

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

A Bill

HOUSE BILL 1149

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
10 IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS
11 NATURAL RESOURCES COMMISSION; AND FOR OTHER
12 PURPOSES.
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Subtitle

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16 AN ACT FOR THE ARKANSAS NATURAL
17 RESOURCES COMMISSION REAPPROPRIATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REAPPROPRIATION - GENERAL IMPROVEMENT FUNDS. There is hereby
23 appropriated, to the Arkansas Natural Resources Commission, to be payable
24 from the General Improvement Fund or its successor fund or fund accounts, for
25 the Arkansas Natural Resources Commission, the following:

26 (A) Effective July 1, 2010, the balance of the appropriation provided in
27 Item (A) of Section 1 of Act 1023 of 2009, for grants for construction,
28 repairs, purchase of equipment, land acquisition, fees, administrative costs,
29 improvements, professional fees and services, and other related costs for
30 water and waste water projects, levee repair, rehabilitation and maintenance
31 projects, flood control and drainage projects, and irrigation projects, in a
32 sum not to exceed\$200,000.
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34 (B) Effective July 1, 2010, the balance of the appropriation provided in
35 Item (A) of Section 1 of Act 1071 of 2009, for grants for construction,
36 repairs, purchase of equipment, land acquisition, fees, administrative costs,



1 improvements, professional fees and services, and other related costs for
2 water and waste water projects, levee repair, rehabilitation and maintenance
3 projects, flood control and drainage projects, and irrigation projects, in a
4 sum not to exceed\$200,000.

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6 (C) Effective July 1, 2010, the balance of the appropriation provided in
7 Item (A) of Section 1 of Act 1082 of 2009, for grants for construction,
8 repairs, purchase of equipment, land acquisition, fees, administrative costs,
9 improvements, professional fees and services, and other related costs for
10 water and waste water projects, levee repair, rehabilitation and maintenance
11 projects, flood control and drainage projects, and irrigation projects, in a
12 sum not to exceed\$10,000,000.

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14 (D) Effective July 1, 2010, the balance of the appropriation provided in
15 Item (A) of Section 1 of Act 1250 of 2009, for grants for construction,
16 repairs, purchase of equipment, land acquisition, fees, administrative costs,
17 improvements, professional fees and services, and other related costs for
18 water and waste water projects, levee repair, rehabilitation and maintenance
19 projects, flood control and drainage projects, and irrigation projects, in a
20 sum not to exceed\$200,000.

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22 (E) Effective July 1, 2010, the balance of the appropriation provided in
23 Item (A) of Section 1 of Act 1267 of 2009, for grants for construction,
24 repairs, purchase of equipment, land acquisition, fees, administrative costs,
25 improvements, professional fees and services, and other related costs for
26 water and waste water projects, levee repair, rehabilitation and maintenance
27 projects, flood control and drainage projects, and irrigation projects, in a
28 sum not to exceed\$500,000.

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30 (F) Effective July 1, 2010, the balance of the appropriation provided in
31 Item (A) of Section 1 of Act 1060 of 2009, for grants for capital
32 improvements, equipment, operating expenses and personal services for Fire
33 Protection Services, in a sum not to exceed\$300,000.

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35 (G) Effective July 1, 2010, the balance of the appropriation provided in
36 Item (A) of Section 1 of Act 1066 of 2009, for water and sewer improvement

1 grants and assistance, in a sum not to exceed\$40,000.

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3 (H) Effective July 1, 2010, the balance of the appropriation provided in
4 Item (A) of Section 1 of Act 1243 of 2009, for grants to Levee Districts for
5 planning, evaluations, study and action plans when it is determined that a
6 Levee is out of compliance and needs repair, in a sum not to exceed
7\$250,000.

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9 (I) Effective July 1, 2010, the balance of the appropriation provided in
10 Item (A) of Section 1 of Act 1260 of 2009, for regional waste water grants,
11 in a sum not to exceed\$200,000.

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13 (J) Effective July 1, 2010, the balance of the appropriation provided in
14 Item (A) of Section 1 of Act 1361 of 2009, for grants to cities, counties,
15 planning and development districts, and other eligible entities for land
16 acquisition, improvements, construction, renovation, major maintenance, and
17 purchase of equipment, industrial site development costs including,
18 construction, renovation, and equipment acquisition, development of
19 intermodal facilities, including port and waterway projects, rail spur
20 construction and road and highway improvements, environmental mitigation
21 projects, and construction and improvement of water and sewer systems, in a
22 sum not to exceed\$100,000.

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24 (K) Effective July 1, 2010, the balance of the appropriation provided in
25 Item (A) of Section 1 of Act 524 of 2009, for water, waste management, and
26 river waterway funds statewide, in a sum not to exceed\$40,000,000.

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28 (L) Effective July 1, 2010, the balance of the appropriation provided in
29 Item (A) of Section 2 of Act 113 of 2009, for a grant to Conservation
30 Districts, in a sum not to exceed\$34,148.

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32 (M) Effective July 1, 2010, the balance of the appropriation provided in
33 Item (A) of Section 3 of Act 113 of 2009, for state assistance to Rural Water
34 Associations for line extensions and other repairs, in a sum not to exceed
35\$50,000.

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1 (N) Effective July 1, 2010, the balance of the appropriation provided in
2 Item (A) of Section 5 of Act 113 of 2009, for various water, waste management
3 and river waterway Funds, in a sum not to exceed\$8,000,000.
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5 (O) Effective July 1, 2010, the balance of the appropriation provided in
6 Item (A) of Section 6 of Act 113 of 2009, for project expenses of the
7 Illinois River Conservation Reserve Improvement Program, in a sum not to
8 exceed\$1,500,000.
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10 (P) Effective July 1, 2010, the balance of the appropriation provided in
11 Item (A) of Section 1 of Act 1015 of 2009, for grants for construction,
12 repairs, purchase of equipment, administrative costs, professional fees and
13 services and other related costs associated with airport water line
14 extensions and fire hydrant installations, in a sum not to exceed ...\$20,000.
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16 (Q) Effective July 1, 2010, the balance of the appropriation provided in
17 Item (A) of Section 1 of Act 1009 of 2009, for grants for construction,
18 repairs, purchase of equipment, land acquisition, fees, administrative costs,
19 improvements, professional fees and services, and other related costs for
20 water and waste water projects, levee repair, rehabilitation and maintenance
21 projects, flood control and drainage projects, and irrigation projects, in a
22 sum not to exceed\$250,000.
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24 SECTION 2. REAPPROPRIATION – FEDERAL FUNDS. There is hereby appropriated,
25 to the Arkansas Natural Resources Commission, to be payable from the federal
26 funds as designated by the Chief Fiscal Officer of the State, for the
27 Arkansas Natural Resources Commission, the following:

28 (A) Effective July 1, 2010, the balance of the appropriation provided in
29 Item (A) of Section 2 of Act 524 of 2009, for a transfer to the Water
30 Development Fund for loans/grants to communities for water services, in a sum
31 not to exceed\$14,000,000.
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33 (B) Effective July 1, 2010, the balance of the appropriation provided in
34 Item (B) of Section 2 of Act 524 of 2009, for a transfer to the Water
35 Resources Cost Share Revolving Fund for water supply, distribution and
36 research efforts, in a sum not to exceed\$560,000,000.

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(C) Effective July 1, 2010, the balance of the appropriation provided in Item (C) of Section 2 of Act 524 of 2009, 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.

(D) Effective July 1, 2010, the balance of the appropriation provided in Item (D) of Section 2 of Act 524 of 2009, for a transfer to the Clean Water State Revolving Fund for the EPA Program for sewer projects, in a sum not to exceed\$20,000,000.

(E) Effective July 1, 2010, the balance of the appropriation provided in Item (A) of Section 2 of Act 928 of 2009, for grants for construction, repairs, purchase of equipment, land acquisition, fees, administrative costs, 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, and irrigation projects, in a sum not to exceed\$3,000,000.

SECTION 3. REAPPROPRIATION – CASH FUNDS. There is hereby appropriated, to the Arkansas Natural Resources Commission, to be payable from the cash funds as defined by Arkansas Code 19-4-801, for the Arkansas Natural Resources Commission, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Item (A) of Section 3 of Act 524 of 2009, for a transfer to the Water, Sewer and Solid Waste Management Fund for 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 Bond Proceeds, for the Arkansas Natural Resources Commission, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Item (A) of Section 4 of Act 524 of 2009, 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

1 in regard to a water resources development project, in a sum not to exceed
2 \$350,000,000.

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

8 (A) Effective July 1, 2010, the balance of the appropriation provided in
9 Item (A) of Section 5 of Act 524 of 2009, for grants for projects approved
10 through the Ouachita River Commission for river based recreation projects in
11 the Ouachita River area, in a sum not to exceed \$2,000,000.

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

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

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32 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
33 that any funds disbursed under the authority of the appropriations contained
34 in this act shall be in compliance with the stated reasons for which this act
35 was adopted, as evidenced by the Agency Requests, Executive Recommendations
36 and Legislative Recommendations contained in the budget manuals prepared by

1 the Department of Finance and Administration, letters, or summarized oral
2 testimony in the official minutes of the Arkansas Legislative Council or
3 Joint Budget Committee which relate to its passage and adoption.

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