

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
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/5/99 S2/12/99

A Bill

Act 449 of 1999
HOUSE BILL 1270

5 *By: Joint Budget Committee*
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR THE PROVISION OF
10 DISASTER ASSISTANCE GRANTS BY THE OFFICE OF EMERGENCY
11 SERVICES TO THOSE COUNTIES WHICH WERE DECLARED
12 DISASTER AREAS BY THE PRESIDENT OF THE UNITED STATES
13 AFTER JULY 1, 1995 AND BY THE GOVERNOR OF THE STATE OF
14 ARKANSAS AFTER JULY 1, 1995, FOR THE DEPARTMENT OF
15 FINANCE AND ADMINISTRATION - DISBURSING OFFICER WHICH
16 SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS
17 APPROPRIATED BY ACT 1358 OF 1997; AND FOR OTHER
18 PURPOSES. "
19

Subtitle

21 "AN ACT FOR THE DEPARTMENT OF FINANCE
22 AND ADMINISTRATION - DISBURSING OFFICER
23 - DISASTER ASSISTANCE GRANTS SUPPLEMENTAL
24 APPROPRIATION. "
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. APPROPRIATION - DISASTER ASSISTANCE GRANTS. There is hereby
30 appropriated, to the Department of Finance and Administration - Disbursing
31 Officer, to be payable from the Disaster Assistance Fund, for the provision of
32 Disaster Assistance Grants by the Office of Emergency Services to those
33 counties herein named, which shall be supplemental and in addition to those
34 funds appropriated in Section 10 of Act 1358 of 1997, the sum of...\$3,675,000.
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36 SECTION 2. APPROPRIATIONS-DISASTER ASSISTANCE. *There is hereby*

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1 *appropriated, to the Department of Finance and Administration-Disbursing*
 2 *Officer, to be payable from the Disaster Assistance Fund, for provision of*
 3 *disaster grants as authorized by the disaster Relief Act of 1974 and for*
 4 *complying with the Arkansas Emergency Services Act of 1973 (Arkansas Code*
 5 *§§12-75-101 et seq.) by the Office of Emergency Services which shall be*
 6 *supplemental and in addition to those funds appropriated in Section 10 of Act*
 7 *1358 of 1997, the sum of \$4,000,000.*

8
 9 *SECTION 3. FUNDING PROVISION. Funds authorized in Section 1 of this Act in*
 10 *an amount of not to exceed \$400,000, and in Section 2 of this Act in an amount*
 11 *of not to exceed \$600,000 may be disbursed proportionately for the purpose of*
 12 *insuring immediate response to the needs of entities affected by disasters*
 13 *provided for in Arkansas Code Annotated § 12-75-114(c)(2).*

14
 15 *SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
 16 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*
 17 *TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal*
 18 *Officer of the State shall transfer on his books and those of the State*
 19 *Treasurer the sum of three million six hundred and seventy five thousand*
 20 *dollars (\$3,675,000) from the Economic Development of Arkansas Fund to the*
 21 *Disaster Assistance Fund to provide funds for the appropriation provided*
 22 *herein.*

23
 24 *SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
 25 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISBURSEMENT OF*
 26 *DISASTER FUNDS. A). For those counties in which a State declaration of*
 27 *disaster as defined in A.C.A. § 12-75-103 (2) was made after July 1, 1995*
 28 *and/or in which a subsequent Federal declaration as defined in P.L. 93-288 as*
 29 *amended ("the Stafford Act") was made after July 1, 1995, the same being the*
 30 *counties of Bradley, Cleburne, Cleveland, Columbia, Dallas, Drew, Faulkner,*
 31 *Grant, Lafayette, Montgomery, Monroe, Ouachita, Randolph, Searcy, Sharp,*
 32 *Stone, St. Francis, Union, and Van Buren, the Quorum Court or Local*
 33 *governmental entity of such counties may request of the Director of the State*
 34 *Office of Emergency Services a disbursement of the funds appropriated by this*
 35 *Act.*

36 *a). Upon certification by the Director of the State Office of Emergency*

1 Services that the request is consistent with the provisions of the "Arkansas
2 Emergency Services Act of 1973," the Chief Fiscal Officer of the State may
3 approve disbursement of the funds appropriated in this Act for the purpose of
4 mitigating the effects of such disaster. Funds appropriated in this Act are
5 to supplement county and local expenses which are not reimbursable under
6 Federal disaster recovery programs, but for which extraordinary means are
7 required.

8 (a) (1). The funds appropriated by this Act shall be made available to
9 the counties named in section A) herein, in an amount equal to one hundred
10 fifty thousand dollars (\$150,000) for those counties for which the proportion
11 of the total of federal and state assistance provided by federal disaster
12 declaration FEMA-1176-DR-AR was between zero percent (0%) and five percent
13 (5%); two hundred twenty-five thousand dollars (\$225,000) for those counties
14 for which the proportion of the total of federal and state assistance provided
15 by federal disaster declaration FEMA-1176-DR-AR was between five percent (5%)
16 and ten percent (10%); and three hundred thousand dollars (\$300,000) for those
17 counties for which the proportion of the total of federal and state assistance
18 provided by federal disaster declaration FEMA-1176-DR-AR exceeded ten percent
19 (10%).

20
21 *SECTION 6. STATE DISASTER PLAN. Arkansas Code 12-75-110(a) is amended to*
22 *read as follows:*

23 *" (a) The State Office of Emergency Services shall prepare and maintain a*
24 *State Disaster Plan and keep it current, which plan may include:*

25 *(1) Prevention and minimization of injury and damage caused by disaster;*

26 *(2) Measures for prompt and effective response to disasters;*

27 *(3) Emergency relief;*

28 *(4) Identification of areas particularly vulnerable to disasters;*

29 *(5) Recommendations for zoning, building, and other land use controls,*
30 *safety measures for securing mobile homes or other non-permanent or*
31 *semipermanent structures, and other preventive and preparedness measures*
32 *designed to eliminate or reduce disasters or their impact;*

33 *(6) Assistance to local officials in designing local emergency action*
34 *plans;*

35 *(7) Authorization and procedures for the erection or other construction*
36 *of temporary works designed to protect against or mitigate danger, damage, or*

1 loss from flood, conflagration, or other disasters;

2 (8) Preparation and distribution to appropriate state and local officials
3 of state catalogues of federal, state, and private assistance programs;

4 (9) Organization of manpower and the establishment of chains of command;

5 (10) Coordination of federal, state, and local disaster activities;

6 (11) Coordination of the State Disaster Plan with the disaster plans of
7 the federal government

8 (12) Establish such criteria and definitions for determining catastrophic
9 losses suffered by both individuals and public entities, and the enhanced
10 levels of assistance to be provided upon the declaration of a catastrophic
11 loss disaster; and

12 (13) Other necessary matters.”

13
14 SECTION 7. STATE CATASTROPHIC LOSS FUND. Arkansas Code 12-75-114(c) is
15 amended to read as follows:

16
17 “ (c)(1) There is created within the Office of the Governor a disaster
18 response fund, a disaster recovery fund, a catastrophic loss fund, and a
19 hazard mitigation fund, which shall be separate and apart from the Governor's
20 standard emergency fund.

21 (2) The initial amount of the disaster response fund shall be in the
22 amount of five hundred thousand dollars (\$500,000), the disaster recovery fund
23 shall be in the amount of two million dollars (\$2,000,000), and the hazard
24 mitigation fund shall be in the amount of one million dollars (\$1,000,000),
25 with:

26 (A) The sum of one million dollars (\$1,000,000) from the disaster
27 recovery fund solely for use in individual assistance;

28 (B) The sum of one million dollars (\$1,000,000) from the disaster
29 recovery fund solely for use in public assistance;

30 (C) The sum of one million dollars (\$1,000,000) from the hazard
31 mitigation fund solely for use in hazard mitigation assistance; and

32 (D) The sum of five hundred thousand dollars (\$500,000) solely for
33 use to defray the cost of immediate emergency response.

34 (E) The sum of four million dollars (\$4,000,000) from the
35 catastrophic loss fund solely for use in catastrophic losses suffered by both
36 individuals and public entities.

1 (3) The Governor's disaster fund may be increased from time to time at
2 the discretion of the Governor.

3 (4) Expenditures from the individual assistance and public assistance
4 funds may only be made in the event of a disaster as defined in § 12-75-103(2)
5 and only upon proclamation by the Governor.

6 (5) Expenditures from the emergency response fund shall be made by
7 executive order of the Governor, upon recommendation and verification by the
8 Director of the State Office of Emergency Services, and may only be made to
9 defray immediate costs associated with response activities by emergency forces
10 of state and local governments and private, nonprofit forces duly registered
11 in accordance with § 12-75-127.

12 (6) Expenditures from the hazard mitigation fund shall be made by executive
13 order of the Governor. The Director of the State Office of Emergency Services
14 shall establish and maintain a current hazard vulnerability analysis of key
15 critical public facilities eligible for assistance under the Governor's hazard
16 mitigation fund.

17 (7) Expenditures from the catastrophic loss fund may only be made in the event
18 of a federally declared disaster as well as a disaster as defined in A.C.A. §
19 12-75-103(2) and only upon separate proclamation by the Governor that a
20 disaster has occurred in which catastrophic losses have been suffered by
21 individuals and/or public entities in the state. The Director of the State
22 Office of Emergency Services shall establish and maintain such criteria as are
23 necessary to administer the funds authorized for catastrophic loss."

24
25 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
26 this act shall be limited to the appropriation for such agency and funds made
27 available by law for the support of such appropriations; and the restrictions
28 of the State Purchasing Law, the General Accounting and Budgetary Procedures
29 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
30 Restrictions Act, or their successors, and other fiscal control laws of this
31 State, where applicable, and regulations promulgated by the Department of
32 Finance and Administration, as authorized by law, shall be strictly complied
33 with in disbursement of said funds.

34
35 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations
3 and Legislative Recommendations contained in the budget manuals prepared by
4 the Department of Finance and Administration, letters, or summarized oral
5 testimony in the official minutes of the Arkansas Legislative Council or Joint
6 Budget Committee which relate to its passage and adoption.

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

11
12 SECTION 11. SEVERABILITY. If any provision of this act or the application
13 thereof to any person or circumstance is held invalid, such invalidity shall
14 not affect other provisions or applications of the act which can be given
15 effect without the invalid provision or application, and to this end the
16 provisions of this act are declared to be severable.

17
18 SECTION 12. GENERAL REPEALER. All laws and parts of laws in conflict with
19 this act are hereby repealed.

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21 SECTION 13. EMERGENCY CLAUSE. It is hereby found and determined by the
22 Eighty-second General Assembly, that funds provided by the General Assembly
23 for the operations of the Department of Finance and Administration -
24 Disbursing Officer are, due to unforeseen circumstances, insufficient for the
25 Department of Finance and Administration - Disbursing Officer to continue to
26 provide essential governmental services; that the provisions of this act will
27 provide the necessary monies for the Department of Finance and Administration
28 - Disbursing Officer to continue such services; and that a delay in the
29 effective date of this Act could work irreparable harm upon the proper
30 administration and provision of essential governmental programs. Therefore, an
31 emergency is hereby declared to exist and this Act being necessary for the
32 immediate preservation of the public peace, health and safety shall be in full
33 force and effect from and after the date of its passage and approval. If the
34 bill is neither approved nor vetoed by the Governor, it shall become effective
35 on the expiration of the period of time during which the Governor may veto the
36 bill. If the bill is vetoed by the Governor and the veto is overridden, it

1 shall become effective on the date the last house overrides the veto.

2 */s/ Joint Budget Committee*

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APPROVED: 3/8/1999

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