

**Stricken language will be deleted and underlined language will be added.  
Act 297 of the Fiscal Session**

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010  
4

*As Engrossed: S2/24/10*  
**A Bill**

SENATE BILL 129

5 By: Joint Budget Committee  
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7

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR ROAD AND  
10 BRIDGE REPAIR, MAINTENANCE, AND GRANTS FOR THE  
11 ARKANSAS STATE HIGHWAY AND TRANSPORTATION  
12 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30,  
13 2011; AND FOR OTHER PURPOSES.  
14

**Subtitle**

15 AN ACT FOR THE ARKANSAS STATE HIGHWAY  
16 AND TRANSPORTATION DEPARTMENT - ROAD AND  
17 BRIDGE REPAIR, MAINTENANCE, AND GRANTS  
18 APPROPRIATION FOR THE 2010-2011 FISCAL  
19 YEAR.  
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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. APPROPRIATION - ROAD AND BRIDGE REPAIR, MAINTENANCE, AND  
27 GRANTS. There is hereby appropriated, to the Arkansas State Highway and  
28 Transportation Department, to be payable from the Miscellaneous Agencies Fund  
29 Account, for road and bridge repair, maintenance, and grants for damages  
30 resulting from trucks and other heavy machinery used in the extraction of  
31 natural gas, by the Arkansas State Highway and Transportation Department for  
32 the fiscal year ending June 30, 2011, the following:  
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34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2010-2011</u>
36 (01) ROAD AND BRIDGE REPAIR, MAINTENANCE,	

1 AND GRANTS TO POLITICAL SUBDIVISIONS \$ 2,500,000

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4 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
5 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF FUNDS.  
6 The Arkansas Highway and Transportation Department shall use the funds  
7 appropriated in Section 1 of this Act exclusively to provide for the  
8 maintenance and repair of roads and bridges damaged by trucks and other heavy  
9 equipment used for the purposes of extracting natural gas or other drilling  
10 operations, by granting of funds to counties or cities. These funds shall not  
11 be used for regular road or bridge maintenance or repair nor is there any  
12 requirement of the Arkansas Highway and Transportation Department to ensure  
13 that funds are equally distributed by city, county, district, or any other  
14 geographical or political subdivision of this state.

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16 SECTION 3. SPECIAL LANGUAGE. Arkansas Code Annotated 19-5-302(9)(C)  
17 concerning the Miscellaneous Agencies Fund Account is amended to read as  
18 follows:

19 C) If there are not sufficient funds available in the Miscellaneous  
20 Agencies Fund Account to support the amounts appropriated from the  
21 Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the State  
22 shall determine the amount of moneys to be made available for each of the  
23 appropriations made from the Miscellaneous Agencies Fund Account, after  
24 having first provided full funding for all national and regional association  
25 dues and ensured that the appropriations made for the Arkansas Highway and  
26 Transportation Department for road and bridge repair and maintenance are  
27 funded pursuant to the maximum funding allocation provided by law;

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29 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MAXIMUM  
31 FUNDING ALLOCATION. In no event shall the funding for appropriations made in  
32 any fiscal year for the Arkansas Highway and Transportation Department for  
33 road and bridge repair, maintenance, and grants exceed the maximum amount of  
34 general revenue allocated and distributed under Arkansas Code Annotated 26-  
35 58-124 (c)(1) from the previous fiscal year, less six hundred seventy five  
36 thousand dollars (\$675,000).

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2 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
4 FORWARD OF FUNDS. Any unexpended balance of funds remaining in the  
5 Miscellaneous Agencies Fund Account as allocated for the line item  
6 appropriation Road and Bridge Repair, Maintenance, and Grants to Political  
7 Subdivisions made in this Act which remains at the end of a fiscal year shall  
8 be carried forward into the next fiscal year and made available for the same  
9 purposes.

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

12 (1) Prior to June 30, 2011 the Agency shall by written statement set forth  
13 its reason(s) for the need to carry forward said funding to the Department of  
14 Finance and Administration Office of Budget;

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

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

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

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34 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
35 by this act shall be limited to the appropriation for such agency and funds  
36 made available by law for the support of such appropriations; and the

1 restrictions of the State Procurement Law, the General Accounting and  
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
3 Procedures and Restrictions Act, or their successors, and other fiscal  
4 control laws of this State, where applicable, and regulations promulgated by  
5 the Department of Finance and Administration, as authorized by law, shall be  
6 strictly complied with in disbursement of said funds.

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8 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly  
9 that any funds disbursed under the authority of the appropriations contained  
10 in this act shall be in compliance with the stated reasons for which this act  
11 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
12 and Legislative Recommendations contained in the budget manuals prepared by  
13 the Department of Finance and Administration, letters, or summarized oral  
14 testimony in the official minutes of the Arkansas Legislative Council or  
15 Joint Budget Committee which relate to its passage and adoption.

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17 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
18 Assembly, that the Constitution of the State of Arkansas prohibits the  
19 appropriation of funds for more than a one (1) year period; that the  
20 effectiveness of this Act on July 1, 2010 is essential to the operation of  
21 the agency for which the appropriations in this Act are provided, and that in  
22 the event of an extension of the legislative session, the delay in the  
23 effective date of this Act beyond July 1, 2010 could work irreparable harm  
24 upon the proper administration and provision of essential governmental  
25 programs. Therefore, an emergency is hereby declared to exist and this Act  
26 being necessary for the immediate preservation of the public peace, health  
27 and safety shall be in full force and effect from and after July 1, 2010.

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29 /s/ Joint Budget Committee

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31 APPROVED: 2/26/2010  
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