

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

HOUSE BILL 1016

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS
NATURAL RESOURCES COMMISSION; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS NATURAL RESOURCES
COMMISSION REAPPROPRIATION.

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

SECTION 1. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the General Improvement Fund or its successor fund or fund accounts, for the Arkansas Natural Resources Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 540 of 2011, for a transfer to the Water Development Fund for loans/grants to communities for water services, in a sum not to exceed.....\$4,000,000.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (B) Section 1 of Act 540 of 2011, for a transfer to the Water, Sewer and Solid Waste Fund for loans/grants to local communities to fund safe, affordable water, sewage and solid waste disposal for their citizens and commercial users, in a sum not to exceed.....\$4,000,000.

(C) Effective July 1, 2012, the balance of the appropriation provided in Item (C) Section 1 of Act 540 of 2011, for a transfer to the Water Resources Cost Share Revolving Fund to provide funding to the state and its



political subdivisions to finance the non-federal share of their obligations in regard to a water resources development project, in a sum not to exceed\$100,000,000.

(D) Effective July 1, 2012, the balance of the appropriation provided in Item (D) Section 1 of Act 540 of 2011, for a transfer to the Drinking Water State Revolving Fund for the EPA Drinking Water Program, in a sum not to exceed.....\$5,000,000.

(E) Effective July 1, 2012, the balance of the appropriation provided in Item (E) Section 1 of Act 540 of 2011, for a transfer to the Clean Water State Revolving Fund for the EPA Program for sewer projects, in a sum not to exceed.....\$5,000,000.

(F) Effective July 1, 2012, the balance of the appropriation provided in Item (F) Section 1 of Act 540 of 2011, for development of the State Water Plan, in a sum not to exceed.....\$4,000,000.

(G) Effective July 1, 2012, the balance of the appropriation provided in Item (G) Section 1 of Act 540 of 2011, for a transfer to the Ouachita River Waterway Trust Fund for grants for projects approved through the Ouachita River Commission for river based recreation projects in the Ouachita River area, in a sum not to exceed.....\$500,000.

(H) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 77 of 2011, for project expenses of the Illinois River Conservation Reserve Improvement Program, in a sum not to exceed\$1,495,000.

(I) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 649 of 2011, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, operating, improvements, professional fees and services, and other related costs for sewer, water and waste water projects, levee repair, rehabilitation and maintenance projects, flood control and drainage projects, fire protection services, and irrigation projects, in a sum not to exceed\$500,000.

(J) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 356 of 2011, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, operating, improvements, professional fees and services, and other related costs for water and waste water projects, levee repair, rehabilitation and

maintenance projects, flood control and drainage projects, fire protection services, and irrigation projects, in a sum not to exceed.....\$175,000.

(K) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 413 of 2011, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, operating, improvements, professional fees and services, and other related costs for water and waste water projects, levee repair, rehabilitation and maintenance projects, flood control and drainage projects, fire protection services, and irrigation projects, in a sum not to exceed.....\$1,000,000.

(L) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 666 of 2011, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, operating, improvements, professional fees and services, and other related costs for water and waste water projects, levee repair, rehabilitation and maintenance projects, flood control and drainage projects, fire protection services, and irrigation projects, in a sum not to exceed.....\$500,000.

(M) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 435 of 2011, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, operating, improvements, professional fees and services, and other related costs for water and waste water projects, levee repair, rehabilitation and maintenance projects, flood control and drainage projects, fire protection services, and irrigation projects, in a sum not to exceed.....\$200,000.

SECTION 2. REAPPROPRIATION - FEDERAL. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for the Arkansas Natural Resources Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 2 of Act 540 of 2011, for a transfer to the Water Resources Cost Share Revolving Fund to provide funding to the state and its political subdivisions to finance the non-federal share of their obligations in regard to a water resources development project, in a sum not to exceed\$560,000,000.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (B) Section 2 of Act 540 of 2011, for a transfer to the Drinking

Water State Revolving Fund for the EPA Drinking Water Program, in a sum not to exceed.....\$20,000,000.

(C) Effective July 1, 2012, the balance of the appropriation provided in Item (C) Section 2 of Act 540 of 2011, for a transfer to the Clean Water State Revolving Fund for the EPA Program for sewer projects, in a sum not to exceed.....\$25,000,000.

SECTION 3. REAPPROPRIATION - CASH. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for the Arkansas Natural Resources Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 3 of Act 540 of 2011, for a transfer to the Water Development Fund for loans/grants to communities for water services, in a sum not to exceed.....\$2,000,000.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (B) Section 3 of Act 540 of 2011, for a transfer to the Water, Sewer and Solid Waste Fund for loans/grants to local communities to fund safe, affordable water, sewage and solid waste disposal for their citizens and commercial users, in a sum not to exceed.....\$2,000,000.

SECTION 4. REAPPROPRIATION - BOND PROCEEDS. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the Bond Proceeds, for the Arkansas Natural Resources Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 4 of Act 540 of 2011, for a transfer to the Water Resources Cost Share Revolving Fund to provide funding to the state and its political subdivisions to finance the non-federal share of their obligations in regard to a water resources development project, in a sum not to exceed\$350,000,000.

SECTION 5. REAPPROPRIATION - TRUST FUNDS. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the Ouachita River Waterways Project Trust Fund, for the Arkansas Natural Resources Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 5 of Act 540 of 2011, for grants for projects approved through the Ouachita River Commission for river based recreation projects in the Ouachita River area, in a sum not to exceed.....\$2,000,000.

SECTION 6. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State Treasury funds actually available therefor as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this act.

(B) The restrictions of any applicable provisions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws of this State and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of any funds provided by this act unless specifically provided otherwise by law.

SECTION 7. 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 8. 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.