

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL 1624

4 **By: Representatives Thurman and Horn**

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For An Act To Be Entitled

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"THE EMERGENCY COMMUNICATIONS ACT OF 1991."

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

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12 SECTION 1. SHORT TITLE. This act may be cited as the "Emergency
13 Communications Act of 1991."

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15 SECTION 2. POLICY AND PURPOSE.

16 Because of the potential for a natural, technological or national
17 emergency related disaster of catastrophic size and devastating impact
18 requiring rapid and effective communications and warning to coordinate city,
19 county, state, federal and private sector emergency response personnel,
20 equipment and resources for the protection of lives, property and institutions
21 of the people of the State of Arkansas; and because technologically advanced
22 state-of-the-art communications and data exchange equipment must be
23 systematically procured, installed and operated to insure compatibility and
24 effective use, it is hereby found and declared to be necessary:

25 (1) To provide for the periodic review of the statewide emergency
26 communications system to insure maximum operational effectiveness and
27 recommend such improvements as may be required to keep pace with increasing
28 emergency needs and advancing technology;

29 (2) To provide a system to review and recommend the procurement of
30 equipment and systems to local offices of emergency services and to state,
31 federal and private sector emergency communications operators to ensure
32 compatibility of equipment;

33 (3) To provide a source of funding and administer funding made
34 available from federal, state, and private sources to ensure prioritized,
35 equitable, economical and fair distribution of funding and to ensure all

1 required fiscal controls and reviews are in compliance with appropriate state
2 and federal guidelines.

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4 SECTION 3. DEFINITIONS. As used in this act:

5 (a) "State or Local Office of Emergency Services" shall refer to
6 (1) the state agency and (2) those jurisdictions authorized under Arkansas
7 Code 12-75-101 et seq., for the performance of emergency/disaster mitigation,
8 planning, response or recovery at the state and local level, respectively.

9 (b) "Emergency warning and communications systems" shall refer to the
10 emergency communications nets operated under the control management,
11 supervision and license of the State Office of Emergency Services which may
12 include local offices of emergency services, designated components of state or
13 federal agencies and duly accredited private sector organizations assigned to
14 an emergency role under the provisions of the State of Arkansas, Emergency
15 Operations Plan.

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17 SECTION 4. *Implementation.*

18 *From funds appropriated therefor, the State Office of Emergency Services*
19 *shall provide to eligible local Offices of Emergency Services and key State*
20 *agencies assigned an emergency roll under the Arkansas Emergency Operations*
21 *Plan, matching grants not to exceed fifty percent (50%) of the cost of the*
22 *acquisition of the emergency warning and communications equipment. The grant*
23 *shall be awarded only for the acquisition of equipment for which the Director*
24 *of the State Office of Emergency Services has granted specific approval. The*
25 *equipment shall be purchased only in accordance with the current approved*
26 *purchasing procedures of the county or city having authority over the local*
27 *Office of Emergency Services or the approved purchasing procedures for the*
28 *governmental agencies or private sector agencies.*

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30 SECTION 5. MANAGEMENT. The State Office of Emergency Services shall
31 insure that a system to manage the funds shall provide:

32 (1) Upon achieving operational status, the warning and communications
33 shall be operated in accordance with the rules, regulations and laws governing
34 emergency warning and communications systems as promulgated by the Federal
35 Communications Commission, Federal Emergency Management Agency and the State
36 Office of Emergency Services;

1 (2) Equipment shall be maintained in a continuing operational status by
2 local Offices of Emergency Services or the Chief Executive Officer of the
3 jurisdiction and by the responsible supervisor or manager of other recipients
4 and the offices, jurisdictions or agencies who shall provide supervision and
5 training to those individuals designated to operate the equipment; and

6 (3) Failure to maintain or operate the equipment in accordance with the
7 minimum standards set forth in guidance by the State Office of Emergency
8 Services shall require repayment to the Treasury of the State of Arkansas that
9 portion of the initial grant of state funds based upon a depreciation rate of
10 fourteen percent (14%) per annum effective from the date of installation and
11 acceptance.

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

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

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

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/s/ J. Thurman and H. Horn

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