

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/22/01

A Bill

Act 1278 of 2001
HOUSE BILL 2166

5 By: Representatives Boyd, Dangeau
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For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
10 EMERGENCY SERVICES ACT OF 1973, AS AMENDED; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13 TO AMEND VARIOUS SECTIONS OF THE
14 ARKANSAS EMERGENCY SERVICES ACT OF 1973,
15 AS AMENDED.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 12-75-107(b)(2) is amended to read as
22 follows:

23 (2) No state of disaster emergency may continue for longer than ~~thirty~~
24 ~~(30)~~ sixty (60) days unless renewed by the Governor.
25

26 SECTION 2. Arkansas Code 12-75-108(a)(2) is amended to read as
27 follows:

28 (2) It shall not be continued or renewed for a period in excess of
29 ~~seven (7)~~ sixty (60) days except by or with the consent of the governing body
30 of the political subdivision.
31

32 SECTION 3. Arkansas Code 12-75-109 is amended by adding a new
33 subsection to read as follows:

34 (e) There is hereby created within the Arkansas Department of
35 Emergency Management an emergency reserve cadre to be comprised of trained
36 and available specialists to assist regular employees during declared

1 disaster response and recovery operations.

2 (1) The director shall establish training and professional
3 standards required to supplement state personnel based on state and federal
4 disaster recovery program needs and shall establish a list of persons with
5 those qualifications and make available to reserve cadre personnel such
6 additional training and education opportunities as may be needed to maintain
7 currency and proficiency in the needed skills.

8 (2) Qualified personnel shall be reimbursed at the current state
9 classified entry level salary rate for the position they are temporarily
10 employed to fill and meet such additional training, experience and
11 qualifications as established by the director for the grade level of the
12 position for which they are employed. Such personnel shall be paid from
13 disaster management and/or administrative funds and shall be limited to
14 salary, logistical and travel expenses only, and shall not accrue ordinary
15 leave, sick leave, or other employee benefits except for workers'
16 compensation eligibility for injuries/death suffered in the line of duty.

17 (3) Such persons shall only be called to active duty upon
18 declaration of a disaster/emergency as stipulated in Arkansas Code 12-75-101,
19 et seq., and/or P.L. 93-288, or by executive order of the Governor upon
20 recommendation by the director for due cause or pending emergency needs, and
21 shall remain on active duty no longer than sixty (60) days after such
22 declaration unless such declarations are extended by the Governor or the
23 President of the United States, in which case they shall be continued for no
24 more than sixty (60) days after the final declaration issued for that
25 disaster/emergency event. Based on the size, impact and magnitude of the
26 disaster event, the Director shall determine the minimum number of reserve
27 personnel required to effectively supplement regular state emergency
28 management personnel and report these numbers to the Governor for approval.

29 (4) While in such service, the individuals so employed shall
30 have the same immunities as regular state employees for good faith
31 performance of their designated and assigned official duties under state
32 sovereignty laws and practices.

33
34 Section 4. Arkansas Code 12-75-114(c)(2) is amended to read as
35 follows:

36 (2) The initial amount of the disaster response fund shall be in the

1 amount of ~~five hundred thousand dollars (\$500,000)~~ one million dollars
 2 (\$1,000,000), the disaster recovery fund shall be in the amount of three
 3 million dollars (\$3,000,000), and the hazard mitigation fund shall be in the
 4 amount of ~~two million dollars (\$2,000,000)~~ three million dollars
 5 (\$3,000,000), with:

6 (A) The sum of one million dollars (\$1,000,000) from the
 7 disaster recovery fund solely for use in individual assistance;

8 (B) The sum of two million dollars (\$2,000,000) from the
 9 disaster recovery fund solely for use in public assistance;

10 (C) The sum of ~~two million dollars (\$2,000,000)~~ two million two
 11 hundred and fifty thousand dollars (\$2,250,000) from the hazard mitigation
 12 fund solely for use in hazard mitigation assistance;

13 (D) The sum of ~~five hundred thousand dollars (\$500,000)~~ one
 14 million dollars (\$1,000,000) solely for use to defray the cost of immediate
 15 emergency response; and

16 (E) The sum of ~~four million dollars (\$4,000,000)~~ three million
 17 two hundred and fifty thousand dollars (\$3,250,000) from the catastrophic
 18 loss fund solely for use in catastrophic losses suffered by both individuals
 19 and public entities.

20
 21 SECTION 5. Arkansas Code 12-75-119 is amended by adding a new
 22 subsection to read as follows:

23 (f) To provide resources for immediate aid, assistance and unimpeded
 24 response and recovery operations within and between the various political
 25 subdivisions of this state a defacto mutual aid agreement shall exist between
 26 counties and municipalities therein and between all counties within the state
 27 upon declaration of a disaster/emergency by the Governor and in accordance
 28 with Arkansas Code 12-75-107(A)(1).

29 (1) Such condition shall exist until the disaster/emergency
 30 shall have ended.

31 (2) Resources deployed from one (1) jurisdiction to another
 32 under this provision shall remain under the control of, and may be withdrawn
 33 at the discretion of, the providing jurisdiction's chief executive officer.

34 (3) Because of the immediacy for the preservation of lives and
 35 property in a disaster/emergency, formal and specific terms between the
 36 dispatching and receiving jurisdictions for monetary and/or in-kind

1 reimbursement of expenses incurred may be delayed until the situation has
2 been stabilized and local administrative functions have been reestablished.

3 /s/ Boyd

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6 APPROVED: 4/4/2001
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