

As Engrossed: 1/18/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 115 OF 1995
SENATE BILL 114

4 **By: Senators Smith, Hopkins, and Fitch**

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For An Act To Be Entitled

8 "AN ACT TO CREATE THE EMERGENCY VOLUNTEER RESERVE ACT OF
9 1995 WHICH WILL ESTABLISH WITHIN THE STATE OFFICE OF
10 EMERGENCY SERVICES AN EMERGENCY VOLUNTEER RESERVE OF
11 PERSONS TRAINED TO ASSIST IN DISASTER RESPONSE AND
12 RECOVERY; AND FOR OTHER PURPOSES."

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Subtitle

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

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24 SECTION 1. Short Title. This act may be cited as the "Emergency
25 Volunteer Reserve Act of 1995."

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27 SECTION 2. Policy and Purpose. Because of the potential for a natural,
28 technological or national emergency related disaster of catastrophic
29 proportions and devastating impact requires extensive use of highly trained
30 and skilled personnel experienced in disaster response and recovery actions,
31 and whereas such needs and requirements may exceed the normal forces available
32 to the State of Arkansas to prevent death and injury to her citizens and
33 extensive loss of property, it is hereby found and declared necessary:

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(1) to establish within the State Office of Emergency Services an
emergency volunteer reserve cadre of persons trained and experienced in
certain functions related to disaster response and recovery operations;

1 (2) to provide authority to the Director of the State Office of
2 Emergency Services to call said emergency volunteer reserve personnel into
3 active service upon declaration of a state of disaster emergency by the
4 Governor of the State of Arkansas, the President of the United States or when,
5 in the opinion of the Director of the State Office of Emergency Services a
6 pending natural, technological or national emergency may require the immediate
7 services of said personnel;

8 (3) to provide the authority to the Director of the State Office of
9 Emergency Services to reimburse members of the Emergency Volunteer Reserve,
10 when called to active duty, for out-of-pocket expenses for lodging, food and
11 travel at the current rate and under the provisions for reimbursement
12 applicable to state employees of like grade and responsibility during the
13 period of active service to the state; and

14 (4) to provide to the Emergency Volunteer Reserve the same privileges
15 and immunities as are applicable to state employees when performing their
16 duties on behalf of the state.

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18 SECTION 3. Definitions.

19 (1) "Director" means the Director of the State Office of Emergency
20 Services including any Acting Director, when such position is authorized by
21 the Governor, and those persons officially authorized to act for the director
22 in his absence or incapacitation.

23 (2) "Emergency Volunteer Reserve" means persons recruited as volunteers
24 to serve in time of emergency and supplement the regular employees of the
25 State Office of Emergency Services in disaster response and recovery
26 operations.

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28 SECTION 4. Management.

29 (1) Any person seeking enrollment into the Emergency Volunteer Reserve
30 shall be notified that no salary, retainer, emoluments or other monetary
31 reimbursement shall be made for their services except reimbursement for food,
32 lodging, and travel utilizing a privately owned vehicle when so authorized by
33 the director. Reimbursement shall be made in accordance with current state
34 travel regulations and at the prescribed rates in effect at the time of their
35 services. However, this shall not disqualify any person from future

1 employment as emergency hire or full time employee when hired through the
2 prescribed state employment procedures applicable to the position they are
3 seeking.

4 (2) The State Office of Emergency Services shall establish a system to
5 recruit personnel with special skills or experience related to emergency
6 response and recovery operations and provide initial familiarization training
7 and periodic proficiency training as necessary for members of the Emergency
8 Volunteer Reserve to insure their readiness for immediate deployment for
9 response and recovery activities. This personnel shall be enrolled as
10 emergency services volunteers in accordance with Ark. Code Ann. § 12-75-127,
11 and shall be eligible for immunities and exemptions in accordance with Ark.
12 Code Ann. § 12-75-128 and worker_s compensation benefits in accordance with
13 Ark. Code Ann. § 12-75-129.

14 (3) The State Office of Emergency Services shall establish an
15 administrative management system to recruit and maintain qualified personnel
16 and establish a fiscal management system to ensure prompt and reasonable
17 reimbursement of authorized expenses.

18 (4) Persons recruited for the Emergency Volunteer Reserve may, but are
19 not limited to, provide services in Disaster Application Centers, Disaster
20 Field Offices, Disaster Survey Teams, fixed or mobile emergency operating
21 centers and communications facilities and utilize other specific skills for
22 which they may qualify or be trained to assume. Members are subject to
23 deployment within the State of Arkansas and may, upon invocation of mutual aid
24 agreements with other states, accompany state employees at host state or
25 federal expense on out-of-state services.

26 (5) When called into active service by the director, members of the
27 Emergency Volunteer Reserve shall be under the operational and administrative
28 management of the State Office of Emergency Services and such employees of
29 that office who may be designated to supervise their duties.

30 (6) The director shall have the authority to immediately relieve
31 members of the Emergency Volunteer Reserve for actual misconduct or perceived
32 incompetence or inability to perform their assigned duties.

33 (7) When relieved by authority other than the director, members shall
34 have the right of appeal to the director for reinstatement.

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

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5 SECTION 7. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 8. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 9. EMERGENCY. It is hereby found and determined by the
15 General Assembly that threat of disaster emergency and the need for immediate
16 response and recovery to protect the lives, health and welfare of the people
17 of Arkansas require these functions to be authorized immediately. Therefore,
18 an emergency is hereby declared to exist and this act being necessary for the
19 immediate preservation of the public peace, health and safety shall be in full
20 force and effect from and after its passage and approval.

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22 /s/Smith

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24 APPROVED: 2-1-95

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