

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

SENATE BILL 53

5 By: Joint Budget Committee  
6

## 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, 2013; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE DEPARTMENT OF RURAL SERVICES  
15 APPROPRIATION FOR THE 2012-2013 FISCAL  
16 YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Department of Rural Services for the 2012-2013 fiscal year, the following  
24 maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
30	(1) U099U	DIRECTOR OF RURAL SERVICES	1	\$87,556
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	

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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, 2013, the following:

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6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2012-2013</u>
8 (01) REGULAR SALARIES	\$249,319
9 (02) PERSONAL SERVICES MATCHING	73,567
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>\$1,394,690</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, 2013, the following:

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27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2012-2013</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, 2013, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2012-2013</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, 2013, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2012-2013</u>
23	(01) ANIMAL RESCUE/SHELTERS GRANTS/AID	<u><u>\$100,000</u></u>

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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, 2013,  
 29 the following:

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31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2012-2013</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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SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GENERAL IMPROVEMENT PROJECTS ADMINISTRATIVE FEE. The Department of Rural Services is authorized to retain and utilize for administrative cost purposes up to one percent (1%) of the total amount of any General Improvement Fund moneys received for projects authorized for disbursement through the department by the General Assembly.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Upon request of the Director of the Department of Rural Services to the Chief Fiscal Officer of the State, the Chief Fiscal Officer of the State, from time to time, shall cause to be transferred on his books and those of the State Treasurer and Auditor of State, an amount not to exceed one percent (1%) from the various sub funds created in any General Improvement Fund, established for disbursement through the Department of Rural Services, to the Miscellaneous Agencies Fund Account. The funds transferred to the Miscellaneous Agencies Fund Account from the various sub funds established in any General Improvement Fund pursuant to this section shall be made available and utilized solely by the Department of Rural Services for maintenance and general operations costs.

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

1 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
3 FAIR GRANTS. The Department of Rural Services shall develop the necessary  
4 rules and regulations for the disbursement of matching fund grants to county  
5 fairs for the construction, renovation and/or improvements to county fair  
6 grounds. The grants shall be matched on a 50/50 basis. The match may be  
7 cash or in-kind. No county fair shall receive more than \$30,000 for the  
8 biennium.

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10 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT  
12 AWARD CRITERIA. The Department of Rural Services shall promulgate regulations  
13 establishing the criteria to be utilized in determining to whom grants will  
14 be made under this Act. Subject to the approval of the Governor, and  
15 approval by the Arkansas Legislative Council or the Joint Budget Committee,  
16 the Department of Rural Services shall distribute the grants.  
17 Determining the maximum number of employees and the maximum amount of  
18 appropriation and general revenue funding for a state agency each fiscal year  
19 is the prerogative of the General Assembly. This is usually accomplished by  
20 delineating such maximums in the appropriation act(s) for a state agency and  
21 the general revenue allocations authorized for each fund and fund account by  
22 amendment to the Revenue Stabilization law. Further, the General Assembly  
23 has determined that the Department of Rural Services may operate more  
24 efficiently if some flexibility is provided to the Department of Rural  
25 Services authorizing broad powers under this Section. Therefore, it is both  
26 necessary and appropriate that the General Assembly maintain oversight by  
27 requiring prior approval of the Legislative Council or Joint Budget Committee  
28 as provided by this section. The requirement of approval by the Legislative  
29 Council or Joint Budget Committee is not a severable part of this section.  
30 If the requirement of approval by the Legislative Council or Joint Budget  
31 Committee is ruled unconstitutional by a court of competent jurisdiction,  
32 this entire section is void.

33 The provisions of this section shall be in effect only from July 1, ~~2010~~  
34 2012 through June 30, ~~2011~~ 2013.

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36 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

1 authorized by this act shall be limited to the appropriation for such agency  
2 and funds made available by law for the support of such appropriations; and  
3 the restrictions of the State Procurement Law, the General Accounting and  
4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
5 Procedures and Restrictions Act, or their successors, and other fiscal  
6 control laws of this State, where applicable, and regulations promulgated by  
7 the Department of Finance and Administration, as authorized by law, shall be  
8 strictly complied with in disbursement of said funds.

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10 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General  
11 Assembly that any funds disbursed under the authority of the appropriations  
12 contained in this act shall be in compliance with the stated reasons for  
13 which this act was adopted, as evidenced by the Agency Requests, Executive  
14 Recommendations and Legislative Recommendations contained in the budget  
15 manuals prepared by the Department of Finance and Administration, letters, or  
16 summarized oral testimony in the official minutes of the Arkansas Legislative  
17 Council or Joint Budget Committee which relate to its passage and adoption.

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19 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly, that the Constitution of the State of Arkansas prohibits  
21 the appropriation of funds for more than a one (1) year period; that the  
22 effectiveness of this Act on July 1, 2012 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the legislative session, the delay in the  
25 effective date of this Act beyond July 1, 2012 could work irreparable harm  
26 upon the proper administration and provision of essential governmental  
27 programs. Therefore, an emergency is hereby declared to exist and this Act  
28 being necessary for the immediate preservation of the public peace, health  
29 and safety shall be in full force and effect from and after July 1, 2012.