

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/18/11
A Bill

SENATE BILL 133

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE
10 DEPARTMENT OF RURAL SERVICES FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT FOR THE DEPARTMENT OF RURAL SERVICES
15 APPROPRIATION FOR THE 2011-2012 FISCAL
16 YEAR.
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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Rural Services for the 2011-2012 fiscal year, the following
24 maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U099U	DIRECTOR OF RURAL SERVICES	1	\$85,521
31	(2) G115C	ASST DIR OF RURAL SERVICES	1	GRADE C121
32	(3) G180C	GRANTS ANALYST	3	GRADE C117
33	(4) C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
34		MAX. NO. OF EMPLOYEES	6	

35
36 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby



1 appropriated, to the Department of Rural Services, to be payable from the
 2 Miscellaneous Agencies Fund Account, for personal services and operating
 3 expenses of the Department of Rural Services - State Operations for the
 4 fiscal year ending June 30, 2012, the following:

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6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2011-2012</u>
8 (01) REGULAR SALARIES	\$242,940
9 (02) PERSONAL SERVICES MATCHING	72,401
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	67,704
12 (B) CONF. & TRAVEL	4,100
13 (C) PROF. FEES	0
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (04) GRANTS/AID - RURAL COMMUNITY GRANTS	400,000
17 (05) RURAL FIRE PROTECTION GRANTS	500,000
18 (06) COUNTY FAIR IMPROVEMENT GRANTS	<u>100,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,387,145</u></u>

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21 SECTION 3. APPROPRIATION - CONFERENCE EXPENSES. There is hereby
 22 appropriated, to the Department of Rural Services, to be payable from the
 23 cash funds as defined by Arkansas Code 19-4-801 of the Department of Rural
 24 Services, for conference expenses of the Department of Rural Services for the
 25 fiscal year ending June 30, 2012, the following:

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27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2011-2012</u>
29 (01) CONFERENCE EXPENSES	<u><u>\$65,000</u></u>

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31 SECTION 4. APPROPRIATION - WILDLIFE RECREATION FACILITIES PILOT
 32 PROGRAM. There is hereby appropriated, to the Department of Rural Services,
 33 to be payable from the Wildlife Recreation Facilities Fund, for personal
 34 services and operating expenses of the Department of Rural Services for the
 35 fiscal year ending June 30, 2012, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2011-2012</u>
3	(01) REGULAR SALARIES	\$32,249
4	(02) PERSONAL SERVICES MATCHING	11,185
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	6,614
7	(B) CONF. & TRAVEL	0
8	(C) PROF. FEES	0
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	0
11	(04) WILDLIFE RECREATION GRANTS	<u>1,000,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,050,048</u></u>

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14 SECTION 5. APPROPRIATION - ANIMAL RESCUE/SHELTERS. There is hereby
 15 appropriated, to the Department of Rural Services, to be payable from the
 16 Animal Rescue and Shelter Trust Fund, for providing grants to counties or
 17 municipalities for infrastructure, construction, renovation, personal
 18 services and maintenance and operations for animal rescues or animal shelters
 19 for the fiscal year ending June 30, 2012, the following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2011-2012</u>
23	(01) ANIMAL RESCUE/SHELTERS GRANTS/AID	<u><u>\$100,000</u></u>

24

25 SECTION 6. APPROPRIATION - ADMINISTRATIVE FEE. There is hereby
 26 appropriated, to the Department of Rural Services, to be payable from the
 27 Miscellaneous Agencies Fund Account, for maintenance and operating expenses
 28 of the Department of Rural Services for the fiscal year ending June 30, 2012,
 29 the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2011-2012</u>
33	(01) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	\$37,500
35	(B) CONF. & TRAVEL	0
36	(C) PROF. FEES	0

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

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5 *SECTION 7. APPROPRIATION - COUNTY LIBRARY GRANTS. There is hereby*
6 *appropriated, to the Department of Rural Services, to be payable from the*
7 *General Improvement fund or its successor fund or fund accounts, the*
8 *following:*

9 *(A) for grants to county libraries for acquisition, construction,*
10 *improvements, equipment, and renovation associated with the provision of*
11 *library services, in a sum not to exceed.....\$2,000,000.*

12

13 *SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
14 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GENERAL*
15 *IMPROVEMENT PROJECTS ADMINISTRATIVE FEE. The Department of Rural Services is*
16 *authorized to retain and utilize for administrative cost purposes up to one*
17 *percent (1%) of the total amount of any General Improvement Fund moneys*
18 *received for projects authorized for disbursement through the department by*
19 *the General Assembly.*

20

21 *SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND*
23 *TRANSFER. Upon request of the Director of the Department of Rural Services*
24 *to the Chief Fiscal Officer of the State, the Chief Fiscal Officer of the*
25 *State, from time to time, shall cause to be transferred on his books and*
26 *those of the State Treasurer and Auditor of State, an amount not to exceed*
27 *one percent (1%) from the various sub funds created in ~~the 87th Session~~*
28 *~~Projects Account of the~~ any General Improvement Fund, established for*
29 *disbursement through the Department of Rural Services, to the Miscellaneous*
30 *Agencies Fund Account.*

31 *The funds transferred to the Miscellaneous Agencies Fund Account from the*
32 *various sub funds established in ~~the 87th Session Projects Account of the~~ any*
33 *General Improvement Fund pursuant to this section shall be made available and*
34 *utilized solely by the Department of Rural Services for maintenance and*
35 *general operations costs.*

36

1 *SECTION 10.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 ADMINISTRATIVE EXPENSES. Any unexpended balance of funds remaining on June
4 30, of each fiscal year in the Miscellaneous Agencies Fund Account for the
5 Department of Rural Services that were transferred from the various sub funds
6 ~~of the 87th Session Projects Account of the~~ created in any General
7 Improvement Fund for the administration of general improvement fund projects
8 shall remain in the Miscellaneous Agencies Fund Account and made available to
9 the Department of Rural Services and utilized for the same purpose during the
10 following fiscal year.

11
12 *SECTION 11.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
14 FAIR GRANTS. The Department of Rural Services shall develop the necessary
15 rules and regulations for the disbursement of matching fund grants to county
16 fairs for the construction, renovation and/or improvements to county fair
17 grounds. The grants shall be matched on a 50/50 basis. The match may be
18 cash or in-kind. No county fair shall receive more than \$30,000 for the
19 biennium.

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21 *SECTION 12.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
23 AWARD CRITERIA. The Department of Rural Services shall promulgate regulations
24 establishing the criteria to be utilized in determining to whom grants will
25 be made under this Act. Subject to the approval of the Governor, and
26 approval by the Arkansas Legislative Council or the Joint Budget Committee,
27 the Department of Rural Services shall distribute the grants.
28 Determining the maximum number of employees and the maximum amount of
29 appropriation and general revenue funding for a state agency each fiscal year
30 is the prerogative of the General Assembly. This is usually accomplished by
31 delineating such maximums in the appropriation act(s) for a state agency and
32 the general revenue allocations authorized for each fund and fund account by
33 amendment to the Revenue Stabilization law. Further, the General Assembly
34 has determined that the Department of Rural Services may operate more
35 efficiently if some flexibility is provided to the Department of Rural
36 Services authorizing broad powers under this Section. Therefore, it is both

1 necessary and appropriate that the General Assembly maintain oversight by
2 requiring prior approval of the Legislative Council or Joint Budget Committee
3 as provided by this section. The requirement of approval by the Legislative
4 Council or Joint Budget Committee is not a severable part of this section.
5 If the requirement of approval by the Legislative Council or Joint Budget
6 Committee is ruled unconstitutional by a court of competent jurisdiction,
7 this entire section is void.

8 The provisions of this section shall be in effect only from July 1, ~~2010~~
9 2011 through June 30, ~~2011~~ 2012.

10
11 *SECTION 13. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds
12 authorized by this act shall be limited to the appropriation for such agency
13 and funds made available by law for the support of such appropriations; and
14 the restrictions of the State Procurement Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20
21 *SECTION 14. LEGISLATIVE INTENT.* It is the intent of the General
22 Assembly that any funds disbursed under the authority of the appropriations
23 contained in this act shall be in compliance with the stated reasons for
24 which this act was adopted, as evidenced by the Agency Requests, Executive
25 Recommendations and Legislative Recommendations contained in the budget
26 manuals prepared by the Department of Finance and Administration, letters, or
27 summarized oral testimony in the official minutes of the Arkansas Legislative
28 Council or Joint Budget Committee which relate to its passage and adoption.

29
30 *SECTION 15. EMERGENCY CLAUSE.* It is found and determined by the
31 General Assembly, that the Constitution of the State of Arkansas prohibits
32 the appropriation of funds for more than a one (1) year period; that the
33 effectiveness of this Act on July 1, 2011 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the legislative session, the delay in the
36 effective date of this Act beyond July 1, 2011 could work irreparable harm

1 upon the proper administration and provision of essential governmental
2 programs. Therefore, an emergency is hereby declared to exist and this Act
3 being necessary for the immediate preservation of the public peace, health
4 and safety shall be in full force and effect from and after July 1, 2011.

5
6 */s/Joint Budget Committee*

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9 **APPROVED: 03/24/2011**
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