

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1140

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
10 IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF
11 CORRECTION; AND FOR OTHER PURPOSES.
12
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Subtitle

14
15 AN ACT FOR THE DEPARTMENT OF CORRECTION
16 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
24 of Correction, the following:

25 (A) Effective July 1, 2010, the balance of the appropriation provided in
26 Item (A) of Section 1 of Act 517 of 2009, for lease payments associated with
27 debt service on a 948-bed institution at Malvern, a 400-bed addition at the
28 Grimes Unit at Newport, and 862-bed Special Needs Unit and addition to the
29 Ouachita River Unit at Malvern, in a sum not to exceed\$12,500,000.

30 (B) Effective July 1, 2010, the balance of the appropriation provided in
31 Item (B) of Section 1 of Act 517 of 2009, for medical services risk pool
32 funding to cover off-site and/or contracted health care costs and expenses in
33 excess of the annual aggregate cap, in a sum not to exceed\$6,000,000.

34 (C) Effective July 1, 2010, the balance of the appropriation provided in
35 Item (C) of Section 1 of Act 517 of 2009, for various maintenance,
36 renovation, equipping, construction, expansion, upgrade, improvement and



1 repair projects for all prison facilities, in a sum not to exceed
2\$2,000,000.

3 (D) Effective July 1, 2010, the balance of the appropriation provided in
4 Item (A) of Section 1 of Act 111 of 2009, for construction, renovation,
5 equipping, contracting and operation of various institutional facilities
6 administered by the Department of Correction and/or the Department of
7 Community Correction, and for appropriation transfers from Section 1(B) of
8 Act 919 of 1999 for costs associated with a 200 bed addition for women at the
9 Wrightsville Unit and unanticipated costs of constructing the 400 bed men's
10 addition at the Grimes Unit at Newport, in a sum not to exceed ...\$231,794.

11 (E) Effective July 1, 2010, the balance of the appropriation provided in
12 Item (E) of Section 1 of Act 111 of 2009, for various maintenance,
13 renovation, equipping, construction, acquisition, improvement, upgrade, and
14 repair projects for all prison facilities, in a sum not to exceed
15\$766,861.

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17 SECTION 2. REAPPROPRIATION - VARIOUS FARM PROJECTS. There is hereby
18 appropriated, to the Department of Correction, to be payable from the
19 Department of Correction Farm Fund, for the Department of Correction, the
20 following:

21 (A) Effective July 1, 2010, the balance of the appropriation provided in
22 Item (A) of Section 2 of Act 111 of 2009, for maintenance, replacement,
23 expansion, construction, equipping, renovation, improvement, repair,
24 purchase, and upgrade of various Farm Projects, in a sum not to exceed
25\$1,881,086.

26 (B) Effective July 1, 2010, the balance of the appropriation provided in
27 Section 3 of Act 517 of 2009, for maintenance, replacement, repair,
28 expansion, construction, equipping, renovation, purchase, improvement and
29 upgrade of the Department of Correction - Various Farm Projects, in a sum not
30 to exceed\$1,773,800.

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32 SECTION 3. REAPPROPRIATION - VARIOUS INDUSTRY PROJECTS. There is hereby
33 appropriated, to the Department of Correction, to be payable from the
34 Department of Correction Prison Industry Fund, for the Department of
35 Correction, the following:

36 (A) Effective July 1, 2010, the balance of the appropriation provided in

1 Section 3 of Act 111 of 2009, for maintenance, replacement, expansion,
2 construction, equipping, renovation, improvement, repair, purchase, and
3 upgrade of various Industry Projects, in a sum not to exceed ...\$1,048,193.

4 (B) Effective July 1, 2010, the balance of the appropriation provided in
5 Section 2 of Act 517 of 2009, for maintenance, replacement, repair,
6 expansion, construction, equipping, renovation, purchase, improvement and
7 upgrade of the Department of Correction - Various Industry Projects, in a sum
8 not to exceed\$1,245,340.

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10 SECTION 4. REAPPROPRIATION - NORTHWEST ARKANSAS WORK RELEASE CENTER. There
11 is hereby appropriated, to the Department of Correction, to be payable from
12 the cash fund deposited in the State Treasury as determined by the Chief
13 Fiscal Officer of the State, for the Department of Correction, the following:

14 (A) Effective July 1, 2010, the balance of the appropriation provided in
15 Section 4 of Act 517 of 2009, for new building construction and related costs
16 to acquire or construct a 100-bed facility to relocate the existing 42-bed
17 work release center at Springdale, in a sum not to exceed\$3,500,000.

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19 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
20 obligations otherwise incurred in relation to the project or projects
21 described herein in excess of the State Treasury funds actually available
22 therefor as provided by law. Provided, however, that institutions and
23 agencies listed herein shall have the authority to accept and use grants and
24 donations including Federal funds, and to use its unobligated cash income or
25 funds, or both available to it, for the purpose of supplementing the State
26 Treasury funds for financing the entire costs of the project or projects
27 enumerated herein. Provided further, that the appropriations and funds
28 otherwise provided by the General Assembly for Maintenance and General
29 Operations of the agency or institutions receiving appropriation herein shall
30 not be used for any of the purposes as appropriated in this act.

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

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

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2010 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010.