

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S3/6/01*  
**A Bill**

SENATE BILL 731

5 By: Senators Wilkins, Fitch, Simes  
6 By: Representatives Lowery, House, Jackson, Jacobs, Lewellen, C. Johnson, Agee, Allison, Bennett,  
7 Biggs, Bevis, Bond, Bookout, Childers, Clemons, Boyd, Carson, Eason, Glover, Green, Gipson,  
8 Hickinbotham, King, Milligan, Prater, Nichols, Oglesby, Scrimshire, Seawel, Shoffner, Thomas, M.  
9 Steele, Trammell, W. Walker, T. Steele, Weaver, White, Willis, Wood, Creekmore, Dangeau, Cowling,  
10 M. Smith, Mathis, J. Taylor, Bradford, Ormond  
11  
12

13 **For An Act To Be Entitled**

14 AN ACT TO MAKE AN APPROPRIATION FOR APPROVED PUBLIC  
15 PORT INFRASTRUCTURE PROJECTS FOR THE ARKANSAS  
16 WATERWAYS COMMISSION; AND FOR OTHER PURPOSES.  
17  
18

19 **Subtitle**

20 AN ACT FOR THE ARKANSAS WATERWAYS  
21 COMMISSION - PUBLIC PORT INFRASTRUCTURE  
22 PROJECTS CAPITAL IMPROVEMENT  
23 APPROPRIATION.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the Arkansas  
29 Waterways Commission, to be payable from the Port Priority Improvement Fund,  
30 the following:

31 (A) For approved public port infrastructure projects of the Arkansas Port  
32 Priority Improvement Program, the sum of .....\$10,000,000.  
33

34 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GENERAL  
36 IMPROVEMENT FUND TRANSFER. When funds are authorized to be made available

1 through the provisions of the General Improvement Distribution Act of 2001  
2 for the Arkansas Port Priority Improvement Program herein and upon meeting  
3 all other conditions as set out by law, the Chief Fiscal Officer of the State  
4 and State Treasurer shall transfer the sum of ten million dollars  
5 (\$10,000,000), or so much thereof as is made available therefrom, from the  
6 General Improvement Fund or its fund account to the Port Priority Improvement  
7 Fund there to be used for such purposes as appropriated herein.

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9 The provisions of this section shall be in effect only from July 1, 2001  
10 through June 30, 2003.

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12 SECTION 3. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor  
13 obligations otherwise incurred in relation to the project or projects  
14 described herein in excess of the State Treasury funds actually available  
15 therefor as provided by law. Provided, however, that institutions and  
16 agencies listed herein shall have the authority to accept and use grants and  
17 donations including Federal funds, and to use its unobligated cash income or  
18 funds, or both available to it, for the purpose of supplementing the State  
19 Treasury funds for financing the entire costs of the project or projects  
20 enumerated herein. Provided further, that the appropriations and funds  
21 otherwise provided by the General Assembly for Maintenance and General  
22 Operations of the agency or institutions receiving appropriation herein shall  
23 not be used for any of the purposes as appropriated in this act.

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

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31 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General Assembly  
32 that any funds disbursed under the authority of the appropriations contained  
33 in this act shall be in compliance with the stated reasons for which this act  
34 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
35 and Legislative Recommendations contained in the budget manuals prepared by  
36 the Department of Finance and Administration, letters, or summarized oral

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

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4 SECTION 5. 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 two (2) year period; that the  
7 effectiveness of this Act on July 1, 2001 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 Regular Session, the delay in the effective  
10 date of this Act beyond July 1, 2001 could work irreparable harm upon the  
11 proper administration and provision of essential governmental programs.  
12 Therefore, an emergency is hereby declared to exist and this Act being  
13 necessary for the immediate preservation of the public peace, health and  
14 safety shall be in full force and effect from and after July 1, 2001.

15 */s/ Wilkins*