

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 309 OF 1995
HOUSE BILL 1572

For An Act To Be Entitled

"AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN
SERVICES; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES REAPPROPRIATION."

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

SECTION 1. REAPPROPRIATION - ADMINISTRATION. There is hereby
appropriated, to the Department of Human Services - Administration, to be
payable from the Department of Human Services Renovation Fund, for the
Department of Human Services - Administration, the following:

(A) Effective July 1, 1995, the balance of the appropriation provided
in Item (A) of Section 1 of Act 628 of 1993, for construction, repairs, and
equipment for various buildings operated by the Department of Human Services,
in a sum not to exceed \$5,000,000.

SECTION 2. REAPPROPRIATION - DEVELOPMENTAL DISABILITIES SERVICES. There
is hereby appropriated, to the Department of Human Services - Division of
Developmental Disabilities Services, to be payable from cash funds as defined
by Arkansas Code 19-4-801, for the Department of Human Services - Division of
Developmental Disabilities Services, the following:

(A) Effective July 1, 1995, the balance of the appropriation provided
in Item (A) of Section 2 of Act 628 of 1993, for construction and capital
outlay, in a sum not to exceed \$16,055.

SECTION 3. REAPPROPRIATION - MENTAL HEALTH SERVICES. There is hereby

1 appropriated, to the Department of Human Services - Division of Mental Health
2 Services, to be payable from the General Improvement Fund or its successor
3 fund or fund accounts, for the Department of Human Services - Division of
4 Mental Health Services, the following:

5 (A) Effective July 1, 1995, the balance of the appropriation provided
6 in Item (F) of Section 3 of Act 889 of 1993, for the renovation and repair of
7 the Administration Building roof at the Benton Services Center, in a sum not
8 to exceed \$30,000.

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10 SECTION 4. REAPPROPRIATION - YOUTH SERVICES. There is hereby
11 appropriated, to the Department of Human Services - Division of Youth
12 Services, to be payable from the General Improvement Fund or its successor
13 fund or fund accounts, for the Department of Human Services - Division of
14 Youth Services, the following:

15 (A) Effective July 1, 1995, the balance of the appropriation provided
16 in Item (A) of Section 3 of Act 22 of the 2nd Extraordinary Session of the
17 79th General Assembly, for the construction, acquisition, renovation and
18 equipping a hard lock down serious offender facility, in a sum not to exceed
19\$1,300,000.

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21 (B) Effective July 1, 1995, the balance of the appropriation provided
22 in Item (B) of Section 1 of Act 889 of 1993, for the renovation and equipping
23 of four cottages at the Alexander Youth Services Center, in a sum not to
24 exceed \$60,000.

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26 (C) Effective July 1, 1995, the balance of the appropriation provided
27 in Item (C) of Section 1 of Act 889 of 1993, for the renovation and conversion
28 of the Intensive Treatment Unit into the Intake or Independent Living Unit, in
29 a sum not to exceed \$25,000.

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31 (D) Effective July 1, 1995, the balance of the appropriation provided
32 in Item (E) of Section 1 of Act 889 of 1993, for the constructing and
33 equipping of various serious offender units, in a sum not to exceed... \$30,599.

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35 SECTION 5. REAPPROPRIATION - YOUTH SERVICES. There is hereby

1 appropriated, to the Department of Human Services - Division of Youth Services
2 to be payable from the Children and Family Services Fund Account, for the
3 Department of Human Services - Division of Youth Services, the following:

4 (A) Effective July 1, 1995, the balance of the appropriation provided,
5 as transferred by the Department of Correction, under the authority of Section
6 108 of Act 1239 of 1993, for the construction of various serious offender
7 units, in a sum not to exceed \$2,214,606.

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

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

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30 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this Act shall be in compliance with the stated reasons for which
33 this Act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 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 8. CODE. All provisions of this Act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 9. SEVERABILITY. If any provision of this Act or the
9 application thereof to any person or circumstance is held invalid, such
10 invalidity shall not affect other provisions or applications of the Act which
11 can be given effect without the invalid provision or application, and to this
12 end the provisions of this Act are declared to be severable.

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14 SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict
15 with this Act are hereby repealed.

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17 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
18 Eightieth General Assembly, that the Constitution of the State of Arkansas
19 prohibits the appropriation of funds for more than a two (2) year period; that
20 previous General Assemblies have provided appropriations for the projects
21 provided enumerated in this act; that certain appropriations will expire
22 before the adjournment of the General Assembly; and that if such
23 appropriations expire, the projects and programs authorized herein will cease
24 thereby depriving the citizens of the State of the benefits to be derived from
25 such projects. Therefore, an emergency is hereby declared to exist and this
26 Act being necessary for the immediate preservation of the public peace, health
27 and safety shall be in full force and effect from and after the date of its
28 passage and approval.

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30 APPROVED: 2-13-95

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