

Act 247 of the 1989 Regular Session.

Act 247

HB1154

By: Representative O. Miller

"AN ACT TO ESTABLISH A STATE EARTHQUAKE PREPAREDNESS PROGRAM
WITHIN THE ARKANSAS OFFICE OF EMERGENCY SERVICES; AND FOR
OTHER PURPOSES."

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

SECTION 1. Short Title. This act may be cited as the "Arkansas
Earthquake Preparedness Act of 1989."

SECTION 2. PURPOSE. It is hereby found and determined by the General Assembly that: there exists a history of violent seismic activity within the Central United States Seismic Zone which includes the New Madrid Fault; the southern branch of the New Madrid Fault being at or about Marked Tree, Arkansas, and extends northeast into Missouri and Tennessee; that a recurrence of the 1811-1812 earthquake swarm, whereby 55 of the approximate 2,010 earthquakes occurring during a three month period that had surface wave magnitudes of 6.0 - 8.7 (Richter) estimated to have affected in excess of 800,000 square miles, is again possible; that it is essential for the protection of life and limb of the citizens of this State, and particularly those approximately 650,000 citizens on and in close proximity of the fault, that a program be initiated to provide for continuous mitigation, preparedness, response and recovery capability for violent seismic activity. The General Assembly further determines that it be appropriate to amend the "Interstate Civil Defense and Disaster Compact," to be in concert with the Central United States Earthquake Consortium efforts to develop an "Interstate Earthquake Emergency Compact." Therefore, it is the purpose and intent of this Act to initiate a program to deal with this matter and to charge the Office of Emergency Services, Earthquake Preparedness Program, with the responsibility of carrying out the program requiring the full cooperation of all other state and local government agencies, departments, offices and personnel and requiring that all earthquake mitigation, preparedness, response and recovery related functions of Arkansas be coordinated to the maximum extent with comparable functions of the Federal government including its various departments and agencies with other states and localities, and with private agencies of every type, to the end that the most effective earthquake mitigation, preparation, response and recovery capabilities may be accomplished.

SECTION 3. ARTICLE II of Arkansas Code 12-76-102 is hereby amended to read as follows:

"ARTICLE II

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs, the party states shall, so

far as possible, provide and follow uniform standards, practices and rules and regulations including:

- (a) insignia and any other distinctive articles to designate and distinguish the different civil defense services;
- (b) mobilization of civil defense forces and other tests and exercises;
- (c) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
- (d) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
- (e) all materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;
- (f) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks or disasters;
- (g) the safety of public meetings or gatherings;
- (h) standardized data bank of response and recovery resources; and
- (i) disaster forecasts and reports."

SECTION 4. ARTICLE VIII of Arkansas Code 12-76-102 is hereby amended to read as follows:

"ARTICLE VIII

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests, including amounts paid under ARTICLE VII; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States Government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed. The State of Arkansas will only honor reimbursement claims from other states rendering aid to Arkansas to the same level of reimbursement and for the same items or areas of cost as each of those states' interstate compact laws provide to requesting states."

SECTION 5. ARTICLES XI and XII of Arkansas Code 12-76-102 are hereby amended to read as follows:

"ARTICLE XI

The committee established pursuant to Article I of this compact may request the Federal Emergency Management Agency (or its successor) of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

ARTICLE XII

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and the Federal Emergency Management Agency (or its successor) and other appropriate agencies of the United States Government."

SECTION 6. Arkansas Code 12-76-102 is hereby amended to add the following at the end thereof:

"ARTICLE XVI

DEFINITIONS:

(1) "Civil Defense" shall be used here to be synonymous with emergency services, emergency management or future terms denoting an emergency or disaster response organization or capability with the chief goal of protecting life, limb and/or property of citizens that could be lost because of a disaster agent.

(2) "Civil Defense Forces" mean all state, county and local government agencies, departments, offices, and personnel, qualified emergency service workers as defined by Arkansas Code 12-75-103 and all private volunteer citizens called upon by state officials to provide emergency service in response to a disaster agent or to one that is pending.

(3) "State Employees" include all persons paid wages or salaries by the State of Arkansas, all qualified emergency service workers as defined by Arkansas Code 12-75-103 and all private volunteer Arkansas citizens called upon by state officials to provide emergency services."

SECTION 7. ARKANSAS EARTHQUAKE PROGRAM.

(a) The Office of Emergency Services, Earthquake Preparedness Program, shall coordinate an earthquake program designed to protect the lives and property of persons of this State, to the fullest possible extent, from the direct effects of seismic activity affecting Arkansas as well as from secondary effects created by such occurrence. The program shall coordinate all activities involved in mitigation and preparedness regarding seismic events. Toward that end, the earthquake program shall include but not be limited to: continued assessment from proper scientific authorities of the seismic risk to the state; training and education of state and local government officials, employees and citizens of Arkansas regarding preparation and protective measures that can be taken before, during and after an earthquake; planning coordination, guidance and assistance to all state and local government officials in preparation for, response to and recovery from earthquakes; coordination of earthquake program activities with comparable agencies of the Federal government and other states; the dissemination of information to the public pertaining to earthquake hazards, protective measures, seismic resistance in building construction, and appropriate actions to be taken before, during and after an earthquake, and other matters the Office of Emergency Services shall determine to be necessary or appropriate to educate, inform and equip citizens in this State to deal with any earthquake.

(b) In order to carry out the responsibilities provided for herein, the Office of Emergency Services, Earthquake Preparedness Program, is authorized to employ such personnel as deemed necessary to the extent that

funds are appropriated therefor by the General Assembly.

SECTION 8. COMPLIANCE WITH THE "ARKANSAS EMERGENCY SERVICES ACT." It is the intention of the General Assembly that this Act shall be in compliance with Arkansas Code 12-75-101 et seq., "Arkansas Emergency Services Act of 1973" to the extent that if this Act or any provision of it or application thereof to any person or circumstance is held in opposition or out of compliance with the "Arkansas Emergency Services Act of 1973" then such provisions of this Act are invalid. But such invalidity of a provision or provisions of this Act shall not affect other provisions or application of this Act which can be given effect without the invalid provision, provisions or its/their applications.

SECTION 9. 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.

SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that this Act is designed to charge the Office of Emergency Services with full responsibility of administering the Earthquake Preparedness Program and should be given effect immediately. 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 its passage and approval.

APPROVED: February 24, 1989
