

State of Arkansas
89th General Assembly
Fiscal Session, 2014

A Bill

HOUSE BILL 1143

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR CONFISCATED FUNDS
TRANSFER FOR THE DEPARTMENT OF ARKANSAS STATE POLICE
WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE
FUNDS APPROPRIATED BY ACT 1205 OF 2013; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF ARKANSAS
STATE POLICE SUPPLEMENTAL APPROPRIATION.

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

SECTION 1. APPROPRIATION - CONFISCATED FUNDS TRANSFER. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Court Awards Fund, for fund transfers, refunds and investments of the Department of Arkansas State Police - Confiscated Funds Transfer which shall be supplemental and in addition to those funds appropriated in Section 6 of Act 1205 of 2013, the following:

ITEM	FISCAL YEAR
NO.	2013-2014
(01) REFUNDS-INVEST-TRANSFER	<u>\$150,000</u>

SECTION 2. Section 14 of Act 1205 of the Regular Session of 2013, is hereby amended to read as follows:

"SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE



ARKANSAS CODE NOT PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COURT AWARDS FUND TRANSFER PROVISION. Monies deposited in the Court Awards Fund each fiscal year may be used for motor vehicle purchases and associated taxes and/or motor vehicle equipping and renovation costs, overtime, personal services matching, agency operational needs and capital improvements for the Department of Arkansas State Police. Provided however, funds received from the Special State Assets Forfeiture Fund shall be deposited into the Court Awards Fund to be used by the Department of Arkansas State Police for law enforcement purposes consistent with governing federal law. The Department of Arkansas State Police may also request a fund transfer from the Court Awards Fund or the Department of Arkansas State Police Fund to the Motor Vehicle Acquisition Revolving Fund. The provisions of this section shall be subject to prior review and approval of the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Arkansas State Police may operate more efficiently if some flexibility is provided to the Department of Arkansas State Police authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

SECTION 3. Section 15 of Act 1205 of the Regular Session of 2013, is hereby amended to read as follows:

"SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROVISION. The Department of Arkansas State Police is hereby authorized, after seeking the approval of the Chief Fiscal Officer of the State, to request transfer from the appropriation made herein for "Confiscated Funds Transfer" to the Overtime, Personal Services Matching, and Maintenance and General Operations classifications established in the operations appropriation of the Department of Arkansas State Police, and may be used for overtime, personal services matching, motor vehicle purchases and associated taxes and/or motor vehicle equipping/renovation costs, agency operational needs and capital improvements for the Department of Arkansas State Police. Fund transfers may be requested from the Court Awards Fund to the Department of Arkansas State Police Fund in the same amount and for the same purposes as the appropriation transfer requested under the provisions of this section. The provisions of this section shall be subject to prior review and approval of the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Arkansas State Police may operate more efficiently if some flexibility is provided to the Department of Arkansas State Police authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 5. 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 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that funds provided by the General Assembly for the operations of the Department of Arkansas State Police are, due to unforeseen circumstances, insufficient for the Department of Arkansas State Police to continue to provide essential governmental services; that the provisions of this act will provide the necessary monies for the Department of Arkansas State Police to continue such services; and that a delay in the effective date of this Act 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 the date of its passage and approval.

If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

APPROVED: 02/28/2014