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2020 Arkansas Code

**Title 12 - Law Enforcement, Emergency
Management, and Military Affairs**

Subtitle 5 - Emergency Management

Chapter 75 - Arkansas Emergency Services Act of

1973

Subchapter 1 - General Provisions

§ 12-75-114. Governor — Disaster emergency responsibilities

Universal Citation:

AR Code § 12-75-114 (2020)

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a. (a) The Governor is responsible for meeting and mitigating, to the maximum extent possible, dangers to the people and property of the state presented or threatened by disasters.

b. (b)

1. (1) Under this chapter, the Governor may issue executive orders, proclamations, and rules and amend or rescind them.

2. (2) Executive orders, proclamations, and regulations have the force and effect of law.

c. (c)

1. (1) There is created within the office of the Governor a disaster response fund, a disaster recovery fund, a catastrophic loss fund, and a hazard mitigation fund, which shall be separate and apart from the Governor's standard emergency fund.
2. (2) The initial amount of the disaster response fund shall be in the amount of two million dollars (\$2,000,000), solely for use to defray the cost of immediate emergency response.
3. (3) The disaster recovery fund shall be in the amount of five million dollars (\$5,000,000), with:
 - A. (A) The sum of two million dollars (\$2,000,000) from the disaster recovery fund solely for use in individual assistance; and
 - B. (B) The sum of three million dollars (\$3,000,000) from the disaster recovery fund solely for use in public assistance.
4. (4) The hazard mitigation fund shall be in the amount of three million dollars (\$3,000,000), solely for use in hazard mitigation assistance.
5. (5) The sum of three million two hundred fifty thousand dollars (\$3,250,000) from the catastrophic loss fund solely for use in catastrophic losses suffered by both individuals and public entities.
6. (6) The Governor's disaster fund may be increased from time to time at the discretion of the Governor.
7. (7) Expenditures from the individual assistance and public assistance funds may only be made in the event of a disaster as defined in § 12-75-103 and only upon proclamation by the Governor.
8. (8) Expenditures from the emergency response fund shall be made by executive order of the Governor, upon recommendation and verification by the Director of the Division of Emergency Management, and may only be made to defray immediate costs associated with response activities by emergency forces of state and local governments and private nonprofit forces duly registered in accordance with § 12-75-129.
9. (9)
 - A. (A) Expenditures from the hazard mitigation fund shall be made by executive order of the Governor.
 - B. (B) The director shall establish and maintain a current hazard vulnerability analysis of key critical public facilities eligible for assistance under the Governor's hazard mitigation fund.
10. (10)
 - A. (A) Expenditures from the catastrophic loss fund may only be made in the event of a federally declared disaster, as well as a disaster as defined in § 12-75-103, and only upon a separate proclamation by the Governor that a disaster has occurred in which catastrophic losses have been suffered by individuals or public entities in the state, or both.
 - B. (B) The director shall establish and maintain such criteria as are necessary to administer the funds authorized for catastrophic loss.

d. (d)

1. (1) During the continuance of any state of disaster emergency, the Governor is Commander-in-Chief of all forces available for emergency duty.

2. (2) To the greatest extent practicable, the Governor shall delegate or assign operational control by prior arrangement embodied in appropriate executive orders or rules, but nothing in this section restricts the Governor's authority to do so by orders issued at the time of the disaster emergency.

e. (e) In addition to any other powers conferred upon the Governor by law, the Governor may:

1. (1) Suspend the provisions of any regulatory statutes prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency;
2. (2) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster emergency;
3. (3) Transfer the direction, personnel, or functions of state departments and agencies or units of state departments and agencies for the purpose of performing or facilitating emergency management;
4. (4) Subject to any applicable requirements for compensation under § 12-75-124, commandeer or utilize any private property if he or she finds this necessary to cope with the disaster emergency;
5. (5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the Governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;
6. (6) Prescribe routes, modes of transportation, and destinations in connection with evacuation;
7. (7) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
8. (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles; and
9. (9) Make provision for the availability and use of temporary emergency housing.

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