

To: Veterans and Military
Affairs;
Appropriations

By: Furniss

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3123

1 A. It shall be the responsibility of each party state to
2 formulate procedural plans and programs for interstate cooperation
3 in the performance of the responsibilities listed in this article.

4 In formulating such plans, and in carrying them out, the party
5 states, insofar as practical, shall:

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

12 ii. Review party states' individual emergency plans and
13 develop a plan which will determine the mechanism for the
14 interstate management and provision of assistance concerning any
15 potential emergency.

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

19 iv. Assist in warning communities adjacent to or

20 crossing the state boundaries.

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

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

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

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

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

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

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

50 location.

51 C. There shall be frequent consultation between state
52 officials who have assigned emergency management responsibilities
53 and other appropriate representatives of the party states with
54 affected jurisdictions and the United States Government, with free
55 exchange of information, plans and resource records relating to
56 emergency capabilities.

57 ARTICLE IV -- LIMITATIONS

58 Any party state requested to render mutual aid or conduct
59 exercises and training for mutual aid shall take such action as is
60 necessary to provide and make available the resources covered by
61 this compact in accordance with the terms hereof; provided that it
62 is understood that the state rendering aid may withhold resources
63 to the extent necessary to provide reasonable protection for such
64 state. Each party state shall afford to the emergency forces of
65 any party state, while operating within its state limits under the
66 terms and conditions of this compact, the same powers (except that
67 of arrest unless specifically authorized by the receiving state),
68 duties, rights and privileges as are afforded forces of the state
69 in which they are performing emergency services. Emergency forces
70 will continue under the command and control of their regular
71 leaders, but the organizational units will come under the
72 operational control of the emergency services authorities of the
73 state receiving assistance. These conditions may be activated, as
74 needed, only subsequent to a declaration of a state of emergency
75 or disaster by the Governor of the party state that is to receive
76 assistance or commencement of exercises or training for mutual aid
77 and shall continue so long as the exercises or training for mutual
78 aid are in progress, the state of emergency or disaster remains in
79 effect or loaned resources remain in the receiving state(s),
80 whichever is longer.

81 ARTICLE V -- LICENSES AND PERMITS

82 Whenever any person holds a license, certificate or other
83 permit issued by any party state to the compact evidencing the
84 meeting of qualifications for professional, mechanical or other
85 skills, and when such assistance is requested by the receiving
86 party state, such person shall be deemed licensed, certified or
87 permitted by the state requesting assistance to render aid
88 involving such skill to meet a declared emergency or disaster,
89 subject to such limitations and conditions as the Governor of the
90 requesting state may prescribe by executive order or otherwise.

91 ARTICLE VI -- LIABILITY

92 Officers or employees of a party state rendering aid in
93 another state pursuant to this compact shall be considered agents
94 of the requesting state for tort liability and immunity purposes;
95 and no party state or its officers or employees rendering aid in
96 another state pursuant to this compact shall be liable on account
97 of any act or omission in good faith on the part of such forces
98 while so engaged or on account of the maintenance or use of any
99 equipment or supplies in connection therewith. Good faith in this
100 article shall not include willful misconduct, gross negligence or
101 recklessness.

102 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

103 Inasmuch as it is probable that the pattern and detail of the
104 machinery for mutual aid among two (2) or more states may differ
105 from that among the states that are party hereto, this instrument
106 contains elements of a broad base common to all states, and
107 nothing herein contained shall preclude any state from entering
108 into supplementary agreements with another state or affect any
109 other agreements already in force between states. Supplementary
110 agreements may comprehend, but shall not be limited to, provisions
111 for evacuation and reception of injured and other persons and the

112 exchange of medical, fire, police, public utility, reconnaissance,
113 welfare, transportation and communications personnel and equipment
114 and supplies.

115 ARTICLE VIII -- COMPENSATION

116 Each party state shall provide for the payment of
117 compensation and death benefits to injured members of the
118 emergency forces of that state and representatives of deceased
119 members of such forces in case such members sustain injuries or
120 are killed while rendering aid pursuant to this compact, in the
121 same manner and on the same terms as if the injury or death were
122 sustained within their own state.

123 ARTICLE IX -- REIMBURSEMENT

124 Any party state rendering aid in another state pursuant to
125 this compact shall be reimbursed by the party state receiving such
126 aid for any loss or damage to or expense incurred in the operation
127 of any equipment and the provision of any service in answering a
128 request for aid and for the costs incurred in connection with such
129 requests; provided, that any aiding party state may assume in
130 whole or in part such loss, damage, expense or other cost, or may
131 loan such equipment or donate such services to the receiving party
132 state without charge or cost; and provided further, that any two
133 (2) or more party states may enter into supplementary agreements
134 establishing a different allocation of costs among those states.
135 Article VIII expenses shall not be reimbursable under this
136 provision.

137 ARTICLE X -- EVACUATION

138 Plans for the orderly evacuation and interstate reception of
139 portions of the civilian population as the result of any emergency
140 or disaster of sufficient proportions to so warrant, shall be
141 worked out and maintained between the party states and the
142 emergency management/services directors of the various

143 jurisdictions where any type of incident requiring evacuations
144 might occur. Such plans shall be put into effect by request of
145 the state from which evacuees come and shall include the manner of
146 transporting such evacuees, the number of evacuees to be received
147 in different areas, the manner in which food, clothing, housing
148 and medical care will be provided, the registration of the
149 evacuees, the providing of facilities for the notification of
150 relatives or friends, and the forwarding of such evacuees to other
151 areas or the bringing in of additional materials, supplies and all
152 other relevant factors. Such plans shall provide that the party
153 state receiving evacuees and the party state from which the
154 evacuees come shall mutually agree as to reimbursement of
155 out-of-pocket expenses incurred in receiving and caring for such
156 evacuees, for expenditures for transportation, food, clothing,
157 medicines and medical care and like items. Such expenditures
158 shall be reimbursed as agreed by the party state from which the
159 evacuees come. After the termination of the emergency or
160 disaster, the party state from which the evacuees come shall
161 assume the responsibility for the ultimate support of repatriation
162 of such evacuees.

163 ARTICLE XI -- IMPLEMENTATION

164 A. This compact shall become operative immediately upon its
165 enactment into law by any two (2) states; thereafter, this compact
166 shall become effective as to any other state upon its enactment by
167 such state.

168 B. Any party state may withdraw from this compact by
169 enacting a statute repealing the same, but no such withdrawal
170 shall take effect until thirty (30) days after the Governor of the
171 withdrawing state has given notice in writing of such withdrawal
172 to the Governors of all other party states. Such action shall not
173 relieve the withdrawing state from obligations assumed hereunder

174 prior to the effective date of withdrawal.

175 C. Duly authenticated copies of this compact and of such
176 supplementary agreements as may be entered into shall, at the time
177 of their approval, be deposited with each of the party states and
178 with the Federal Emergency Management Agency and other appropriate
179 agencies of the United States government.

180 ARTICLE XII - VALIDITY

181 This compact shall be construed to effectuate the purposes
182 stated in Article I hereof. If any provision of this compact is
183 declared unconstitutional, or the applicability thereof to any
184 person or circumstances is held invalid, the constitutionality of
185 the remainder of this compact and the applicability thereof to
186 other persons and circumstances shall not be affected thereby.

187 ARTICLE XIII -- ADDITIONAL PROVISIONS

188 Nothing in this compact shall authorize or permit the use of
189 military force by the National Guard of a state at any place
190 outside that state in any emergency for which the President is
191 authorized by law to call into federal service the militia, or for
192 any purpose for which the use of the Army or the Air Force would
193 in the absence of express statutory authorization be prohibited
194 under Section 1385 of Title 18, United States Code.

195 SECTION 6. This act shall take effect and be in force from
196 and after its passage.