

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1378

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 - 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 - Division of Correction the following:

(A) Effective July 1, 2023, the balance of the appropriation provided in Section 19 of Act 203 of 2022, for costs associated with prison expansion, in a sum not to exceed\$75,000,000.

(B) Effective July 1, 2023, the balance of the appropriation provided in Item (O) of Section 2 of Act 104 of 2022, for personal services and operating expenses of the Division of Correction - Female Work Release - Pine Bluff, in a sum not to exceed\$867,610.

(C) Effective July 1, 2023, the balance of the appropriation provided in Item (P) of Section 2 of Act 104 of 2022, for operating expenses of the Tucker Unit, in a sum not to exceed\$74,627.

(D) Effective July 1, 2023, the balance of the appropriation provided in Item (Q) of Section 2 of Act 104 of 2022, 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\$1,558,532.

(E) Effective July 1, 2023, the balance of the appropriation provided in Item (T) of Section 2 of Act 104 of 2022, for construction of two armories at the Varner and Tucker units, in a sum not to exceed\$4,942.

(F) Effective July 1, 2023, the balance of the appropriation provided in Item (U) of Section 2 of Act 104 of 2022, for replacement of the existing Water Treatment Plant at the Tucker Unit, in a sum not to exceed ...\$939,891.

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, 2023, the balance of the appropriation provided in Item (A) of Section 4 of Act 104 of 2022, 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 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, 2023, the balance of the appropriation provided in Item (A) of Section 5 of Act 104 of 2022, for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement and upgrade of the Department of Corrections - Various Industry Projects, in a sum not to exceed\$976,645.

(B) Effective July 1, 2023, the balance of the appropriation provided in Item (B) of Section 5 of Act 104 of 2022, 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.

(C) Effective July 1, 2023, the balance of the appropriation provided in Item (C) of Section 5 of Act 104 of 2022, for various industry projects

including storage at the Wrightsville Unit near the industry buildings, in a sum not to exceed\$150,000.

(D) Effective July 1, 2023, the balance of the appropriation provided in Item (D) of Section 5 of Act 104 of 2022, 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.

(E) Effective July 1, 2023, the balance of the appropriation provided in Item (E) of Section 5 of Act 104 of 2022, for construction, renovation and major maintenance of facilities and Central Warehouse, in a sum not to exceed\$5,000,000.

SECTION 4. 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, 2023, the balance of the appropriation provided in Item (A) of Section 6 of Act 104 of 2022, for maintenance, replacement, repair, expansion, construction, equipping, renovation, purchase, improvement and upgrade of the Department of Corrections - Various Farm Projects, in a sum not to exceed\$1,000,000.

(B) Effective July 1, 2023, the balance of the appropriation provided in Item (B) of Section 6 of Act 104 of 2022, 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.

(C) Effective July 1, 2023, the balance of the appropriation provided in Item (E) of Section 6 of Act 104 of 2022, for renovation of the current dairy facility and replacement of equipment, in a sum not to exceed\$2,799,800.

(D) Effective July 1, 2023, the balance of the appropriation provided in Item (F) of Section 6 of Act 104 of 2022, for construction of grain storage bins at Cummins, Tucker and East Arkansas Units, in a sum not to exceed\$2,430,250.

(E) Effective July 1, 2023, the balance of the appropriation provided in Item (G) of Section 6 of Act 104 of 2022, for maintenance and repair to

upgrade the existing feed mill at the Cummins Unit, in a sum not to exceed\$889,750.

(F) Effective July 1, 2023, the balance of the appropriation provided in Item (H) of Section 6 of Act 104 of 2022, for Irrigation Project at Tucker/Cummins, in a sum not to exceed\$110,000.

(G) Effective July 1, 2023, the balance of the appropriation provided in Item (I) of Section 6 of Act 104 of 2022, 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 5. 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 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, 2023 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, 2023 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, 2023.