

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 25

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR ROAD AND
9 BRIDGE REPAIR, MAINTENANCE, GRANTS, OPERATING
10 EXPENSES OF THE NOAA WEATHER WARNING SYSTEM, AND
11 OPERATING AND OTHER EXPENSES OF THE PUBLIC
12 TRANSPORTATION PROGRAM FOR THE ARKANSAS STATE
13 HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE
14 FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER
15 PURPOSES.
16

Subtitle

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18
19 AN ACT FOR THE ARKANSAS STATE HIGHWAY AND
20 TRANSPORTATION DEPARTMENT - ROAD AND BRIDGE
21 REPAIR, NOAA WEATHER WARNING SYSTEM, AND
22 THE PUBLIC TRANSPORTATION PROGRAM
23 APPROPRIATION FOR THE 2012-2013 FISCAL
24 YEAR.
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26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. APPROPRIATION - ROAD AND BRIDGE REPAIR, MAINTENANCE, AND
30 GRANTS. There is hereby appropriated, to the Arkansas State Highway and
31 Transportation Department, to be payable from the Miscellaneous Agencies Fund
32 Account, for road and bridge repair, maintenance, and grants for damages
33 resulting from trucks and other heavy machinery used in the extraction of
34 natural gas, for the fiscal year ending June 30, 2013, the following:
35

36 ITEM

FISCAL YEAR



1	<u>NO.</u>	<u>2012-2013</u>
2	(01) ROAD AND BRIDGE REPAIR, MAINTENANCE,	
3	AND GRANTS TO POLITICAL	
4	SUBDIVISIONS	<u>\$2,500,000</u>

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6 SECTION 2. APPROPRIATION - PUBLIC TRANSPORTATION PROGRAM. There is

7 hereby appropriated, to the Arkansas State Highway and Transportation

8 Department, to be payable from the Miscellaneous Agencies Fund Account, for

9 use in the preparation of project applications, program developments, and as

10 matching monies for the United States Department of Transportation funds and

11 other federal funds, for capital improvements to, and operating assistance

12 for, the Public Transportation Programs serving transportation-dependent

13 persons, of the Arkansas State Highway and Transportation Department for the

14 fiscal year ending June 30, 2013, the following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2012-2013</u>
18	(01) HIGHWAY AND TRANSPORTATION DEPARTMENT	
19	FUNDING ASSISTANCE TO RURAL AND	
20	URBAN TRANSPORTATION AGENCIES	
21	FOR PROJECT AND PROGRAM	
22	DEVELOPMENT AND CAPITAL	
23	IMPROVEMENTS TO AND OPERATING	
24	ASSISTANCE FOR THE PUBLIC	
25	TRANSPORTATION PROGRAMS SERVING	
26	THE TRANSPORTATION DEPENDENT	<u>\$350,000</u>

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28 SECTION 3. APPROPRIATION - NOAA WEATHER WARNING SYSTEM. There is

29 hereby appropriated, to the Arkansas State Highway and Transportation

30 Department, to be payable from the Miscellaneous Agencies Fund Account, for

31 operating expenses of the National Oceanic and Atmospheric Administration

32 Weather Warning Radio System of the Arkansas State Highway and Transportation

33 Department for the fiscal year ending June 30, 2013, the following:

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

1 (01) OPERATING EXPENSES \$4,000

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

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15 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MAXIMUM
 17 FUNDING ALLOCATION. In no event shall the funding for appropriations made in
 18 any fiscal year for the Arkansas Highway and Transportation Department for
 19 road and bridge repair, maintenance, and grants exceed the maximum amount of
 20 general revenue allocated and distributed under Arkansas Code Annotated 26-
 21 58-124 (c)(1) from the previous fiscal year, less six hundred seventy five
 22 thousand dollars (\$675,000).

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

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

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

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

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

16 (4) Thereupon, the Department of Finance and Administration shall include
17 all information obtained in item (3) above in the budget manuals and/or a
18 statement of non-compliance by the Agency, Board, Commission or Institution.
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20 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Procurement Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal
26 control laws of this State, where applicable, and regulations promulgated by
27 the Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.
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30 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this act shall be in compliance with the stated reasons for
33 which this act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 manuals prepared by the Department of Finance and Administration, letters, or
36 summarized oral testimony in the official minutes of the Arkansas Legislative

1 Council or Joint Budget Committee which relate to its passage and adoption.

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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.