

As Engrossed: 3/30/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: *Joint Budget Committee***

A Bill

HOUSE BILL 1997

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 75, TITLE 12
9 OF THE ARKANSAS CODE TO ESTABLISH A MITIGATION FUND WITHIN
10 THE GOVERNOR'S DISASTER EMERGENCY FUND; TO CLARIFY THE
11 AUTHORITY TO APPOINT A LOCAL OFFICE OF EMERGENCY SERVICES
12 COORDINATOR; TO CLARIFY THE DEFINITION OF A LOCAL
13 ORGANIZATION FOR EMERGENCY ASSISTANCE; AND FOR OTHER
14 PURPOSES."

Subtitle

17 "TO AMEND THE ARKANSAS EMERGENCY SERVICES ACT."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code 12-75-103(4) is amended to read as follows:

22 "(4) Local organization for emergency services means a county or
23 municipal office of emergency services created and established in accordance
24 with the provisions of this chapter to perform local emergency service
25 functions within the existing political subdivisions of the state;"

26
27 SECTION 2. Arkansas Code 12-75-103 is amended by adding the following
28 new subsections:

29 "(17) Hazard Mitigation Assistance means funds and programs to
30 correct, alleviate or eliminate a condition or situation which poses a threat
31 to life, property or public safety from the effects of disaster as defined in
32 Arkansas Code 12-75-103(2). This may include, but is not limited to, raising,
33 replacing, removing, rerouting or reconstructing existing public facilities
34 such as roads, bridges, buildings, equipment, drainage systems or other public
35 or private non-profit property as defined in PL 93-288, as amended by PL 100-

1 707.

2 (18) Established local office of emergency services means any
3 one of the seventy-five (75) county or those specified municipal offices of
4 emergency services accredited by the State Office of Emergency Services as of
5 January 1, 1993 and any such additional municipal or interjurisdictional
6 office of emergency services as may later be established by the Governor under
7 this chapter.

8 (19) Interjurisdictional Agreement means a mutual agreement
9 between two (2) or more established local offices of emergency services, which
10 is approved by executive order of the Governor in accordance with this
11 chapter, to merge, integrate or otherwise combine the functions of the
12 respective established local offices of emergency services for more effective,
13 economical and efficient use of available personnel and resources. An
14 agreement shall include specific provisions addressing the appointment,
15 funding, administration and operational control of the emergency services
16 coordinator and staff of the interjurisdictional office of emergency services.

17 (20) Emergency management standards means standards of
18 training, education and performance established by the director of the State
19 Office of Emergency Services for employees of the state and established local
20 offices of emergency services designed to insure competency and
21 professionalism and to determine minimum qualifications for the receipt of
22 federal or state emergency management funding or both.

23 (21) Emergency management requirements means specific actions,
24 activities and accomplishments required for funding of state and established
25 local offices of emergency services or both under applicable state and federal
26 emergency management program guidance and regulations."

27

28 SECTION 3. Arkansas Code 12-75-114(c) is amended to read as follows:

29 "(c) (1) There is created within the Office of the Governor a disaster
30 fund which shall be separate and apart from the Governor's standard emergency
31 fund.

32 (2) The initial amount of the fund shall be in the amount of
33 three million dollars (\$3,000,000) with:

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

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

3 (C) The sum of one million dollars (\$1,000,000) solely for
4 use in hazard mitigation assistance.

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

7 (4) Expenditures from the individual assistance, public
8 assistance and hazard mitigation funds may only be made in the event of a
9 disaster as defined in § 12-75-103(2) and only upon proclamation by the
10 Governor."

11

12 SECTION 4. Arkansas Code 12-75-116 is amended to read as follows:

13 "12-75-116. State and local governmental entities - Liaison officers.

14 (a) (1) It is the policy of this chapter that each department,
15 commission, agency, or institution of state and local government actively and
16 aggressively support the state and local offices of emergency services to the
17 end of providing the best possible preparation for and response to any
18 emergency situation which may occur.

19 (2) In furtherance of this policy, it is directed that the head
20 of each state department, commission, agency, or institution with an emergency
21 management role or responsibility appoint a member or members of his staff as
22 agency emergency services liaison officer or officers to act on his behalf in
23 insuring the agency's capability to fulfill its role in emergency services
24 activities.

25 (b) It will be the responsibilities of this officer to:

26 (1) Maintain close and continuous liaison with the state office
27 of emergency services as applicable;

28 (2) Prepare agency annexes to the state and, as applicable, local
29 emergency operations plan which are compatible with this chapter and with
30 guidance provided by the state office of emergency services;

31 (3) Maintain files of agency resources to include personnel,
32 facilities, and equipment available for disaster operation;

33 (4) Insure that the agency can respond promptly and cooperatively
34 with other agencies in any disaster or major emergency situation under the
35 overall management of the state office of emergency services;

1 (5) Advise, assist, and evaluate the capabilities of counterpart
2 local or federal government agencies in preparing for and carrying out
3 disaster operations;

4 (6) Designate personnel available for assignment to mobile
5 support units and to train such personnel in the tasks to be performed; and

6 (7) Perform other related functions necessary to carry out the
7 purpose of this chapter.

8 (c) As conditions or situations may require or dictate, the director of
9 the state office of emergency services may request a state department, agency
10 or institution not currently participating in the emergency services liaison
11 officer program to appoint an officer in accordance with this section.

12 (d) Nothing in the foregoing shall be interpreted as relieving or
13 otherwise abridging the responsibility and authority of agency directors in
14 carrying out disaster operations for which their agencies are solely
15 responsible."
16

17 SECTION 5. Arkansas Code 12-75-117(a) is amended to read as follows:

18 "(a) (1) The Governor may, by executive order, combine two (2) or more
19 established local offices of emergency services as an interjurisdictional
20 office of emergency services. Prior to such combination, the jurisdictions
21 involved shall prepare for the Governor_s approval a written mutual agreement
22 that specifies how and by whom the emergency services coordinator shall be
23 appointed. The agreement shall also include specific provisions addressing
24 the funding, administration, staff and operational control of the
25 interjurisdictional office. The interjurisdictional office of emergency
26 services shall meet the same minimum standards and requirements as a single
27 jurisdiction office of emergency services in order to maintain eligibility for
28 state and federal emergency management funding and program assistance.

29 (2) A finding of the Governor pursuant to this subsection shall
30 be based on an assessment conducted by the director of the State Office of
31 Emergency Services using one (1) or more factors related to the difficulty of
32 maintaining an efficient, effective and economical system for
33 disaster/emergency preparedness, mitigation, response and recovery such as:

34 (A) Small or sparse population;

35 (B) Limitations on public financial resources severe enough

1 to make maintenance of a separate established local office of emergency
2 services unreasonably burdensome;

3 (C) Unusual vulnerability to disaster emergency based on
4 geographical, geological, hydrological, meteorological or technological
5 disaster potential;

6

7 (D) Other relevant conditions or circumstances."

8

9 SECTION 6. Arkansas Code 12-75-118 is amended to read as follows:

10 "12-75-118. Local and interjurisdictional disaster agencies and
11 services.

12 (a) (1) Each political subdivision within this state shall be within the
13 jurisdiction of and served by the State Office of Emergency Services and by a
14 local or interjurisdictional office of emergency services.

15 (2) Local or interjurisdictional offices of emergency services
16 shall be established as public safety agencies of their respective political
17 subdivisions and be under the direction and control of the appropriate chief
18 executive for the purposes of mitigation of, planning for, response to, and
19 recovery from disaster and major emergency occurrences and for operation of
20 public safety communication networks.

21 (b) Each county within the state and those municipalities specifically
22 designated by the Governor shall establish, fund and maintain an established
23 local office of emergency services or, as necessary, make arrangements through
24 an interjurisdictional agreement to receive such services. Unless a
25 municipality has been specifically designated as a local organization of
26 emergency services, it shall receive emergency services support from the
27 county, or counties within which its corporate limits are situated.

28 (c) (1) The Governor shall determine if additional municipal or
29 interjurisdictional offices of emergency services are required based on an
30 assessment conducted by the director of the State Office of Emergency Services
31 using one (1) or more of the factors enumerated in § 12-75-117(a).

32 (2) The State Office of Emergency Services shall publish and keep
33 current a list of municipalities required to have offices of emergency
34 services under this subsection.

35 (d) Any provision of this chapter or other law to the contrary

1 notwithstanding, the Governor may require a political subdivision to establish
2 and maintain an office of emergency services jointly with one (1) or more
3 contiguous political subdivisions if he finds that the establishment and
4 maintenance of any agency or participation therein is made necessary by
5 circumstances or conditions that make it unusually difficult to provide
6 disaster or major emergency prevention, preparedness, response, or recovery
7 services under other provisions of this chapter.

8 (e) Each political subdivision which does not have an office of
9 emergency services and has not made arrangements to secure or participate in
10 the services of an agency shall have a liaison officer designated to
11 facilitate the cooperation and protection of that subdivision in the work of
12 disaster and major emergency prevention, preparedness, response, and recovery.

13 (f) (1) The chief executive of each political subdivision shall exercise
14 comparable authority within his political subdivision, and within the limits
15 of the Constitution and laws of the State of Arkansas, as the Governor
16 exercises over the state government during disasters and major emergencies.
17 He shall insure, to the maximum extent possible, that his jurisdiction meets
18 the minimum expected capability for disaster/emergency mitigation, planning,
19 response and recovery.

20 (2) He shall notify the State Office of Emergency Services of the
21 manner in which the political subdivision is providing or securing disaster
22 planning and emergency services, provide a staffing pattern for the local
23 office of emergency services, identify the person who heads the local office,
24 and furnish additional information relating thereunto as the state office
25 requires.

26 (g) Each local and interjurisdictional office of emergency services
27 shall prepare and keep current an emergency operations plan for its area. The
28 basic plan and all annexes must be approved by the office of emergency
29 services of the political subdivision and receive concurrence of the chief
30 executive, then the plan must be submitted to the State Office of Emergency
31 Services for approval prior to implementation.

32 (h) The local or interjurisdictional office of emergency services, as
33 the case may be, shall prepare a statement. This statement shall be
34 distributed to all appropriate officials in written form and shall be a clear
35 and complete statement of the emergency responsibilities of all local agencies

1 and officials and of the disaster and major emergency chain of command.

2 (i)(1) The county judge of each county and the chief executive officer
3 of those municipal jurisdictions specifically designated as established
4 offices of emergency services shall appoint an emergency services coordinator
5 for their respective offices of emergency services. The written mutual
6 agreement between the participating jurisdictions in an interjurisdictional
7 office of emergency services, executed pursuant to §12-75-117(a), shall govern
8 the appointment of the emergency services coordinator of the
9 interjurisdictional office. The emergency services coordinator shall act for
10 and on behalf of the appropriate chief executive officer to manage and
11 coordinate the functions, duties and activities of the established local
12 office of emergency services.

13 (2) The local emergency services coordinator and such supporting
14 staff of an established local office of emergency services as may be employed
15 in part, or in whole, by state and/or federal emergency management program
16 funds, shall be responsible for meeting all standards and requirements
17 stipulated for funding under the programs.

18 (3) The director of the state office of emergency services shall
19 establish and periodically review criteria necessary to insure compliance with
20 minimum standards and requirements. Failure to meet or maintain minimum
21 standards and requirements or non-compliance with any part of this chapter by
22 an established local office of emergency services may result in a decision by
23 the director to reduce, withhold or terminate partial or full funding for any
24 or all office of emergency services programs in which the political
25 subdivision participates or for which they may be otherwise eligible.

26 (j)(1) Local offices of emergency service shall operate and maintain as
27 a minimum a telecommunications link with the State Office of Emergency
28 Services.

29 (2) When authorized by the chief executive of the political
30 subdivision and properly staffed, the local office of emergency services may
31 operate a public safety communications center for the purposes of
32 coordination, dispatch, and information services for local government public
33 safety agencies and private or volunteer agencies with an emergency service
34 mission. The public safety communications center must be staffed by paid
35 office of emergency services public safety officers of the political

1 subdivision and operate on a continuous basis if it is to serve as a law
2 enforcement or fire dispatch and service center."

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4 SECTION 7. Arkansas Code 12-75-119(d) is amended to read as follows:

5 "(d) (1) Mutual aid agreements between political subdivisions are
6 encouraged, thereby providing each political subdivision with a larger
7 complement of resources.

8 (2) The coordinators of the offices of emergency services of the
9 participating political subdivisions will approve mutual aid agreements, which
10 will become effective upon concurrence of the chief executives of the
11 participating subdivisions or the head of a private or volunteer agency."

12

13 SECTION 8. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 9. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 10. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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/s/John E. Miller

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