

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 145

5 By: Senator Gilmore
6 By: Representative Beaty Jr.
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS EMERGENCY MANAGEMENT
10 ASSISTANCE COMPACT TO COMPLY WITH CHANGES TO THE
11 NATIONAL STANDARD; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE ARKANSAS EMERGENCY
16 MANAGEMENT ASSISTANCE COMPACT TO COMPLY
17 WITH CHANGES TO THE NATIONAL STANDARD.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-76-202, concerning the text of Article
23 III of the Emergency Management Assistance Compact entered into with all
24 other states, is amended to add an additional subdivision to read as follows:

ARTICLE III – PARTY STATE RESPONSIBILITIES

26 A. It shall be the responsibility of each party state to
27 formulate procedural plans and programs for interstate cooperation in the
28 performance of the responsibilities listed in this article. In formulating
29 such plans, and in carrying them out, the party states, insofar as practical,
30 shall:

31 i. Review individual state hazards analyses and, to the
32 extent reasonably possible, determine all those potential emergencies the
33 party states might jointly suffer, whether due to natural disaster,
34 technological hazard, man-made disaster, emergency aspects of resource
35 shortages, civil disorders, insurgency, or enemy attack.

36 ii. Review party states' individual emergency plans and



1 develop a plan which will determine the mechanism for the interstate
2 management and provision of assistance concerning any potential emergency.

3 iii. Develop interstate procedures to fill any identified
4 gaps and to resolve any identified inconsistencies or overlaps in existing or
5 developed plans.

6 iv. Assist in warning communities adjacent to or crossing
7 the state boundaries.

8 v. Protect and assure uninterrupted delivery of services,
9 medicines, water, food, energy and fuel, search and rescue, and critical
10 lifeline equipment, services, and resources, both human and material.

11 vi. Inventory and set procedures for the interstate loan
12 and delivery of human and material resources, together with procedures for
13 reimbursement or forgiveness.

14 vii. Provide, to the extent authorized by law, for
15 temporary suspension of any statutes or ordinances that restrict the
16 implementation of the above responsibilities.

17 B. The authorized representative of a party state may request
18 assistance of another party state by contacting the authorized representative
19 of that state. The provisions of this agreement shall only apply to requests
20 for assistance made by and to authorized representatives. Requests may be
21 verbal or in writing. If verbal, the request shall be confirmed in writing
22 within 30 days of the verbal request. Requests shall provide the following
23 information:

24 i. A description of the emergency service function for
25 which assistance is needed, such as but not limited to fire services, law
26 enforcement, emergency medical, transportation, communications, public works
27 and engineering, building inspection, planning and information assistance,
28 mass care, resource support, health and medical services, and search and
29 rescue.

30 ii. The amount and type of personnel, equipment, materials
31 and supplies needed, and a reasonable estimate of the length of time they
32 will be needed.

33 iii. The specific place and time for staging of the
34 assisting party's response and a point of contact at that location.

35 C. There shall be frequent consultation between state officials
36 who have assigned emergency management responsibilities and other appropriate

1 representatives of the party states with affected jurisdictions and the
2 United States Government, with free exchange of information, plans, and
3 resource records relating to emergency capabilities.

4 D. The governor or his or her designee shall not be obligated
5 under this compact to send the requested assistance, except in the governor's
6 sole and absolute discretion, and any assistance may be withdrawn at any time
7 in the sole and absolute discretion of the governor.

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9 SECTION 2. Arkansas Code § 12-76-202, concerning the text of Article
10 VI of the Emergency Management Assistance Compact entered into with all other
11 states, is amended to read as follows:

12 ARTICLE VI – LIABILITY

13 Officers or employees of a party state, to include political
14 subdivisions, local government, private entities contracted with the party
15 state or local government, and volunteers with the party state and local
16 government to include volunteer organizations of the party state, rendering
17 aid in another state pursuant to this compact shall be considered agents of
18 the requesting state for tort liability and immunity purposes; and no party
19 state or its officers or employees, including local political subdivisions,
20 local governments, private entities contracted with the party state or local
21 government, and volunteers with the party state and local government to
22 include volunteer organizations of the party state, rendering aid in another
23 state pursuant to this compact shall be liable on account of any act or
24 omission in good faith on the part of such forces while so engaged or on
25 account of the maintenance or use of any equipment or supplies in connection
26 therewith. Good faith in this article shall not include willful misconduct,
27 gross negligence, or recklessness.