

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senators Fitch and Smith**

A Bill

ACT 116 OF 1995
SENATE BILL 116

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 12-75-114 TO PROVIDE FOR
9 IMMEDIATE REIMBURSEMENT OF EXPENSES RELATED TO EMERGENCY
10 RESPONSE ACTIONS; TO PROVIDE FOR THE EXPENDITURE OF MONIES
11 FOR PREVENTATIVE MEASURES PRIOR TO THE OCCURRENCE OF A
12 DISASTER; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO PROVIDE FOR IMMEDIATE
16 REIMBURSEMENT OF EXPENSES RELATED TO
17 EMERGENCY RESPONSE ACTIONS AND TO
18 PROVIDE FOR EXPENDITURES FOR
19 PREVENTATIVE MEASURES."

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

24 SECTION 1. Ark. Code Ann. § 12-75-103 is hereby amended by adding a new
25 subdivision to read as follows:

26 "(22) Response assistance means funds to defray the costs of
27 emergency response that does not necessarily result in a disaster of the
28 magnitude and scope described in § 12-75-103(2) but which requires the
29 deployment and utilization of state and local government and private, non-
30 profit emergency personnel, equipment and resources to protect and preserve
31 lives and property and for the welfare of the citizens of Arkansas."

33 SECTION 2. Ark. Code Ann. § 12-75-114 is hereby amended to read as
34 follows:

35 "§ 12-75-114. Governor - Disaster emergency responsibilities.

36 (a) The Governor is responsible for meeting and mitigating, to the

1 maximum extent possible, dangers to the people and property of the state
2 presented or threatened by disasters.

3 (b) Under this chapter, the Governor may issue executive orders,
4 proclamations, and regulations and amend or rescind them. Executive orders,
5 proclamations, and regulations have the force and effect of law.

6 (c)(1) There is created within the Office of the Governor a disaster
7 response fund, a disaster recovery fund and a hazard mitigation fund which
8 shall be separate and apart from the Governor's standard emergency fund.

9 (2) The initial amount of the disaster response fund shall be in
10 the amount of five hundred thousand dollars (\$500,000), the disaster recovery
11 fund shall be in the amount of two million dollars (\$2,000,000) and the hazard
12 mitigation fund shall be in the amount of one million dollars (\$1,000,000),
13 with:

14 (A) The sum of one million dollars (\$1,000,000) solely for
15 use in individual assistance;

16 (B) The sum of one million dollars (\$1,000,000) solely for
17 use in public assistance;

18 (C) The sum of one million dollars (\$1,000,000) solely for
19 use in hazard mitigation assistance; and

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

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

24 (4) Expenditures from the individual assistance and public
25 assistance funds may only be made in the event of a disaster as defined in §
26 12-75-103(2) and only upon proclamation by the Governor.

27 (5) Expenditures from the emergency response fund shall be made
28 by executive order of the Governor, upon recommendation and verification by
29 the Director of the State Office of Emergency Services and may only be made to
30 defray immediate costs associated with response activities by emergency forces
31 of state and local governments and private, non profit forces duly registered
32 in accordance with § 12-75-127.

33 (6) Expenditures from the hazard mitigation fund shall be made by
34 executive order of the Governor. The Director of the State Office of Emergency
35 Services shall establish and maintain a current hazard vulnerability analysis

1 of key critical public facilities eligible for assistance under the Governor's
2 hazard mitigation fund.

3 (d) (1) During the continuance of any state of disaster emergency, the
4 Governor is Commander-in-Chief of all forces available for emergency duty.

5 (2) To the greatest extent practicable, the Governor shall
6 delegate or assign operational control by prior arrangement embodied in
7 appropriate executive orders or regulations, but nothing herein restricts his
8 authority to do so by orders issued at the time of the disaster emergency.

9 (e) In addition to any other powers conferred upon the Governor by law,
10 he may:

11 (1) Suspend the provisions of any regulatory statutes prescribing
12 the procedures for conduct of state business, or the orders, rules, or
13 regulations of any state agency, if strict compliance with the provisions of
14 any statute, order, rule, or regulation would in any way prevent, hinder, or
15 delay necessary action in coping with the emergency;

16 (2) Utilize all available resources of the state government and
17 of each political subdivision of the state as reasonably necessary to cope
18 with the disaster emergency;

19 (3) Transfer the direction, personnel, or functions of state
20 departments and agencies or units thereof for the purpose of performing or
21 facilitating emergency services;

22 (4) Subject to any applicable requirements for compensation under
23 § 12-75-124, commandeer or utilize any private property if he finds this
24 necessary to cope with the disaster emergency;

25 (5) Direct and compel the evacuation of all or part of the
26 population from any stricken or threatened area within the state if he deems
27 this action necessary for the preservation of life or other disaster
28 mitigation, response, or recovery;

29 (6) Prescribe routes, modes of transportation, and destinations
30 in connection with evacuation;

31 (7) Control ingress and egress to and from a disaster area, the
32 movement of persons within the area, and the occupancy of premises therein;

33 (8) Suspend or limit the sale, dispensing, or transportation of
34 alcoholic beverages, firearms, explosives, and combustibles; and

35 (9) Make provision for the availability and use of temporary

1 emergency housing."

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4 SECTION 3. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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

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

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APPROVED: 2-1-95

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