

Act 210 of the First Special Session of 1989.

Act 210

HB1059

By: Joint Budget Committee

For An Act To Be Entitled  
"AN ACT TO MAKE AN APPROPRIATION OF FUNDS TO ALLEVIATE  
CONDITIONS ARISING IN PUBLIC EMERGENCIES 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. Arkansas Code 19-2-404 is hereby amended to read as follows:  
"19-2-404 Emergency expenditures.

(a)(1) In the event of riots or threatened riots, sabotage, public insurrection or threatened insurrection, storm, flood, famine, or other public calamity which jeopardizes the public peace, health and safety of citizens of Arkansas that calls for immediate action, the Governor is delegated and authorized by the General Assembly to declare an emergency to exist and to issue a proclamation declaring an emergency to exist.

(2) Other requests for utilization of this appropriation shall be submitted for prior review by the Governor to a Governor's Emergency Fund Review Committee, meeting in committee, composed of the chairmen and vice-chairmen of the Legislative Joint Auditing committee and Arkansas Legislative Council.

(b) A proclamation or request, as approved by the Governor or the Governor's Emergency Fund Review Committee, shall include:

(1) The nature and location of the emergency;

(2) The name of the department or agency which, in the Governor's opinion, is best able to alleviate or obviate the conditions which have arisen or are about to arise because of the emergency; and

(3) The amounts of funds required for the emergency, such amount or so much thereof as shall have been set forth in each proclamation to be extended upon vouchers drawn by the disbursing agent of the department or agency naming the proclamation.

(c) The original of the proclamation shall be filed with the Secretary of State, and an executed counterpart of it shall be filed with the State Auditor, State Treasurer, and the Department of Finance and Administration.

(d) Any expenditures made in accordance with the authorizations provided for in this section may be reimbursed to the Miscellaneous Revolving Fund by transfers authorized by the Chief Fiscal Officer of the State from funds or fund accounts supporting the benefiting agencies. However, in the case of the Governor's proclamations and emergencies of a nature where no specific state agency is the beneficiary, then the expenditures shall be borne by the Miscellaneous Revolving Fund."

SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Office of the Governor, to be payable from the Miscellaneous Revolving Fund, for the purposes provided for by this Act for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) GOVERNOR'S EMERGENCY PROCLAMATION	\$ 500,000	\$ 500,000

SECTION 3. 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 4. 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 5. 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. Act 163 of 1989 is hereby repealed.

SECTION 6. 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: June 23, 1989

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