

Act 77 of the Third Special Session of 1989.

Act 77

HB1013

By: Joint Budget Committee

CALL ITEM 5

For An Act To Be Entitled
"AN ACT TO PROVIDE FUNDING AND APPROPRIATION FOR THE STATE
FOSTER CARE PROGRAM; JUVENILE DETENTION FACILITIES AS
ESTABLISHED BY ACT 486 OF 1989; TO FINANCE THE CONSTRUCTION,
ACQUISITION AND OPERATION OF JUVENILE DETENTION FACILITIES;
AND FOR OTHER PURPOSES."

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

SECTION 1. GRANT FUND ESTABLISHED. There is hereby established on the books of the State Treasurer, State Auditor, and the Chief Fiscal Officer of the State, a fund to be known as the "Juvenile Detention Facilities Capital Grant Fund". Such funds shall consist of monies transferred from the Children and Family Services Fund Account as determined by the Department of Human Services Division of Children and Family Services.

SECTION 2. OPERATING FUND ESTABLISHED. There is hereby established on the books of the State Treasurer, State Auditor, and the Chief Fiscal Officer of the State, a fund to be known as the "Juvenile Detention Facilities Operating Fund". Such fund shall consist of monies transferred from the Children and Family Services Fund Account as determined by the Department of Human Services Division of Children and Family Services.

SECTION 3. TRANSFER AUTHORITY. The Director of the Department of Human Services, with the approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State a transfer of funds from the Children and Family Services Fund Account to the funds herein created in Section 1 and Section 2 of this Act. If it is determined that the request for transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State and the Department of Human Services.

SECTION 4. REVOLVING LOAN FUND ESTABLISHED. (a) There is hereby established on the books of the State Treasurer, State Auditor, and the Chief Fiscal Officer of the State, a fund to be known as the "Juvenile Detention Facilities Revolving Loan Fund". Such funds shall consist of monies transferred from the Budget Stabilization Trust Fund or its successor.

(b) The Chief Fiscal Officer of the State is hereby authorized to transfer one million five hundred thousand dollars (\$1,500,000), from the Budget Stabilization Trust Fund, or its successor, to the Juvenile Detention Facilities Revolving Loan Fund. The Chief Fiscal Officer of the State shall then initiate the necessary documents to reflect the transfer upon the fiscal records of the State Treasurer, the State Auditor, and the Department of Human Services.

SECTION 5. APPROPRIATION - CAPITAL GRANTS. There is hereby appropriated, to the Department of Human Services Division of Children and Family Services, to be payable from the Juvenile Detention Facilities Capital Grant Fund for grants as authorized by Act 486 of 1989, for the biennial

period ending June 30, 1991, the sum of \$500,000.

SECTION 6. APPROPRIATION - REVOLVING LOANS. There is hereby appropriated to the Department of Human Services Division of Children and Family Services, to be payable from the Juvenile Detention Facilities Revolving Loan Fund for loans as authorized by Act 486 of 1989, for the biennial period ending June 30, 1991, the sum of \$1,500,000.

SECTION 7. APPROPRIATION - OPERATIONS OF JUVENILE DETENTION FACILITIES. There is hereby appropriated to the Department of Human Services Division of Children and Family Services, to be payable from the Juvenile Detention Facilities Operating Fund for operating expenses as authorized by Act 486 of 1989, for the fiscal year ending June 30, 1991, the sum of \$500,000.

SECTION 8. APPROPRIATIONS - GRANTS - STATE. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the Children and Family Services Fund Account, for grant payments by the Department of Human Services - Division of Children and Family Services which shall be supplemental and in addition to those appropriated in Section 5 of Act 100 of the First Extraordinary Session of 1989 for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) FOSTER CARE	\$ 500,000	\$ 500,000

SECTION 9. 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 Purchasing 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 10. 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 11. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, meeting in Third Extraordinary Session, that this act is necessary to prohibit the unnecessary incarceration of juveniles, to prohibit such juveniles from being treated as criminals, to place such juveniles under proper care, and to prohibit juveniles from associating with hardened adult criminals; and that the immediate passage and approval of this act is necessary for the protection of juveniles. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation and

protection of the public peace, health and safety shall be in full and effect from and after its passage and approval.

APPROVED: November 17, 1989
