

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.

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

# A Bill

SENATE BILL 70

4  
5 By: Senator Madison  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 12 OF  
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13  
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~~ Upon conviction, a sheriff, chief of police, city marshal,  
33 correction official, prosecuting attorney, court clerk, or other state,  
34 county, ~~and~~ or local official who ~~shall willfully fail~~ knowingly fails to  
35 comply with ~~the provisions of~~ this subchapter or any ~~regulation~~ rule issued  
36 by the board carrying out ~~the provisions of~~ this subchapter ~~shall be found is~~



1 guilty of a ~~misdemeanor and upon conviction~~ violation and shall be punished  
 2 by a fine not exceeding five hundred dollars (\$500).

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

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

10  
 11 SECTION 4. Arkansas Code § 12-12-326 is amended to read as follows to  
 12 add a clarifying definition, clarify references, and make stylistic changes:

13 12-12-326. Autopsies – Line-of-duty death.

14 (a) As used in this section:

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

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

24 ~~(2)~~(3) "Police officer" means any law enforcement officer  
 25 engaged in official duty who is:

26 (A) A member of:

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

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

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

31 (b) A coroner or a supervisor of a firefighter, or a police officer,  
 32 or eligible person or a coroner, or other person with a similar eligibility  
 33 ~~under the two (2) acts specified in subdivision (c)(1)(B) of this section~~  
 34 shall promptly notify the State Medical Examiner if the firefighter, police  
 35 officer, or ~~other~~ eligible person dies in the line of duty as a result of  
 36 injuries sustained in the line of duty or within twenty-four (24) hours after

1 participating in an emergency situation.

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

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

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

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

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

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

34 (i) No autopsy may be performed; and

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

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

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

9  
 10 SECTION 5. Arkansas Code § 12-12-504(a)-(c) is amended to read as  
 11 follows to clarify the culpable mental state required to commit the criminal  
 12 offenses, clarify the criminal offenses, and make stylistic changes:

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

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

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

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

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

33  
 34 SECTION 6. Arkansas Code § 12-12-903(12)(A)(i)(t)-(cc) are amended to  
 35 read as follows to remove duplicative language and clarify applicability:

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

1 (u) Computer exploitation of a child ~~in the~~  
2 ~~first degree~~, § 5-27-605(a);  
3 (v) Permanent detention or restraint when the  
4 offender is not the parent of the victim, § 5-11-106;  
5 (w) Distributing, possessing, or viewing of  
6 matter depicting sexually explicit conduct involving a child, § 5-27-602;  
7 ~~(x) Computer child pornography, § 5-27-603;~~  
8 ~~(y) Computer exploitation of a child, § 5-27-~~  
9 ~~605;~~  
10 ~~(z)(x)~~ Internet stalking of a child, § 5-27-  
11 306;  
12 ~~(aa)(y)~~ Crime of video voyeurism, § 5-16-101,  
13 if a felony level offense;  
14 ~~(bb)(z)~~ Voyeurism, § 5-16-102, if a felony  
15 level offense; and  
16 ~~(ee)(aa)~~ Any felony-homicide offense under §  
17 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense  
18 listed in ~~subdivisions (12)(A)(i)(a) (y) of this section~~ this subdivision  
19 (12)(A)(i);

20  
21 SECTION 7. Arkansas Code § 12-12-913(j)(1)(C)(ii) is repealed because  
22 it is obsolete:

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

27  
28 SECTION 8. Arkansas Code § 12-12-1403(b)(3) is amended to read as  
29 follows to clarify references:

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

35  
36 SECTION 9. Arkansas Code § 12-12-1703(3) is amended to read as follows

1 to clarify a definition:

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

6 (A) a A related person or an unrelated person;<sup>r</sup>;

7 (B) ~~an~~ An owner, an agent, or a high managerial agent of a  
 8 public or private organization;<sup>r</sup>; or

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

13  
 14 SECTION 10. Arkansas Code § 12-12-1703(14)(B)(iv) is amended to read  
 15 as follows to correct a reference:

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

20  
 21 SECTION 11. Arkansas Code § 12-12-1717(e) is amended to read as  
 22 follows to conform the culpable mental state element of a criminal offense to  
 23 a culpable mental state defined in the Arkansas Criminal Code and make  
 24 stylistic changes:

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

30  
 31 SECTION 12. Arkansas Code § 12-12-1720 is amended to read as follows  
 32 to conform the culpable mental state element of criminal offenses to a  
 33 culpable mental state defined in the Arkansas Criminal Code, clarify criminal  
 34 offenses, and make stylistic changes:

35 12-12-1720. Penalties.

36 (a) ~~Any~~ Upon conviction, a person or caregiver required by this

1 subchapter to report a case of suspected adult maltreatment or long-term care  
 2 facility resident maltreatment who purposely fails to do so ~~shall be~~ is  
 3 guilty of a Class B misdemeanor.

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

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

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

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

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

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

29  
 30 SECTION 13. Arkansas Code §§ 12-17-106(b) and (c) are amended to read  
 31 as follows to clarify references:

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

34 (c) All drug crime special assessments collected shall be paid to the  
 35 treasurer of the applicable city or county and transmitted to the Department  
 36 of Finance and Administration for deposit into the State Drug Crime

1 Enforcement and Prosecution Grant Fund.

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

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

12 (2) If a sheriff or his or her designee determines that a  
13 convicted person ~~convicted and~~ sentenced to the county jail shall serve his  
14 or her sentence on electronic monitoring, on weekends, or by any other lawful  
15 alternative to continual detention in the county jail that rehabilitates the  
16 ~~inmate~~ convicted person or benefits the county, an agreement shall be entered  
17 into between the sheriff or his or her designee and the convicted person  
18 outlining the conditions of the sentence.

19  
20 SECTION 15. Arkansas Code § 12-75-102(a)(3) is amended to read as  
21 follows to clarify a reference:

22 (3) Provide for the rendering of mutual aid among the political  
23 subdivisions of the state and with other states and to cooperate with the  
24 federal government with respect to carrying out emergency ~~service~~ management  
25 functions;

26  
27 SECTION 16. Arkansas Code § 12-75-102(a)(5) is amended to read as  
28 follows to clarify references:

29 (5) Provide for workers' compensation benefits for emergency  
30 ~~service~~ management workers performing emergency ~~service~~ management  
31 operations.

32  
33 SECTION 17. Arkansas Code § 12-75-102(b)(2) is amended to read as  
34 follows to clarify a reference and make a gender neutral change:

35 (2) Emergency ~~service-related~~ management-related functions of  
36 this state be coordinated to the maximum extent with comparable functions of



1 the federal government, including its various departments and agencies, with  
 2 other states and localities, and with private agencies of every type, to the  
 3 end that the most effective preparation and use may be made of the state and  
 4 national ~~manpower~~ personnel, resources, and facilities for dealing with any  
 5 disaster that may occur.

6  
 7 SECTION 18. Arkansas Code § 12-75-102(c)(2) is amended to read as  
 8 follows to clarify references and make stylistic changes:

9 (2) ~~County~~ Except as noted in this chapter, county and municipal  
 10 governments, ~~except as noted in this subchapter,~~ bear primary responsibility  
 11 for initial actions and activities related to disaster preparedness,  
 12 response, and recovery for the county and the municipalities ~~therein~~ in the  
 13 county through their local offices of emergency management ~~office~~, with  
 14 support from the department.

15  
 16 SECTION 19. Arkansas Code § 12-75-102(d)(1)(A) is amended to read as  
 17 follows to clarify a reference and make a stylistic change:

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

23  
 24 SECTION 20. Arkansas Code §§ 12-75-103(5) and (6) are amended to read  
 25 as follows to clarify references:

26 (5) "Emergency management requirements" means specific actions,  
 27 activities, and accomplishments required for funding of state offices of  
 28 emergency management ~~and or~~ established local offices of emergency  
 29 management, or both, under applicable state and federal emergency management  
 30 program guidance and regulations;

31 (6) "Emergency management standards" means standards of  
 32 training, education, and performance established by the director for  
 33 employees of the state offices of emergency management and established local  
 34 offices of emergency management designed to ensure competency and  
 35 professionalism and to determine minimum qualifications for the receipt of  
 36 federal or state emergency management funding, or both;

1  
2 SECTION 21. Arkansas Code § 12-75-103(7)(B) is repealed because it is  
3 substantive language in a definitions section and it is being added by this  
4 act to § 12-75-128, which contains similar subject matter:

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

9 ~~(ii) However, to the extent that an emergency~~  
10 ~~responder engages in a professional activity that by law requires a license,~~  
11 ~~certificate, permit, or other official recognition in order to engage in the~~  
12 ~~professional activity, the emergency responder shall possess the appropriate~~  
13 ~~professional credentials.~~

14  
15 SECTION 22. Arkansas Code § 12-75-103(7) is amended to add the  
16 following new subdivision containing language repealed from § 12-75-128 by  
17 this act:

18 (D) "Emergency responder" includes any full-time or part-  
19 time paid, volunteer, or auxiliary employee of the state, another state, a  
20 territory, a possession, the District of Columbia, the federal government,  
21 any neighboring country, or any political subdivision thereof, or of any  
22 agency or organization performing emergency preparedness services at any  
23 place in this state subject to the order or control of, or pursuant to, a  
24 request of the state government or any political subdivision;

25  
26 SECTION 23. Arkansas Code §§ 12-75-103(11) and (12) are amended to  
27 read as follows to clarify references and change a definition to be  
28 consistent with usage in the chapter:

29 (11)(A) "Interjurisdictional agreement" means a mutual agreement  
30 between two (2) or more established local offices of emergency management  
31 ~~which~~ that is approved by executive order of the Governor in accordance with  
32 this chapter to merge, integrate, or otherwise combine the functions of the  
33 respective established local offices of emergency management for more  
34 effective, economical, and efficient use of available personnel and  
35 resources.

36 (B) An interjurisdictional agreement shall include

1 specific provisions addressing the appointment, funding, administration, and  
 2 operational control of the emergency ~~services~~ management coordinator and  
 3 staff of the interjurisdictional office of emergency ~~services~~ management;

4 (12) “Local office ~~for~~ of emergency management” means a county  
 5 or municipal office of emergency management created and established in  
 6 accordance with the provisions of this chapter to perform local emergency  
 7 management functions within the existing political subdivisions of the state;

8  
 9 SECTION 24. Arkansas Code §§ 12-75-103(18) and (19) are amended to  
 10 read as follows to clarify references and make stylistic changes:

11 (18)(A) “Public safety agency” means an agency of the State of  
 12 Arkansas or a functional division of a political subdivision ~~which~~ that  
 13 provides firefighting and rescue, natural or human-caused disaster or major  
 14 emergency response, law enforcement, and ambulance or emergency medical  
 15 services.

16 (B) State offices of emergency management and local  
 17 offices of emergency management are considered in the context and definition  
 18 of public safety agencies for performance or coordination of functions  
 19 defined as emergency ~~services~~ management to the extent necessary for  
 20 mitigation of, planning for, response to, and recovery from disasters or  
 21 major emergencies;

22 (19) “Public safety officer” means those positions of state  
 23 offices of emergency management and local offices of emergency management  
 24 ~~means those positions~~ approved by the director in state and local staffing  
 25 patterns and authorized by him or her to perform or coordinate emergency  
 26 ~~service~~ management functions to the extent necessary for mitigation of,  
 27 planning for, response to, recovery from, or prevention of disasters or major  
 28 emergencies within limitations of this chapter;

29  
 30 SECTION 25. Arkansas Code § 12-75-103(20) is repealed because the  
 31 definition is not used in the chapter:

32 ~~(20) “Qualified emergency worker” means a volunteer worker, duly~~  
 33 ~~qualified and registered with either a local emergency services organization~~  
 34 ~~or the Arkansas Department of Emergency Management, who has on file with the~~  
 35 ~~local emergency management organization the following:~~

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

- 1                   ~~(B) Date enrolled; and~~
- 2                   ~~(C) Class of service assigned;~~

3

4           SECTION 26. Arkansas Code § 12-75-103(22) is repealed because the

5 definition is not used in the chapter:

6           ~~(22) "State department/agency liaison office" means personnel~~

7 ~~designated by each state department/agency head to coordinate with, advise,~~

8 ~~consult, and otherwise support the state and local offices of emergency~~

9 ~~management in developing plans, identifying resources, and such other~~

10 ~~activities as are deemed necessary to ensure that all required resources of~~

11 ~~the state and local government can be brought to bear in a coordinated manner~~

12 ~~to effect a timely, efficient, and economical response to any disaster or~~

13 ~~major emergency which may occur; and~~

14

15           SECTION 27. Arkansas Code § 12-75-103 is amended to add the following

16 new definition to clarify references in the chapter:

17           (24) "Interjurisdictional office of emergency management" means

18 an office of emergency management formed by two (2) or more local offices of

19 emergency management under an interjurisdictional agreement.

20

21           SECTION 28. Arkansas Code § 12-75-106 is amended to read as follows to

22 clarify references and make stylistic changes:

23           12-75-106. Enforcement.

24           ~~(a) It shall be the duty of every organization for emergency services~~

25 Each state office of emergency management and local office of emergency

26 management established pursuant to this chapter and of the officers thereof

27 to of each state office of emergency management and local office of emergency

28 management shall execute and enforce such orders, rules, and regulations as

29 may be made by the Governor under authority of this chapter.

30           ~~(b) Each such organization~~ state office of emergency management and

31 local office of emergency management shall ~~have~~ make available for inspection

32 at its office all orders, rules, and regulations made by the Governor or made

33 under his or her authority.

34

35           SECTION 29. Arkansas Code § 12-75-108(a)(3) is amended to read as

36 follows to clarify a reference:

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

5  
 6           SECTION 30. Arkansas Code § 12-75-108(c) is amended to read as follows  
 7 to clarify references and make stylistic changes:

8           (c)(1) ~~No~~ An interjurisdictional agency office of emergency management  
 9 or official ~~thereof~~ of an interjurisdictional office of emergency management  
 10 ~~may~~ shall not declare a local disaster emergency unless expressly authorized  
 11 by the interjurisdictional agreement ~~pursuant to~~ under which the ~~agency~~  
 12 interjurisdictional office of emergency management functions.

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

16  
 17           SECTION 31. Arkansas Code § 12-75-109(d) is amended to read as follows  
 18 to clarify references:

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

23           (2) The Director of the Arkansas Department of Emergency  
 24 Management shall establish training and professional standards required to  
 25 supplement state personnel based on state and federal disaster recovery  
 26 program needs and shall establish a list of persons with those qualifications  
 27 and make available to emergency reserve cadre personnel such additional  
 28 training and education opportunities as may be needed to maintain currency  
 29 and proficiency in the needed skills.

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

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

36           (i) Be paid from disaster management funds or

1 administrative funds, or both;

2 (ii) Be limited to salary, logistical, and travel  
3 expenses only; and

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

7 (4)(A) ~~Such persons~~ Emergency reserve cadre personnel shall ~~only~~  
8 be called to active duty only upon declaration of a disaster emergency as  
9 stipulated in this chapter or the Disaster Relief Act of 1973, Pub. L. No.  
10 93-288, or both, or by executive order of the Governor upon recommendation by  
11 the director for due cause or pending emergency needs and shall remain on  
12 active duty no longer than sixty (60) days after a declaration or  
13 declarations unless such declaration or declarations are extended by the  
14 Governor or the President of the United States, in which case they shall be  
15 continued for no more than sixty (60) days after the final declaration issued  
16 for that disaster emergency event.

17 (B) Based on the size, impact, and magnitude of the  
18 disaster event, the director shall determine the minimum number of emergency  
19 reserve cadre personnel required to effectively supplement regular state  
20 emergency management personnel and report these numbers to the Governor for  
21 approval.

22 (5) While in ~~such~~ service described in subdivision (d)(4)(A) of  
23 this section, the ~~individuals so employed~~ emergency reserve cadre personnel  
24 ~~shall~~ have the same immunities as regular state employees for good faith  
25 performance of their designated and assigned official duties under state  
26 sovereignty laws and practices.

27  
28 SECTION 32. Arkansas Code § 12-75-110(a)(9) is amended to read as  
29 follows to make a gender neutral change:

30 (9) Organization of ~~manpower~~ personnel and the establishment of  
31 chains of command;

32  
33 SECTION 33. Arkansas Code § 12-75-110(b) and (c) are amended to read  
34 as follows to clarify references:

35 (b)(1) In preparing and revising the state emergency operations plan,  
36 the department shall seek the advice and assistance of state agencies, local

1 government, business, labor, industry, agriculture, civic, and volunteer  
2 organizations, and community leaders.

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

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

10  
11 SECTION 34. Arkansas Code § 12-75-111(a)(6) is amended to read as  
12 follows to clarify references:

13 (6) Establish and operate or assist political subdivisions,  
14 their ~~disaster agencies~~ local offices of emergency management, and  
15 interjurisdictional ~~disaster agencies~~ offices of emergency management to  
16 establish and operate training programs and programs of public information;  
17

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

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

23 (2)(A) ~~To this end~~ To meet the requirements of subdivision  
24 (b)(1) of this section, the department shall employ or otherwise secure the  
25 services of professional and technical personnel capable of providing expert  
26 assistance to political subdivisions, their ~~disaster agencies~~ local offices  
27 of emergency management, and interjurisdictional planning, and ~~disaster~~  
28 ~~agencies~~ interjurisdictional offices of emergency management.

29 (B) ~~These personnel~~ Personnel described in subdivision  
30 (b)(2)(A) of this section shall consult with political subdivisions, local  
31 offices of emergency management, and ~~agencies~~ interjurisdictional offices of  
32 emergency management on a regularly scheduled basis and shall make field  
33 examinations of the area, circumstances, and conditions to which particular  
34 local and interjurisdictional emergency operations plans are intended to  
35 apply and may suggest or require revisions.

36

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

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

7  
8 SECTION 37. Arkansas Code § 12-75-113(a) is amended to read as follows  
9 to clarify references and make a stylistic change:

10 (a) Due to the time-critical nature of response to the scene of a  
11 disaster or major emergency occurrence, the Director of the Arkansas  
12 Department of Emergency Management ~~is authorized to~~ may designate appropriate  
13 vehicles as requested in the staffing patterns of the state offices of  
14 emergency management and local offices of emergency ~~services~~ management and  
15 designate other state agency vehicles with an emergency ~~service~~ management  
16 response requirement as emergency response vehicles.

17  
18 SECTION 38. Arkansas Code § 12-75-114(c)(8) is amended to read as  
19 follows to clarify references:

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

26  
27 SECTION 39. Arkansas Code § 12-75-114(e)(3) is amended to read as  
28 follows to clarify references:

29 (3) Transfer the direction, personnel, or functions of state  
30 departments and agencies or units ~~thereof~~ of state departments and agencies  
31 for the purpose of performing or facilitating emergency ~~services~~ management;  
32

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

35 (3) ~~These studies will~~ Studies under subdivision (a)(2) of this  
36 section shall be furnished to the Governor and the Arkansas Department of



1 Emergency Management as soon as possible after completion and shall  
 2 concentrate on means of reducing or avoiding damage caused by possible  
 3 disasters or ~~their~~ the consequences ~~thereof~~ of possible disasters.

4  
 5 SECTION 41. Arkansas Code § 12-75-116(a) is amended to read as follows  
 6 to clarify references and make stylistic changes:

7 (a)(1) It is the policy of this chapter that each department,  
 8 commission, agency, or institution of state and local government actively and  
 9 aggressively support the state offices of emergency management and local  
 10 offices of emergency management to the end of providing the best possible  
 11 preparation for response to or recovery from any emergency situation ~~which~~  
 12 that may occur.

13 (2) In furtherance of ~~this~~ the policy described in subdivision  
 14 (a)(1) of this section, ~~it is directed that~~ the head of each state  
 15 department, commission, agency, or institution with an emergency management  
 16 role or responsibility shall appoint a member or members of his or her staff  
 17 as agency emergency management liaison officer or officers to act on his or  
 18 her behalf in ensuring the agency's capability to fulfill its role in  
 19 emergency ~~services~~ management activities and ~~will~~ shall ensure that the  
 20 Arkansas Department of Emergency Management is notified of any change in the  
 21 appointment.

22  
 23 SECTION 42. The introductory language of Arkansas Code § 12-75-116(b)  
 24 is amended to read as follows to clarify a reference and make a stylistic  
 25 change:

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

28  
 29 SECTION 43. Arkansas Code § 12-75-117(a)(1) is amended to read as  
 30 follows to clarify references:

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

34 (B)(i) ~~Prior to such~~ Before a combination under  
 35 subdivision (a)(1)(A) of this section, the jurisdictions involved shall  
 36 prepare for the Governor's approval a written mutual interjurisdictional

1 agreement that specifies how and by whom the emergency management coordinator  
2 shall be appointed.

3 (ii) The interjurisdictional agreement shall also  
4 include specific provisions addressing the funding, administration, staff,  
5 and operational control of the interjurisdictional office of emergency  
6 management.

7 (C) The interjurisdictional office of emergency management  
8 shall meet the same minimum standards and requirements as a single-  
9 jurisdiction local office of emergency ~~services~~ management in order to  
10 maintain eligibility for state and federal emergency management funding and  
11 program assistance.

12

13 SECTION 44. Arkansas Code § 12-75-118 is amended to read as follows to  
14 clarify references:

15 12-75-118. Local and interjurisdictional ~~disaster agencies~~ offices of  
16 emergency management and services.

17 (a)(1) Each political subdivision within this state shall be within  
18 the jurisdiction of and served by the Arkansas Department of Emergency  
19 Management and by a local office of emergency management or  
20 interjurisdictional office of emergency management.

21 (2) ~~Local~~ A local office of emergency management or  
22 interjurisdictional ~~offices~~ office of emergency management shall be  
23 established as a public safety agencies agency of ~~their~~ its respective  
24 political subdivision or political subdivisions and shall be under the  
25 direction and control of the appropriate chief executive for the purposes of  
26 mitigation of, planning for, response to, and recovery from disaster and  
27 major emergency occurrences and for operation of public safety information  
28 networks.

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

34 (2) Unless a municipality has been specifically designated as a  
35 local office of emergency management, it shall receive emergency ~~services~~  
36 management support from the county or counties ~~within which~~ where its

1 corporate limits are situated.

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

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

10 (d) ~~Any provision of this chapter or other law to the contrary~~  
11 ~~notwithstanding, the~~ The Governor may require a political subdivision to  
12 establish and maintain ~~an~~ a local office of emergency management or an  
13 interjurisdictional office of emergency management jointly with one (1) or  
14 more contiguous political subdivisions if he or she finds that the  
15 establishment and maintenance of any agency or participation ~~therein~~ in an  
16 agency is made necessary by circumstances or conditions that make it  
17 unusually difficult to provide disaster or major emergency prevention,  
18 preparedness, response, or recovery services under other provisions of this  
19 chapter.

20 (e) Each political subdivision ~~which~~ that does not have ~~an~~ a local  
21 office of emergency management and has not made arrangements to secure or  
22 participate in the ~~services~~ emergency management of an agency shall have a  
23 liaison officer designated to facilitate the cooperation and protection of  
24 that political subdivision in the work of disaster and major emergency  
25 prevention, preparedness, response, and recovery.

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

33 (2) The chief executive of a political subdivision shall notify  
34 the department of the manner in which the political subdivision is providing  
35 or securing disaster planning and emergency management, provide a staffing  
36 pattern for the local office of emergency management, identify the person who

1 heads the local office of emergency management, and furnish additional  
2 information relating thereto as the department requires.

3 (g)(1) Each local office of emergency management and  
4 interjurisdictional office of emergency management shall prepare and keep  
5 current an emergency operations plan for its area.

6 (2)(A) The ~~basic~~ emergency operations plan and all annexes must  
7 be approved by the local office of emergency management of the political  
8 subdivision and receive concurrence of the chief executive of the political  
9 subdivision.

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

12 (h) The local office of emergency management or interjurisdictional  
13 office of emergency management, as the case may be, shall prepare a clear and  
14 complete statement of the emergency responsibilities of all local agencies  
15 and officials and of the disaster and major emergency chain of command. This  
16 statement shall be distributed to all appropriate officials in written form  
17 ~~and shall be a clear and complete statement of the emergency responsibilities~~  
18 ~~of all local agencies and officials and of the disaster and major emergency~~  
19 ~~chain of command~~.

20 (i)(1)(A) The county judge of each county and the chief executive  
21 ~~officer~~ of those municipal jurisdictions specifically designated as  
22 established local offices of emergency management shall appoint an emergency  
23 management coordinator for their respective local offices of emergency  
24 management.

25 (B) The written mutual interjurisdictional agreement  
26 between the participating jurisdictions in an interjurisdictional office of  
27 emergency management, executed ~~pursuant to~~ under § 12-75-117(a), shall govern  
28 the appointment of the emergency management coordinator of the  
29 interjurisdictional office of emergency management.

30 (C) The emergency management coordinator shall act for and  
31 on behalf of the appropriate chief executive ~~officer~~ to manage and coordinate  
32 the functions, duties, and activities of the established local office of  
33 emergency management.

34 (2) The ~~local~~ emergency management coordinator and such  
35 supporting staff of an established local office of emergency management as  
36 may be employed in part, or in whole, by state and federal emergency

1 management program funds, shall be responsible for meeting all standards and  
 2 requirements stipulated for funding under the programs.

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

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

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

14 (2)(A) When authorized by the chief executive of the political  
 15 subdivision and properly staffed, the local office of emergency management  
 16 may operate a public safety communications center for the purposes of  
 17 coordination, dispatch, and information services for local government public  
 18 safety agencies and private or volunteer agencies with an emergency  
 19 management mission.

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

24  
 25 SECTION 45. Arkansas Code § 12-75-122 is amended to read as follows to  
 26 clarify a reference and make stylistic changes:

27 12-75-122. Political activity prohibited.

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

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

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

33  
 34 SECTION 46. Arkansas Code § 12-75-123(a) is amended to read as follows  
 35 to clarify a reference and make stylistic changes:

36 (a) Each political subdivision ~~shall have the power to~~ may make

1 appropriations in the manner provided by law for making appropriations for  
 2 the ordinary expenses of such political subdivision for the payment of  
 3 expenses of its local ~~organization for~~ office of emergency management.  
 4

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

7 (b)(1) ~~Whenever~~ If the federal government or any agency or officer  
 8 ~~thereof of the federal government shall offer~~ offers to the state, or through  
 9 the state to any political subdivision ~~thereof~~, services, equipment,  
 10 supplies, materials, or funds by way of gift, grant, or loan, for purposes of  
 11 emergency ~~services~~ management or disaster relief, the state, acting through  
 12 the Governor, or ~~such~~ the political subdivision, acting with the consent of  
 13 the Governor and through its chief executive or governing body, may accept  
 14 ~~such~~ the offer.  
 15

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

18 (b) ~~No personal services may be compensated by the state or any~~  
 19 ~~subdivision or agency thereof,~~ The state, any agency of the state, and any  
 20 political subdivision shall not compensate any personal services except  
 21 pursuant to statute or local law or ordinance.  
 22

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

25 (a) All functions under this chapter and all other activities relating  
 26 to emergency ~~services~~ management are declared to be governmental functions.  
 27

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

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

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

1  
2 SECTION 51. Arkansas Code § 12-75-128(f) is repealed because it is  
3 being added to the definition of "emergency responder" in § 12-75-103:

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

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

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

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

24  
25 SECTION 53. Arkansas Code § 12-75-129(a) is amended to read as follows  
26 to clarify its application:

27 ~~(a)(1) Benefits payable for the injury or death of persons appointed~~  
28 ~~and regularly enrolled in accredited emergency management organizations and~~  
29 ~~covered by this chapter, while actually engaged in emergency management~~  
30 ~~duties either during training or during a period of emergency and subject to~~  
31 ~~the order or control of or pursuant to a request of and under the supervision~~  
32 ~~and instruction of the Governor, the Arkansas Department of Emergency~~  
33 ~~Management, the chief executive or the designated director of a department,~~  
34 ~~or a county of an accredited local government unit making use of emergency~~  
35 ~~management volunteer workers shall be limited to the provisions of the~~  
36 ~~Workers' Compensation Law, § 11-9-101 et seq., if such persons are regularly~~

1 ~~employed by a local government or the State of Arkansas.~~

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

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

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

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

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

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

16 (a) Governor;

17 (b) Arkansas Department of Emergency  
 18 Management; or

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

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

25  
 26 SECTION 54. Arkansas Code § 12-75-129(d)(2) is amended to read as  
 27 follows to clarify ambiguous language and clarify a reference:

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

33  
 34 SECTION 55. The introductory language of Arkansas Code § 12-75-129(f)  
 35 is amended to read as follows to clarify a reference:

36 (f) An emergency responder shall be deemed duly registered and



1 qualified when he or she is a member of and has on file in either a local  
 2 office of emergency management ~~office~~ or in the Arkansas Department of  
 3 Emergency Management the following information:

4  
 5 SECTION 56. Arkansas Code § 12-75-132(d) is amended to read as follows  
 6 to remove obsolete language and clarify its applicability:

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

- 10 (1) Requesting and providing assistance through the statewide
- 11 mutual aid system;
- 12 (2) Recordkeeping for all participating emergency jurisdictions;
- 13 (3) Reimbursement for assistance provided through the statewide
- 14 mutual aid system; and
- 15 (4) Any other process necessary to implement the statewide
- 16 mutual aid system.

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

20 12-75-133. Position transfer.

21 Upon approval of the Chief Fiscal Officer of the State, the Arkansas  
 22 Department of Emergency Management may transfer positions between  
 23 appropriations as may be required:

- 24 (1) If a disaster occurs that results in a presidential disaster
- 25 proclamation; or
- 26 (2) When an employee occupies one (1) position that is to be
- 27 paid from two (2) or more appropriations during a single fiscal year.

28  
 29 SECTION 58. Arkansas Code § 12-75-201 is repealed because it is being  
 30 added as § 12-75-133 by this act:

31 ~~12-75-201. Position Transfer.~~

32 ~~Upon approval of the Chief Fiscal Officer of the State, the Arkansas~~  
 33 ~~Department of Emergency Management is authorized to transfer positions~~  
 34 ~~between 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 59. Arkansas Code § 12-83-104(a)(2) is amended to read as  
 5 follows to clarify references:

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

10  
 11           SECTION 60. Arkansas Code § 12-86-203(2)-(6) are amended to read as  
 12 follows to clarify references:

13           (2) Identify designated emergency shelters, including without  
 14 limitation local shelters and mass evacuation shelters, in proximity to all  
 15 licensed child care facilities and all known license-exempt child care  
 16 facilities, identify three (3) designated emergency shelters in closest  
 17 proximity to each child care facility, and notify each child care facility  
 18 annually of the locations of those designated emergency shelters;

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

23           (4) Require all licensed child care facilities to notify parents  
 24 annually of the designated emergency shelters designated by the Division of  
 25 Child Care and Early Childhood Education of the Department of Human Services  
 26 as being in closest proximity to those licensed child care facilities;

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

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

36

1 SECTION 61. Arkansas Code § 12-86-204 is amended to read as follows:  
 2 12-86-204. Arkansas Department of Emergency Management policies.

3 The Director of the Arkansas Department of Emergency Management shall  
 4 coordinate efforts with other state agencies and appropriate organizations  
 5 to:

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

11 (2) Share a periodically updated statewide list of designated  
 12 emergency shelters, both local shelters and mass evacuation shelters, with  
 13 the ~~state child care licensing agency~~ Division of Child Care and Early  
 14 Childhood Education of the Department of Human Services, state child care  
 15 subsidy program, and state child and adult nutrition program when ~~such a~~ the  
 16 list is available; and

17 (3) Include all licensed child care facilities and all known  
 18 license-exempt child care facilities where critical facilities such as  
 19 schools, hospitals, and nursing homes are mentioned in the state response  
 20 plan, emergency preparedness exercises, or other guiding documents and  
 21 activities.

22  
 23 SECTION 62. The enactment and adoption of this act shall not repeal,  
 24 expressly or impliedly, the acts passed at the regular session of the 87th  
 25 General Assembly. All such acts shall have full effect and, so far as those  
 26 acts intentionally vary from or conflict with any provision contained in this  
 27 act, those acts shall have the effect of subsequent acts and as amending or  
 28 repealing the appropriate parts of the Arkansas Code of 1987.