

Act 774 of the 1989 Regular Session.

Act 774

HB1828

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR REFUNDS, DEBT SERVICE REQUIREMENTS, CLAIMS AND OPERATING EXPENSES OF THE DEPARTMENT OF HEALTH - HEALTH BUILDING COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. APPROPRIATIONS - HEALTH BUILDING COMMISSION - CASH. There is hereby appropriated to the Department of Health - Health Building Commission, to be payable from cash funds of the Department of Health - Health Building Commission, for refunds, debt service requirements and operating expenses of the Department of Health - Health Building Commission for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REFUNDS/COMM EXPENSES	2,250	2,250
(02)	DEBT SERVICE REQ	691,000	691,000
(03)	TRANSFER TO HEALTH FUND	1,250,000	1,250,000
	TOTAL AMOUNT APPROPRIATED	\$ 1,943,250	\$ 1,943,250

SECTION 2. APPROPRIATIONS - REFUNDS AND CLAIMS - CASH. There is hereby appropriated, to the Department of Health - Health Building Commission, to be payable from the Health Building Commission Certificates Cash Fund, for refunds and claims of the Department of Health - Health Building Commission for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REFUNDS/CLAIMS	\$ 12,000	\$ 12,000

SECTION 3. There is hereby appropriated, to the Department of Health - Health Building Commission, to be payable from the State Health Building and Local Grant Trust Fund, for expansion, renovation or improvements to the State Health Building and for grants for construction, renovation or other expansion of approved local health unit facilities in this State by the Department of Health - Health Building Commission for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	GRANTS	\$ 1,600,000	\$ 1,600,000
(02)	CAPITAL IMPROVEMENT	0	0
	TOTAL AMOUNT APPROPRIATED	\$ 1,600,000	\$ 1,600,000
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SECTION 4. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in

writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefor, if:

(1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and

(2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

SECTION 5. 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 6. 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 7. 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 8. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 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 Regular Session, the delay in the effective date of this Act beyond July 1, 1989 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, 1989.

APPROVED: March 21, 1989
