

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

JBC 03/22/07 (1)

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### Subtitle of House Bill No. 1395

"AN ACT FOR THE DEPARTMENT OF ARKANSAS STATE POLICE APPROPRIATION  
FOR THE 2007-2009 BIENNIUM."

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### Amendment No. 2 to House Bill No. 1395.

Amend House Bill No. 1395 as engrossed, H3/15/07 (version: 03-15-2007 10:39)

Delete SECTION 15 in its entirety

AND

Delete SECTION 16 in its entirety

AND

Delete SECTION 17 in its entirety

AND

Delete SECTION 21 in its entirety

AND

Immediately after SECTION 14 add the following sections:

" SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY, 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, 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 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, 2007 through June 30, 2009.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY, 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 Maintenance and General Operations classifications established in the operations appropriation of the Department of Arkansas State Police, and may be used for 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, 2007 through June 30, 2009.

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY, LOCAL AND TEMPORARY LAW. MOTOR VEHICLE ACQUISITION REVOLVING FUND – MOTOR VEHICLE PURCHASES/RENOVATION. At least fifty percent (50%) of the general revenues and/or general improvement funds deposited into the Motor Vehicle Acquisition Revolving Fund shall be used for motor vehicle purchases and/or motor vehicle renovation costs for the Department of Arkansas State Police. The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009.”

AND

Appropriately renumber the subsequent sections

The Amendment was read \_\_\_\_\_

By: Joint Budget Committee

TCW/W - 03-22-2007 11:41

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Chief Clerk