

Hall of the House of Representatives

84th General Assembly - Regular Session, 2003

Amendment Form

JBC 04/08/03 (10&11)

Subtitle of House Bill No. 1574

"AN ACT FOR THE DEPARTMENT OF CORRECTION APPROPRIATION FOR THE 2003-
2005 BIENNIUM."

Amendment No. 2 to House Bill No. 1574.

Amend House Bill No. 1574 as engrossed, 3/26/03:

Add two new Sections immediately after Section 37 of the bill to read as follows:

"Section 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INMATE COST REPORT. INMATE COST REPORTING – STATE FACILITIES.

(a) Within 90 days of the close of each state fiscal year, the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the State of Arkansas in housing and caring for inmates incarcerated in the State's facilities. Such costs shall be calculated and reported in total for the Department and in total by each facility. The report shall also reflect overall cost per inmate per day, cost per inmate per day for each facility, overall cost per bed per day, and cost per bed per day for each facility.

(b) In compiling costs and reporting to the Arkansas Legislative Council in accordance with Section 38 (a) of this Act, the Department of Correction shall:

- (1) Record all expenditures in a manner that provides for the association of costs with each facility. Costs not directly attributable to a particular facility (overhead, administration, treatment, etc.) shall be allocated to each facility on the basis of inmate population.
- (2) Maintain documentation to support all elements of costs and cost reimbursement both in total and by facility;
- (3) Exclude capital outlay disbursements. However, depreciation expense for all ADC fixed assets shall be included. Depreciation expense not directly associated with the fixed assets of a particular facility shall be allocated to each facility on the basis of inmate population.
- (4) Include any interest expense incurred by ADC or another state governmental entity as a result of prison construction;



- (5) Exclude all payments to local governments for care of inmates housed in local government facilities;
- (6) Exclude all payments to local governments for Act 309 prisoners;
- (7) Include the state matching requirements associated with federal grant expenditures. Documentation shall be maintained sufficient to identify such costs by grant.
- (8) Deduct reimbursements for costs incurred. The amount of the reimbursement deducted shall be equal to or less than the cost with which the reimbursement is associated.
- (9) Include all ancillary costs. These costs shall include, but are not limited to:
 - (A) ADC expenses incurred through fund transfers;
 - (B) Retirement costs;
 - (C) Audit costs;
 - (D) ADC cost for shared employees paid by another state governmental entity;
 - (E) Inmate educational and rehabilitation costs;
 - (F) Inmate related expenses incurred by the Attorney General.

(c) In determining costs per inmate per day for reporting to the Arkansas Legislative Council in accordance with Section 38 (a), ADC shall:

- (1) Accumulate the number of inmates housed at each ADC facility each day throughout the state fiscal year for which costs are being reported. This accumulation shall result in total inmate days and shall be divided into total direct and indirect costs compiled in accordance with Section 38 (a)(b).
- (2) Exclude those ADC inmates housed in local governmental facilities and Act 309 prisoners from the number of inmates housed at ADC facilities.
- (3) Maintain documentation supporting the number of inmates housed at ADC facilities.

Section 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOCAL GOVERNMENT INMATE COST REPORT. Within 90 days of the close of each calendar year, each local governmental unit housing inmates sentenced to the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the local governmental unit in housing and caring for such inmates. Guidelines for preparing this cost report shall be developed by ADC in coordination with the Division of Legislative Audit and shall be distributed to the local governmental units within 90 days of the enactment of this law."

AND

Renumber the subsequent sections of the bill.

The Amendment was read _____
By: Representatives Childers, Mahony
KCA/KCA - 040820031128
KCA712 _____ Chief Clerk