

SENATE AMENDMENT 1 TO sb598.

deleting the title and substituting the following:

"_AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN DRIVERS_ LICENSE FEES WHICH WERE PLEDGED TO OBLIGATIONS WHICH WILL BE RETIRED IN 1997; TO AUTHORIZE THE FURTHER PLEDGING OF THE DRIVERS_ LICENSE FEES FOR THE BENEFIT OF THE ARKANSAS STATE POLICE; AND FOR OTHER PURPOSES._"

AND

by deleting the subtitle and substituting the following:

"_TO PROVIDE FOR DISPOSITION OF CERTAIN DRIVERS_ LICENSE FEES WHICH WERE PLEDGED TO OBLIGATIONS TO BE RETIRED IN 1997; AUTHORIZE THE FURTHER PLEDGING OF THE DRIVERS_ LICENSE FEES FOR THE ARKANSAS STATE POLICE._"

AND

by deleting Section 1 and substituting the following:

"SECTION 1. This Act shall be known and may be cited as the Department of Arkansas State Police Headquarters Facility and Wireless Data Equipment Financing Act."

SECTION 2. (a) The General Assembly finds:

(1) that the Arkansas State Police are daily faced with:

(A) problems related to out-of-date methods of transmitting and processing information between officers in the field and headquarters,

(B) the need for a more efficient means of allocating Department personnel and other resources, particularly in emergency circumstances,

(C) radio frequency congestion and information bottleneck,

(D) greater personal risk for officers using out-of-date information support,

(E) inadequate access to information databases, and

(F) inadequate security for transmission of law enforcement information;

(2) that there is a need to improve the Department's information system by providing Wireless Data Equipment to support the Arkansas State Police;

(3) that Wireless Data Equipment will be supported by the Department's Land-Mobile Communications System and that the costs of implementing the use

of Wireless Data Equipment is greatly reduced by the availability of the Land-Mobile Communications System to provide wireless transmission capability;

(4) that a method of financing is necessary to enable the Department to obtain Wireless Data Equipment;

(5) that the use of tax exempt revenue bonds to finance the new Headquarters Facility will lower the cost of the facility by substantially reducing the interest expense that otherwise would be paid; and

(6) that certain drivers license fees which were pledged to obligations issued to finance the Land-Mobile Communications System are now available to be pledged to the acquisition of the new Headquarters Facility and Wireless Data Equipment.

(b) The General Assembly hereby determines that Wireless Data Equipment is needed to maintain modern law enforcement and is therefore essential to the safety and welfare of the people of the State.

(c) It is hereby legislatively determined that the most feasible and least expensive way of financing the acquisition of Wireless Data Equipment is by authorizing the use of revenue bonds.

(d) It is hereby legislatively determined that the acquisition and financing of the new Headquarters Facility with revenue bonds will result in a substantial savings when compared to the method currently in place.

SECTION 3. Any fees generated by Arkansas Code 27-16-801(a) and Arkansas Code 27-23-118(a) (3) which are pledged to meet obligations under Arkansas Code 12-8-301, et seq., for the Department's Land-Mobile Communications System are no longer required to meet those obligations, and therefore may be utilized by the Department as provided in this act.

SECTION 4. DEFINITIONS. Whenever used in this act, unless a different meaning clearly appears from the context:

(a) Acquire when applied to Wireless Data Equipment, means to acquire (by purchase or otherwise), construct, repair, alter, install, restore or place on any land, or in any building or motor vehicle, any Wireless Data Equipment, by negotiation or bidding upon such terms and conditions as are determined by the Commission to be in the best interests of the Department and that will most effectively serve the purposes of this act.

(b) Act 231 means Act 231 of 1945, as now in effect or as hereafter amended.

(c) Authority means the Arkansas Development Finance Authority.

(d) Authority Act means the Arkansas Development Finance Authority Act of 1985, as amended.

(e) Commission means the Arkansas State Police Commission, being the Commission

created by Act 231, or any successor agency.

(f) Cost as applied to Wireless Data Equipment, means and includes any and all costs of such equipment and, without limiting the generality of the foregoing, shall include the following:

(1) all costs of the acquisition of any such equipment and all costs incident or related thereto including, but not limited to, engineering, architectural, consulting and related services;

(2) the cost of the preparation of plans, specifications, studies, surveys and estimates of cost and revenues; and

(3) all other expenses necessary or incident to planning, providing or determining the need for or the feasibility of the equipment;

(4) the costs of related software for the operation and support of the equipment;

(5) the costs of database development and other information sources and all training required for the efficient use of the equipment; and

(g) Cost as applied to the Headquarters Facility means:

(1) the cost of acquiring the Headquarters Facility by satisfaction of the purchase price under the terms of the existing lease purchase agreement between the Department and the Arkansas Teacher Retirement System, or such other terms as may be negotiated between the parties; and

(2) any and all costs paid or incurred in connection with the issuance of bonds by the Authority to finance the acquisition of the Headquarters Facility.

(h) Debt Service Payments means payments to be made by the Department from Pledged Revenues or other legally available sources to secure and provide for payments due on any bonds or other obligations issued by the Authority to accomplish the purposes of this Act.

(i) Department means the Department of Arkansas State Police, created by Act 231, and any successor agency.

(j) Director means the Director of the Department of Arkansas State Police.

(k) Financing Documents means any note and mortgage, loan agreement, lease purchase agreement, trust indenture and related documents executed in connection with the issuance of bonds by the Authority to finance the Headquarters Facility or Wireless Data Equipment.

(l) Financing Fund means the Arkansas Department of State Police Financing Fund created by Section 4 of this act.

(m) Headquarters Facility means the land, buildings and improvements including equipment and personal property located at the intersection of Geyer Springs Road and Interstate 30 which is currently owned by the Arkansas Teacher Retirement System and leased to the Department.

(n) Purchase Agreement means any agreement entered into by the Commission with a

vendor or vendors to acquire Wireless Data Equipment.

(o) Pledged Revenues means all fees generated by Arkansas Code 27-16-801(a) and 27-23-118(a) (3) as authorized by Section 4 of this act to be pledged for the security and payment of Debt Service Payments.

(p) Wireless Data Equipment means the public safety wireless data and related technologies equipment, including workstations, modems and other vehicle based equipment, network controllers, computer aided dispatch equipment, central information services sites with related server computers and controllers, software and information support, and furnishings and fixtures used directly for public safety purposes in connection with the operation thereof, and such other equipment, property, and other items determined by the Commission as necessary to accomplish the purpose of this act.

SECTION 5. In addition to the powers, purposes, and authorities set forth elsewhere in this Act or in other laws, the Commission is hereby authorized and empowered to:

(a) Acquire, construct, repair, renovate, alter, maintain and equip Wireless Data Equipment and the Headquarters Facility.

(b) Contract to acquire Wireless Data Equipment on such terms and conditions as are specified by this act and approved by the Director with the consent of the Commission and to provide for the payment of the cost of acquisition of Wireless Data Equipment and the Headquarters Facility from any legally available source or sources, including, without limitation, the revenues authorized by Section 4 of this act, and funds appropriated and made available under Act 231.

(c) Enter into such Financing Documents and agreements with the Authority that are necessary and appropriate to secure obligations issued by the Authority that will facilitate the acquisition of the Headquarters Building and Wireless Data Equipment.

(d) Take such other action, not inconsistent with law, as may be necessary, convenient or desirable to carry out the powers, purposes and authority set forth in this act and to carry out the intent of this Headquarters Facility shall be secured by a lien on and pledge of the Pledged Revenues. To the extent that Pledged Revenues are not required to make Debt Service Payments, they shall be released to the Department to provide operating funds as described below.

(e) On July 1, 1997, all Pledged Revenues are hereby specifically declared to be cash funds restricted in their use and dedicated and to be used solely as provided and authorized in this act. The Pledged Revenues shall not be deposited into the State Treasury but, as and when received (by the Commissioner of Motor Vehicles, the Department of Motor Vehicles, the Department, the Commission, the Commissioner of Revenues, the Department of Finance and Administration or by any other state agency) shall be deposited in a bank or banks selected by the Department, to the credit of a fund hereby created and designated as the Department of Arkansas State Police Financing Fund.

(f) Commencing on the date that bonds are issued by the Authority pursuant to this

act and the Authority Act, the Financing Fund shall constitute Pledged Revenues as defined in this act. Debt Service Payments shall be paid from the Financing Fund as set forth in the Financing Documents. If and so long as all Debt Service Payments have been properly made on the last day of each fiscal quarter, the Pledged Revenues remaining in the Financing Fund shall be withdrawn from the Financing Fund and deposited in the State Treasury as special revenues to the credit of the Department. So long as any Debt Service Payments remain to be paid, all moneys in the Financing Fund shall continue to be pledged to Debt Service Payments, and other costs in connection with the bonds and the maintenance of reserves, notwithstanding the Department's right to withdraw funds on the last day of each fiscal quarter if Debt Service Payments are current. The provisions of this Section shall expire upon payment or provision for all Debt Service Payments as authorized in the Financing Documents, and any balances remaining in the Financing Fund shall be deposited in the State Treasury to the credit of the Department as a non-revenue receipt.

(g) So long as there are remaining any Debt Service Payments to be made, the General Assembly may modify or change the fees referred to as Pledged Revenues above but only on condition that there is always maintained in effect and made available for the payment of Debt Service Payments, sources of revenue, comparable in amount and time of receipt, which produce revenues sufficient to provide for and secure Debt Service Payments when due.

SECTION 6. The Commission shall submit any Purchase Agreement for the acquisition of Wireless Data Equipment, as authorized by this act, to the Arkansas Legislative Council for its advice and counsel prior to any obligation being incurred by the Commission."

AND

by appropriately renumbering subsequent sections of the bill.