

1 State of Arkansas  
2 89th General Assembly  
3 Fiscal Session, 2014  
4

# A Bill

HOUSE BILL 1143

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR CONFISCATED FUNDS  
9 TRANSFER FOR THE DEPARTMENT OF ARKANSAS STATE POLICE  
10 WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE  
11 FUNDS APPROPRIATED BY ACT 1205 OF 2013; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF ARKANSAS  
16 STATE POLICE SUPPLEMENTAL APPROPRIATION.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. APPROPRIATION - CONFISCATED FUNDS TRANSFER. There is hereby  
23 appropriated, to the Department of Arkansas State Police, to be payable from  
24 the Court Awards Fund, for fund transfers, refunds and investments of the  
25 Department of Arkansas State Police - Confiscated Funds Transfer which shall  
26 be supplemental and in addition to those funds appropriated in Section 6 of  
27 Act 1205 of 2013, the following:  
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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2013-2014</u>
31 (01) REFUNDS-INVEST-TRANSFER	<u>\$150,000</u>

32  
33 SECTION 2. Section 14 of Act 1205 of the Regular Session of 2013, is  
34 hereby amended to read as follows:  
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36 "SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE



1 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 COURT AWARDS FUND TRANSFER PROVISION. Monies deposited in the Court Awards  
3 Fund each fiscal year may be used for motor vehicle purchases and associated  
4 taxes and/or motor vehicle equipping and renovation costs, overtime, personal  
5 services matching, agency operational needs and capital improvements for the  
6 Department of Arkansas State Police. Provided however, funds received from  
7 the Special State Assets Forfeiture Fund shall be deposited into the Court  
8 Awards Fund to be used by the Department of Arkansas State Police for law  
9 enforcement purposes consistent with governing federal law. The Department  
10 of Arkansas State Police may also request a fund transfer from the Court  
11 Awards Fund or the Department of Arkansas State Police Fund to the Motor  
12 Vehicle Acquisition Revolving Fund. The provisions of this section shall be  
13 subject to prior review and approval of the Arkansas Legislative Council or  
14 Joint Budget Committee.

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

31 The provisions of this section shall be in effect only from July 1,  
32 2013 through June 30, 2014."

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

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

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

33           The provisions of this section shall be in effect only from July 1,  
34 2013 through June 30, 2014."

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36           SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

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

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10 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General  
11 Assembly that any funds disbursed under the authority of the appropriations  
12 contained in this act shall be in compliance with the stated reasons for  
13 which this act was adopted, as evidenced by the Agency Requests, Executive  
14 Recommendations and Legislative Recommendations contained in the budget  
15 manuals prepared by the Department of Finance and Administration, letters, or  
16 summarized oral testimony in the official minutes of the Arkansas Legislative  
17 Council or Joint Budget Committee which relate to its passage and adoption.

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19 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General  
20 Assembly, that funds provided by the General Assembly for the operations of  
21 the Department of Arkansas State Police are, due to unforeseen circumstances,  
22 insufficient for the Department of Arkansas State Police to continue to  
23 provide essential governmental services; that the provisions of this act will  
24 provide the necessary monies for the Department of Arkansas State Police to  
25 continue such services; and that a delay in the effective date of this Act  
26 could work irreparable harm upon the proper administration and provision of  
27 essential governmental programs. Therefore, an emergency is hereby declared  
28 to exist and this Act being necessary for the immediate preservation of the  
29 public peace, health and safety shall be in full force and effect from and  
30 after the date of its passage and approval.

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

36 APPROVED: 02/28/2014