

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

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

20  
21 "AN ACT FOR THE DEPARTMENT OF FINANCE  
22 AND ADMINISTRATION - DISBURSING OFFICER  
23 - DISASTER ASSISTANCE GRANTS SUPPLEMENTAL  
24 APPROPRIATION. "  
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26

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

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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).

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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.

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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%).

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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."

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

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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."

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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.

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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.

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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.

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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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