

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1287

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 THE DEPARTMENT OF COMMUNITY PUNISHMENT;
12 AND FOR OTHER PURPOSES. "
13

Subtitle

14
15 "AN ACT FOR THE DEPARTMENT OF CORRECTION
16 AND THE DEPARTMENT OF COMMUNITY
17 PUNISHMENT REAPPROPRIATION. "
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
23 appropriated, to the Department of Correction, to be payable from the General
24 Improvement Fund or its successor fund or fund accounts, for the Department of
25 Correction, the following:

26 (A) Effective July 1, 1999, the balance of the appropriation provided in
27 Item (D) of Section 1 of Act 504 of 1997, for the construction/renovation of
28 classroom facilities, in a sum not to exceed\$82,829.
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30 (B) Effective July 1, 1999, the balance of the appropriation provided in
31 Item (E) of Section 1 of Act 504 of 1997, for constructing, renovating and
32 equipping various correctional facilities, in a sum not to exceed ...\$470,510.
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34 (C) Effective July 1, 1999, the balance of the appropriation provided in
35 Item (A) of Section 1 of Act 701 of 1997, for transfers to the Department of
36 Correction Farm Fund for replacing farm receipts designated as cash funds for

1 debt service on revenue bonds issued for the construction of correctional
2 facilities, in a sum not to exceed\$8,512,780.

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4 (D) Effective July 1, 1999, the balance of the appropriation provided in
5 Item (M) of Section 1 of Act 701 of 1997, for construction, acquisition,
6 renovation, equipment purchases, equipment lease and rental, maintenance
7 and/or repair, in a sum not to exceed\$1,139,290.

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9 (E) Effective July 1, 1999, the balance of the appropriation provided in
10 Item (A) of Section 1 of Act 472 of 1997, for the renovation and repair of
11 various state buildings to meet the requirements of the Americans With
12 Disabilities Act, in a sum not to exceed\$58,691.

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14 SECTION 2. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
15 appropriated, to the Department of Correction and the Department of Community
16 Punishment, to be payable from the General Improvement Fund or its successor
17 fund or fund accounts, for the Department of Correction and the Department of
18 Community Punishment, the following:

19 (A) Effective July 1, 1999, the balance of the appropriation provided in
20 Item (A) of Section 3 of Act 504 of 1997, for providing for the construction,
21 renovation, equipping, contracting and operation of various institutional
22 facilities administered by the Department of Correction and/or the Department
23 of Community Punishment, in a sum not to exceed\$3,695,937.

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25 SECTION 3. REAPPROPRIATION - SPECIAL REVENUE. There is hereby
26 appropriated, to the Department of Correction, to be payable from the
27 Department of Correction Prison Industry Fund, for the Department of
28 Correction, the following:

29 (A) Effective June 30, 1999, the balance of the appropriation provided in
30 Item (A) of Section 4 of Act 504 of 1997, for construction, major maintenance,
31 renovation and repair of Department of Correction Industry Facilities, in a
32 sum not to exceed\$222,346.

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34 SECTION 4. REAPPROPRIATION - FEDERAL. There is hereby appropriated, to the
35 Department of Correction, to be payable from the federal funds as designated
36 by the Chief Fiscal Officer of the State, for the Department of Correction,

1 the following:

2 (A) Effective July 1, 1999, the balance of the appropriation provided in
3 Item (A) of Section 2 of Act 701 of 1997, for construction, acquisition,
4 renovation, equipment purchases, equipment lease and rental, maintenance
5 and/or repair, in a sum not to exceed\$20,500,000.

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7 SECTION 5. REAPPROPRIATION - GENERAL IMPROVEMENT. There is hereby
8 appropriated, to the Arkansas Department of Community Punishment, to be
9 payable from the General Improvement Fund or its successor fund or fund
10 accounts, for the Arkansas Department of Community Punishment, the following:

11 (A) Effective July 1, 1999, the balance of the appropriation provided in
12 Item (A) of Section 2 of Act 504 of 1997, for constructing, renovating and
13 equipping various community correctional facilities, in a sum not to exceed
14\$4,418,828.

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

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

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35 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations
3 and Legislative Recommendations contained in the budget manuals prepared by
4 the Department of Finance and Administration, letters, or summarized oral
5 testimony in the official minutes of the Arkansas Legislative Council or Joint
6 Budget Committee which relate to its passage and adoption.

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8 SECTION 8. CODE. All provisions of this Act of a general and permanent
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
10 Code Revision Commission shall incorporate the same in the Code.

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

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18 SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict with
19 this act are hereby repealed.

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21 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
22 Eighty-second General Assembly, that the Constitution of the State of Arkansas
23 prohibits the appropriation of funds for more than a two (2) year period; that
24 previous General Assemblies have provided appropriations for the projects
25 provided or enumerated in this act; that certain appropriations will expire
26 before the adjournment of the General Assembly; and that if such
27 appropriations expire, the projects and programs authorized herein will cease
28 thereby depriving the citizens of the State of the benefits to be derived from
29 such projects. Therefore, an emergency is hereby declared to exist and this
30 Act being necessary for the immediate preservation of the public peace, health
31 and safety shall be in full force and effect from and after the date of its
32 passage and approval. If the bill is neither approved nor vetoed by the
33 Governor, it shall become effective on the expiration of the period of time
34 during which the Governor may veto the bill. If the bill is vetoed by the
35 Governor and the veto is overridden, it shall become effective on the date the
36 last house overrides the veto.