

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 vState of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/1/99

A Bill

Act 646 of 1999
HOUSE BILL 1677

5 By: Representative Simmons
6 By: *Senator Russ*
7

For An Act To Be Entitled

10 "AN ACT TO RENAME THE STATE OFFICE OF EMERGENCY
11 SERVICES AS THE ARKANSAS DEPARTMENT OF EMERGENCY
12 MANAGEMENT; AND FOR OTHER PURPOSES. "
13

Subtitle

15 "AN ACT TO RENAME THE STATE OFFICE OF
16 EMERGENCY SERVICES AS THE ARKANSAS
17 DEPARTMENT OF EMERGENCY MANAGEMENT; AND
18 FOR OTHER PURPOSES. "
19
20

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

23 SECTION 1. The State Office of Emergency Services shall hereafter be
24 known as the Arkansas Department of Emergency Management. Any provisions of
25 the Arkansas Code not corrected by this act shall be corrected by the Arkansas
26 Code Revision Commission to reflect the title Arkansas Department of Emergency
27 Management instead of State Office of Emergency Services or any similar titles
28 that now apply to the State Office of Emergency Services.
29

30 SECTION 2. Arkansas Code 10-6-107(d) is amended to read as follows:

31 "(d) The Secretary of State shall inform the Governor, the ~~Office of~~
32 ~~Emergency Services~~ Arkansas Department of Emergency Management, the chief
33 clerk of the house concerned, and all emergency interim successors of all
34 designations, removals, and changes in order of succession."
35

36 SECTION 3. Arkansas Code 11-13-102(10) is amended to read as follows:

1 “(10) ‘State agencies’ means the Arkansas Economic Development
2 Commission, the Department of Arkansas Heritage, the Department of Correction,
3 the Department of Education, the Department of Higher Education, the
4 Department of Human Services, the Department of Labor, the Department of Parks
5 and Tourism, the Department of Pollution Control and Ecology, the Arkansas
6 Employment Security Department, the Arkansas State Game and Fish Commission,
7 the Military Department, and the ~~State Office of Emergency Services~~ Arkansas
8 Department of Emergency Management; and”

9
10 SECTION 4. Arkansas Code 12-75-102(a)(1) is amended to read as follows:

11 “(1) To create ~~a State Office of Emergency Services~~ from the present
12 Office of Emergency Services and current adjunct offices the Arkansas
13 Department of Emergency Management and authorize and direct the creation of
14 comparable local organizations within the political subdivisions of the
15 state;”

16
17 SECTION 5. Arkansas Code 12-75-102(b)(1) is amended to read as follows:

18 “(1) Requiring all state and local government offices to coordinate ~~all~~
19 ~~disaster-related~~ emergency management activities through the ~~State Office of~~
20 ~~Emergency Services~~ Arkansas Department of Emergency Management in order to
21 ~~assure maximum efficiency and economy~~ manage personnel, equipment and
22 resources for the most effective and economical use.”

23
24 SECTION 6. Arkansas Code 12-75-102 is amended to add the following
25 subsections:

26 “(c) The protection of lives and property is the responsibility of all
27 levels of government. County and municipal governments, except as noted in
28 this subchapter, bear primary responsibility for initial actions and
29 activities related to disaster preparedness, response and recovery for the
30 county and the municipalities therein through their local emergency management
31 office, with support from the Arkansas Department of Emergency Management.

32 “(d) When events have, or will exceed local government’s ability to
33 respond or recover without state assistance, the chief executive officer must
34 declare a local state of disaster/emergency as prescribed in this subchapter
35 to signify their intent to request resources of the state and/or federal
36 government. Where time constraints are critical to the saving of lives and

1 property, the local Chief Executive Officer may verbally declare a local state
2 of disaster or emergency to the Director of the Arkansas Department of
3 Emergency Management to be followed by a written declaration as soon as
4 practicable. Only upon such declaration may the resources of the state, and
5 then may the state request the assistance and resources of the federal
6 government be provided unless and except where the magnitude of the disaster
7 is of such severity that the functions of local government have ceased, or the
8 chief executive officer of the municipal and/or county government and their
9 designated successors have become incapacitated. Under such conditions the
10 Governor may declare a state of disaster/emergency on behalf of the specified
11 local jurisdiction and direct emergency functions until such time as local
12 government is restored."

13
14 SECTION 7. Arkansas Code 12-75-103(1) is amended to read as follows:

15 "(1) 'Emergency ~~services management~~' means ~~the preparation for and~~
16 ~~carrying out of all emergency functions by existing~~ disaster/emergency
17 preparedness, mitigation, response and recovery by state and local governments
18 other than functions for which military forces are primarily responsible to
19 prevent, minimize, and repair injury and damage resulting from major
20 emergencies or from disasters caused by enemy attack, domestic or foreign
21 terrorist attacks, natural causes, man-made catastrophes, or civil
22 disturbances. These functions include, without limitation: fire fighting; law
23 and order; medical and health; rescue; engineering; warning; communications;
24 radiological, chemical, biological, or other special material identification,
25 measurement, and decontamination; evacuation or relocation of persons from
26 stricken areas; emergency social services such as housing, feeding, and
27 locator service; emergency transportation; plant protection; damage assessment
28 and evaluation; temporary restoration of public facilities; emergency
29 restoration of publicly owned utilities, or privately owned utilities serving
30 the public good; debris clearance; hazard vulnerability and capability
31 analysis; and other functions related to the protection of the people and
32 property of the state, together with all other activities necessary or
33 incidental to the ~~preparation for and carrying out of~~ preparedness,
34 mitigation, response and recovery for all the foregoing functions;"

35
36 SECTION 8. Arkansas Code 12-75-103(7) is amended to read as follows:

1 "(7) 'Operational control' means the assigning of missions and the
 2 exercising of immediate command and overall management of all resources
 3 committed by state or local government to a disaster operation or major
 4 emergency. Unless otherwise delegated by executive order, the chief executive
 5 of the state or local governments, the Director of the Arkansas Department of
 6 Emergency Management, or head of the ~~state or~~ local office of emergency
 7 services as the chief executive's direct representative will exercise
 8 operational control of the occurrence and assign missions. Each agency,
 9 department, or organization will exercise control and authority over its
 10 personnel and resources to accomplish the assigned mission. Each will
 11 coordinate activities through the ~~state~~ Arkansas Department of Emergency
 12 Management or local office of emergency services exercising operational
 13 control of the occurrence. Operational control does not imply, nor is it
 14 intended to include, administrative management, which will remain with the
 15 parent organization;"

16
 17 SECTION 9. Arkansas Code 12-75-103(13)and (14) is amended to read as
 18 follows:

19 "(13) 'Qualified emergency services worker' means a volunteer worker,
 20 duly qualified and registered with either an accredited local emergency
 21 services organization or the ~~State Office of Emergency Services~~ Arkansas
 22 Department of Emergency Management, who has on file in either of the
 23 aforementioned the following:

- 24 (A) Name and address;
- 25 (B) Date enrolled;
- 26 (C) Loyalty oaths; and,
- 27 (D) Class of service assigned;

28 (14) 'Accredited local emergency services organization' means any local
 29 organization which has completed the requirements under this chapter, has
 30 complied with the rules promulgated by the ~~state office~~ Arkansas Department of
 31 Emergency Management, and has received a letter of accreditation therefrom;"

32
 33 SECTION 10. Arkansas Code 12-75-103(18) is amended to read as follows:

34 "(18) 'Established local office of emergency services' means any one
 35 (1) of the seventy-five (75) county offices or those specified municipal
 36 offices of emergency services accredited by the ~~State Office of Emergency~~

1 ~~Services~~ Arkansas Department of Emergency Management as of January 1, 1993,
2 and any such additional municipal or interjurisdictional office of emergency
3 services as may later be established by the Governor under this chapter;"

4
5 SECTION 11. Arkansas Code 12-75-103(20) is amended to read as follows:

6 "(20) 'Emergency management standards' means standards of training,
7 education, and performance established by the Director of the ~~State Office of~~
8 ~~Emergency Services~~ Arkansas Department of Emergency Management for employees
9 of the state and established local offices of emergency services designed to
10 ensure competency and professionalism and to determine minimum qualifications
11 for the receipt of federal or state emergency management funding, or both;"

12
13 SECTION 12. Arkansas Code 12-75-105 is amended to read as follows:

14 "12-75-105. Status of civil defense employees. Nothing in this chapter
15 shall be construed as affecting the employment status of personnel employed by
16 the Executive Office of Civil Defense and Disaster Relief on March 30, 1973.
17 Such personnel shall continue to be employed under the provisions of the Merit
18 System Council in the ~~State Office of Emergency Services~~ Arkansas Department
19 of Emergency Management. The Merit System Council shall effect such changes
20 in job descriptions and position titles as necessary to meet the requirements
21 of this chapter."

22
23 SECTION 13. Arkansas Code 12-75-107(a) is amended to read as follows:

24 "(a) A disaster emergency shall be declared by executive order or
25 proclamation of the Governor if he finds a disaster has occurred or that the
26 occurrence or the threat of disaster is imminent. When time is critical
27 because of rapidly occurring disaster emergency events the Governor may
28 verbally declare for immediate response and recovery purposes until the
29 formalities of a written executive order or proclamation can be completed in
30 the prescribed manner."

31
32 SECTION 14. Arkansas Code 12-75-107(e) is amended to read as follows:

33 "(e) An executive order or proclamation shall be disseminated promptly
34 by means calculated to bring its contents to the attention of the general
35 public and, unless the circumstances attendant upon the disaster prevent or
36 impede, filed promptly with the ~~State Office of Emergency Services~~ Arkansas

1 Department of Emergency Management, the Secretary of State, and the county or
2 city clerk of the political subdivision to which it applies."

3
4 SECTION 15. Arkansas Code 12-75-109 is amended to read as follows:

5 "~~12-75-109. State Office of Emergency Services~~ Arkansas Department of
6 Emergency Management- Establishment - Personnel.

7 (a) ~~A State Office of Emergency Services~~ The Arkansas Department of
8 Emergency Management is established as a public safety agency of the State of
9 Arkansas.

10 (b) The ~~office~~ department shall have a director appointed by the
11 Governor, with the advice and consent of the Senate, who shall serve at the
12 pleasure of the Governor.

13 (c) The ~~office~~ department shall have such professional, technical,
14 secretarial, and clerical employees and may make such expenditures within the
15 appropriation therefor or from any federal or other funds made available to it
16 from any source whatsoever for the purpose of emergency services, as may be
17 necessary to carry out the purposes of this chapter. All such employees shall
18 be in job positions as approved by the Merit System Council.

19 (d) The present Office of Fire Protection Services, established under
20 Act 280 of 1993, as amended, and Office of Hazardous Materials Emergency
21 Management established under Act 634 of 1995, as amended, are abolished as
22 independent and separate offices and reestablished with personnel, duties and
23 responsibilities as functional programs within the Arkansas Department of
24 Emergency Management."

25
26
27 SECTION 16. Arkansas Code 12-75-110 is amended to read as follows:

28 "~~12-75-110. Office of Emergency Services~~ Arkansas Department of
29 Emergency Management - State Disaster Plan.

30 (a) The ~~State Office of Emergency Services~~ Arkansas Department of
31 Emergency Management shall prepare and maintain a State Disaster Plan and keep
32 it current, which plan may include:

33 (1) Prevention and minimization of injury and damage caused by
34 disaster;

35 (2) Measures for prompt and effective response to disasters;

36 (3) Emergency relief;

- 1 (4) Identification of areas particularly vulnerable to disasters;
- 2 (5) Recommendations for zoning, building, and other land use
- 3 controls, safety measures for securing mobile homes or other non-permanent or
- 4 semipermanent structures, and other preventive and preparedness measures
- 5 designed to eliminate or reduce disasters or their impact;
- 6 (6) Assistance to local officials in designing local emergency
- 7 action plans;
- 8 (7) Authorization and procedures for the erection or other
- 9 construction of temporary works designed to protect against or mitigate
- 10 danger, damage, or loss from flood, conflagration, or other disasters;
- 11 (8) Preparation and distribution to appropriate state and local
- 12 officials of state catalogues of federal, state, and private assistance
- 13 programs;
- 14 (9) Organization of manpower and the establishment of chains of
- 15 command;
- 16 (10) Coordination of federal, state, and local disaster
- 17 activities;
- 18 (11) Coordination of the State Disaster Plan with the disaster
- 19 plans of the federal government; and
- 20 (12) Other necessary matters.

21 (b) In preparing and revising the State Disaster Plan, the ~~State Office~~
 22 ~~of Emergency Services~~ Arkansas Department of Emergency Management shall seek
 23 the advice and assistance of state agencies, local government, business,
 24 labor, industry, agriculture, civic and volunteer organizations, and community
 25 leaders. In advising local and jurisdictional agencies, the ~~office~~ department
 26 shall encourage them also to seek advice from these sources.

27 (c) The State Disaster Plan or any part thereof may be incorporated in
 28 regulations of the ~~State Office of Emergency Services~~ Arkansas Department of
 29 Emergency Management or executive orders which have the force and effect of
 30 law."

31
 32 SECTION 17. Arkansas Code 12-75-111 is amended to read as follows:

33 "12-75-111. ~~Office of Emergency Services~~ Arkansas Department of
 34 Emergency Management - Other powers and duties.

35 (a) The ~~State Office of Emergency Services~~ Arkansas Department of
 36 Emergency Management shall, with the assistance and cooperation of other state

1 and local government agencies:

2 (1) Determine requirements of the state and its political
3 subdivisions for food, clothing, and other necessities in event of an
4 emergency;

5 (2) Procure and pre-position supplies, medicines, materials, and
6 equipment;

7 (3) Promulgate standards and requirements for local and
8 interjurisdictional disaster plans;

9 (4) Periodically review local and interjurisdictional disaster
10 plans;

11 (5) Provide for mobile support units;

12 (6) Establish and operate or assist political subdivisions, their
13 disaster agencies, and interjurisdictional disaster agencies to establish and
14 operate training programs and programs of public information;

15 (7) Make surveys of industries, resources, and facilities within
16 the state, both public and private, as are necessary to carry out the purposes
17 of this chapter;

18 (8) Plan and make arrangements for the availability and use of
19 any private facilities, services, and property and, if necessary and if in
20 fact used, provide for payment for use under terms and conditions agreed upon;

21 (9) Establish a register of persons with types of training and
22 skills important in emergency prevention, preparedness, response, and
23 recovery;

24 (10) Establish a register of mobile and construction equipment
25 and temporary housing available for use in a disaster emergency;

26 (11) Prepare for issuance by the Governor of executive orders,
27 proclamations, and regulations as necessary or appropriate in coping with
28 disasters;

29 (12) Cooperate with the federal government and any public or
30 private agency or entity in achieving the purpose of this chapter and in
31 implementing programs for disaster prevention, preparation, response, and
32 recovery; and

33 (13) Do other things necessary, incidental, or appropriate for
34 the implementation of this chapter.

35 (b)(1) ~~The State Office of Emergency Services~~ Arkansas Department of
36 Emergency Management shall take an integral part in the development and

1 revision of local and interjurisdictional disaster plans prepared under § 12-
2 75-118.

3 (2) To this end it shall employ or otherwise secure the services
4 of professional and technical personnel capable of providing expert assistance
5 to political subdivisions, their disaster agencies, and interjurisdictional
6 planning and disaster agencies. These personnel shall consult with
7 subdivisions and agencies on a regularly scheduled basis and shall make field
8 examinations of the area, circumstances, and conditions to which particular
9 local and interjurisdictional disaster plans are intended to apply and may
10 suggest or require revisions."

11

12 SECTION 18. Arkansas Code 12-75-112 is amended to read as follows:

13 "12-75-112. Communications networks. ~~The State Office of Emergency~~
14 ~~Services~~ Arkansas Department of Emergency Management shall operate and
15 maintain ~~a telecommunications network~~ information systems which will make
16 available ~~a communications link~~ both voice and data links with the Federal
17 Emergency Management Agency, ~~National Advance Warning System, National Weather~~
18 ~~Service,~~ other federal agencies, other states, and such state agencies as are
19 assigned an emergency management role in the State of Arkansas Emergency
20 Operations Plan, and local offices of emergency ~~services~~ management. In
21 addition to these minimum requirements, additional ~~communications~~ information
22 systems networks may be established as deemed necessary by the director."

23

24 SECTION 19. Arkansas Code 12-75-113(a) is amended to read as follows:

25 "(a) Due to the time-critical nature of response to the scene of a
26 disaster or major emergency occurrence, the Director of the ~~State Office of~~
27 ~~Emergency Services~~ Arkansas Department of Emergency Management is authorized
28 to designate appropriate vehicles as requested in the staffing patterns of the
29 state and local offices of emergency services and other state agency vehicles
30 with an emergency service response requirement as emergency response
31 vehicles."

32

33 SECTION 20. Arkansas Code 12-75-114(c)(2) is amended to read as
34 follows:

35 "(2) The initial amount of the disaster response fund shall be in
36 the amount of five hundred thousand dollars (\$500,000), the disaster recovery

1 fund shall be in the amount of ~~two million dollars (\$2,000,000)~~ three million
2 dollars (\$3,000,000), and the hazard mitigation fund shall be in the amount of
3 ~~one million dollars (\$1,000,000)~~ two million dollars (\$2,000,000), with:

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

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

8 (C) The sum of ~~one million dollars (\$1,000,000)~~ two million
9 dollars (\$2,000,000) solely for use in hazard mitigation assistance; and

10 (D) The sum of five hundred thousand dollars (\$500,000)
11 solely for use to defray the cost of immediate emergency response."
12

13 SECTION 21. Arkansas Code 12-75-114(c)(5) and (6) are amended to read
14 as follows:

15 "(5) Expenditures from the emergency response fund shall be made by
16 executive order of the Governor, upon recommendation and verification by the
17 Director of the ~~State Office of Emergency Services~~ Arkansas Department of
18 Emergency Management, and may only be made to defray immediate costs
19 associated with response activities by emergency forces of state and local
20 governments and private, nonprofit forces duly registered in accordance with
21 §12-75-127.

22 (6) Expenditures from the hazard mitigation fund shall be made by
23 executive order of the Governor. The Director of the ~~State Office of Emergency~~
24 ~~Services~~ Arkansas Department of Emergency Management shall establish and
25 maintain a current hazard vulnerability analysis of key critical public
26 facilities eligible for assistance under the Governor's hazard mitigation
27 fund."
28

29 SECTION 22. Arkansas Code 12-75-115(a)(3) is amended to read as
30 follows:

31 "(3) These studies will be furnished to the Governor and the ~~State~~
32 ~~Office of Emergency Services~~ Arkansas Department of Emergency Management as
33 soon as possible after completion and shall concentrate on means of reducing
34 or avoiding damage caused by possible disasters or their consequence thereof."
35

36 SECTION 23. Arkansas Code 12-75-115(b)(1) is amended to read as

1 follows:

2 "(b)(1) If the ~~State Office of Emergency Services~~ Arkansas Department
3 of Emergency Management believes, on the basis of the studies or other
4 competent evidence, that an area is susceptible to a disaster of catastrophic
5 proportions without adequate warning, that existing building standards and
6 land use control in that area are inadequate and could add substantially to
7 the magnitude of the disaster, and that changes in zoning regulations, other
8 land use regulations, or building requirements are essential in order to
9 further the purposes of this section, it shall specify the essential changes
10 to the Governor."

11

12 SECTION 24. Arkansas Code 12-75-116(b) and (c) are amended to read as
13 follows:

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

15 (1) Maintain close and continuous liaison with the ~~State Office~~
16 ~~of Emergency Services~~ Arkansas Department of Emergency Management, as
17 applicable;

18 (2) Prepare agency annexes to the state and, as applicable, local
19 emergency operations plans which are compatible with this chapter and with
20 guidance provided by the ~~State Office of Emergency Services~~ Arkansas
21 Department of Emergency Management;

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

24 (4) Ensure that the agency can respond promptly and cooperatively
25 with other agencies in any disaster or major emergency situation under the
26 overall management of the ~~State Office of Emergency Services~~ Arkansas
27 Department of Emergency Management;

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

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

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

35 (c) As conditions or situations may require or dictate, the Director of
36 the ~~State Office of Emergency Services~~ Arkansas Department of Emergency

1 Management may request a state department, agency, or institution not
2 currently participating in the emergency services liaison officer program to
3 appoint an officer in accordance with this section."
4

5 SECTION 25. Arkansas Code 12-75-117(a)(2) is amended to read as
6 follows:

7 "(2) A finding of the Governor pursuant to this subsection shall be
8 based on an assessment conducted by the Director of the ~~State Office of~~
9 ~~Emergency Services~~ Arkansas Department of Emergency Management using one (1)
10 or more factors related to the difficulty of maintaining an efficient,
11 effective, and economical system for disaster and emergency preparedness,
12 mitigation, response, and recovery such as:

13 (A) Small or sparse population;

14 (B) Limitations on public financial resources severe enough to
15 make maintenance of a separate established local office of emergency services
16 unreasonably burdensome;

17 (C) Unusual vulnerability to disasters and emergencies based on
18 geographical, geological, hydrological, meteorological, or technological
19 disaster potential; and

20 (D) Other relevant conditions or circumstances."
21

22 SECTION 26. Arkansas Code 12-75-118(a) is amended to read as follows:

23 "(a)(1) Each political subdivision within this state shall be within
24 the jurisdiction of and served by the ~~State Office of Emergency Services~~
25 Arkansas Department of Emergency Management and by a local or
26 interjurisdictional office of emergency services.

27 (2) Local or interjurisdictional offices of emergency ~~services~~
28 management shall be established as public safety agencies of their respective
29 political subdivisions and be under the direction and control of the
30 appropriate chief executive for the purposes of mitigation of, planning for,
31 response to, and recovery from disaster and major emergency occurrences and
32 for operation of public safety ~~communication~~ information networks."
33

34 SECTION 27. Arkansas Code 12-75-118(c) is amended to read as follows:

35 "(c)(1) The Governor shall determine if additional municipal or
36 interjurisdictional offices of emergency services are required based on an

1 assessment conducted by the Director of the ~~State Office of Emergency Services~~
2 Arkansas Department of Emergency Management using one (1) or more of the
3 factors enumerated in § 12-75-117(a).

4 (2) The ~~State Office of Emergency Services~~ Arkansas Department of
5 Emergency Management shall publish and keep current a list of municipalities
6 required to have offices of emergency services under this subsection."
7

8 SECTION 28. Arkansas Code 12-75-118(f)(2) is amended to read as
9 follows:

10 "(2) He shall notify the ~~State Office of Emergency Services~~ Arkansas
11 Department of Emergency Management of the manner in which the political
12 subdivision is providing or securing disaster planning and emergency services,
13 provide a staffing pattern for the local office of emergency services,
14 identify the person who heads the local office, and furnish additional
15 information relating thereto as the ~~state office~~ department requires."
16

17 SECTION 29. Arkansas Code 12-75-118(g) is amended to read as follows:

18 "(g) Each local and interjurisdictional office of emergency services
19 shall prepare and keep current an emergency operations plan for its area. The
20 basic plan and all annexes must be approved by the office of emergency
21 services of the political subdivision and receive concurrence of the chief
22 executive; then the plan must be submitted to the ~~State Office of Emergency~~
23 ~~Services~~ Arkansas Department of Emergency Management for approval prior to
24 implementation."
25

26 SECTION 30. Arkansas Code 12-75-118(i)(3)(A) is amended to read as
27 follows:

28 "(3)(A) The Director of the ~~State Office of Emergency Services~~ Arkansas
29 Department of Emergency Management shall establish and periodically review
30 criteria necessary to ensure compliance with minimum standards and
31 requirements."
32

33 SECTION 31. Arkansas Code 12-75-118(j)(1) is amended to read as
34 follows:

35 "(j)(1) Local offices of emergency ~~service~~ management shall operate and
36 maintain as a minimum a ~~telecommunications~~ an information systems link with

1 the ~~State Office of Emergency Services~~ Arkansas Department of Emergency
2 Management. "

3
4 SECTION 32. Arkansas Code 12-75-119(a) is amended to read as follows:

5 "(a) Political subdivisions not participating in interjurisdictional
6 arrangements pursuant to this chapter nevertheless shall be encouraged and
7 assisted by the ~~State Office of Emergency Services~~ Arkansas Department of
8 Emergency Management to conclude suitable arrangements for furnishing mutual
9 aid in coping with disaster. The arrangements shall include provision of aid
10 by persons and units in public employ. "

11
12 SECTION 33. Arkansas Code 12-75-126 is amended to read as follows:

13 "12-75-126. Public safety officers. The Director of the ~~State Office of~~
14 ~~Emergency Services~~ Arkansas Department of Emergency Management and persons he
15 may designate from the state and local offices of emergency services staffing
16 patterns shall be sworn public safety officers as defined and limited by this
17 chapter. Determination of the need for such designation shall be based on
18 their responsibilities in mitigation of, planning for, response to, and
19 recovery from disasters or major emergency occurrences and for public safety
20 communications operations. "

21
22 SECTION 34. Arkansas Code 12-75-127(c) and (d) are amended to read as
23 follows:

24 "(c) The Director of the ~~State Office of Emergency Services~~ Arkansas
25 Department of Emergency Management may determine what is to constitute a ~~State~~
26 ~~Office of Emergency Services~~ Arkansas Department of Emergency Management
27 uniform for ~~state office~~ department personnel. Likewise, the chief executive
28 officer of a local office of emergency services may determine, as deemed
29 necessary, what is to constitute a uniform for his jurisdiction. The uniform
30 may include a badge or identification card, or both, of appropriate design and
31 dimensions to identify local office of emergency services personnel as bona
32 fide emergency services workers within their jurisdiction and ~~State Office of~~
33 ~~Emergency Services~~ Arkansas Department of Emergency Management personnel as
34 bona fide emergency workers for the State of Arkansas.

35 (d) All persons issued or provided such badge, identification, or uniform
36 shall wear, carry, or display it at such times and places as shall be

1 designated or required by the chief executive officer of the local
 2 jurisdiction for local office of emergency services personnel and by the
 3 Director of the ~~State Office of Emergency Services~~ Arkansas Department of
 4 Emergency Management for ~~State Office of Emergency Services~~ Arkansas
 5 Department of Emergency Management personnel."

6
 7 SECTION 35. Arkansas Code 12-75-129(a) is amended to read as follows:

8 "(a) Benefits payable for the injury or death of persons appointed and
 9 regularly enrolled in accredited emergency services organizations and covered
 10 by this chapter, while actually engaged in emergency service duties, either
 11 during training or during a period of emergency and subject to the order or
 12 control of, or pursuant to a request of, and under the supervision and
 13 instruction of, the Governor of the State of Arkansas; the ~~State Office of~~
 14 ~~Emergency Services~~ Arkansas Department of Emergency Management, the chief
 15 executive officer, or the designated Emergency Services Director; or a county
 16 of an accredited local government unit making use of emergency service
 17 volunteer workers, shall be limited to the provisions of the Arkansas Workers'
 18 Compensation Act, § 11-9-101 et seq., if such persons are regularly employed
 19 by a local government or the State of Arkansas. If such person is a qualified
 20 emergency services volunteer worker of the State of Arkansas or an accredited
 21 local organization for emergency services, recovery shall be limited as
 22 hereinafter provided."

23
 24 SECTION 36. Arkansas Code 12-75-129(f) is amended to read as follows:

25 "(f) An emergency services volunteer worker shall be deemed duly
 26 registered and qualified when he is a member of and has on file in either an
 27 accredited local emergency services organization, or in the ~~Office of~~
 28 ~~Emergency Services~~ Arkansas Department of Emergency Management the following
 29 information:

- 30 (1) Name and address;
- 31 (2) Date enrolled;
- 32 (3) Loyalty oath; and
- 33 (4) Class of service assigned."

34
 35 SECTION 37. Arkansas Code 12-75-131(a)(1) is amended to read as
 36 follows:

1 "(a)(1) The ~~State Office of Emergency Service~~ Arkansas Department of
2 Emergency Management is hereby authorized to provide special compensation to
3 certain employees for each full pay period of eighty (80) hours worked in a
4 job which requires the provision of on-site emergency disaster relief services
5 in cases of wartime, man-made, or natural disasters."

6
7 SECTION 38. Arkansas Code 12-75-131(a)(3)(B) is amended to read as
8 follows:

9 "(B) Payment will be controlled through personnel actions by the
10 Director of the ~~State Office of Emergency Services~~ Arkansas Department of
11 Emergency Management."

12
13 SECTION 39. Arkansas Code 12-77-102(b) is amended to read as follows:

14 "(b) Therefore, it is the purpose and intent of this chapter to
15 initiate a program to deal with this matter and to charge the ~~State Office of~~
16 ~~Emergency Services~~ Arkansas Department of Emergency Management, Earthquake
17 Preparedness Program, with the responsibility of carrying out the program
18 requiring the full cooperation of all other state and local government
19 agencies, departments, offices, and personnel and requiring that all
20 earthquake mitigation, preparedness, response, and recovery-related functions
21 of Arkansas be coordinated to the maximum extent with comparable functions of
22 the federal government, including its various departments and agencies, with
23 other states and localities, and with private agencies of every type, to the
24 end that the most effective earthquake mitigation, preparation, response, and
25 recovery capabilities may be accomplished."

26
27 SECTION 40. Arkansas Code 12-77-103(a)(1) is amended to read as
28 follows:

29 "(a)(1) The ~~State Office of Emergency Services~~ Arkansas Department of
30 Emergency Management, Earthquake Preparedness Program, shall coordinate an
31 earthquake program designed to protect the lives and property of persons of
32 this state, to the fullest possible extent, from the direct effects of seismic
33 activity affecting Arkansas as well as from secondary effects created by such
34 occurrence."

35
36 SECTION 41. Arkansas Code 12-77-103(a)(2)(E) is amended to read as

1 follows:

2 "(E) The dissemination of information to the public pertaining to
3 earthquake hazards, protective measures, seismic resistance in building
4 construction, and appropriate actions to be taken before, during, and after an
5 earthquake, and other matters the ~~State Office of Emergency Services~~ Arkansas
6 Department of Emergency Management shall determine to be necessary or
7 appropriate to educate, inform, and equip citizens in this state to deal with
8 any earthquake."

9

10 SECTION 42. Arkansas Code 12-77-103(b) is amended to read as follows:

11 "(b) In order to carry out the responsibilities provided for in this
12 section, the ~~State Office of Emergency Services~~ Arkansas Department of
13 Emergency Management, Earthquake Preparedness Program, is authorized to employ
14 such personnel as deemed necessary to the extent that funds are appropriated
15 therefor by the General Assembly."

16

17 SECTION 43. Arkansas Code 12-78-104 is amended to read as follows:

18 "12-78-104. Management of funds. The ~~State Office of Emergency Services~~
19 Arkansas Department of Emergency Management shall ensure that a system to
20 manage the funds shall provide that:

21 (1) Upon achieving operational status, the warning and communications
22 shall be operated in accordance with the rules, regulations, and laws
23 governing emergency warning and communications systems as promulgated by the
24 Federal Communications Commission, Federal Emergency Management Agency, and
25 the ~~State Office of Emergency Services~~ Arkansas Department of Emergency
26 Management;

27 (2) Equipment shall be maintained in a continuing operational status by
28 local offices of emergency services or the chief executive officer of the
29 jurisdiction and by the responsible supervisor or manager of other recipients
30 and the offices, jurisdictions, or agencies who shall provide supervision and
31 training to those individuals designated to operate the equipment; and

32 (3) Failure to maintain or operate the equipment in accordance with the
33 minimum standards set forth in guidance by the ~~State Office of Emergency~~
34 ~~Services~~ Arkansas Department of Emergency Management shall require repayment
35 to the Treasury of the State of Arkansas that portion of the initial grant of
36 state funds based upon a depreciation rate of fourteen percent (14%) per annum

1 effective from the date of installation and acceptance."

2
3 SECTION 44. Arkansas Code 12-78-105(a) is amended to read as follows:

4 "(a) From funds appropriated therefor, the ~~State Office of Emergency~~
5 ~~Services~~ Arkansas Department of Emergency Management shall provide to eligible
6 local offices of emergency services, and key state agencies assigned an
7 emergency role under the Arkansas Emergency Operations Plan, matching grants
8 not to exceed fifty percent (50%) of the cost of the acquisition of the
9 emergency warning and communications equipment. The grant shall be awarded
10 only for the acquisition of equipment for which the Director of the ~~State~~
11 ~~Office of Emergency Services~~ Arkansas Department of Emergency Management has
12 granted specific approval."

13
14 SECTION 45. Arkansas Code 12-79-102(1) is amended to read as follows:

15 "(1) Create within the ~~State Office of Emergency Services~~ Arkansas
16 Department of Emergency Management a system to notify local, state, and
17 federal emergency response and recovery forces and those other governmental
18 and private sector entities with a mandated responsibility for emergency
19 services; and"

20
21 SECTION 46. Arkansas Code 12-79-103(1) is amended to read as follows:

22 "(1) 'Director' means the Director of the ~~State Office of Emergency~~
23 ~~Services~~ Arkansas Department of Emergency Management established under the
24 Arkansas Emergency Services Act of 1973, beginning at 12-75-101 ~~et seq.~~;"

25
26 SECTION 47. Arkansas Code 12-79-104(a) is amended to read as follows:

27 "(a) The Director of the ~~State Office of Emergency Services~~ Arkansas
28 Department of Emergency Management shall:

29 (1) In cooperation with the State Emergency Response Commission,
30 establish a HAZMAT incident or accident reporting system within the State
31 Emergency Operations Center for disseminating information to the appropriate
32 agencies and emergency first responders for any release of a hazardous and
33 toxic material that might present either an immediate or potential threat to
34 the safety, health, and welfare of the public; and

35 (2) Operate and maintain on a continuing basis emergency
36 direction, control, and warning systems sufficient to meet the minimum

1 requirements of this chapter."
2

3 SECTION 48. Arkansas Code 12-82-104(a)(1)(A) is amended to read as
4 follows:

5 "(A) The directors of the Department of Health, the Department of
6 Pollution Control and Ecology, the Department of Arkansas State Police, the
7 ~~State Office of Emergency Services~~ Arkansas Department of Emergency
8 Management, the Department of Labor, the Arkansas Fire Training Academy, the
9 Arkansas State Highway and Transportation Department, the Adjutant General of
10 the Arkansas National Guard, or their designated representatives;"
11

12 SECTION 49. Arkansas Code 12-83-102 is amended to read as follows:

13 "12-83-102. Policy and purpose. Because the potential for a natural,
14 technological, or national emergency-related disaster of catastrophic
15 proportions and devastating impact requires extensive use of highly trained
16 and skilled personnel experienced in disaster response and recovery actions,
17 and whereas such needs and requirements may exceed the normal forces available
18 to the State of Arkansas to prevent death and injury to her citizens and
19 extensive loss of property, it is hereby found and declared necessary:

20 (1) To establish within the ~~State Office of Emergency Services~~ Arkansas
21 Department of Emergency Management an Emergency Volunteer Reserve Cadre of
22 persons trained and experienced in certain functions related to disaster
23 response and recovery operations;

24 (2) To provide authority to the Director of the ~~State Office of Emergency~~
25 ~~Services~~ Arkansas Department of Emergency Management to call the emergency
26 volunteer reserve personnel into active service upon declaration of a state of
27 disaster emergency by the Governor or the President of the United States or
28 when, in the opinion of the Director of the ~~State Office of Emergency Services~~
29 Arkansas Department of Emergency Management, a pending natural, technological,
30 or national emergency may require the immediate services of the personnel;

31 (3) To provide the authority to the Director of the ~~State Office of~~
32 ~~Emergency Services~~ Arkansas Department of Emergency Management to reimburse
33 members of the Emergency Volunteer Reserve Cadre, when called to active duty,
34 for out-of-pocket expenses for lodging, food, and travel at the current rate
35 and under the provisions for reimbursement applicable to state employees of
36 like grade and responsibility during the period of active service to the

1 state; and

2 (4) To provide to the Emergency Volunteer Reserve Cadre the same
3 privileges and immunities as are applicable to state employees when performing
4 their duties on behalf of the state."

5

6 SECTION 50. Arkansas Code 12-83-103 is amended to read as follows:

7 "12-83-103. Definitions. As used in this chapter:

8 (1) 'Director' means the Director of the ~~State Office of Emergency~~
9 ~~Services~~ Arkansas Department of Emergency Management, including any acting
10 director, when such position is authorized by the Governor, and those persons
11 officially authorized to act for the director in his absence or
12 incapacitation; and

13 (2) 'Emergency Volunteer Reserve Cadre' means persons recruited as
14 volunteers to serve in time of emergency and to supplement the regular
15 employees of the ~~State Office of Emergency Services~~ Arkansas Department of
16 Emergency Management in disaster response and recovery operations."

17

18 SECTION 51. Arkansas Code 12-83-104(a)(1) is amended to read as
19 follows:

20 "(a)(1) The ~~State Office of Emergency Services~~ Arkansas Department of
21 Emergency Management shall establish a system to recruit personnel with
22 special skills or experience related to emergency response and recovery
23 operations and provide initial familiarization training and periodic
24 proficiency training as necessary for members of the Emergency Volunteer
25 Reserve Cadre to ensure their readiness for immediate deployment for response
26 and recovery activities."

27

28 SECTION 52. Arkansas Code 12-83-104(b) is amended to read as follows:

29 "(b) The ~~State Office of Emergency Services~~ Arkansas Department of
30 Emergency Management shall establish an administrative management system to
31 recruit and maintain qualified personnel and establish a fiscal management
32 system to ensure prompt and reasonable reimbursement of authorized expenses."

33

34 SECTION 53. Arkansas Code 12-83-104(e) is amended to read as follows:

35 "(e) When called into active service by the director, members of the
36 Emergency Volunteer Reserve Cadre shall be under the operational and

1 administrative management of the ~~State Office of Emergency Services~~ Arkansas
2 Department of Emergency Management and such employees of that office who may
3 be designated to supervise their duties."
4

5 SECTION 54. Arkansas Code 12-84-104 is amended to read as follows:

6 "12-84-104. State Office of Hazardous Materials Emergency Management.
7 There is created by this chapter a State Office of Hazardous Materials
8 Emergency Management within and under the administrative and operational
9 control of the ~~State Office of Emergency Services~~ Arkansas Department of
10 Emergency Management which shall perform the necessary actions and activities
11 as required under current federal and state laws, rules, and regulations
12 related to emergency planning, training, response, and recovery and as
13 specified in § 12-75-101 et seq., relating to accidental, deliberate, or acts-
14 of-God releases of hazardous or toxic materials which might threaten the
15 public health, safety, welfare, environment, and/or property of the citizens
16 of Arkansas."
17

18 SECTION 55. Arkansas Code 14-284-304(4) is amended to read as follows:

19 "(4) To provide leadership and to cooperate with the ~~Office of~~
20 ~~Emergency Services of this state~~ Arkansas Department of Emergency Management,
21 the State Fire Marshal's office, and the Arkansas Fire Training Academy, in
22 coordinating the efforts of these agencies with the efforts and services of
23 rural fire protection districts, for the purpose of coordinating and making
24 maximum use of the services and resources of this state in providing rural
25 fire protection services in this state;"
26

27 SECTION 56. Arkansas Code 19-4-906(a)(082) is amended to read as
28 follows:

29 "(082) ~~Office of Emergency Services~~ Arkansas Department of Emergency
30 Management 15"
31

32 SECTION 57. Arkansas Code 19-5-302(10)(A)(ii)(u) is amended to read as
33 follows:

34 "(u) ~~State Office of Emergency Services~~ Arkansas Department of
35 Emergency Management;"
36

1 SECTION 58. Arkansas Code 20-22-804(5) is amended to read as follows:
2 "(5) Serve in an advisory capacity to the Director of the ~~Office of~~
3 ~~Emergency Services~~ Arkansas Department of Emergency Management with respect to
4 the operation of the Office of Fire Protection Services; and"

5
6 SECTION 59. Arkansas Code 20-22-805(a) and (b) are amended to read as
7 follows:

8 "(a) There is created the Office of Fire Protection Services, which
9 shall be under the supervision and direction of the Director of the ~~Office of~~
10 ~~Emergency Services~~ Arkansas Department of Emergency Management.

11 (b) The Director of the Office of Fire Protection Services, who shall
12 be employed by the Director of the ~~Office of Emergency Services~~ Arkansas
13 Department of Emergency Management, shall have the responsibility to carry out
14 the administrative functions and directives of the Fire Protection Services
15 Board."

16
17 SECTION 60. Arkansas Code 20-22-1005(a)(3) is amended to read as
18 follows:

19 "(3) One(1) member who is the Director of the ~~State Office of Emergency~~
20 ~~Services~~ Arkansas Department of Emergency Management and who shall serve as
21 chairman of the board."

22
23 SECTION 61. Arkansas Code 20-22-1005(b) is amended to read as follows:

24 "(b) The advisory board shall advise the Director of the ~~State Office~~
25 ~~of Emergency Services~~ Arkansas Department of Emergency Management and the
26 Director of the Office of Fire Protection Services on matters concerning the
27 training, certification, and standards related to fire services in the State
28 of Arkansas and advise the Office of Fire Protection Services in the
29 development and formulation of the Arkansas Fire Protection Services Resources
30 Plan."

31
32 SECTION 62. Arkansas Code 20-22-1006(c) is amended to read as follows:

33 "(c) The Arkansas Fire Protection Services Resources Plan or any part
34 thereof may be incorporated into regulations of the Office of Fire Protection
35 Services, the ~~State Office of Emergency Services~~ Arkansas Department of
36 Emergency Management, or executive orders which have the force and effect of

1 law. "

2

3 SECTION 63. Arkansas Code 21-5-603(a)(5) is amended to read as follows:

4 "(5) Emergency Services Volunteer Workers. Any emergency services
5 volunteer workers duly qualified and registered as provided in § 12-75-129, as
6 amended, when such emergency services volunteer workers are acting subject to
7 the order, or control of, or pursuant to a request of, and under the
8 supervision and instruction of the Governor, the ~~State Office of Emergency~~
9 ~~Services~~ Arkansas Department of Emergency Management, or the chief executive
10 officer of a county or local government unit making use of emergency service
11 volunteer workers. "

12

13 SECTION 64. Arkansas Code 21-5-603(b)(5) is amended to read as follows:

14 "(5) The ~~State Office of Emergency Services~~ Arkansas Department of
15 Emergency Management and any local government unit making use of emergency
16 service volunteer workers. "

17

18 SECTION 65. Arkansas Code 21-5-609(a)(2) is amended to read as follows:

19 "(2) Under the supervision and instruction and subject to the order or
20 control of, or serving pursuant to a request of, the Governor, the ~~State~~
21 ~~Office of Emergency Services~~ Arkansas Department of Emergency Management, or
22 the chief executive officer of a county or local government unit making use of
23 emergency volunteer workers. "

24

25 SECTION 66. Arkansas Code 26-35-1103(a) is amended to read as follows:

26 "(a) There is hereby created on the books of the State Treasurer, the
27 State Auditor, and the Chief Fiscal Officer of the State an Arkansas Disaster
28 Relief Program Trust Fund to be used by the ~~Office of Emergency Services~~
29 Arkansas Department of Emergency Management for disaster relief. The Treasurer
30 shall credit to the fund the amount certified each quarter in accordance with
31 § 26-35-1101 of this subchapter. "

32

33 SECTION 67. Arkansas Code 27-15-2702(a)(1) is amended to read as
34 follows:

35 "(a)(1) Any person who is certified by the Arkansas Fire
36 Protection Services Board of the ~~State Office of Emergency Services~~ Arkansas

1 Department of Emergency Management as a certified fire fighter or who has
2 retired as a fire fighter shall be entitled to a special fire fighter's motor
3 vehicle license plate upon paying the normal fee plus ten dollars (\$10.00) for
4 the initial issuance of the license plate."

5

6 SECTION 68. All provisions of this act of a general and permanent
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
8 Code Revision Commission shall incorporate the same in the Code.

9

10 SECTION 69. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

15

16 SECTION 70. All laws and parts of laws in conflict with this act are
17 hereby repealed.

18

/s/ Simmons, et a

APPROVED: 3/16/1999