

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2476

"TO AMEND VARIOUS ARKANSAS CODE SECTIONS THAT GOVERN THE CREATION
OF JAIL BOARDS AND THE ISSUANCE OF REVENUE BONDS."

Amendment No. 1 to House Bill No. 2476.

Amend House Bill No. 2476 as engrossed, H4303:

Page 2, delete lines 30 through 36 and substitute the following:

~~"or otherwise; for convictions arising from each of the offenses listed below:~~

~~(A) Operating or being in actual physical control of a motor vehicle while intoxicated; "intoxicated" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical"~~

AND

Page 3, delete lines 1 through 13 and substitute the following:

~~"injury or death to himself or other motorists or pedestrians;~~

~~(B) Operating or being in actual physical control of a motor vehicle while impaired by alcohol or drugs; the word "impaired" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reaction, motor skills, and judgment are reduced or lessened and the driver constitutes a threat of physical injury or death to himself or other motorists or pedestrians;~~

~~(C) Operating or being in actual physical control of a motor vehicle if, at that time, there was an alcohol concentration of eight-hundredths (0.08) or more in the person's breath or blood, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance;"~~

AND

Page 5, line 16, delete "or private"

AND



Page 5, line 24, delete "or private"

AND

Page 9, line 15, delete "bond" and substitute "bonds"

AND

Page 10, line 19, insert the following:

"(g) Any municipality, county, public instrumentality, or other governmental entity may pledge all or any portion of its fines, penalties, bonds against fines, court costs, filing fees, other court fees, and other sums payable by judicial order, statute, ordinance, or otherwise imposed by law and collected by the entity towards the repayment of any debt issued by a board or any public facilities board operating, owning, or administering a jail facility."

AND

Page 11, delete lines 3 through 9 and substitute the following:

"(a) Any county, municipality, or public instrumentality adopting an ordinance providing for the establishment of a county jail board, and any municipality adopting an ordinance providing for the establishment of a municipal jail board, and authorizing the board to issue county jail revenue bonds or municipal jail revenue bonds, as the case may be, as authorized in this subchapter, may, by ordinance or resolution, provide that all or any identified portion of the revenues derived by the county, or city municipality, or public instrumentality from all or any identified portion of the fines"

AND

Page 11, line 15, delete "fund ~~with~~" and substitute "fund that may be created in connection with the issuance of debt with"

AND

Page 11, line 21, delete "shall" and substitute "~~shall~~ may"

AND

Page 12, delete line 30 and substitute the following:

"state are applicable to the boards."

SECTION 3. Arkansas Code § 14-137-111 is amended by adding the following additional subsection:

(c) With regard to public facilities boards that own, operate, or administer jail facilities, the public facilities boards shall additionally possess the power and authority:

(1) To exercise those powers granted to jail boards pursuant to Arkansas Code Title 12, Chapter 41, Subchapter 7, as may be amended from time

to time;

(2) To enter into contracts with any state agency, state or governmental body or political subdivision, public or private corporation, agencies or instrumentalities of the federal government, or other governmental body or political subdivision, public or private corporation, or other legal entity, or any individual, or a combination of any of these entities and individuals, to provide for the design, financing, construction, expansion, operation, and maintenance of all or any portion of a jail facility, or for any combination of such services or functions;

(3) To enter into long or short term contracts with counties, municipalities, public entities, the State of Arkansas, agencies or instrumentalities of the federal government, and other public entities under which the public facilities board shall provide nightly or other periodic housing of these entities' misdemeanants, or other incarcerants for fee compensation or other consideration;

(4) To offer incarcerants the option to participate in community service programs and all other forms of voluntary labor;

(5) To enter into contracts with third party governmental entities under which the board may receive compensation for supplying to these entities the voluntary services and labor of the board's incarcerants;

(6) To enter into jail management contracts with third party governmental or private organizations upon terms and conditions that the board determines appropriate;

(7) To pledge contract revenue receivables realized through the execution of contracts with third parties for incarcerant housing;

(8) To pledge contract revenue receivables realized through the execution of contracts with third parties for incarcerant labor or services rendered; and

(9) To pledge all other revenues and income of every nature that the board may realize through its operations that are otherwise expressly pledged and identified in the trust indenture that the board may execute in connection with the issuance of its debt.

SECTION 4. Any municipality, county, public instrumentality, or other governmental entity may pledge all or any portion of its fines, penalties, bonds against fines, court costs, filing fees, other court fees, and other sums payable by judicial order, statute, ordinance, or otherwise imposed by law and collected by the entity towards the repayment of any debt issued by a jail board or any public facilities board operating, owning, or administering a jail facility.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the counties, municipalities, public instrumentalities and other governmental entities of the State of Arkansas are experiencing severe jail overcrowding, and that existing jail facilities may not be in compliance with applicable state and federal regulations. It is further recognized that funding for jail renovation, improvement, and construction is extremely limited and oftentimes can be funded only through the implementation of new sales taxes, and that the failure to immediately address this problem could result in the possible closure of existing jail facilities, and the release of incarcerants prior to the schedule expiration of their terms. Therefore, an emergency is declared to exist, and this act

being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Malone

LDH/MHF - 040920031417

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Secretary