

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 1077

By: Representatives P. Malone, Lancaster, Gullett, White, Dees, G. Jeffress, M. Smith, Bennett,
Sheppard

By: Senators Beebe, Mahony, Ross, Dowd

For An Act To Be Entitled

"AN ACT TO MAKE AN APPROPRIATION FOR THE PROVISIONS OF
DISASTER ASSISTANCE GRANTS BY THE OFFICE OF EMERGENCY
SERVICES TO VARIOUS COUNTIES WHICH HAVE BEEN DECLARED
DISASTER AREAS BY THE GOVERNOR FOR THE DEPARTMENT OF
FINANCE AND ADMINISTRATION - DISBURSING OFFICER WHICH
SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS
APPROPRIATED BY ACT 1358 OF 1997; AND FOR OTHER
PURPOSES. "

Subtitle

"AN ACT FOR THE DEPARTMENT OF FINANCE
AND ADMINISTRATION - DISBURSING OFFICER-
DISASTER ASSISTANCE GRANTS SUPPLEMENTAL
APPROPRIATION.

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

SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department
of Finance and Administration - Disbursing Officer, to be payable from the
Disaster Assistance Fund, for the provisions of Disaster Assistance Grants by
the Office of Emergency Services to the following counties which have been
declared disaster areas by the Governor, which shall be supplemental and in
addition to those funds appropriated in Section 10 of Act 1358 of 1997, the
following:

| ITEM | FISCAL YEAR |
|---------------------------|--------------------|
| NO. | 1998-1999 |
| (01) OUACHITA COUNTY | \$ 500,000 |
| (02) UNION COUNTY | 500,000 |
| (03) COLUMBIA COUNTY | 500,000 |
| (04) DALLAS COUNTY | 500,000 |
| (05) LAFAYETTE COUNTY | 500,000 |
| TOTAL AMOUNT APPROPRIATED | <u>\$2,500,000</u> |

SECTION 2. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. The Chief Fiscal Officer of the State may transfer on his books and those of the State Treasurer an amount not to exceed two million five hundred thousand (\$2,500,000), as is needed to provide funds to be expended under the provisions of Section 3 herein, from the Economic Development of Arkansas Fund to the Disaster Assistance Fund to provide funds for the appropriation provided herein.

SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISASTER CERTIFICATION. Upon a State declaration of disaster as defined in ACA §12-75-103(2), the Quorum Court or a local government entity of the counties named in Section 1 of this Act may request of the Director of the State Office of Emergency Services a disbursement of the funds appropriated by this Act. Upon certification by the Director of the State Office of Emergency Services that the request is consistent with the provisions of the "Arkansas Emergency Services Act of 1973", the Chief Fiscal Officer of the State may approve disbursement of the funds appropriated in this Act for the purpose of responding to and mitigating the effects of such disaster. Funds appropriated in this Act are to supplement county and local expenses which are not reimbursable under Federal disaster recovery programs, but for which extraordinary means are required.

SECTION 4. 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

1 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
2 Restrictions Act, or their successors, and other fiscal control laws of this
3 State, where applicable, and regulations promulgated by the Department of
4 Finance and Administration, as authorized by law, shall be strictly complied
5 with in disbursement of said funds.

6
7 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
8 that any funds disbursed under the authority of the appropriations contained
9 in this Act shall be in compliance with the stated reasons for which this Act
10 was adopted, as evidenced by the Agency Requests, Executive Recommendations
11 and Legislative Recommendations contained in the budget manuals prepared by
12 the Department of Finance and Administration, letters, or summarized oral
13 testimony in the official minutes of the Arkansas Legislative Council or Joint
14 Budget Committee which relate to its passage and adoption.

15
16 SECTION 6. CODE. All provisions of this Act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

19
20 SECTION 7. SEVERABILITY. If any provision of this Act or the application
21 thereof to any person or circumstance is held invalid, such invalidity shall
22 not affect other provisions or applications of the Act which can be given
23 effect without the invalid provision or application, and to this end the
24 provisions of this Act are declared to be severable.

25
26 SECTION 8. GENERAL REPEALER. All laws and parts of laws in conflict with
27 this Act are hereby repealed.

28
29 SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the
30 Eighty-second General Assembly, that funds provided by the General Assembly
31 for the operations of the Department of Finance and Administration -
32 Disbursing Officer are, due to unforeseen circumstances, insufficient for the
33 Department of Finance and Administration - Disbursing Officer to continue to
34 provide essential governmental services; that the provisions of this act will
35 provide the necessary monies for the Department of Finance and Administration
36 - Disbursing Officer to continue such services; and that a delay in the

1 effective date of this Act could work irreparable harm upon the proper
2 administration and provision of essential governmental programs. Therefore, an
3 emergency is hereby declared to exist and this Act being necessary for the
4 immediate preservation of the public peace, health and safety shall be in full
5 force and effect from and after the date of its passage and approval.

6 If the bill is neither approved nor vetoed by the Governor, it shall become
7 effective on the expiration of the period of time during which the Governor
8 may veto the bill. If the bill is vetoed by the Governor and the veto is
9 overridden, it shall become effective on the date the last house overrides the
10 veto.