

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 165 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S1/29/09

A Bill

SENATE BILL 70

5 By: Senator Madison  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 12 OF  
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
11 OTHER PURPOSES.  
12

13 **Subtitle**

14 AN ACT TO MAKE VARIOUS CORRECTIONS TO  
15 TITLE 12 OF THE ARKANSAS CODE OF 1987  
16 ANNOTATED.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 12-10-306(a)(5)(B) is amended to read as  
22 follows to clarify a reference and make a stylistic change:

23 (B) The staff or supervisor of a 911 public safety  
24 communications center, an operating agency, and the service supplier ~~shall~~  
25 ~~not be~~ are not liable in any civil action as a result of complying with a  
26 subpoena as required in subdivision (a)(5)(A) of this section.  
27

28 *SECTION 2. Arkansas Code § 12-12-209(c) is amended to read as follows*  
29 *to conform the culpable mental state element of a criminal offense to a*  
30 *culpable mental state defined in the Arkansas Criminal Code and to correctly*  
31 *classify the criminal offense:*

32 (c) ~~Any~~ A sheriff, chief of police, city marshal, correction official,  
33 prosecuting attorney, court clerk, or other state, county, ~~and~~ or local  
34 official who ~~shall willfully fail~~ knowingly fails to comply with ~~the~~  
35 ~~provisions of this subchapter or any regulation~~ rule issued by the board



1 ~~carrying out the provisions of this subchapter shall be found upon conviction~~  
 2 ~~is guilty of a misdemeanor and upon conviction violation and shall be~~  
 3 ~~punished by a fine not exceeding five hundred dollars (\$500).~~

4  
 5  
 6 SECTION 3. Arkansas Code § 12-12-315(a)(1)(S)(ii) is amended to read  
 7 as follows to clarify a reference due to the separation of the former  
 8 Department of Health and Human Services into two departments:

9 (ii) Upon receiving notice of a death that poses a  
 10 potential threat to public health or safety, the county coroner shall  
 11 immediately notify the ~~Department of Human Services~~ Department of Health.

12  
 13 SECTION 4. Arkansas Code § 12-12-326 is amended to read as follows to  
 14 add a clarifying definition, clarify references, and make stylistic changes:

15 12-12-326. Autopsies – Line-of-duty death.

16 (a) As used in this section:

17 (1) "Eligible person" means a person with an eligibility similar  
 18 to a firefighter or police officer under the Public Safety Officers' Benefits  
 19 Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C.  
 20 § 3796 et seq., as appropriate;

21 (2) "Firefighter" means any member of a fire department or fire  
 22 fighting unit of the Arkansas Forestry Commission, any city of the first  
 23 class or city of the second class, or any town, or any unincorporated rural  
 24 area of this state, who actively engages in the fighting of fires on either a  
 25 regular or voluntary basis; and

26 ~~(2)(3)~~ "Police officer" means any law enforcement officer  
 27 engaged in official duty who is:

28 (A) A member of:

29 (i) Any regular or auxiliary police force on a full-  
 30 time or part-time basis; or

31 (ii) The Department of Arkansas State Police; or

32 (B) A sheriff or deputy sheriff of any county.

33 (b) A coroner or a supervisor of a firefighter, ~~or a police officer,~~  
 34 or eligible person ~~or a coroner, or other person with a similar eligibility~~  
 35 ~~under the two (2) acts specified in subdivision (c)(1)(B) of this section~~  
 36 shall promptly notify the State Medical Examiner if the firefighter, police

1 officer, or ~~other~~ eligible person dies in the line of duty as a result of  
2 injuries sustained in the line of duty or within twenty-four (24) hours after  
3 participating in an emergency situation.

4 (c)(1)(A) The examiner may conduct an autopsy on any firefighter,  
5 police officer, or ~~other~~ eligible person ~~with a similar eligibility under the~~  
6 ~~two (2) acts specified in subdivision (e)(1)(B) of this section~~ who dies in  
7 the line of duty as a result of injuries sustained in the line of duty or  
8 within twenty-four (24) hours after participating in an emergency situation.

9 (B) The autopsy shall be sufficient to determine  
10 eligibility for benefits under the federal Public Safety Officers' Benefits  
11 Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C.  
12 § 3796 et seq., as appropriate.

13 (C) A report of the autopsy shall be provided to the  
14 firefighter's or police officer's commanding officer or the supervisor of  
15 ~~another~~ the eligible person ~~with a similar eligibility under the two (2) acts~~  
16 ~~specified in subdivision (e)(1)(B) of this section.~~

17 (2)(A) If the firefighter, police officer, or ~~other~~ eligible  
18 ~~person with a similar eligibility under the two (2) acts specified in~~  
19 ~~subdivision (e)(1)(B) of this section~~ has agreed in writing to allow an  
20 autopsy under this section, that directive shall be followed unless the  
21 firefighter's, ~~or~~ police officer's, or eligible person's spouse ~~or the spouse~~  
22 ~~of any other person with a similar eligibility under the two (2) acts~~  
23 ~~specified in subdivision (e)(1)(B)~~ dictates otherwise after being notified of  
24 the prospective autopsy.

25 (B) If the firefighter, police officer, or ~~other~~ eligible  
26 ~~person with a similar eligibility under the two (2) acts specified in~~  
27 ~~subdivision (e)(1)(B) of this section~~ has not agreed in writing to allow an  
28 autopsy under this section, the firefighter's, ~~or~~ police officer's, or  
29 eligible person's spouse ~~or the spouse of any other person with a similar~~  
30 ~~eligibility under the two (2) acts specified in subdivision (e)(1)(B) of this~~  
31 ~~section~~ may decide whether or not an autopsy will be performed.

32 (C) If the firefighter's, ~~or~~ police officer's, or eligible  
33 person's spouse ~~or the spouse of any other person with a similar eligibility~~  
34 ~~under the two (2) acts specified in subdivision (e)(1)(B) of this section~~  
35 chooses not to allow the autopsy:

36 (i) No autopsy may be performed; and

1 (ii) The body of the firefighter, police officer, or  
 2 eligible person shall be released to the next of kin.

3 (3)(A) If the examiner does not perform an autopsy under this  
 4 section, he or she shall provide to the firefighter's or police officer's  
 5 commanding officer or the supervisor of ~~any other~~ the eligible person with a  
 6 ~~similar eligibility under the two (2) acts specified in subdivision (c)(1)(B)~~  
 7 ~~of this section~~ written notice stating the reason why ~~no~~ an autopsy was not  
 8 performed.

9 (B) The ~~letter~~ written notice under subdivision (c)(3)(A)  
 10 of this section shall include a toxicology report.

11  
 12 *SECTION 5. Arkansas Code § 12-12-504(a)-(c) is amended to read as*  
 13 *follows to clarify the culpable mental state required to commit the criminal*  
 14 *offenses, clarify the criminal offenses, and make stylistic changes:*

15 (a)(1) ~~Any~~ A person or an official negligently ~~or willfully~~ failing to  
 16 make notification when required by this subchapter ~~shall be~~ upon conviction  
 17 is guilty of a Class C misdemeanor.

18 (2) ~~Any~~ A person or an official ~~willfully~~ knowingly making false  
 19 notification ~~pursuant to~~ under this subchapter, ~~knowing such allegations to~~  
 20 ~~be false, shall be~~ upon conviction is guilty of a Class A misdemeanor.

21 (3) ~~Any~~ A person or an official ~~willfully~~ knowingly making false  
 22 notification ~~pursuant to~~ under this subchapter, ~~knowing such allegations to~~  
 23 ~~be false, and who has been previously convicted of making willful false~~  
 24 ~~allegations shall be~~ violating subdivision (a)(2) of this section upon  
 25 conviction is guilty of a Class D felony.

26 (b) ~~Any~~ A person, an official, or an institution required by this  
 27 subchapter to make notification of suspected child maltreatment who willfully  
 28 fails to do so ~~shall be~~ is civilly liable for damages proximately caused by  
 29 that failure.

30 (c) ~~Any~~ A person ~~who willfully permits, and any other person who~~  
 31 ~~encourages,~~ knowingly permitting or encouraging the release of data or  
 32 information contained in the central registry to ~~persons~~ a person to whom  
 33 disclosure is not permitted by this subchapter ~~shall be~~ upon conviction is  
 34 guilty of a Class A misdemeanor.

35  
 36 SECTION 6. Arkansas Code § 12-12-903(12)(A)(i)(t)-(cc) are amended to

1 read as follows to remove duplicative language and clarify applicability:

2 (t) Computer child pornography, § 5-27-603;

3 (u) Computer exploitation of a child ~~in the~~  
4 ~~first degree~~, § 5-27-605(a);

5 (v) Permanent detention or restraint when the  
6 offender is not the parent of the victim, § 5-11-106;

7 (w) Distributing, possessing, or viewing of  
8 matter depicting sexually explicit conduct involving a child, § 5-27-602;

9 ~~(x) Computer child pornography, § 5-27-603;~~

10 ~~(y) Computer exploitation of a child, § 5-27-~~  
11 ~~605;~~

12 ~~(z)~~(x) Internet stalking of a child, § 5-27-  
13 306;

14 ~~(aa)~~(y) Crime of video voyeurism, § 5-16-101,  
15 if a felony level offense;

16 ~~(bb)~~(z) Voyeurism, § 5-16-102, if a felony  
17 level offense; and

18 ~~(ee)~~(aa) Any felony-homicide offense under §  
19 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense  
20 listed in ~~subdivisions (12)(A)(i)(a) (y) of this section~~ this subdivision  
21 (12)(A)(i);

22  
23 SECTION 7. Arkansas Code § 12-12-913(j)(1)(C)(ii) is repealed because  
24 it is obsolete:

25 ~~(ii) The center shall begin placing the information~~  
26 ~~described in subdivision (j)(1)(B) of this section on the Internet home page~~  
27 ~~of the State of Arkansas on or before January 1, 2008, if administratively~~  
28 ~~feasible, but under no circumstance later than March 1, 2008.~~

29  
30 SECTION 8. Arkansas Code § 12-12-1403(b)(3) is amended to read as  
31 follows to clarify references:

32 (3) The Division of Legislative Audit shall forward to the  
33 Attorney General a copy of each law enforcement agency's policy received by  
34 the ~~division~~ Division of Legislative Audit. The Attorney General shall review  
35 each law enforcement agency's policy to ensure that the law enforcement  
36 agency's policy meets the standards required by law.

1  
2 SECTION 9. Arkansas Code § 12-12-1703(3) is amended to read as follows  
3 to clarify a definition:

4 (3) "Caregiver" means any of the following that has the  
5 responsibility for the protection, care, or custody of an endangered person  
6 or an impaired person as a result of assuming the responsibility voluntarily,  
7 by contract, through employment, or by order of a court:

8 (A) a A related person or an unrelated person~~;~~;

9 (B) ~~a~~ An owner, an agent, or a high managerial agent of a  
10 public or private organization~~;~~ or

11 (C) a A public or private organization ~~that has the~~  
12 ~~responsibility for the protection, care, or custody of an endangered person~~  
13 ~~or an impaired person as a result of assuming the responsibility voluntarily,~~  
14 ~~by contract, through employment, or by order of a court;~~

15  
16 SECTION 10. Arkansas Code § 12-12-1703(14)(B)(iv) is amended to read  
17 as follows to correct a reference:

18 (iv) Negligently failing to provide goods or  
19 services to a long-term care facility resident necessary to avoid physical  
20 harm, mental anguish, or mental illness as defined in ~~regulations~~ rules  
21 promulgated by the Office of Long-Term Care;

22  
23 *SECTION 11. Arkansas Code § 12-12-1717(e) is amended to read as*  
24 *follows to conform the culpable mental state element of a criminal offense to*  
25 *a culpable mental state defined in the Arkansas Criminal Code and make*  
26 *stylistic changes:*

27 (e) ~~Any~~ A person who ~~willfully~~ knowingly permits ~~and any other person~~  
28 ~~who~~ or encourages the release of data or information contained in the adult  
29 and long-term care facility resident maltreatment central registry to a  
30 person not permitted by this subchapter to receive the data or information  
31 upon conviction is guilty of a Class A misdemeanor.

32  
33 *SECTION 12. Arkansas Code § 12-12-1720 is amended to read as follows*  
34 *to conform the culpable mental state element of criminal offenses to a*  
35 *culpable mental state defined in the Arkansas Criminal Code, clarify criminal*  
36 *offenses, and make stylistic changes:*

1 12-12-1720. Penalties.

2 (a) ~~Any~~ A person or caregiver required by this subchapter to report a  
3 case of suspected adult maltreatment or long-term care facility resident  
4 maltreatment who purposely fails to do so ~~shall be~~ upon conviction is guilty  
5 of a Class B misdemeanor.

6 (b) ~~Any~~ A person or caregiver required by this subchapter to report a  
7 case of suspected adult maltreatment or long-term care facility resident  
8 maltreatment who purposely fails to do so ~~shall be~~ is civilly liable for  
9 damages proximately caused by the failure.

10 (c) ~~Any~~ A person, an official, or an institution ~~willfully~~ knowingly  
11 making false notification under this subchapter ~~knowing the allegations to be~~  
12 ~~false shall be~~ upon conviction is guilty of a Class A misdemeanor.

13 (d) ~~Any~~ A person, an official, or an institution ~~willfully~~ knowingly  
14 making false notification under this subchapter ~~knowing the allegations to be~~  
15 ~~false~~ and who has been previously convicted of ~~making false allegations shall~~  
16 ~~be~~ violating subsection (c) of this section upon conviction is guilty of a  
17 Class D felony.

18 (e) ~~Any~~ A person who ~~willfully~~ knowingly permits ~~and any other person~~  
19 ~~who~~ or encourages the release of data or information contained in the adult  
20 and long-term care facility resident maltreatment central registry to a  
21 person to whom disclosure is not permitted under this subchapter ~~shall be~~  
22 upon conviction is guilty of a Class A misdemeanor.

23 (f) ~~Any~~ A person required to report a death as the result of suspected  
24 adult maltreatment or long-term care facility resident maltreatment who  
25 knowingly fails to make the report in the manner and time provided in this  
26 subchapter ~~shall be~~ upon conviction is guilty of a Class C misdemeanor.

27 (g) ~~Any~~ A person required to report suspected adult maltreatment or  
28 long-term care facility resident maltreatment who knowingly fails to make the  
29 report in the manner and time provided in this subchapter ~~shall be~~ upon  
30 conviction is guilty of a Class C misdemeanor.

31  
32 SECTION 13. Arkansas Code §§ 12-17-106(b) and (c) are amended to read  
33 as follows to clarify references:

34 (b) The drug crime special assessment shall be collected by the entity  
35 or office designated to collect fines and costs within the jurisdiction.

36 (c)(1) All drug crime special assessments collected shall ~~be paid to~~

1 ~~the treasurer of the applicable city or county and transmitted to the~~  
 2 ~~Department of Finance and Administration be remitted by the county official,~~  
 3 ~~city official, agency, or department designated in § 16-13-709 as primarily~~  
 4 ~~responsible for the collection of fines assessed in the circuit courts,~~  
 5 ~~district courts, or city courts on or before the fifteenth day of each month~~  
 6 ~~to the Administration of Justice Fund Section of the Office of Administrative~~  
 7 ~~Services of the Department of Finance and Administration, for deposit into~~  
 8 ~~the State Drug Crime Enforcement and Prosecution Grant Fund, as established~~  
 9 ~~by § 12-17-102.~~

10 (2) A form provided by the section identifying the amount of the  
 11 special assessments shall be transmitted with the collected special  
 12 assessments.

13  
 14 SECTION 14. Arkansas Code §§ 12-41-503(c)(1) and (2) are amended to  
 15 read as follows to clarify references, correct grammar, and make stylistic  
 16 changes:

17 (c)(1) A sheriff or his or her designee ~~shall be permitted to~~ may  
 18 determine if ~~persons a~~ convicted person ~~and~~ sentenced to the county jail  
 19 shall serve ~~their sentences~~ his or her sentence on electronic monitoring, on  
 20 weekends, or by any other lawful alternative to continual detention in the  
 21 county jail that rehabilitates the ~~inmate~~ convicted person or benefits the  
 22 county when this does not conflict with any court orders.

23 (2) If a sheriff or his or her designee determines that a  
 24 convicted person ~~convicted and~~ sentenced to the county jail shall serve his  
 25 or her sentence on electronic monitoring, on weekends, or by any other lawful  
 26 alternative to continual detention in the county jail that rehabilitates the  
 27 ~~inmate~~ convicted person or benefits the county, an agreement shall be entered  
 28 into between the sheriff or his or her designee and the convicted person  
 29 outlining the conditions of the sentence.

30  
 31 SECTION 15. Arkansas Code § 12-75-102(a)(3) is amended to read as  
 32 follows to clarify a reference:

33 (3) Provide for the rendering of mutual aid among the political  
 34 subdivisions of the state and with other states and to cooperate with the  
 35 federal government with respect to carrying out emergency ~~service~~ management  
 36 functions;



1  
2 SECTION 16. Arkansas Code § 12-75-102(a)(5) is amended to read as  
3 follows to clarify references:

4 (5) Provide for workers' compensation benefits for emergency  
5 ~~service~~ management workers performing emergency ~~service~~ management  
6 operations.

7  
8 SECTION 17. Arkansas Code § 12-75-102(b)(2) is amended to read as  
9 follows to clarify a reference and make a gender neutral change:

10 (2) Emergency ~~service-related~~ management-related functions of  
11 this state be coordinated to the maximum extent with comparable functions of  
12 the federal government, including its various departments and agencies, with  
13 other states and localities, and with private agencies of every type, to the  
14 end that the most effective preparation and use may be made of the state and  
15 national ~~manpower~~ personnel, resources, and facilities for dealing with any  
16 disaster that may occur.

17  
18 SECTION 18. Arkansas Code § 12-75-102(c)(2) is amended to read as  
19 follows to clarify references and make stylistic changes:

20 (2) County ~~Except as noted in this chapter, county~~ and municipal  
21 governments, ~~except as noted in this subchapter,~~ bear primary responsibility  
22 for initial actions and activities related to disaster preparedness,  
23 response, and recovery for the county and the municipalities ~~therein~~ in the  
24 county through their local offices of emergency management ~~office~~, with  
25 support from the department.

26  
27 SECTION 19. Arkansas Code § 12-75-102(d)(1)(A) is amended to read as  
28 follows to clarify a reference and make a stylistic change:

29 (d)(1)(A) When events have exceeded, or will exceed, local  
30 government's ability to respond or recover without state assistance, the  
31 chief executive officer ~~must~~ shall declare a local state of disaster or  
32 emergency as prescribed in this ~~subchapter~~ chapter to signify his or her  
33 intent to request resources of the state or federal government, or both.

34  
35 SECTION 20. Arkansas Code §§ 12-75-103(5) and (6) are amended to read  
36 as follows to clarify references:

1 (5) "Emergency management requirements" means specific actions,  
 2 activities, and accomplishments required for funding of state offices of  
 3 emergency management ~~and or~~ established local offices of emergency  
 4 management, or both, under applicable state and federal emergency management  
 5 program guidance and regulations;

6 (6) "Emergency management standards" means standards of  
 7 training, education, and performance established by the director for  
 8 employees of the state offices of emergency management and established local  
 9 offices of emergency management designed to ensure competency and  
 10 professionalism and to determine minimum qualifications for the receipt of  
 11 federal or state emergency management funding, or both;

12  
 13 SECTION 21. Arkansas Code § 12-75-103(7)(B) is repealed because it is  
 14 substantive language in a definitions section and it is being added by this  
 15 act to § 12-75-128, which contains similar subject matter:

16 ~~(B)(i) An emergency responder is not required by this~~  
 17 ~~subchapter to possess a license, certificate, permit, or other official~~  
 18 ~~recognition for his or her expertise in a particular field or area of~~  
 19 ~~knowledge.~~

20 ~~(ii) However, to the extent that an emergency~~  
 21 ~~responder engages in a professional activity that by law requires a license,~~  
 22 ~~certificate, permit, or other official recognition in order to engage in the~~  
 23 ~~professional activity, the emergency responder shall possess the appropriate~~  
 24 ~~professional credentials.~~

25  
 26 SECTION 22. Arkansas Code § 12-75-103(7) is amended to add the  
 27 following new subdivision containing language repealed from § 12-75-128 by  
 28 this act:

29 (D) "Emergency responder" includes any full-time or part-  
 30 time paid, volunteer, or auxiliary employee of the state, another state, a  
 31 territory, a possession, the District of Columbia, the federal government,  
 32 any neighboring country, or any political subdivision thereof, or of any  
 33 agency or organization performing emergency management services at any place  
 34 in this state subject to the order or control of, or pursuant to, a request  
 35 of the state government or any political subdivision;

36

1 SECTION 23. Arkansas Code §§ 12-75-103(11) and (12) are amended to  
2 read as follows to clarify references and change a definition to be  
3 consistent with usage in the chapter:

4 (11)(A) "Interjurisdictional agreement" means a mutual agreement  
5 between two (2) or more established local offices of emergency management  
6 ~~which~~ that is approved by executive order of the Governor in accordance with  
7 this chapter to merge, integrate, or otherwise combine the functions of the  
8 respective established local offices of emergency management for more  
9 effective, economical, and efficient use of available personnel and  
10 resources.

11 (B) An interjurisdictional agreement shall include  
12 specific provisions addressing the appointment, funding, administration, and  
13 operational control of the emergency ~~services~~ management coordinator and  
14 staff of the interjurisdictional office of emergency ~~services~~ management;

15 (12) "Local office ~~for~~ of emergency management" means a county  
16 or municipal office of emergency management created and established in  
17 accordance with the provisions of this chapter to perform local emergency  
18 management functions within the existing political subdivisions of the state;  
19

20 SECTION 24. Arkansas Code §§ 12-75-103(18) and (19) are amended to  
21 read as follows to clarify references and make stylistic changes:

22 (18)(A) "Public safety agency" means an agency of the State of  
23 Arkansas or a functional division of a political subdivision ~~which~~ that  
24 provides firefighting and rescue, natural or human-caused disaster or major  
25 emergency response, law enforcement, and ambulance or emergency medical  
26 services.

27 (B) State offices of emergency management and local  
28 offices of emergency management are considered in the context and definition  
29 of public safety agencies for performance or coordination of functions  
30 defined as emergency ~~services~~ management to the extent necessary for  
31 mitigation of, planning for, response to, and recovery from disasters or  
32 major emergencies;

33 (19) "Public safety officer" means those positions of state  
34 offices of emergency management and local offices of emergency management  
35 ~~means those positions~~ approved by the director in state and local staffing  
36 patterns and authorized by him or her to perform or coordinate emergency

1 ~~service management~~ functions to the extent necessary for mitigation of,  
2 planning for, response to, recovery from, or prevention of disasters or major  
3 emergencies within limitations of this chapter;

4  
5 SECTION 25. Arkansas Code § 12-75-103(20) is repealed because the  
6 definition is not used in the chapter:

7 ~~(20) "Qualified emergency worker" means a volunteer worker, duly~~  
8 ~~qualified and registered with either a local emergency services organization~~  
9 ~~or the Arkansas Department of Emergency Management, who has on file with the~~  
10 ~~local emergency management organization the following:~~

11 ~~(A) Name and address;~~

12 ~~(B) Date enrolled; and~~

13 ~~(C) Class of service assigned;~~

14  
15 SECTION 26. Arkansas Code § 12-75-103(22) is repealed because the  
16 definition is not used in the chapter:

17 ~~(22) "State department/agency liaison office" means personnel~~  
18 ~~designated by each state department/agency head to coordinate with, advise,~~  
19 ~~consult, and otherwise support the state and local offices of emergency~~  
20 ~~management in developing plans, identifying resources, and such other~~  
21 ~~activities as are deemed necessary to ensure that all required resources of~~  
22 ~~the state and local government can be brought to bear in a coordinated manner~~  
23 ~~to effect a timely, efficient, and economical response to any disaster or~~  
24 ~~major emergency which may occur; and~~

25  
26 SECTION 27. Arkansas Code § 12-75-103 is amended to add the following  
27 new definition to clarify references in the chapter:

28 (24) "Interjurisdictional office of emergency management" means  
29 an office of emergency management formed by two (2) or more local offices of  
30 emergency management under an interjurisdictional agreement.

31  
32 SECTION 28. Arkansas Code § 12-75-106 is amended to read as follows to  
33 clarify references and make stylistic changes:

34 12-75-106. Enforcement.

35 (a) ~~It shall be the duty of every organization for emergency services~~  
36 Each state office of emergency management and local office of emergency

1 ~~management established pursuant to this chapter~~ and of the officers thereof  
2 ~~to of each state office of emergency management and local office of emergency~~  
3 ~~management shall~~ execute and enforce such orders, rules, and regulations as  
4 may be made by the Governor under authority of this chapter.

5 (b) Each ~~such organization~~ state office of emergency management and  
6 local office of emergency management shall ~~have~~ make available for inspection  
7 at its office all orders, rules, and regulations made by the Governor or made  
8 under his or her authority.

9  
10 SECTION 29. Arkansas Code § 12-75-108(a)(3) is amended to read as  
11 follows to clarify a reference:

12 (3) ~~It~~ A declaration of a local disaster emergency shall not be  
13 continued or renewed for a period in excess of one hundred twenty (120) days  
14 except by or with the consent of the governing body of the political  
15 subdivision.

16  
17 SECTION 30. Arkansas Code § 12-75-108(c) is amended to read as follows  
18 to clarify references and make stylistic changes:

19 (c)(1) ~~No~~ An interjurisdictional agency office of emergency management  
20 ~~or official thereof of an interjurisdictional office of emergency management~~  
21 ~~may~~ shall not declare a local disaster emergency unless expressly authorized  
22 by the interjurisdictional agreement ~~pursuant to~~ under which the ~~agency~~  
23 interjurisdictional office of emergency management functions.

24 (2) However, an interjurisdictional ~~disaster agency office of~~  
25 emergency management shall provide aid and services in accordance with the  
26 interjurisdictional agreement ~~pursuant to~~ under which it functions.

27  
28 SECTION 31. Arkansas Code § 12-75-109(d) is amended to read as follows  
29 to clarify references:

30 (d)(1) There is created within the Arkansas Department of Emergency  
31 Management an emergency reserve cadre to be composed of trained and available  
32 specialists to assist regular employees during declared disaster response and  
33 recovery operations.

34 (2) The Director of the Arkansas Department of Emergency  
35 Management shall establish training and professional standards required to  
36 supplement state personnel based on state and federal disaster recovery

1 program needs and shall establish a list of persons with those qualifications  
2 and make available to emergency reserve cadre personnel such additional  
3 training and education opportunities as may be needed to maintain currency  
4 and proficiency in the needed skills.

5 (3)(A) ~~Qualified~~ Emergency reserve cadre personnel shall be  
6 reimbursed at the current state classified entry level salary rate for the  
7 position they are temporarily employed to fill and meet such additional  
8 training, experience, and qualifications as established by the director for  
9 the grade level of the position for which they are employed.

10 (B) ~~Such~~ Emergency reserve cadre personnel shall:

11 (i) Be paid from disaster management funds or  
12 administrative funds, or both;

13 (ii) Be limited to salary, logistical, and travel  
14 expenses only; and

15 (iii) Not accrue ordinary leave, sick leave, or  
16 other employee benefits except for workers' compensation eligibility for  
17 injuries or death suffered in the line of duty.

18 (4)(A) ~~Such persons~~ Emergency reserve cadre personnel shall ~~only~~  
19 be called to active duty only upon declaration of a disaster emergency as  
20 stipulated in this chapter or the Disaster Relief Act of 1973, Pub. L. No.  
21 93-288, or both, or by executive order of the Governor upon recommendation by  
22 the director for due cause or pending emergency needs and shall remain on  
23 active duty no longer than sixty (60) days after a declaration or  
24 declarations unless such declaration or declarations are extended by the  
25 Governor or the President of the United States, in which case they shall be  
26 continued for no more than sixty (60) days after the final declaration issued  
27 for that disaster emergency event.

28 (B) Based on the size, impact, and magnitude of the  
29 disaster event, the director shall determine the minimum number of emergency  
30 reserve cadre personnel required to effectively supplement regular state  
31 emergency management personnel and report these numbers to the Governor for  
32 approval.

33 (5) While in ~~such~~ service described in subdivision (d)(4)(A) of  
34 this section, the ~~individuals so employed~~ emergency reserve cadre personnel  
35 ~~shall~~ have the same immunities as regular state employees for good faith  
36 performance of their designated and assigned official duties under state

1 sovereignty laws and practices.

2

3 SECTION 32. Arkansas Code § 12-75-110(a)(9) is amended to read as  
4 follows to make a gender neutral change:

5 (9) Organization of ~~manpower~~ personnel and the establishment of  
6 chains of command;

7

8 SECTION 33. Arkansas Code § 12-75-110(b) and (c) are amended to read  
9 as follows to clarify references:

10 (b)(1) In preparing and revising the state emergency operations plan,  
11 the department shall seek the advice and assistance of state agencies, local  
12 government, business, labor, industry, agriculture, civic, and volunteer  
13 organizations, and community leaders.

14 (2) In advising local and jurisdictional agencies, the  
15 department shall encourage them also to seek advice from ~~these sources~~ the  
16 entities listed in subdivision (b)(1) of this section.

17 (c) The state emergency operations plan or any part ~~thereof~~ of the  
18 state emergency operations plan may be incorporated in ~~regulations~~ rules of  
19 the department or executive orders ~~which~~ that have the force and effect of  
20 law.

21

22 SECTION 34. Arkansas Code § 12-75-111(a)(6) is amended to read as  
23 follows to clarify references:

24 (6) Establish and operate or assist political subdivisions,  
25 their ~~disaster agencies~~ local offices of emergency management, and  
26 interjurisdictional ~~disaster agencies~~ offices of emergency management to  
27 establish and operate training programs and programs of public information;

28

29 SECTION 35. Arkansas Code § 12-75-111(b) is amended to read as follows  
30 to clarify references:

31 (b)(1) The department shall take an integral part in the development  
32 and revision of local and interjurisdictional emergency operations plans  
33 prepared under § 12-75-118.

34 (2)(A) ~~To this end~~ To meet the requirements of subdivision  
35 (b)(1) of this section, the department shall employ or otherwise secure the  
36 services of professional and technical personnel capable of providing expert

1 assistance to political subdivisions, their ~~disaster agencies~~ local offices  
2 of emergency management, and interjurisdictional planning, and ~~disaster~~  
3 ~~agencies~~ interjurisdictional offices of emergency management.

4 (B) ~~These personnel~~ Personnel described in subdivision  
5 (b)(2)(A) of this section shall consult with political subdivisions, local  
6 offices of emergency management, and ~~agencies~~ interjurisdictional offices of  
7 emergency management on a regularly scheduled basis and shall make field  
8 examinations of the area, circumstances, and conditions to which particular  
9 local and interjurisdictional emergency operations plans are intended to  
10 apply and may suggest or require revisions.

11  
12 SECTION 36. Arkansas Code § 12-75-112(b) is amended to read as follows  
13 to clarify a reference:

14 (b) In addition to ~~these~~ the minimum requirements of subsection (a) of  
15 this section, additional information systems networks may be established as  
16 deemed necessary by the Director of the Arkansas Department of Emergency  
17 Management.

18  
19 SECTION 37. Arkansas Code § 12-75-113(a) is amended to read as follows  
20 to clarify references and make a stylistic change:

21 (a) Due to the time-critical nature of response to the scene of a  
22 disaster or major emergency occurrence, the Director of the Arkansas  
23 Department of Emergency Management ~~is authorized to~~ may designate appropriate  
24 vehicles as requested in the staffing patterns of the state offices of  
25 emergency management and local offices of emergency ~~services~~ management and  
26 designate other state agency vehicles with an emergency ~~service~~ management  
27 response requirement as emergency response vehicles.

28  
29 SECTION 38. Arkansas Code § 12-75-114(c)(8) is amended to read as  
30 follows to clarify references:

31 (8) Expenditures from the emergency response fund shall be made  
32 by executive order of the Governor, upon recommendation and verification by  
33 the Director of the Arkansas Department of Emergency Management, and may only  
34 be made to defray immediate costs associated with response activities by  
35 emergency forces of state and local governments and private nonprofit forces  
36 duly registered in accordance with ~~§ 12-75-127~~ § 12-75-129.



1  
2 SECTION 39. Arkansas Code § 12-75-114(e)(3) is amended to read as  
3 follows to clarify references:

4 (3) Transfer the direction, personnel, or functions of state  
5 departments and agencies or units ~~thereof~~ of state departments and agencies  
6 for the purpose of performing or facilitating emergency ~~services~~ management;  
7

8 SECTION 40. Arkansas Code § 12-75-115(a)(3) is amended to read as  
9 follows to clarify references:

10 (3) ~~These studies will~~ Studies under subdivision (a)(2) of this  
11 section shall be furnished to the Governor and the Arkansas Department of  
12 Emergency Management as soon as possible after completion and shall  
13 concentrate on means of reducing or avoiding damage caused by possible  
14 disasters or ~~their~~ the consequences ~~thereof~~ of possible disasters.  
15

16 SECTION 41. Arkansas Code § 12-75-116(a) is amended to read as follows  
17 to clarify references and make stylistic changes:

18 (a)(1) It is the policy of this chapter that each department,  
19 commission, agency, or institution of state and local government actively and  
20 aggressively support the state offices of emergency management and local  
21 offices of emergency management to the end of providing the best possible  
22 preparation for response to or recovery from any emergency situation ~~which~~  
23 that may occur.

24 (2) In furtherance of ~~this~~ the policy described in subdivision  
25 (a)(1) of this section, ~~it is directed that~~ the head of each state  
26 department, commission, agency, or institution with an emergency management  
27 role or responsibility shall appoint a member or members of his or her staff  
28 as agency emergency management liaison officer or officers to act on his or  
29 her behalf in ensuring the agency's capability to fulfill its role in  
30 emergency ~~services~~ management activities and ~~will~~ shall ensure that the  
31 Arkansas Department of Emergency Management is notified of any change in the  
32 appointment.  
33

34 SECTION 42. The introductory language of Arkansas Code § 12-75-116(b)  
35 is amended to read as follows to clarify a reference and make a stylistic  
36 change:

1 (b) ~~It will be the responsibilities of this officer to~~ The agency  
2 emergency management liaison officer shall:

3  
4 SECTION 43. Arkansas Code § 12-75-117(a)(1) is amended to read as  
5 follows to clarify references:

6 (a)(1)(A) By executive order, the Governor may combine two (2) or more  
7 established local offices of emergency management as an interjurisdictional  
8 office of emergency management.

9 (B)(i) ~~Prior to such~~ Before a combination under  
10 subdivision (a)(1)(A) of this section, the jurisdictions involved shall  
11 prepare for the Governor's approval a written mutual interjurisdictional  
12 agreement that specifies how and by whom the emergency management coordinator  
13 shall be appointed.

14 (ii) The interjurisdictional agreement shall also  
15 include specific provisions addressing the funding, administration, staff,  
16 and operational control of the interjurisdictional office of emergency  
17 management.

18 (C) The interjurisdictional office of emergency management  
19 shall meet the same minimum standards and requirements as a single-  
20 jurisdiction local office of emergency ~~services~~ management in order to  
21 maintain eligibility for state and federal emergency management funding and  
22 program assistance.

23  
24 SECTION 44. Arkansas Code § 12-75-118 is amended to read as follows to  
25 clarify references:

26 12-75-118. Local and interjurisdictional ~~disaster agencies~~ offices of  
27 emergency management and services.

28 (a)(1) Each political subdivision within this state shall be within  
29 the jurisdiction of and served by the Arkansas Department of Emergency  
30 Management and by a local office of emergency management or  
31 interjurisdictional office of emergency management.

32 (2) ~~Local~~ A local office of emergency management or  
33 interjurisdictional ~~offices~~ office of emergency management shall be  
34 established as a public safety agencies agency of ~~their~~ its respective  
35 political subdivision or political subdivisions and shall be under the  
36 direction and control of the appropriate chief executive for the purposes of

1 mitigation of, planning for, response to, and recovery from disaster and  
2 major emergency occurrences and for operation of public safety information  
3 networks.

4 (b)(1) Each county within the state and those municipalities  
5 specifically designated by the Governor shall establish, fund, and maintain  
6 an established local office of emergency management or, as necessary, make  
7 arrangements through an interjurisdictional agreement to receive ~~such~~  
8 services emergency management.

9 (2) Unless a municipality has been specifically designated as a  
10 local office of emergency management, it shall receive emergency ~~services~~  
11 management support from the county or counties ~~within which~~ where its  
12 corporate limits are situated.

13 (c)(1) The Governor shall determine if additional municipal local  
14 offices of emergency management or interjurisdictional offices of emergency  
15 management are required based on an assessment conducted by the Director of  
16 the Arkansas Department of Emergency Management using one (1) or more of the  
17 factors enumerated in § 12-75-117(a).

18 (2) The department shall publish and keep current a list of  
19 municipalities required to have local offices of emergency management or  
20 interjurisdictional offices of emergency management under this subsection.

21 (d) ~~Any provision of this chapter or other law to the contrary~~  
22 ~~notwithstanding, the~~ The Governor may require a political subdivision to  
23 establish and maintain ~~an~~ a local office of emergency management or an  
24 interjurisdictional office of emergency management jointly with one (1) or  
25 more contiguous political subdivisions if he or she finds that the  
26 establishment and maintenance of any agency or participation ~~therein~~ in an  
27 agency is made necessary by circumstances or conditions that make it  
28 unusually difficult to provide disaster or major emergency prevention,  
29 preparedness, response, or recovery services under other provisions of this  
30 chapter.

31 (e) Each political subdivision ~~which~~ that does not have ~~an~~ a local  
32 office of emergency management and has not made arrangements to secure or  
33 participate in the ~~services~~ emergency management of an agency shall have a  
34 liaison officer designated to facilitate the cooperation and protection of  
35 that political subdivision in the work of disaster and major emergency  
36 prevention, preparedness, response, and recovery.

1 (f)(1) The chief executive of each political subdivision shall  
2 exercise comparable authority within his or her political subdivision, and  
3 within the limits of the Arkansas Constitution and laws of the state, as the  
4 Governor exercises over the state government during disasters and major  
5 emergencies. The chief executive shall ensure, to the maximum extent  
6 possible, that his or her jurisdiction meets the minimum expected capability  
7 for disaster and emergency mitigation, planning, response, and recovery.

8 (2) The chief executive of a political subdivision shall notify  
9 the department of the manner in which the political subdivision is providing  
10 or securing disaster planning and emergency management, provide a staffing  
11 pattern for the local office of emergency management, identify the person who  
12 heads the local office of emergency management, and furnish additional  
13 information relating thereto as the department requires.

14 (g)(1) Each local office of emergency management and  
15 interjurisdictional office of emergency management shall prepare and keep  
16 current an emergency operations plan for its area.

17 (2)(A) The ~~basic~~ emergency operations plan and all annexes must  
18 be approved by the local office of emergency management of the political  
19 subdivision and receive concurrence of the chief executive of the political  
20 subdivision.

21 (B) The emergency operations plan ~~must~~ shall then be  
22 submitted to the department for approval prior to implementation.

23 (h) The local office of emergency management or interjurisdictional  
24 office of emergency management, as the case may be, shall prepare a clear and  
25 complete statement of the emergency responsibilities of all local agencies  
26 and officials and of the disaster and major emergency chain of command. This  
27 statement shall be distributed to all appropriate officials in written form  
28 ~~and shall be a clear and complete statement of the emergency responsibilities~~  
29 ~~of all local agencies and officials and of the disaster and major emergency~~  
30 ~~chain of command~~.

31 (i)(1)(A) The county judge of each county and the chief executive  
32 ~~officer~~ of those municipal jurisdictions specifically designated as  
33 established local offices of emergency management shall appoint an emergency  
34 management coordinator for their respective local offices of emergency  
35 management.

36 (B) The written mutual interjurisdictional agreement

1 between the participating jurisdictions in an interjurisdictional office of  
2 emergency management, executed ~~pursuant to~~ under § 12-75-117(a), shall govern  
3 the appointment of the emergency management coordinator of the  
4 interjurisdictional office of emergency management.

5 (C) The emergency management coordinator shall act for and  
6 on behalf of the appropriate chief executive ~~officer~~ to manage and coordinate  
7 the functions, duties, and activities of the established local office of  
8 emergency management.

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

14 (3)(A) The director shall establish and periodically review  
15 criteria necessary to ensure compliance with minimum standards and  
16 requirements.

17 (B) Failure to meet or maintain minimum standards and  
18 requirements or noncompliance with any part of this chapter by an established  
19 local office of emergency management may result in a decision by the director  
20 to reduce, withhold, or terminate partial or full funding for any or all  
21 local offices of emergency management programs in which the political  
22 subdivision participates or for which it may be otherwise eligible.

23 (j)(1) Local offices of emergency management shall operate and  
24 maintain as a minimum an information systems link with the department.

25 (2)(A) When authorized by the chief executive of the political  
26 subdivision and properly staffed, the local office of emergency management  
27 may operate a public safety communications center for the purposes of  
28 coordination, dispatch, and information services for local government public  
29 safety agencies and private or volunteer agencies with an emergency  
30 management mission.

31 (B) The public safety communications center must be  
32 staffed by paid local office of emergency management public safety officers  
33 of the political subdivision and operate on a continuous basis if it is to  
34 serve as a law enforcement or fire dispatch and service center.

35  
36 SECTION 45. Arkansas Code § 12-75-122 is amended to read as follows to

1 clarify a reference and make stylistic changes:

2 12-75-122. Political activity prohibited.

3 ~~No organization for emergency services~~ An emergency management  
4 organization established under the authority of this chapter shall not:

5 (1) ~~participate~~ Participate in any form of political activity,  
6 ~~nor shall it ; or~~

7 (2) ~~be~~ Be employed directly or indirectly for political purposes.

8

9 SECTION 46. Arkansas Code § 12-75-123(a) is amended to read as follows  
10 to clarify a reference and make stylistic changes:

11 (a) Each political subdivision ~~shall have the power to~~ may make  
12 appropriations in the manner provided by law for making appropriations for  
13 the ordinary expenses of such political subdivision for the payment of  
14 expenses of its local ~~organization for~~ office of emergency management.

15

16 SECTION 47. Arkansas Code § 12-75-123(b)(1) is amended to read as  
17 follows to clarify references and make stylistic changes:

18 (b)(1) ~~Whenever~~ If the federal government or any agency or officer  
19 ~~thereof of the federal government~~ shall offer offers to the state, or through  
20 the state to any political subdivision ~~thereof~~, services, equipment,  
21 supplies, materials, or funds by way of gift, grant, or loan, for purposes of  
22 emergency ~~services~~ management or disaster relief, the state, acting through  
23 the Governor, or ~~such~~ the political subdivision, acting with the consent of  
24 the Governor and through its chief executive or governing body, may accept  
25 ~~such~~ the offer.

26

27 SECTION 48. Arkansas Code § 12-75-124(b) ~~are~~ is amended to read as  
28 follows to clarify references and make stylistic changes:

29 (b) ~~No personal services may be compensated by the state or any~~  
30 ~~subdivision or agency thereof,~~ The state, any agency of the state, and any  
31 political subdivision shall not compensate any personal services except  
32 pursuant to statute or local law or ordinance.

33

34 SECTION 49. Arkansas Code § 12-75-128(a) is amended to read as follows  
35 to clarify a reference:

36 (a) All functions under this chapter and all other activities relating

1 to emergency ~~services~~ management are declared to be governmental functions.

2  
3 SECTION 50. Arkansas Code § 12-75-128(e) is amended to read as follows  
4 to clarify references and make stylistic changes:

5 (e)(1) Any requirement for a license to practice any professional,  
6 mechanical, or other skill ~~shall~~ does not apply to any authorized emergency  
7 ~~service~~ management worker who ~~shall~~, in the course of performing his or her  
8 duties as ~~such~~, ~~practice such~~ an emergency management worker practices the  
9 professional, mechanical, or other skill during an emergency.

10 (2) However, subdivision (e)(1) of this section ~~shall~~ does not  
11 apply to required medical licenses except in cases of first aid treatment.

12  
13 SECTION 51. Arkansas Code § 12-75-128(f) is repealed because it is  
14 being added to the definition of "emergency responder" in § 12-75-103:

15 ~~(f) As used in this chapter, the term "emergency responder" shall~~  
16 ~~include those persons qualified under § 12-75-103 and any full-time or part-~~  
17 ~~time paid, volunteer, or auxiliary employees of this state or other states,~~  
18 ~~territories, possessions, or the District of Columbia, the federal~~  
19 ~~government, any neighboring country, or any political subdivision thereof, or~~  
20 ~~of any agency or organization performing emergency preparedness services at~~  
21 ~~any place in this state subject to the order or control of, or pursuant to, a~~  
22 ~~request of the state government or any political subdivision thereof.~~

23  
24 SECTION 52. Arkansas Code § 12-75-128 is amended to read as follows to  
25 add a new subsection containing the language repealed from § 12-75-103(7)(B)  
26 by this act:

27 (h)(1) An emergency responder is not required by this chapter to  
28 possess a license, certificate, permit, or other official recognition for his  
29 or her expertise in a particular field or area of knowledge.

30 (2) However, to the extent that an emergency responder engages  
31 in a professional activity that by law requires a license, certificate,  
32 permit, or other official recognition in order to engage in the professional  
33 activity, the emergency responder shall possess the appropriate professional  
34 license, certificate, permit, or other official recognition.

35  
36 SECTION 53. Arkansas Code § 12-75-129(a) is amended to read as follows

1 to clarify its application:

2 ~~(a)(1) Benefits payable for the injury or death of persons appointed~~  
 3 ~~and regularly enrolled in accredited emergency management organizations and~~  
 4 ~~covered by this chapter, while actually engaged in emergency management~~  
 5 ~~duties either during training or during a period of emergency and subject to~~  
 6 ~~the order or control of or pursuant to a request of and under the supervision~~  
 7 ~~and instruction of the Governor, the Arkansas Department of Emergency~~  
 8 ~~Management, the chief executive or the designated director of a department,~~  
 9 ~~or a county of an accredited local government unit making use of emergency~~  
 10 ~~management volunteer workers shall be limited to the provisions of the~~  
 11 ~~Workers' Compensation Law, § 11-9-101 et seq., if such persons are regularly~~  
 12 ~~employed by a local government or the State of Arkansas.~~

13 ~~– (2) If such person is a qualified emergency responder of the State of~~  
 14 ~~Arkansas or a local office for emergency management, recovery shall be~~  
 15 ~~limited as provided in this section.~~

16 (a)(1) A person appointed and regularly enrolled in an accredited  
 17 emergency management organization and covered by this chapter is limited to  
 18 the Workers' Compensation Law, § 11-9-101 et seq., for benefits payable for  
 19 an injury to or death of the person, if:

20 (A) The person is regularly employed by a local government  
 21 or the state; and

22 (B) The injury or death occurs while the person is:

23 (i) Actually engaged in emergency management duties  
 24 either during training or during a period of emergency; and

25 (ii) Subject to the order or control of or pursuant  
 26 to a request of and under the supervision and instruction of the:

27 (a) Governor;

28 (b) Arkansas Department of Emergency  
 29 Management; or

30 (c) Chief executive or the designated director  
 31 of a department, county, or an accredited local government unit making use of  
 32 emergency management volunteer workers.

33 (2) If a person described in subdivision (a)(1) of this section  
 34 is a qualified emergency responder of the state or a local office for  
 35 emergency management, then recovery is limited as provided in this section.

36



1 SECTION 54. Arkansas Code § 12-75-129(d)(2) is amended to read as  
2 follows to clarify ambiguous language and clarify a reference:

3 (2) The reimbursement per day for approved out-of-pocket  
4 expenses incurred in response to an emergency situation, such as gasoline,  
5 oil, uniforms, ~~and~~ required equipment, ~~etc.,~~ and other items shall not be  
6 ~~construed as is not considered~~ monetary compensation for the volunteer ~~worker~~  
7 emergency responder.

8  
9 SECTION 55. The introductory language of Arkansas Code § 12-75-129(f)  
10 is amended to read as follows to clarify a reference:

11 (f) An emergency responder shall be deemed duly registered and  
12 qualified when he or she is a member of and has on file in either a local  
13 office of emergency management ~~office~~ or in the Arkansas Department of  
14 Emergency Management the following information:

15  
16 SECTION 56. Arkansas Code § 12-75-132(d) is amended to read as follows  
17 to remove obsolete language and clarify its applicability:

18 (d) ~~By January 1, 2006, the~~ The advisory group shall develop and  
19 maintain comprehensive guidelines and procedures that address requirements  
20 for the following:

21 (1) Requesting and providing assistance through the statewide  
22 mutual aid system;

23 (2) Recordkeeping for all participating emergency jurisdictions;

24 (3) Reimbursement for assistance provided through the statewide  
25 mutual aid system; and

26 (4) Any other process necessary to implement the statewide  
27 mutual aid system.

28 **SECTION 57.** Arkansas Code Title 12, Chapter 75, Subchapter 1 is  
29 amended to add the following new section that is being repealed from Arkansas  
30 Code Title 12, Chapter 75, Subchapter 2 by this act:

31 12-75-133. Position transfer.

32 Upon approval of the Chief Fiscal Officer of the State, the Arkansas  
33 Department of Emergency Management may transfer positions between  
34 appropriations as may be required:

35 (1) If a disaster occurs that results in a presidential disaster  
36 proclamation; or

1           (2) When an employee occupies one (1) position that is to be  
2 paid from two (2) or more appropriations during a single fiscal year.

3  
4           SECTION 58. Arkansas Code § 12-75-201 is repealed because it is being  
5 added as § 12-75-133 by this act:

6           ~~12-75-201. Position Transfer.~~

7           ~~Upon approval of the Chief Fiscal Officer of the State, the Arkansas~~  
8 ~~Department of Emergency Management is authorized to transfer positions~~  
9 ~~between appropriations as may be required.~~

10           ~~(1) If a disaster occurs that results in a presidential disaster~~  
11 ~~proclamation; or~~

12           ~~(2) When an employee occupies one (1) position that is to be~~  
13 ~~paid from two (2) or more appropriations during a single fiscal year.~~

14  
15           SECTION 59. Arkansas Code § 12-83-104(a)(2) is amended to read as  
16 follows to clarify references:

17           (2) The personnel shall be enrolled as emergency ~~services~~  
18 responder volunteers in accordance with § ~~12-75-127~~ 12-75-129, and shall be  
19 eligible for immunities and exemptions in accordance with § 12-75-128 and  
20 workers' compensation benefits in accordance with § 12-75-129.

21  
22           SECTION 60. Arkansas Code § 12-86-203(2)-(6) are amended to read as  
23 follows to clarify references:

24           (2) Identify designated emergency shelters, including without  
25 limitation local shelters and mass evacuation shelters, in proximity to all  
26 licensed child care facilities and all known license-exempt child care  
27 facilities, identify three (3) designated emergency shelters in closest  
28 proximity to each child care facility, and notify each child care facility  
29 annually of the locations of those designated emergency shelters;

30           (3) Coordinate efforts to notify the ~~state emergency management~~  
31 agency Arkansas Department of Emergency Management of the estimated number of  
32 children in child care facilities who could be evacuated to each designated  
33 emergency shelter;

34           (4) Require all licensed child care facilities to notify parents  
35 annually of the designated emergency shelters designated by the Division of  
36 Child Care and Early Childhood Education of the Department of Human Services

1 as being in closest proximity to those licensed child care facilities;

2 (5) Include early childhood emergency preparedness courses and  
3 workshops that address specific risk factors and evacuation procedures in  
4 particular geographic areas among approved courses and workshops for meeting  
5 requirements for in-service training for licensed child care providers in  
6 those geographic areas; and

7 (6) Incorporate specific indicators of emergency preparedness,  
8 linked to specific disaster risk factors in licensed child care providers'  
9 geographic areas, into each level of any quality ratings above minimum  
10 licensing standards.

11  
12 SECTION 61. Arkansas Code § 12-86-204 is amended to read as follows:

13 12-86-204. Arkansas Department of Emergency Management policies.

14 The Director of the Arkansas Department of Emergency Management shall  
15 coordinate efforts with other state agencies and appropriate organizations  
16 to:

17 (1) Disseminate county-level lists of all licensed child care  
18 facilities and all known license-exempt child care facilities, including  
19 without limitation physical address, maximum capacity, hours of operation,  
20 and emergency contact information, to county governments for use in search  
21 and rescue during emergencies and disasters;

22 (2) Share a periodically updated statewide list of designated  
23 emergency shelters, both local shelters and mass evacuation shelters, with  
24 the ~~state child care licensing agency~~ Division of Child Care and Early  
25 Childhood Education of the Department of Human Services, state child care  
26 subsidy program, and state child and adult nutrition program when ~~such a~~ the  
27 list is available; and

28 (3) Include all licensed child care facilities and all known  
29 license-exempt child care facilities where critical facilities such as  
30 schools, hospitals, and nursing homes are mentioned in the state response  
31 plan, emergency preparedness exercises, or other guiding documents and  
32 activities.

33  
34 SECTION 62. The enactment and adoption of this act shall not repeal,  
35 expressly or impliedly, the acts passed at the regular session of the 87th  
36 General Assembly. All such acts shall have full effect and, so far as those

1 acts intentionally vary from or conflict with any provision contained in this  
2 act, those acts shall have the effect of subsequent acts and as amending or  
3 repealing the appropriate parts of the Arkansas Code of 1987.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/ Madison*

**APPROVED: 2/16/2009**