

Act 384 of the 1989 Regular Session.

Act 384

HB1208

By: Representatives Flanagin, Dugger and Ellis

"AN ACT TO PERMIT THE ARKANSAS DEPARTMENT OF HEALTH TO RECOVER EXPENDITURES MADE DURING EXTRAORDINARY, TIME-CONSUMING OPERATIONS WHICH ARISE FROM UNFORESEEN CIRCUMSTANCES REQUIRING THE ASSISTANCE OF THE DEPARTMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. The purpose of this act is to more equitably allocate the costs between the state and responsible parties when unforeseen circumstances arise as a result of accidents and other manmade causes which require assistance from the Department of Health. The authority to recover such expenses would enable the Department of Health to replace funds budgeted for routine activities which were spent for Department of Health response to non-routine, unplanned circumstances creating potential for adverse health effects such as transportation accidents involving food and drugs, environmental contamination and food product contamination.

SECTION 2. (a) The State Board of Health is authorized to promulgate rules and regulations necessary to carry out the intent and purpose of this act.

(b) In adopting such rules, the State Board of Health shall define circumstances under which recovery should be pursued and the method to determine the amount of each recovery which shall be based on costs.

(c) The Arkansas Department of Health is hereby authorized to recover from the responsible party or parties actual costs incurred in participation during extraordinary, time-consuming operations such as damage assessment, sampling, monitoring, health studies and product evaluations which arise from unforeseen circumstances.

(d) All monies levied and collected under the provisions of this act are hereby declared to be "special revenues" and shall be deposited in the State Treasury, there to be credited to the Public Health Fund.

(e) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the Recovery of Expenditures Program that pertain to monies collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 3. 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 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 7, 1989

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