Stricken language would be deleted from and underlined language would be added to present law. Act 224 of the Regular Session

1	State of Arkansas	A Bill		
2	93rd General Assembly	A DIII		
3	Regular Session, 2021		HOUSE BILL 1158	
4	Der Der statier M. Corre			
5	By: Representative M. Gray			
6	By: Senator J. Sturch			
7		For An Act To Be Entitled		
8		CERNING THE PRISON CONSTRUCTION T		
9 10		ARE AN EMERGENCY; AND FOR OTHER PURPOSES.		
10	IU DECLARE	AN EMERGENCI; AND FOR OTHER FORP	0525.	
11				
12		Subtitle		
14	CONCE	CRNING THE PRISON CONSTRUCTION TRU	JST	
15	FUND; AND TO DECLARE AN EMERGENCY.			
16				
17				
18	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF A	RKANSAS:	
19				
20	SECTION 1. Arka	nsas Code § 22-3-1225 is amended	to read as follows:	
21	22-3-1225. Prison Construction Trust Fund.			
22	(a) <u>(l)</u> The Arka	(a) <u>(l)</u> The Arkansas Development Finance Authority shall establish in		
23	its records a trust fund to be entitled the "Prison Construction Trust Fund".			
24	(2) All moneys derived by or remitted to the Arkansas			
25	Development Finance Authority, from the sale of annual license plate			
26	validation decals, pursuant to under § 27-14-1015(c), shall be deposited to			
27	the credit of the Prison Construction Trust Fund.			
28	<u>(3)</u> The m	oneys in the Prison Construction	Trust Fund shall not	
29	be general funds or re	venues of the Arkansas Developmen	t Finance Authority	
30	and shall not be subje	and shall not be subject to the claims of the general creditors of the		
31	Arkansas Development F	inance Authority.		
32	(b) <u>(l)</u> The Arka	nsas Development Finance Authorit	y shall pay from the	
33	Prison Construction Trust Fund into the Public Facilities Debt Service Fund			
34	created by §§ 19-5-932 and 22-3-1210 the amount necessary, when added to			
35		§ 22-3-1210, to pay the next-succ		
36	interest payment for t	he certificates of indebtedness,	but not to exceed	



1 twenty-five cents (25¢) times the number of annual license plate validation 2 decals sold by the Department of Finance and Administration in each six-month 3 period.

4 (2) Such payments shall be made by the Arkansas Development 5 Finance Authority semiannually two (2) business days prior to each July 1 and 6 January 1 so long as the certificates of indebtedness permitted by the Public 7 Facilities Finance Act of 1983, § 22-3-1201 et seq., are outstanding.

8 (3) All such payments by the Arkansas Development Finance 9 Authority to the Public Facilities Debt Service Fund shall cease when the 10 certificates of indebtedness have been paid or redeemed.

(c) All other funds in the Prison Construction Trust Fund shall be segregated, held, and <u>upon the review and approval of the Secretary of the</u> <u>Department of Corrections and the Board of Corrections</u>, used by the Arkansas Development Finance Authority solely to fund, or to provide for the funding of, the construction and, <u>purchasing</u>, <u>or</u> equipping of:

16 (1) Correction or prison facilities to be used by the Division 17 of Correction <u>Department of Corrections</u>;

18 (2) Regional jail facilities operated by the Division of
19 Correction Department of Corrections; or

20 (3) Regional jail facilities operated jointly by cities,21 counties, or regional jail commissions.

22 (d) The Arkansas Development Finance Authority shall be authorized to 23 fund or to provide for the funding of facilities described in subdivisions 24 (c)(1)-(3) of this section by loans, leases, other contracts, or the issuance 25 of bonds all in accordance with the provisions of the Arkansas Development 26 Finance Authority Act, § 15-5-101 et seq., and §§ 15-5-201 - 15-5-211, 15-5-27 213, and 15-5-301 - 15-5-316, and to pledge the cash funds collected by it 28 from the sale of annual license plate validation decals and deposited into 29 the Prison Construction Trust Fund, after payment of the amounts as specified 30 in subsection (b) of this section to the repayment of any loans, leases, 31 contracts, or bonds.

32 (e)(1) The Arkansas Development Finance Authority shall not fund or 33 provide for the funding of any <u>a</u> facility described in subsection (c) of this 34 section to be operated or utilized by the <u>Division of Correction Department</u> 35 <u>of Corrections</u> unless the project, the plans therefor, and the construction 36 thereof have been reviewed and approved by the Building Authority Division.

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1 (2) The Arkansas Development Finance Authority shall not fund or 2 provide for the funding of any other regional jail facility not utilized by 3 the Division of Correction Department of Corrections unless the project is in 4 compliance with the minimum standards for jail facilities adopted by the 5 state.

6

7 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the 8 General Assembly of the State of Arkansas that overcrowding within the 9 Division of Correction and increasing parole and probation caseloads within the Division of Community Correction are among the most pressing problems 10 11 currently burdening the state both from a public safety and budgetary 12 standpoint; that safe and effective measures are needed to immediately combat these problems; and that this act is immediately necessary and in the 13 interest of public safety and the state budget of the Department of 14 15 Corrections, the department should be allowed to immediately utilize the 16 Prison Construction Trust Fund for the acquisition of existing facilities. 17 Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall 18 19 become effective on: 20 (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, 21 22 the expiration of the period of time during which the Governor may veto the 23 bill; or 24 (3) If the bill is vetoed by the Governor and the veto is 25 overridden, the date the last house overrides the veto. 26 27 APPROVED: 3/2/2128 29 30 31 32 33 34

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