

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

State of Arkansas
88th General Assembly
Fiscal Session, 2012

As Engrossed: H2/27/12
A Bill

HOUSE BILL 1128

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS CRIME INFORMATION CENTER FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS CRIME INFORMATION CENTER APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Crime Information Center for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U069U	ACIC DIRECTOR	1	\$104,694
(2)	G052C	ACIC DIVISION MANAGER	3	GRADE C126
(3)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(4)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
(5)	D052C	SOFTWARE SUPPORT ANALYST	3	GRADE C121
(6)	G158C	ACIC PROGRAM MANAGER	5	GRADE C119
(7)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118



(8)	D065C	NETWORK SUPPORT ANALYST	2	GRADE C118
(9)	D073C	ACIC FIELD AGENT	7	GRADE C117
(10)	G192C	ACIC PROGRAM ANALYST	8	GRADE C117
(11)	D072C	ACIC SYSTEMS SUPERVISOR	1	GRADE C117
(12)	E045C	ACIC TRAINING COORDINATOR	1	GRADE C117
(13)	D080C	ACIC SYSTEMS SPECIALIST	7	GRADE C115
(14)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(15)	D079C	COMPUTER SUPPORT TECHNICIAN	3	GRADE C115
(16)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(17)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
(18)	C073C	ADMINISTRATIVE SPECIALIST II	<u>26</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	75	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the Crime Information System Fund, for personal services and operating expenses of the Arkansas Crime Information Center - Operations for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$2,765,097
(02) PERSONAL SERVICES MATCHING	879,370
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	770,041
(B) CONF. & TRAVEL	40,000
(C) PROF. FEES	1,650,692
(D) CAP. OUTLAY	50,000
(E) DATA PROC.	0
(04) CONTINGENCY	500,000
(05) DATA PROCESSING	1,201,035
(06) UPDATE/EXPAND/IMPROVE	<u>120,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$7,976,235</u>

SECTION 3. APPROPRIATION - CRIMINAL HISTORY IMPROVEMENT PROGRAM - FEDERAL. There is hereby appropriated, to the Arkansas Crime Information

Center, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Arkansas Crime Information Center - Criminal History Improvement Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$112,393
(02) PERSONAL SERVICES MATCHING	41,390
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	131,920
(B) CONF. & TRAVEL	0
(C) PROF. FEES	445,686
(D) CAP. OUTLAY	31,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$762,389</u></u>

SECTION 4. APPROPRIATION - SYSTEMS CONFERENCE. There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Arkansas Crime Information Center - Systems Conference for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$50,000
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$60,000</u></u>

SECTION 5. APPROPRIATION - SEX/CHILD OFFENDER REGISTRATION PROGRAM. There is hereby appropriated, to the Arkansas Crime Information Center, to be

payable from the Sex and Child Offenders Registration Fund, for operating expenses of the Arkansas Crime Information Center - Sex/Child Offender Registration Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$250,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$250,000</u></u>

SECTION 6. APPROPRIATION - ARKANSAS REAL-TIME ELECTRONIC LOGBOOK.

There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the Crime Information System Fund, for personal services and operating expenses of the Arkansas Crime Information Center - Arkansas Real-Time Electronic Logbook for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$34,301
(02) PERSONAL SERVICES MATCHING	11,598
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	50,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	300,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$395,899</u></u>

SECTION 7. APPROPRIATION - SAVIN PROGRAM - FEDERAL. There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for

operating expenses of the Arkansas Crime Information Center - SAVIN Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$20,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	484,000
(D) CAP. OUTLAY	16,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$520,000</u></u>

SECTION 8. APPROPRIATION - SMART - ADAM WALSH ACT GRANT - FEDERAL.

There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses of the Arkansas Crime Information Center - SMART - Adam Walsh Act Grant for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$143,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	157,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$300,000</u></u>

SECTION 9. APPROPRIATION - ARKANSAS REAL-TIME SCRAP METAL LOGBOOK.

There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the Crime Information System Fund, for maintenance and operating expenses of the Arkansas Real-Time Scrap Metal Logbook of the Arkansas Crime Information Center for the fiscal year ending June 30, 2013, the sum of.....\$125,000.

SECTION 10. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 8-6-607 is amended to read as follows:

8-6-607. Collection of fees.

Fees imposed ~~pursuant to~~ under the separate provisions of this subchapter shall be collected as follows:

(1) Each landfill permittee and each transporter shall submit to the department on or before January 15, April 15, July 15, and October 15 of each year a quarterly report ~~which~~ that accurately states the total weight or volume of solid waste received at the landfill or transported out of state during the quarter just completed;

(2) On or before January 15, April 15, July 15, and October 15 of each year, each landfill permittee and solid waste transporter shall pay to the Arkansas Department of Environmental Quality the full amount of ~~such~~ disposal fees due for the quarter just completed;

(3) Except as provided in ~~subdivision (4)~~ subdivisions (4) and (5) of this section, the disposal and transportation fees collected ~~pursuant to~~ under this section shall be special revenues and shall be deposited in the State Treasury to the credit of the Solid Waste Management and Recycling Fund for administrative support of the State Marketing Board for Recyclables; ~~and~~

(4)(A) Twenty-five percent (25%) of the disposal fees collected from landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry shall be deposited into a special fund to be created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State and to be known as the "Marketing Board Fund".

(B) The fund shall be administered by the department and used by the State Marketing Board for Recyclables for the administration and performance of its duties; and

(5) Beginning July 1, 2012, excluding the disposal fees that are to be deposited into the Marketing Board Fund under § 8-6-607(4), the first one hundred twenty-five thousand dollars (\$125,000) of the fees collected each fiscal year under this section shall be deposited into the State Treasury and credited to the Crime Information System Fund to be used exclusively for the scrap metal log book program.

SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 19-5-1011, concerning the Crime Information System Fund, is amended to add an additional subsection to read as follows:

(c) Beginning July 1, 2012, excluding the disposal fees that are to be deposited into the Marketing Board Fund under § 8-6-607(4), the first one hundred twenty-five thousand dollars (\$125,000) of fees collected each fiscal year under § 8-6-607 shall be deposited into the State Treasury and credited to the Crime Information System Fund to be used exclusively for the scrap metal log book program.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF CONTINGENCY APPROPRIATION AND FUNDING. In the event additional appropriation becomes necessary that is not authorized or contemplated in Section 2 of this Act and circumstances make it necessary for the Arkansas Crime Information Center to request additional appropriation to carry out the objectives of the Agency, the Contingency Appropriation authorized herein may be used for regular salaries, personal services matching and maintenance and general operation line item appropriations authorized for such programs in this Act. Funding for the Contingency Appropriation authorized herein may be transferred to the appropriate fund or fund account from such excess funds as the Director of the Arkansas Crime Information Center may determine are available from criminal background check fees deposited on behalf of the Arkansas Crime Information Center. Use of the contingency appropriation and funding authorized in this Act shall be approved by the Chief Fiscal Officer of the State and 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 Arkansas Crime Information Center may operate more efficiently if some flexibility is provided to the Arkansas Crime Information Center 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.

SECTION 13. 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 14. 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 15. 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, 2012 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, 2012 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, 2012.

/s/Joint Budget Committee