPENSES OF THE NOAA WEATHER WARNING SYSTEM, AND OPERATING AND OTHER EXPENSES OF THE PUBLIC TRANSPORTATION PROGRAM FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT - ROAD AND BRIDGE REPAIR, NOAA WEATHER WARNING SYSTEM, AND THE PUBLIC TRANSPORTATION PROGRAM APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. APPROPRIATION - ROAD AND BRIDGE REPAIR, MAINTENANCE, AND GRANTS. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the Miscellaneous Agencies Fund Account, for road and bridge repair, maintenance, and grants for damages resulting from trucks and other heavy machinery used in the extraction of natural gas, for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>



(01) ROAD AND BRIDGE REPAIR, MAINTENANCE,
 AND GRANTS TO POLITICAL
 SUBDIVISIONS \$2,500,000

SECTION 2. APPROPRIATION - PUBLIC TRANSPORTATION PROGRAM. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the Miscellaneous Agencies Fund Account, for use in the preparation of project applications, program developments, and as matching monies for the United States Department of Transportation funds and other federal funds, for capital improvements to, and operating assistance for, the Public Transportation Programs serving transportation-dependent persons, of the Arkansas State Highway and Transportation Department for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) HIGHWAY AND TRANSPORTATION DEPARTMENT FUNDING ASSISTANCE TO RURAL AND URBAN TRANSPORTATION AGENCIES FOR PROJECT AND PROGRAM DEVELOPMENT AND CAPITAL IMPROVEMENTS TO AND OPERATING ASSISTANCE FOR THE PUBLIC TRANSPORTATION PROGRAMS SERVING THE TRANSPORTATION DEPENDENT	<u>\$350,000</u>

SECTION 3. APPROPRIATION - NOAA WEATHER WARNING SYSTEM. There is hereby appropriated, to the Arkansas State Highway and Transportation Department, to be payable from the Miscellaneous Agencies Fund Account, for operating expenses of the National Oceanic and Atmospheric Administration Weather Warning Radio System of the Arkansas State Highway and Transportation Department for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) OPERATING EXPENSES	<u>\$4,000</u>

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF FUNDS. The Arkansas Highway and Transportation Department shall use the funds appropriated in Section 1 of this Act exclusively to provide for the maintenance and repair of roads and bridges damaged by trucks and other heavy equipment used for the purposes of extracting natural gas or other drilling operations, by granting of funds to counties or cities. These funds shall not be used for regular road or bridge maintenance or repair nor is there any requirement of the Arkansas Highway and Transportation Department to ensure that funds are equally distributed by city, county, district, or any other geographical or political subdivision of this state.

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MAXIMUM FUNDING ALLOCATION. In no event shall the funding for appropriations made in any fiscal year for the Arkansas Highway and Transportation Department for road and bridge repair, maintenance, and grants exceed the maximum amount of general revenue allocated and distributed under Arkansas Code Annotated 26-58-124 (c)(1) from the previous fiscal year, less six hundred seventy five thousand dollars (\$675,000).

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD OF FUNDS. Any unexpended balance of funds remaining in the Miscellaneous Agencies Fund Account as allocated for the line item appropriation Road and Bridge Repair, Maintenance, and Grants to Political Subdivisions made in this Act which remains at the end of a fiscal year shall be carried forward into the next fiscal year and made available for the same purposes.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2012~~ 2013 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall

report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of funding carried forward, the program name or line item, the funding source and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

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

SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2012 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 legislative session, the delay in the effective date of this Act beyond July 1, 2012 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, 2012.

APPROVED: 02/24/2012