

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 145

By: Senator Gilmore
By: Representative Beaty Jr.

For An Act To Be Entitled

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

Subtitle

TO AMEND THE ARKANSAS EMERGENCY MANAGEMENT ASSISTANCE COMPACT TO COMPLY WITH CHANGES TO THE NATIONAL STANDARD.

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

SECTION 1. Arkansas Code § 12-76-202, concerning the text of Article III of the Emergency Management Assistance Compact entered into with all other states, is amended to add an additional subdivision to read as follows:

ARTICLE III – PARTY STATE RESPONSIBILITIES

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

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

ii. Review party states' individual emergency plans and



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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI – LIABILITY

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