

Stricken language will be deleted and underlined language will be added.
Act 283 of the Fiscal Session

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

As Engrossed: H2/27/12
A Bill

HOUSE BILL 1128

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS CRIME
10 INFORMATION CENTER FOR THE FISCAL YEAR ENDING JUNE
11 30, 2013; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE ARKANSAS CRIME INFORMATION
16 CENTER APPROPRIATION FOR THE 2012-2013
17 FISCAL YEAR.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Arkansas Crime Information Center for the 2012-2013 fiscal year, the
24 following maximum number of regular employees.
25

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



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

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

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

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

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

5	6 ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2012-2013</u>
8	(01) REGULAR SALARIES	\$112,393
9	(02) PERSONAL SERVICES MATCHING	41,390
10	(03) MAINT. & GEN. OPERATION	
11	(A) OPER. EXPENSE	131,920
12	(B) CONF. & TRAVEL	0
13	(C) PROF. FEES	445,686
14	(D) CAP. OUTLAY	31,000
15	(E) DATA PROC.	<u>0</u>
16	TOTAL AMOUNT APPROPRIATED	<u><u>\$762,389</u></u>

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 18 SECTION 4. APPROPRIATION - SYSTEMS CONFERENCE. There is hereby
 19 appropriated, to the Arkansas Crime Information Center, to be payable from
 20 the cash fund deposited in the State Treasury as determined by the Chief
 21 Fiscal Officer of the State, for operating expenses of the Arkansas Crime
 22 Information Center - Systems Conference for the fiscal year ending June 30,
 23 2013, the following:

24	25 ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2012-2013</u>
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$50,000
29	(B) CONF. & TRAVEL	10,000
30	(C) PROF. FEES	0
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u><u>\$60,000</u></u>

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

1 payable from the Sex and Child Offenders Registration Fund, for operating
 2 expenses of the Arkansas Crime Information Center - Sex/Child Offender
 3 Registration Program for the fiscal year ending June 30, 2013, the following:
 4

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

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

16 There is hereby appropriated, to the Arkansas Crime Information Center, to be
 17 payable from the Crime Information System Fund, for personal services and
 18 operating expenses of the Arkansas Crime Information Center - Arkansas Real-
 19 Time Electronic Logbook for the fiscal year ending June 30, 2013, the
 20 following:
 21

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

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

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

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

13
 14 SECTION 8. APPROPRIATION - SMART - ADAM WALSH ACT GRANT - FEDERAL.

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

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

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

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

1
2 SECTION 10. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 8-6-
3 607 is amended to read as follows:

4 8-6-607. Collection of fees.

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

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

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

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

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

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

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

36

1 SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 19-5-
2 1011, concerning the Crime Information System Fund, is amended to add an
3 additional subsection to read as follows:

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

10
11 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF
13 CONTINGENCY APPROPRIATION AND FUNDING. In the event additional appropriation
14 becomes necessary that is not authorized or contemplated in Section 2 of this
15 Act and circumstances make it necessary for the Arkansas Crime Information
16 Center to request additional appropriation to carry out the objectives of the
17 Agency, the Contingency Appropriation authorized herein may be used for
18 regular salaries, personal services matching and maintenance and general
19 operation line item appropriations authorized for such programs in this Act.
20 Funding for the Contingency Appropriation authorized herein may be
21 transferred to the appropriate fund or fund account from such excess funds as
22 the Director of the Arkansas Crime Information Center may determine are
23 available from criminal background check fees deposited on behalf of the
24 Arkansas Crime Information Center. Use of the contingency appropriation and
25 funding authorized in this Act shall be approved by the Chief Fiscal Officer
26 of the State and the Arkansas Legislative Council or Joint Budget Committee.

27 Determining the maximum number of employees and the maximum amount of
28 appropriation and general revenue funding for a state agency each fiscal year
29 is the prerogative of the General Assembly. This is usually accomplished by
30 delineating such maximums in the appropriation act(s) for a state agency and
31 the general revenue allocations authorized for each fund and fund account by
32 amendment to the Revenue Stabilization law. Further, the General Assembly
33 has determined that the Arkansas Crime Information Center may operate more
34 efficiently if some flexibility is provided to the Arkansas Crime Information
35 Center authorizing broad powers under this Section. Therefore, it is both
36 necessary and appropriate that the General Assembly maintain oversight by

1 requiring prior approval of the Legislative Council or Joint Budget Committee
2 as provided by this section. The requirement of approval by the Legislative
3 Council or Joint Budget Committee is not a severable part of this section.
4 If the requirement of approval by the Legislative Council or Joint Budget
5 Committee is ruled unconstitutional by a court of competent jurisdiction,
6 this entire section is void.

7
8 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
9 authorized by this act shall be limited to the appropriation for such agency
10 and funds made available by law for the support of such appropriations; and
11 the restrictions of the State Procurement Law, the General Accounting and
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
13 Procedures and Restrictions Act, or their successors, and other fiscal
14 control laws of this State, where applicable, and regulations promulgated by
15 the Department of Finance and Administration, as authorized by law, shall be
16 strictly complied with in disbursement of said funds.

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

26
27 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly, that the Constitution of the State of Arkansas prohibits
29 the appropriation of funds for more than a one (1) year period; that the
30 effectiveness of this Act on July 1, 2012 is essential to the operation of
31 the agency for which the appropriations in this Act are provided, and that in
32 the event of an extension of the legislative session, the delay in the
33 effective date of this Act beyond July 1, 2012 could work irreparable harm
34 upon the proper administration and provision of essential governmental
35 programs. Therefore, an emergency is hereby declared to exist and this Act
36 being necessary for the immediate preservation of the public peace, health

1 and safety shall be in full force and effect from and after July 1, 2012.

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3 */s/Joint Budget Committee*

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6 **APPROVED: 03/05/2012**

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