

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: H3/11/99 H3/16/99 H3/17/99 H3/22/99*

2 82nd General Assembly

A Bill

Act 1032 of 1999

3 Regular Session, 1999

HOUSE BILL 1870

4

5 By: *Joint Budget Committee*

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For An Act To Be Entitled

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"AN ACT TO REQUIRE LEGISLATIVE COUNCIL OR JOINT
10 BUDGET COMMITTEE REVIEW OF *DISCRETIONARY* GRANTS
11 AWARDED BY AGENCIES OF THE STATE; AND FOR OTHER
12 PURPOSES. "

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Subtitle

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"TO REQUIRE LEGISLATIVE COUNCIL OR JOINT
16 BUDGET COMMITTEE REVIEW OF *DISCRETIONARY*
17 GRANTS AWARDED BY AGENCIES OF THE STATE. "

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

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22 SECTION 1. (a) For purposes of this act:

23 (1) State agency means:

24 (A) Every board, commission, department, division or
25 office of state government whether executive, legislative, or judicial; and

26 (B) All state supported post-secondary educational
27 institutions, including, but not limited to, colleges and universities,
28 vocational and technical schools, and community colleges;

29 (2) "Discretionary grant" means a grant in which the recipient
30 of the grant funds or the formula for the grant award is not specifically
31 stated in the legislation authorizing the grant; and

32 (3) "Non-discretionary grant" means a grant in which the
33 recipient of the grant funds or the formula for the grant award is
34 specifically stated in the legislation authorizing the grant, or in specific
35 agency regulations promulgated by the agency and reviewed by the Arkansas
36 Legislative Council, or in the case of federal funds, in the statute,

1 regulation, or other federal directive which restricts the disbursement of
2 the funds according to federal guidelines.

3 (b) Hereafter, no state agency shall award any discretionary grant
4 prior to review by the Arkansas Legislative Council between legislative
5 sessions, or the Joint Budget Committee during legislative sessions.

6 However, if a state agency determines that an emergency exists requiring the
7 discretionary grant to be awarded prior to review, it may award the
8 discretionary grant prior to the review by the Legislative Council or Joint
9 Budget Committee, and shall immediately notify the Legislative Council
10 between legislative sessions, or the Joint Budget Committee during
11 legislative sessions, as to the facts constituting the emergency.

12 (c) Grants exempt from review shall include:

13 (1) Grants for which the total consideration is less than or
14 equal to ten thousand dollars (\$10,000);

15 (2) Non-discretionary grants as determined by the agency;

16 (3) Grants to another governmental entity such as a state
17 agency, public educational institution, federal governmental entity, or body
18 of a local government;

19 (4) Disaster relief grants;

20 (5) Grants identified as not requiring review by the Legislative
21 council between legislative sessions, or the Joint Budget Committee during
22 legislative sessions;

23 (6) Grants containing confidential information, the disclosure
24 of which is determined by the agency to constitute a violation of other
25 provisions of law regarding disclosure;

26 (7) Any scholarship or financial assistance award to, or on
27 behalf of, a postsecondary student.

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29 SECTION 2. The Legislative Council between legislative sessions, and
30 the Joint Budget Committee during legislative sessions, shall review all non-
31 exempt discretionary grants by state agencies, and notify the agencies as to
32 the results of the review. The Legislative Council or Joint Budget Committee
33 shall notify agencies of any other grants identified as not requiring review.

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35 SECTION 3. All provisions of this act of a general and permanent
36 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. It is hereby found and determined by the General Assembly that the provisions of this act are necessary to foster confidence in the operations of state government and to insure the proper expenditure of public funds and that this act should therefore go into effect as soon as possible. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Joint Budget Committee

APPROVED: 4/1/1999