

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

# A Bill

SENATE BILL 20

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR ROAD AND BRIDGE  
9 REPAIR, MAINTENANCE, GRANTS, OPERATING EXPENSES OF  
10 THE NOAA WEATHER WARNING SYSTEM, AND OPERATING AND  
11 OTHER EXPENSES OF THE PUBLIC TRANSPORTATION PROGRAM  
12 FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION  
13 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2012;  
14 AND FOR OTHER PURPOSES.  
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## Subtitle

17 AN ACT FOR THE ARKANSAS STATE HIGHWAY AND  
18 TRANSPORTATION DEPARTMENT - ROAD AND BRIDGE  
19 REPAIR, NOAA WEATHER WARNING SYSTEM, AND  
20 THE PUBLIC TRANSPORTATION PROGRAM  
21 APPROPRIATION FOR THE 2011-2012 FISCAL  
22 YEAR.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. APPROPRIATION - ROAD AND BRIDGE REPAIR, MAINTENANCE, AND  
29 GRANTS. There is hereby appropriated, to the Arkansas State Highway and  
30 Transportation Department, to be payable from the Miscellaneous Agencies Fund  
31 Account, for road and bridge repair, maintenance, and grants for damages  
32 resulting from trucks and other heavy machinery used in the extraction of  
33 natural gas, for the fiscal year ending June 30, 2012, the following:  
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35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2011-2012</u>



1 (01) ROAD AND BRIDGE REPAIR, MAINTENANCE,  
 2 AND GRANTS TO POLITICAL  
 3 SUBDIVISIONS \$2,500,000

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 5 SECTION 2. APPROPRIATION - PUBLIC TRANSPORTATION PROGRAM. There is  
 6 hereby appropriated, to the Arkansas State Highway and Transportation  
 7 Department, to be payable from the Miscellaneous Agencies Fund Account, for  
 8 use in the preparation of project applications, program developments, and as  
 9 matching monies for the United States Department of Transportation funds and  
 10 other federal funds, for capital improvements to, and operating assistance  
 11 for, the Public Transportation Programs serving transportation-dependent  
 12 persons, of the Arkansas State Highway and Transportation Department for the  
 13 fiscal year ending June 30, 2012, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2011-2012</u>
17 (01) HIGHWAY AND TRANSPORTATION DEPARTMENT 18 FUNDING ASSISTANCE TO RURAL AND 19 URBAN TRANSPORTATION AGENCIES 20 FOR PROJECT AND PROGRAM 21 DEVELOPMENT AND CAPITAL 22 IMPROVEMENTS TO AND OPERATING 23 ASSISTANCE FOR THE PUBLIC 24 TRANSPORTATION PROGRAMS SERVING 25 THE TRANSPORTATION DEPENDENT	<u>\$350,000</u>

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 27 SECTION 3. APPROPRIATION - NOAA WEATHER WARNING SYSTEM. There is  
 28 hereby appropriated, to the Arkansas State Highway and Transportation  
 29 Department, to be payable from the Miscellaneous Agencies Fund Account, for  
 30 operating expenses of the National Oceanic and Atmospheric Administration  
 31 Weather Warning Radio System of the Arkansas State Highway and Transportation  
 32 Department for the fiscal year ending June 30, 2012, the following:

34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2011-2012</u>
36 (01) OPERATING EXPENSES	<u>\$4,000</u>

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

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

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

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

- (1) Prior to June 30, ~~2011~~ 2012 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall

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

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

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

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2       SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
3 Assembly, that the Constitution of the State of Arkansas prohibits the  
4 appropriation of funds for more than a one (1) year period; that the  
5 effectiveness of this Act on July 1, 2011 is essential to the operation of  
6 the agency for which the appropriations in this Act are provided, and that in  
7 the event of an extension of the legislative session, the delay in the  
8 effective date of this Act beyond July 1, 2011 could work irreparable harm  
9 upon the proper administration and provision of essential governmental  
10 programs. Therefore, an emergency is hereby declared to exist and this Act  
11 being necessary for the immediate preservation of the public peace, health  
12 and safety shall be in full force and effect from and after July 1, 2011.

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