



# House of Representatives

General Assembly

**File No. 71**

February Session, 2000

House Bill No. 5727

*House of Representatives, March 16, 2000*

The Committee on Public Safety reported through REP. DARGAN of the 115<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***An Act Establishing An Emergency Management Assistance Compact.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) This state hereby joins in a compact with such  
2 other states and territories legally joining therein, in the form  
3 substantially as follows:

4 Emergency Management Assistance Compact

5 Article I. Purposes and Authorities.

6 This compact is made and entered into by and between the  
7 participating member states which enact this compact, hereinafter  
8 called party states. For the purposes of this agreement, the term  
9 "states" is taken to mean the several states, the Commonwealth of  
10 Puerto Rico, the District of Columbia, and all United States territorial  
11 possessions.

12 The purpose of this compact is to provide for mutual assistance  
13 between the states entering into this compact in managing any  
14 emergency or disaster that is duly declared by the Governor of the  
15 affected state, whether arising from natural disaster, technological  
16 hazard, man-made disaster, civil emergency aspects of resources  
17 shortages, community disorders, insurgency or enemy attack.

18 This compact shall also provide for mutual cooperation in  
19 emergency-related exercises, testing or other training activities using  
20 equipment and personnel simulating performance of any aspect of the  
21 giving and receiving of aid by party states or subdivisions of party  
22 states during emergencies, such actions occurring outside actual  
23 declared emergency periods. Mutual assistance in this compact may  
24 include the use of the states' National Guard forces, either in  
25 accordance with the National Guard Mutual Assistance Compact or by  
26 mutual agreement between states.

27 Article II. General Implementation.

28 Each party state entering into this compact recognizes many  
29 emergencies transcend political jurisdictional boundaries and that  
30 intergovernmental coordination is essential in managing these and  
31 other emergencies under this compact. Each state further recognizes  
32 that there will be emergencies which require immediate access and  
33 present procedures to apply outside resources to make a prompt and  
34 effective response to such an emergency. This is because few, if any,  
35 individual states have all the resources they may need in all types of  
36 emergencies or the capability of delivering resources to areas where  
37 emergencies exist.

38 The prompt, full and effective utilization of resources of the  
39 participating states, including any resources on hand or available from  
40 the federal government or any other source, that are essential to the  
41 safety, care and welfare of the people in the event of any emergency or  
42 disaster declared by a party state, shall be the underlying principle on

43 which all articles of this compact shall be understood.

44 On behalf of the Governor of each state participating in the compact,  
45 the legally designated state official who is assigned responsibility for  
46 emergency management will be responsible for formulation of the  
47 appropriate interstate mutual aid plans and procedures necessary to  
48 implement this compact.

49 Article III. Party State Responsibilities.

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

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

60 ii. Review party states' individual emergency plans and develop a  
61 plan which will determine the mechanism for the interstate  
62 management and provision of assistance concerning any potential  
63 emergency.

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

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

69 v. Protect and assure uninterrupted delivery of services, medicines,  
70 water, food, energy and fuel, search and rescue, and critical lifeline

71 equipment, services and resources, both human and material.

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

75 vii. Provide, to the extent authorized by law, for temporary  
76 suspension of any statutes.

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

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

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

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

95 C. There shall be frequent consultation between state officials who  
96 have assigned emergency management responsibilities and other  
97 appropriate representatives of the party states with affected  
98 jurisdictions and the United States government, with free exchange of  
99 information, plans and resource records relating to emergency

100 capabilities.

101 Article IV. Limitations.

102 Any party state requested to render mutual aid or conduct exercises  
103 and training for mutual aid shall take such action as is necessary to  
104 provide and make available the resources covered by this compact in  
105 accordance with the terms hereof, provided that it is understood that  
106 the state rendering aid may withhold resources to the extent necessary  
107 to provide reasonable protection for such state. Each party state shall  
108 afford to the emergency forces of any party state, while operating  
109 within its state, limits under the terms and conditions of this compact,  
110 the same powers, except that of arrest unless specifically authorized by  
111 the receiving state, duties, rights and privileges as are afforded forces  
112 of the state in which they are performing emergency services.  
113 Emergency forces will continue under the command and control of  
114 their regular leaders, but the organizational units will come under the  
115 operational control of the emergency services authorities of the state  
116 receiving assistance. These conditions may be activated, as needed,  
117 only subsequent to a declaration of a state of emergency or disaster by  
118 the Governor of the party state that is to receive assistance or  
119 commencement of exercises or training for mutual aid and shall  
120 continue so long as the exercises or training for mutual aid are in  
121 progress, the state of emergency or disaster remains in effect or loaned  
122 resources remain in the receiving state or states, whichever is longer.

123 Article V. Licenses and Permits.

124 Whenever any person holds a license, certificate or other permit  
125 issued by any state party to the compact evidencing the meeting of  
126 qualifications for professional, mechanical or other skills, and when  
127 such assistance is requested by the receiving party state, such person  
128 shall be deemed licensed, certified or permitted by the state requesting  
129 assistance to render aid involving such skill to meet a declared  
130 emergency or disaster, subject to such limitations and conditions as the

131 Governor of the requesting state may prescribe by executive order or  
132 otherwise.

133 Article VI. Liability.

134 Officers or employees of a party state rendering aid in another state  
135 pursuant to this compact shall be considered agents of the requesting  
136 state for tort liability and immunity purposes; and no party state or its  
137 officers or employees rendering aid in another state pursuant to this  
138 compact shall be liable on account of any act or omission in good faith  
139 on the part of such forces while so engaged or on account of the  
140 maintenance or use of any equipment or supplies in connection  
141 therewith. Good faith in this article shall not include wilful  
142 misconduct, gross negligence or recklessness.

143 Article VII. Supplementary Agreements.

144 Inasmuch as it is probable that the pattern and detail of the  
145 machinery for mutual aid among two or more states may differ from  
146 that among the states that are party hereto, this instrument contains  
147 elements of a broad base common to all states, and nothing herein  
148 contained shall preclude any state from entering into supplementary  
149 agreements with another state or affect any other agreements already  
150 in force between states. Supplementary agreements may comprehend,  
151 but shall not be limited to, provisions for evacuation and reception of  
152 injured and other persons and the exchange of medical, fire, police,  
153 public utility, reconnaissance, welfare, transportation and  
154 communications personnel and equipment and supplies.

155 Article VIII. Compensation.

156 Each party state shall provide for the payment of compensation and  
157 death benefits to injured members of the emergency forces of that state  
158 and representatives of deceased members of such forces in case such  
159 members sustain injuries or are killed while rendering aid pursuant to

160 this compact, in the same manner and on the same terms as if the  
161 injury or death were sustained within their own state.

162 Article IX. Reimbursement.

163 Any party state rendering aid in another state pursuant to this  
164 compact shall be reimbursed by the party state receiving such aid for  
165 any loss or damage to or expense incurred in the operation of any  
166 equipment and the provision of any service in answering a request for  
167 aid and for the costs incurred in connection with such requests;  
168 provided, that any aiding party state may assume in whole or in part  
169 such loss, damage, expense, or other cost or may loan such equipment  
170 or donate such services to the receiving party state without charge or  
171 cost; and provided further, that any two or more party states may  
172 enter into supplementary agreements establishing a different  
173 allocation of costs among those states. Article VIII expenses shall not  
174 be reimbursable under this provision.

175 Article X. Evacuation.

176 Plans for the orderly evacuation and interstate reception of portions  
177 of the civilian population as the result of any emergency or disaster of  
178 sufficient proportions to so warrant, shall be worked out and  
179 maintained between the party states and the emergency management  
180 or services directors of the various jurisdictions where any type of  
181 incident requiring evacuations might occur. Such plans shall be put  
182 into effect by request of the state from which evacuees come and shall  
183 include the manner of transporting such evacuees, the number of  
184 evacuees to be received in different areas, the manner in which food,  
185 clothing, housing and medical care will be provided, the registration of  
186 the evacuees, the providing of facilities for the notification of relatives  
187 or friends, and the forwarding of such evacuees to other areas or the  
188 bringing in of additional materials, supplies and all other relevant  
189 factors. Such plans shall provide that the party state receiving evacuees  
190 and the party state from which the evacuees come shall mutually agree

191 as to reimbursement of out-of-pocket expenses incurred in receiving  
192 and caring for such evacuees, for expenditures for transportation, food,  
193 clothing, medicines and medical care and like items. Such  
194 expenditures shall be reimbursed as agreed by the party state from  
195 which the evacuees come. After the termination of the emergency or  
196 disaster, the party state from which the evacuees come shall assume  
197 the responsibility for the ultimate support of repatriation of such  
198 evacuees.

199 **Article XI. Implementation.**

200 A. This compact shall become operative immediately upon its  
201 enactment into law by any two states; thereafter, this compact shall  
202 become effective as to any other state upon its enactment by such state.

203 B. Any party state may withdraw from this compact by enacting a  
204 statute repealing the same, but no such withdrawal shall take effect  
205 until thirty days after the Governor of the withdrawing state has given  
206 notice in writing of such withdrawal to the governors of all other party  
207 states. Such action shall not relieve the withdrawing state from  
208 obligations assumed hereunder prior to the effective date of  
209 withdrawal.

210 C. Duly authenticated copies of this compact and of such  
211 supplementary agreements as may be entered into shall, at the time of  
212 their approval, be deposited with each of the party states and with the  
213 Federal Emergency Management Agency and other appropriate  
214 agencies of the United States government.

215 **Article XII. Validity.**

216 This act shall be construed to effectuate the purposes stated in  
217 Article I hereof. If any provision of this compact is declared  
218 unconstitutional, or the applicability thereof to any person or  
219 circumstances is held invalid, the constitutionality of the remainder of

220 this act and the applicability thereof to other persons and  
221 circumstances shall not be affected thereby.

222 Article XIII. Additional Provisions.

223 Nothing in this compact shall authorize or permit the use of military  
224 force by the National Guard of a state at any place outside that state in  
225 any emergency for which the President is authorized by law to call  
226 into federal service the militia, or for any purpose for which the use of  
227 the Army or the Air Force would, in the absence of express statutory  
228 authorization, be prohibited under 1385 USC 18.

229 Sec. 2. Section 28-23 of the general statutes is repealed.

**PS Committee Vote:** Yea 14 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Military Department (Office of Emergency Management)

**Municipal Impact:** None

**Explanation**

**State Impact:**

The passage of this bill would result in no additional costs to the state. The bill commits Connecticut to the terms of the Emergency Management Assistance Compact, which is an interstate mutual aid agreement. The member states (about 30 at this time) agree to standard procedures for making requests and providing assistance. There are no potential costs to Connecticut because the Compact makes the states that receive assistance legally responsible for reimbursing the states that provide assistance. In addition, lawsuits are barred against out-of-state personnel who act in good faith.

The bill makes the director of the Office of Emergency Management (OEM) the state's compact representative, and requires the director to formulate appropriate interstate mutual aid plans and the procedures necessary to implement them. This results in no additional costs because the OEM is already preparing Connecticut's plans and is working with the representatives of the other states who are members

of the compact.

**OLR Bill Analysis**

HB 5727

***AN ACT ESTABLISHING AN EMERGENCY MANAGEMENT ASSISTANCE COMPACT.*****SUMMARY:**

This bill enacts and commits Connecticut to the terms of the Emergency Management Assistance Compact (EMAC), which requires member states (called parties) to provide mutual aid assistance to manage emergencies and disasters declared by the governor of any of the party states. It repeals the narrower Interstate Civil Defense and Disaster Compact, which generally commits parties to provide mutual aid for military and biological disasters. (Since Congress approved EMAC in 1996, approximately 30 states and one territory have ratified it.)

The compact provides a legal framework for requesting and providing assistance. Member states agree to standard operating procedures for such requests and assistance. States that receive assistance are legally responsible for reimbursing assisting states and barring lawsuits against out-of-state personnel who acted in good faith.

The emergency management director is Connecticut's compact representative and must formulate appropriate interstate mutual aid plans and procedures necessary to implement it.

The state may withdraw from the compact by repealing the law.

EFFECTIVE DATE: October 1, 2000

**PURPOSE OF THE COMPACT**

The compact's purpose is to provide a mechanism for member states to (1) help one another manage emergencies and disasters declared by the governor of any member state and (2) participate in emergency-

related exercises, testing, or other training or activities when no emergency exists. The compact covers natural and man-made disasters, technological hazards, civil emergencies arising from a shortage of resources, community disorders, insurgency, or enemy attacks. It is open to all the states, the District of Columbia, Puerto Rico, and all U.S. territorial possessions.

## **STATE RESPONSIBILITIES**

The emergency management director is the state's representative responsible for performing the duties the compact requires. Designated emergency management officials in other party states serve as their representatives.

Each state must formulate procedural plans and programs for cooperating with member states and performing compact responsibilities. In doing so, the state, so far as practical, must:

1. review state hazards analyses and, to the extent reasonably possible, determine potential emergencies the party states might jointly suffer;
2. review member states' emergency plans and develop an interstate mechanism for managing and providing assistance in any potential emergency;
3. develop interstate procedures to fill identified gaps and resolve identified inconsistencies or overlaps in existing or new plans;
4. help to warn communities adjacent to or crossing the state boundaries;
5. protect and ensure uninterrupted delivery of services, medicine, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources;
6. make an inventory and set procedures for interstate loans and delivery of resources, with procedures for reimbursement or debt forgiveness; and

7. provide, to the extent authorized by law, for the temporary suspension of any statutes.

Emergency management officials must consult often with each other, other appropriate representatives from party states with affected areas, and the U.S. government, freely exchanging information about plans and resources relating to emergency capabilities.

### **AID REQUESTS**

The emergency management director can request help from another state's authorized representative verbally or in writing. Compact provisions apply only to requests made by and to authorized representatives. Verbal requests must be confirmed in writing within 30 days. Requests must (1) describe the emergency services required, such as fire services, law enforcement and emergency medical services, among others; (2) state the amount and type of personnel, equipment, material, and supplies needed and a reasonable estimate of the length of time for which they will be needed; and (3) state the specific place and time for the assisting party to respond and a point of contact at that location.

### **DEPLOYMENT AND CONTROL OF EMERGENCY PERSONNEL**

Any state asked to provide mutual aid or conduct exercises and training for mutual aid must take necessary action to make resources covered by the compact available. But it may withhold resources it needs to reasonably protect itself.

The state can use National Guard forces when providing aid under the compact in accordance with the National Guard Mutual Assistance Compact or by agreement between states. But the Guard cannot use military force outside its home state in any emergency in which the president could federalize the Guard or for which use of the Army or Air Force would, in the absence of express statutory authorization, be prohibited under federal law.

Emergency forces are under the command and control of their regular leaders, but the emergency services authorities of the state receiving assistance control their organizational units. These conditions may be

activated, as needed, only when the governor declares a state of emergency or disaster or when exercises or training for mutual aid begin. They must continue for the duration of the disaster or emergency or as long other states' loaned resources remain in the states receiving aid, whichever longer.

## **LIABILITIES**

Member states must give emergency personnel from responding states, when operating pursuant to the compact, the same duties, rights, and privileges that are available to their own emergency services personnel. But such personnel cannot arrest anyone unless the receiving state specifically authorizes it.

Responding personnel are considered agents of the requesting state for tort liability and immunity purposes. They cannot be held legally responsible for acts or activities that occurred or were omitted in good faith while performing pursuant to the compact. They are not protected against lawsuits involving claims of willful misconduct, gross negligence, or recklessness.

## **COMPENSATION**

Under the compact, Connecticut is responsible to pay any compensation and death benefits it would normally offer to personnel killed or injured while responding in another compact state. And other party states must do the same for their emergency personnel injured or killed here.

## **RECIPROCITY**

People licensed, permitted, or certified in responding states are qualified to render emergency aid in their areas of expertise in member states requesting assistance. But requesting state governors may set limitations and conditions on such people.

## **SUPPLEMENTARY AGREEMENTS**

Member states can enter supplementary agreements with each other or maintain existing ones. Such agreements may address provisions to

evacuate and receive injured persons and exchange emergency and other related personnel, equipment, and supplies.

### **REIMBURSEMENT**

States that get aid must reimburse responding states for losses, damages, or expenses incurred in providing service or using equipment. Responding states may choose to assume all costs, provide free services, or loan equipment. States may enter supplementary agreements for different cost allocations except for compensation and death benefits.

### **EVACUATION PLANS**

Party states and emergency management directors must develop and maintain emergency evacuation plans for civilians where incidents requiring evacuations might occur. The evacuees' state must enact the plan and include the method of transporting evacuees. The plan must include, among other things, the number of evacuees and provisions to register, house, feed, and clothe them and notify their relatives. It must provide for reimbursement of out-of-pocket expenses a state incurs to receive and care for evacuees, and other expenditures. Such expenditures must be reimbursed as agreed by the party state from which the evacuees come. When the emergency or disaster ends, the evacuees home state must assume responsibility for supporting and repatriating them.

### **WITHDRAWAL**

A state may withdraw from the compact by enacting a law repealing it. Withdrawal is effective 30 days after the governor sends written notice to the governors of the other member states. Withdrawal does not affect any obligations the state assumed before withdrawing.

### **RECORDS**

States must deposit duly authenticated copies of the compact and any supplementary agreements, when approved, with the Federal Emergency Management Agency and other appropriate federal agencies.

**CONSTRUCTION AND SEVERABILITY**

The compact must be liberally construed to achieve its purposes. If any provision is found unconstitutional or inapplicable to any person or circumstances, the rest remain in effect.

**RATIONALE FOR EMAC**

The states recognize that the prompt, full, and effective use of resources that are essential to the safety, care, and welfare of people in emergencies or disasters must be the compact's underlying principle. They also recognize that (1) many emergencies transcend political jurisdictional boundaries and that interstate coordination is essential in managing these and other emergencies, (2) few states have all the resources they may need for every emergency or the ability to deliver resources to areas of emergencies, and (3) a prompt and effective response to some emergencies requires them to have in place procedures for immediate access to out-of-state resources.

**COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Report

Yea 14    Nay 0