

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1558

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
10 IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF
11 CORRECTION AND DEPARTMENT OF COMMUNITY PUNISHMENT; AND FOR
12 OTHER PURPOSES."

Subtitle

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15 "AN ACT FOR THE DEPARTMENT OF CORRECTION
16 AND THE DEPARTMENT OF COMMUNITY
17 PUNISHMENT REAPPROPRIATION."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
22 appropriated, to the Department of Correction, to be payable from the General
23 Improvement Fund or its successor fund or fund accounts, for the Department of
24 Correction, the following:

25 (A) Effective July 1, 1997, the balance of the appropriation provided
26 in Item (J) of Section 1 of Act 1049 of 1995, for expenses associated with the
27 water well project at the East Arkansas Unit, in a sum not to exceed \$400,000.
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29 (B) Effective July 1, 1997, the balance of the appropriation provided
30 in Item (S) of Section 1 of Act 1049 of 1995, for expenses associated with the
31 Furniture Program Expansion Project at the Wrightsville Unit, in a sum not to
32 exceed\$537,000.
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34 (C) Effective July 1, 1997, the balance of the appropriation provided
35 in Item (A) of Section 1 of Act 329 of 1995, for waste water treatment
36 improvements, in a sum not to exceed\$43,367.

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2 (D) Effective July 1, 1997, the balance of the appropriation provided
3 in Item (B) of Section 1 of Act 329 of 1995, for the construction/renovation
4 of classroom facilities, in a sum not to exceed\$236,224.

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6 (E) Effective July 1, 1997, the balance of the appropriation provided
7 in Item (H) of Section 1 of Act 329 of 1995, for constructing, renovating and
8 equipping various correctional facilities, in a sum not to exceed \$3,379,712.

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10 SECTION 2. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
11 appropriated, to the Arkansas Department of Community Punishment, to be
12 payable from the General Improvement Fund or its successor fund or fund
13 accounts, for the Arkansas Department of Community Punishment, the following:

14 (A) Effective July 1, 1997, the balance of the appropriation provided
15 in Item (A) of Section 2 of Act 1049 of 1995, for constructing, renovating and
16 equipping various community correctional facilities, in a sum not to exceed
17 \$5,000,000.

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19 SECTION 3. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
20 appropriated, to the Department of Correction and the Department of Community
21 Punishment, to be payable from the General Improvement Fund or its successor
22 fund or fund accounts, for the Department of Correction and Department of
23 Community Punishment, the following:

24 (A) Effective July 1, 1997, the balance of the appropriation provided
25 in Item (A) of Section 3 of Act 1049 of 1995, for providing for the
26 construction, renovation, equipping, contracting and operation of various
27 institutional facilities administered by the Department and/or the Department
28 of Community Punishment, in a sum not to exceed\$7,335,755.

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30 SECTION 4. REAPPROPRIATION - SPECIAL REVENUE. There is hereby
31 appropriated, to the Department of Correction, to be payable from the
32 Department of Correction Prison Industry Fund, for the Department of
33 Correction, the following:

34 (A) Effective June 30, 1997, the balance of the appropriation provided
35 in Item (A) of Section 4 of Act 329 of 1995, for construction, major

1 maintenance, renovation and repair of Department of Correction Industry
2 Facilities, in a sum not to exceed\$222,346.

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4 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
5 obligations otherwise incurred in relation to the project or projects
6 described herein in excess of the State Treasury funds actually available
7 therefor as provided by law. Provided, however, that institutions and
8 agencies listed herein shall have the authority to accept and use grants and
9 donations including Federal funds, and to use its unobligated cash income or
10 funds, or both available to it, for the purpose of supplementing the State
11 Treasury funds for financing the entire costs of the project or projects
12 enumerated herein. Provided further, that the appropriations and funds
13 otherwise provided by the General Assembly for Maintenance and General
14 Operations of the agency or institutions receiving appropriation herein shall
15 not be used for any of the purposes as appropriated in this Act.

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

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25 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
26 Assembly that any funds disbursed under the authority of the appropriations
27 contained in this Act shall be in compliance with the stated reasons for which
28 this Act was adopted, as evidenced by the Agency Requests, Executive
29 Recommendations and Legislative Recommendations contained in the budget
30 manuals prepared by the Department of Finance and Administration, letters, or
31 summarized oral testimony in the official minutes of the Arkansas Legislative
32 Council or Joint Budget Committee which relate to its passage and adoption.

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34 SECTION 7. CODE. All provisions of this Act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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

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9 SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict
10 with this Act are hereby repealed.

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12 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the
13 Eighty-First General Assembly, that the Constitution of the State of Arkansas
14 prohibits the appropriation of funds for more than a two (2) year period; that
15 previous General Assemblies have provided appropriations for the projects
16 provided or enumerated in this act; that certain appropriations will expire
17 before the adjournment of the General Assembly; and that if such
18 appropriations expire, the projects and programs authorized herein will cease
19 thereby depriving the citizens of the State of the benefits to be derived from
20 such projects. Therefore, an emergency is hereby declared to exist and this
21 Act being necessary for the immediate preservation of the public peace, health
22 and safety shall be in full force and effect from and after the date of its
23 passage and approval.

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