

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1158

5 By: Representative M. Gray
6 By: Senator J. Sturch
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE PRISON CONSTRUCTION TRUST FUND;
10 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 CONCERNING THE PRISON CONSTRUCTION TRUST
14 FUND; AND TO DECLARE AN EMERGENCY.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 22-3-1225 is amended to read as follows:
21 22-3-1225. Prison Construction Trust Fund.

22 (a) (1) 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 (3) The moneys in the Prison Construction Trust Fund shall not
29 be general funds or revenues of the Arkansas Development Finance Authority
30 and shall not be subject to the claims of the general creditors of the
31 Arkansas Development Finance Authority.

32 (b) (1) The Arkansas Development Finance Authority 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 other funds listed in § 22-3-1210, to pay the next-succeeding principal and
36 interest payment for the 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.

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

16 (1) Correction or prison facilities to be used by the ~~Division~~
17 ~~of Correction~~ Department of Corrections;

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 a~~ facility described in subsection (c) of this
34 section to be operated or utilized by the ~~Division of Correction~~ Department
35 of Corrections unless the project, the plans therefor, and the construction
36 thereof have been reviewed and approved by the Building Authority Division.

