

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 53

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF RURAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF RURAL SERVICES APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Rural Services for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U099U	DIRECTOR OF RURAL SERVICES	1	\$87,556
(2)	G115C	ASST DIR OF RURAL SERVICES	1	GRADE C121
(3)	G180C	GRANTS ANALYST	3	GRADE C117
(4)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
		MAX. NO. OF EMPLOYEES	6	

SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby



appropriated, to the Department of Rural Services, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the Department of Rural Services - State Operations for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$249,319
(02) PERSONAL SERVICES MATCHING	73,567
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	67,704
(B) CONF. & TRAVEL	4,100
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS/AID - RURAL COMMUNITY GRANTS	400,000
(05) RURAL FIRE PROTECTION GRANTS	500,000
(06) COUNTY FAIR IMPROVEMENT GRANTS	<u>100,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,394,690</u></u>

SECTION 3. APPROPRIATION - CONFERENCE EXPENSES. There is hereby appropriated, to the Department of Rural Services, to be payable from the cash funds as defined by Arkansas Code 19-4-801 of the Department of Rural Services, for conference expenses of the Department of Rural Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) CONFERENCE EXPENSES	<u><u>\$65,000</u></u>

SECTION 4. APPROPRIATION - WILDLIFE RECREATION FACILITIES PILOT PROGRAM. There is hereby appropriated, to the Department of Rural Services, to be payable from the Wildlife Recreation Facilities Fund, for personal services and operating expenses of the Department of Rural Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$32,249
(02) PERSONAL SERVICES MATCHING	11,185
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	6,614
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) WILDLIFE RECREATION GRANTS	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,050,048</u></u>

SECTION 5. APPROPRIATION - ANIMAL RESCUE/SHELTERS. There is hereby appropriated, to the Department of Rural Services, to be payable from the Animal Rescue and Shelter Trust Fund, for providing grants to counties or municipalities for infrastructure, construction, renovation, personal services and maintenance and operations for animal rescues or animal shelters for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) ANIMAL RESCUE/SHELTERS GRANTS/AID	<u><u>\$100,000</u></u>

SECTION 6. APPROPRIATION - ADMINISTRATIVE FEE. There is hereby appropriated, to the Department of Rural Services, to be payable from the Miscellaneous Agencies Fund Account, for maintenance and operating expenses of the Department of Rural Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$37,500
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0

(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$37,500</u></u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GENERAL IMPROVEMENT PROJECTS ADMINISTRATIVE FEE. The Department of Rural Services is authorized to retain and utilize for administrative cost purposes up to one percent (1%) of the total amount of any General Improvement Fund moneys received for projects authorized for disbursement through the department by the General Assembly.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Upon request of the Director of the Department of Rural Services to the Chief Fiscal Officer of the State, the Chief Fiscal Officer of the State, from time to time, shall cause to be transferred on his books and those of the State Treasurer and Auditor of State, an amount not to exceed one percent (1%) from the various sub funds created in any General Improvement Fund, established for disbursement through the Department of Rural Services, to the Miscellaneous Agencies Fund Account. The funds transferred to the Miscellaneous Agencies Fund Account from the various sub funds established in any General Improvement Fund pursuant to this section shall be made available and utilized solely by the Department of Rural Services for maintenance and general operations costs.

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADMINISTRATIVE EXPENSES. Any unexpended balance of funds remaining on June 30, of each fiscal year in the Miscellaneous Agencies Fund Account for the Department of Rural Services that were transferred from the various sub funds created in any General Improvement Fund for the administration of general improvement fund projects shall remain in the Miscellaneous Agencies Fund Account and made available to the Department of Rural Services and utilized for the same purpose during the following fiscal year.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY FAIR GRANTS. The Department of Rural Services shall develop the necessary rules and regulations for the disbursement of matching fund grants to county fairs for the construction, renovation and/or improvements to county fair grounds. The grants shall be matched on a 50/50 basis. The match may be cash or in-kind. No county fair shall receive more than \$30,000 for the biennium.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT AWARD CRITERIA. The Department of Rural Services shall promulgate regulations establishing the criteria to be utilized in determining to whom grants will be made under this Act. Subject to the approval of the Governor, and approval by the Arkansas Legislative Council or the Joint Budget Committee, the Department of Rural Services shall distribute the grants. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Rural Services may operate more efficiently if some flexibility is provided to the Department of Rural Services authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 12. 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 13. 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 14. 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.