1 2	State of Arkansas 87th General Assembly	A Bill		
3	Fiscal Session, 2010		SENATE BILL	120
4	1 iscar Session, 2010		SENTIL BILL	12)
5	By: Joint Budget Commit	tee		
6				
7				
8		For An Act To Be Entitled		
9	AN AC	T TO MAKE AN APPROPRIATION FOR ROAD AND		
10	BRIDG	E REPAIR, MAINTENANCE, AND GRANTS FOR TH	Е	
11	ARKAN	SAS STATE HIGHWAY AND TRANSPORTATION		
12	DEPAR	TMENT FOR THE FISCAL YEAR ENDING JUNE 30	,	
13	2011;	AND FOR OTHER PURPOSES.		
14				
15				
16		Subtitle		
17	AN	ACT FOR THE ARKANSAS STATE HIGHWAY		
18	AN	D TRANSPORTATION DEPARTMENT - ROAD AND		
19	BR	IDGE REPAIR, MAINTENANCE, AND GRANTS		
20	AP	PROPRIATION FOR THE 2010-2011 FISCAL		
21	YE	AR.		
22				
23				
24	BE IT ENACTED BY TH	E GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:	
25				
26	SECTION 1. APPRO	PRIATION - ROAD AND BRIDGE REPAIR, MAINTE	ENANCE, AND	
27	GRANTS. There is her	reby appropriated, to the Arkansas State	Highway and	
28	Transportation Depar	rtment, to be payable from the Miscellane	ous Agencies F	und
29	Account, for road an	nd 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 end	ing June 30, 2011, the following:		
33				
34	ITEM		FISCAL YEAR	
35	NO.		2010-2011	
36	(01) ROAD AND BRIDG	GE REPAIR. MAINTENANCE.		

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1	AND GRANTS TO POLITICAL SUBDIVISIONS \$ 2,500,000
2	
3	
4	SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF
6	FUNDS. 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 purpose of extracting natural gas or other drilling
10	operations, either by the Department or by granting of funds to counties,
11	cities or any appropriate jurisdiction. These funds shall not be used for
12	regular road or bridge maintenance or repair nor is there any requirement of
13	the Arkansas Highway and Transportation Department to ensure that funds are
14	equally distributed by city, county, district, or any other geographical or
15	political subdivision of this state.
16	
17	SECTION 3. SPECIAL LANGUAGE. Arkansas Code Annotated 19-5-302(9)(C)
18	concerning the Miscellaneous Agencies Fund Account is amended to read as
19	follows:
20	C) If there are not sufficient funds available in the Miscellaneous
21	Agencies Fund Account to support the amounts appropriated from the
22	Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the State
23	shall determine the amount of moneys to be made available for each of the
24	appropriations made from the Miscellaneous Agencies Fund Account, after
25	having first provided full funding for all national and regional association
26	dues and ensured that the appropriations made for the Arkansas Highway and
27	Transportation Department for road and bridge repair and maintenance are
28	funded pursuant to the maximum funding allocation provided by law;
29	
30	SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31	CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MAXIMUM
32	FUNDING ALLOCATION. In no event shall the funding for appropriations made in
33	any fiscal year for the Arkansas Highway and Transportation Department for
34	road and bridge repair, maintenance, and grants exceed the maximum amount of
35	general revenue allocated and distributed under Arkansas Code Annotated 26-
36	58-124 (c)(1) from the previous fiscal year, less six hundred seventy five

1 thousand dollars (\$675,000).

2

- 3 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
- 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
- 5 FORWARD OF FUNDS. Any unexpended balance of funds remaining in the
- 6 Miscellaneous Agencies Fund Account as allocated for the line item
- 7 appropriation Road and Bridge Repair, Maintenance, and Grants to Political
- 8 Subdivisions made in this Act which remains at the end of a fiscal year shall
- 9 be carried forward into the next fiscal year and made available for the same
- 10 purposes.
- 11 Any carry forward of unexpended balance of funding as authorized herein, may
- 12 <u>be carried forward under the following conditions:</u>
- 13 (1) Prior to June 30, 2011 the Agency shall by written statement set forth
- 14 its reason(s) for the need to carry forward said funding to the Department of
- 15 Finance and Administration Office of Budget;
- 16 (2) The Department of Finance and Administration Office of Budget shall
- 17 report to the Arkansas Legislative Council all amounts carried forward by the
- 18 September Arkansas Legislative Council or Joint Budget Committee meeting
- 19 which report shall include the name of the Agency, Board, Commission or
- 20 Institution and the amount of funding carried forward, the program name or
- 21 line item, the funding source and a copy of the written request set forth in
- 22 (1) above;
- 23 (3) Each Agency, Board, Commission or Institution shall provide a written
- 24 report to the Arkansas Legislative Council or Joint Budget Committee
- 25 <u>containing all information set forth in item (2) above, along with a written</u>
- 26 statement as to the current status of the project, contract, purpose etc. for
- 27 which the carry forward was originally requested no later than thirty (30)
- 28 days prior to the time the Agency, Board, Commission or Institution presents
- 29 its budget request to the Arkansas Legislative Council/Joint Budget
- 30 Committee; and
- 31 (4) Thereupon, the Department of Finance and Administration shall include
- 32 all information obtained in item (3) above in the budget manuals and/or a
- 33 statement of non-compliance by the Agency, Board, Commission or Institution.

34

- 35 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
- 36 by this act shall be limited to the appropriation for such agency and funds

1 made available by law for the support of such appropriations; and the 2 restrictions of the State Procurement Law, the General Accounting and 3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal 4 5 control laws of this State, where applicable, and regulations promulgated by 6 the Department of Finance and Administration, as authorized by law, shall be 7 strictly complied with in disbursement of said funds. 8 9 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained 10 11 in this act shall be in compliance with the stated reasons for which this act 12 was adopted, as evidenced by the Agency Requests, Executive Recommendations 13 and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral 14 15 testimony in the official minutes of the Arkansas Legislative Council or 16 Joint Budget Committee which relate to its passage and adoption. 17 18 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the 19 20 appropriation of funds for more than a one (1) year period; that the 21 effectiveness of this Act on July 1, 2010 is essential to the operation of 22 the agency for which the appropriations in this Act are provided, and that in 23 the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm 24 25 upon the proper administration and provision of essential governmental 26 programs. Therefore, an emergency is hereby declared to exist and this Act 27 being necessary for the immediate preservation of the public peace, health 28 and safety shall be in full force and effect from and after July 1, 2010. 29 30 31 32 33 34 35 36