

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 222

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, 2014;
14 AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 AN ACT FOR THE ARKANSAS STATE HIGHWAY AND
19 TRANSPORTATION DEPARTMENT - ROAD AND
20 BRIDGE REPAIR, NOAA WEATHER WARNING
21 SYSTEM, AND THE PUBLIC TRANSPORTATION
22 PROGRAM APPROPRIATION FOR THE 2013-2014
23 FISCAL 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, of the Arkansas State Highway and Transportation Department for
34 the fiscal year ending June 30, 2014, the following:
35

36 ITEM

FISCAL YEAR



1 NO. 2013-2014

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

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6 SECTION 2. APPROPRIATION - PUBLIC TRANSPORTATION PROGRAM. There is
7 hereby appropriated, to the Arkansas State Highway and Transportation
8 Department, to be payable from the Miscellaneous Agencies Fund Account, for
9 use in the preparation of project applications, program developments, and as
10 matching monies for the United States Department of Transportation funds and
11 other federal funds, for capital improvements to, and operating assistance
12 for, the Public Transportation Programs serving transportation-dependent
13 persons, of the Arkansas State Highway and Transportation Department for the
14 fiscal year ending June 30, 2014, the following:

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16 ITEM FISCAL YEAR
17 NO. 2013-2014

18 (01) HIGHWAY AND TRANSPORTATION DEPARTMENT
19 FUNDING ASSISTANCE TO RURAL AND
20 URBAN TRANSPORTATION AGENCIES
21 FOR PROJECT AND PROGRAM
22 DEVELOPMENT AND CAPITAL
23 IMPROVEMENTS TO AND OPERATING
24 ASSISTANCE FOR THE PUBLIC
25 TRANSPORTATION PROGRAMS SERVING
26 THE TRANSPORTATION DEPENDENT \$350,000

27
28 SECTION 3. APPROPRIATION - NOAA WEATHER WARNING SYSTEM. There is
29 hereby appropriated, to the Arkansas State Highway and Transportation
30 Department, to be payable from the Miscellaneous Agencies Fund Account, for
31 operating expenses of the National Oceanic and Atmospheric Administration
32 Weather Warning Radio System, of the Arkansas State Highway and
33 Transportation Department for the fiscal year ending June 30, 2014, the
34 following:

35
36 ITEM FISCAL YEAR

1	NO.	2013-2014
2	(01) NOAA OPERATING EXPENSES	<u>\$4,000</u>

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4 SECTION 4. 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 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 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MAXIMUM
18 FUNDING ALLOCATION. In no event shall the funding for appropriations made in
19 any fiscal year for the Arkansas Highway and Transportation Department for
20 road and bridge repair, maintenance, and grants exceed the maximum amount of
21 general revenue allocated and distributed under Arkansas Code Annotated 26-
22 58-124 (c)(1) from the previous fiscal year, less six hundred seventy five
23 thousand dollars (\$675,000).

24

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

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

- 35 (1) Prior to June 30, ~~2013~~ 2014 the Agency shall by written statement set
36 forth its reason(s) for the need to carry forward said funding to the

1 Department of Finance and Administration Office of Budget;

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

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

17 (4) Thereupon, the Department of Finance and Administration shall include
 18 all information obtained in item (3) above in the budget manuals and/or a
 19 statement of non-compliance by the Agency, Board, Commission or Institution.
 20

21 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 22 authorized by this act shall be limited to the appropriation for such agency
 23 and funds made available by law for the support of such appropriations; and
 24 the restrictions of the State Procurement Law, the General Accounting and
 25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 26 Procedures and Restrictions Act, or their successors, and other fiscal
 27 control laws of this State, where applicable, and regulations promulgated by
 28 the Department of Finance and Administration, as authorized by law, shall be
 29 strictly complied with in disbursement of said funds.
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31 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
 32 Assembly that any funds disbursed under the authority of the appropriations
 33 contained in this act shall be in compliance with the stated reasons for
 34 which this act was adopted, as evidenced by the Agency Requests, Executive
 35 Recommendations and Legislative Recommendations contained in the budget
 36 manuals prepared by the Department of Finance and Administration, letters, or

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

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4 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly, that the Constitution of the State of Arkansas prohibits the
6 appropriation of funds for more than a one (1) year period; that the
7 effectiveness of this Act on July 1, 2013 is essential to the operation of
8 the agency for which the appropriations in this Act are provided, and that in
9 the event of an extension of the legislative session, the delay in the
10 effective date of this Act beyond July 1, 2013 could work irreparable harm
11 upon the proper administration and provision of essential governmental
12 programs. Therefore, an emergency is hereby declared to exist and this Act
13 being necessary for the immediate preservation of the public peace, health
14 and safety shall be in full force and effect from and after July 1, 2013.