

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H1/15/25
A Bill

HOUSE BILL 1034

Representatives A. Collins, *Springer*

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES FOR AN ADDITIONAL STATE BEHAVIORAL HEALTH HOSPITAL FOR THE FISCAL YEAR ENDING JUNE 30, 2026; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES FISCAL YEAR 2025-2026 CAPITAL IMPROVEMENT APPROPRIATION.

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

SECTION 1. APPROPRIATION - ADDITIONAL STATE BEHAVIORAL HEALTH HOSPITAL. There is hereby appropriated, to the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, the following:

(A) for expenses associated with the construction of an additional State Behavioral Health Hospital, in a sum not to exceed\$250,000,000.

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal



Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of two hundred fifty million dollars (\$250,000,000) from the General Revenue Allotment Reserve Fund to a cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, 2025 through June 30, 2026.

SECTION 3. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 5-2-314(j)(1) and (2), concerning the hearing and examination of a defendant regarding mental disease or defect, are amended to read as follows:

(j)(1)(A) It is the duty of the prosecuting attorney's office in the county where the petition is filed to represent the State of Arkansas at any hearing held pursuant to this section except a hearing pending at the Arkansas State Hospital ~~in Pulaski County~~.

(B) A prosecuting attorney may contract with another attorney to provide services under subdivision (j)(1)(A) of this section.

(2) The office of the Prosecutor Coordinator shall appear for and on behalf of the State of Arkansas at the Arkansas State Hospital ~~in Little Rock~~.

SECTION 4. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 20-47-208(a)(1), concerning the role of a prosecuting attorney in a petition for involuntary commitment and treatment of a person, is amended to read as follows:

(a)(1) It shall be the duty of the prosecuting attorney's office in the county where the petition is filed to represent the petitioner, regardless of the petitioner's financial status, at all hearings held in the circuit court pursuant to this subchapter except those hearings held before the circuit judge at the Arkansas State Hospital ~~in Pulaski County, Arkansas~~.

SECTION 5. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 25-10-401 is amended to read as follows:

25-10-401. Creation.

The state institutions known as the Arkansas State Hospital ~~at Little Rock~~, the Arkansas Health Center at Benton, the Arkansas Services Center at

Jonesboro, the youth services center located at North Little Rock, the Arkansas Juvenile Assessment and Treatment Center located in Saline County, and all other facilities owned and operated by the Department of Human Services for youth services or mental health treatment are consolidated to form the Department of Human Services State Institutional System.

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 1,2025 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 1,2025 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 1,2025.

/s/A. Collins