

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1394

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF
CORRECTIONS - DIVISION OF CORRECTION; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF CORRECTIONS
- DIVISION OF CORRECTION REAPPROPRIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUND PROJECTS.
There is hereby appropriated, to the Department of Corrections, to be payable
from the Development and Enhancement Fund, for the Department of Corrections
- Division of Correction the following:

(A) Effective July 1, 2021, the balance of the appropriation provided
in Item (A) of Section 1 of Act 14 of 2020, for personal services and
operating expenses of the Division of Correction - Ester Unit, in a sum not
to exceed\$327.

(B) Effective July 1, 2021, the balance of the appropriation provided
in Item (B) of Section 1 of Act 14 of 2020, for personal services and
operating expenses of the Division of Correction - Female Work Release -
Pine Bluff, in a sum not to exceed\$885,933.

(C) Effective July 1, 2021, the balance of the appropriation provided
in Item (C) of Section 1 of Act 14 of 2020, for operating expenses of the
Tucker Unit, in a sum not to exceed\$74,628.

(D) Effective July 1, 2021, the balance of the appropriation provided



in Item (D) of Section 1 of Act 14 of 2020, for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement and upgrade of existing facilities of the Division of Correction, in a sum not to exceed\$2,776,687.

(E) Effective July 1, 2021, the balance of the appropriation provided in Item (E) of Section 1 of Act 14 of 2020, for construction to expand the existing visitation center at the McPherson Unit, in a sum not to exceed\$10,816.

(F) Effective July 1, 2021, the balance of the appropriation provided in Item (F) of Section 1 of Act 14 of 2020, for construction to expand the existing Administration Building at the McPherson Unit, in a sum not to exceed\$109,011.

(G) Effective July 1, 2021, the balance of the appropriation provided in Item (G) of Section 1 of Act 14 of 2020, for construction of two armories at the Varner and Tucker Units, in a sum not to exceed\$80,821.

(H) Effective July 1, 2021, the balance of the appropriation provided in Item (H) of Section 1 of Act 14 of 2020, for replacement of the existing Water Treatment Plant at the Tucker Unit, in a sum not to exceed\$1,093,848.

(I) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 2 of Act 14 of 2020, for lease payments associated with debt service on a 948-bed institution at Malvern, a 400-bed addition at the Grimes Unit at Newport, and 862-bed Special Needs Unit and addition to Ouachita River Unit at Malvern, in a sum not to exceed\$2,815,743.

(J) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 2 of Act 14 of 2020, for Phase II of III of the Tucker Water Treatment Plant, in a sum not to exceed\$1,093,848.

(K) Effective July 1, 2021, the balance of the appropriation provided in Item (C) of Section 2 of Act 14 of 2020, for lethal fence upgrades at Cummins/Varner, in a sum not to exceed\$580,000.

(L) Effective July 1, 2021, the balance of the appropriation provided in Item (D) of Section 2 of Act 14 of 2020, for fence replacement at Delta/North Central/Wrightsville, in a sum not to exceed\$1,150,000.

(M) Effective July 1, 2021, the balance of the appropriation provided in Item (E) of Section 2 of Act 14 of 2020, for replacement, upgrades and additions to the current security camera systems at Cummins, Varner and

Wrightsville, in a sum not to exceed\$2,400,000.

(N) Effective July 1, 2021, the balance of the appropriation provided in Item (F) of Section 2 of Act 14 of 2020, for expansion of Pine Bluff maintenance fabrication shop, in a sum not to exceed\$120,000.

(O) Effective July 1, 2021, the balance of the appropriation provided in Item (G) of Section 2 of Act 14 of 2020, for replacement of existing equipment for the East Arkansas Water Waste Project, in a sum not to exceed\$259,000.

(P) Effective July 1, 2021, the balance of the appropriation provided in Item (H) of Section 2 of Act 14 of 2020, for roof replacement - Pine Bluff/RLW, in a sum not to exceed\$2,800,000.

(Q) Effective July 1, 2021, the balance of the appropriation provided in Item (I) of Section 2 of Act 14 of 2020, for replacing cell door control panels at the Grimes Unit, in a sum not to exceed\$400,000.

(R) Effective July 1, 2021, the balance of the appropriation provided in Item (J) of Section 2 of Act 14 of 2020, for additional well to provide drinking water to Cummins & Varner Units, in a sum not to exceed ...\$900,000.

(S) Effective July 1, 2021, the balance of the appropriation provided in Item (K) of Section 2 of Act 14 of 2020, for Northwest Arkansas Work Release Laundry & Commissary Building, in a sum not to exceed\$250,000.

(T) Effective July 1, 2021, the balance of the appropriation provided in Item (L) of Section 2 of Act 14 of 2020, for repairs and expansion of parking lot at Ouachita River Unit, in a sum not to exceed\$326,362.

(U) Effective July 1, 2021, the balance of the appropriation provided in Item (M) of Section 2 of Act 14 of 2020, for addition to the existing North Central Unit - additional 576 beds, additional 30 Administrative Segregation beds and additional Administration and Support Staff offices and program rooms, in a sum not to exceed\$39,283,656.

SECTION 2. REAPPROPRIATION - VARIOUS INDUSTRY PROJECTS - CASH. There is hereby appropriated, to the Department of Corrections, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for the Department of Corrections - Division of Correction the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 3 of Act 14 of 2020, for construction, renovation and

major maintenance of facilities and Central Warehouse of the Division of Correction, in a sum not to exceed\$5,000,000.

SECTION 3. REAPPROPRIATION - VARIOUS FARM PROJECTS. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Farm Fund, for the Department of Corrections - Division of Correction the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 4 of Act 14 of 2020, for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement, and upgrade of the Division of Correction - Various Farm Projects, in a sum not to exceed\$140,534.

(B) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 4 of Act 14 of 2020, for construction of grain storage bins at the East Arkansas Unit, in a sum not to exceed\$200,000.

(C) Effective July 1, 2021, the balance of the appropriation provided in Item (C) of Section 4 of Act 14 of 2020, for construction of grain storage bins at the Tucker Unit, in a sum not to exceed\$200,000.

(D) Effective July 1, 2021, the balance of the appropriation provided in Item (D) of Section 4 of Act 14 of 2020, for renovation of the current dairy facility and replacement of equipment, in a sum not to exceed\$2,799,800.

(E) Effective July 1, 2021, the balance of the appropriation provided in Item (E) of Section 4 of Act 14 of 2020, for construction of grain storage bins at Cummins, Tucker and East Arkansas Units, in a sum not to exceed\$2,430,250.

(F) Effective July 1, 2021, the balance of the appropriation provided in Item (F) of Section 4 of Act 14 of 2020, for maintenance and repair to upgrade the existing feed mill at the Cummins Unit, in a sum not to exceed\$889,750.

(G) Effective July 1, 2021, the balance of the appropriation provided in Item (G) of Section 4 of Act 14 of 2020, for Irrigation Project at Tucker/Cummins, in a sum not to exceed\$110,000.

(H) Effective July 1, 2021, the balance of the appropriation provided in Item (H) of Section 4 of Act 14 of 2020, for various farm projects for maintenance, replacement, repair, expansion, construction, equipping,

renovation, purchase, improvement, and upgrade of the Division of Correction, in a sum not to exceed\$1,000,000.

SECTION 4. REAPPROPRIATION - VARIOUS INDUSTRY PROJECTS. There is hereby appropriated, to the Department of Corrections, to be payable from the Division of Correction Prison Industry Fund, for the Department of Corrections - Division of Correction the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 5 of Act 14 of 2020, for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement and upgrade of the Division of Correction - Various Industry Projects, in a sum not to exceed\$6,312.

(B) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 5 of Act 14 of 2020, for various industry projects including storage at the Wrightsville Unit near the industry buildings, in a sum not to exceed\$150,000.

(C) Effective July 1, 2021, the balance of the appropriation provided in Item (C) of Section 5 of Act 14 of 2020, for various industry projects for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement, and upgrade of the Division of Correction, in a sum not to exceed\$1,000,000.

(D) Effective July 1, 2021, the balance of the appropriation provided in Item (D) of Section 5 of Act 14 of 2020, for construction, renovation and major maintenance of facilities and Central Warehouse, in a sum not to exceed\$5,000,000.

SECTION 5. REAPPROPRIATION - CAPITAL IMPROVEMENT PROJECTS. There is hereby appropriated, to the Department of Corrections, to be payable from the Development and Enhancement Fund, for the Department of Corrections - Riverside Vocational Technical School the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 6 of Act 14 of 2020, for transfers of or refund to expenditures for capital balances for construction, renovation, major maintenance, and purchase of equipment for various capital projects or facility improvements, in a sum not to exceed\$2,667.

(B) Effective July 1, 2021, the balance of the appropriation provided

in Item (A) of Section 7 of Act 14 of 2020, for transfers of or refund to expenditures for capital balances for construction, renovation, major maintenance, and purchase of equipment for various capital projects or facility improvements, in a sum not to exceed\$975,910.

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

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

SECTION 7. 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 8. 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, 2021 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, 2021 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, 2021.