



# House of Representatives

General Assembly

**File No. 46**

*January Session, 2007*

House Bill No. 7024

*House of Representatives, March 13, 2007*

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

## ***AN ACT CREATING AN INTRASTATE MUTUAL AID SYSTEM.***

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

1 Section 1. (NEW) (*Effective October 1, 2007*) Intrastate Mutual Aid  
2 Compact

3 Article I. Purposes

4 This compact is made and entered into by and between the  
5 participating political subdivisions of this state which enact this  
6 compact. The purpose of this compact is to create a system of intrastate  
7 mutual aid between participating political subdivisions in the state.  
8 Each participant of this system recognizes that emergencies transcend  
9 political jurisdictional boundaries and that intergovernmental  
10 coordination is essential for the protection of lives and property and  
11 for best use of available assets. The system shall provide for mutual  
12 assistance among the participating political subdivisions in the  
13 prevention of, response to, and recovery from, any disaster that results  
14 in a declared state of emergency in a participating political

15 subdivision, subject to that participating political subdivision's criteria  
16 for declaration. The system shall provide for mutual cooperation  
17 among the participating subdivisions in conducting disaster-related  
18 exercises, testing or training activities.

19 Article II. General Provisions

20 (1) For purposes of this article, "Chief Executive Officer" means the  
21 elected or appointed officer granted the authority to declare a local  
22 civil preparedness emergency by the charter or ordinance of his or her  
23 political subdivision.

24 (2) In the event of a serious disaster affecting any political  
25 subdivision of the state, the chief executive officer of that political  
26 subdivision may declare a local civil preparedness emergency. The  
27 chief executive officer of such political subdivision shall notify the  
28 Commissioner of Emergency Management and Homeland Security of  
29 such declaration not later than twenty-four hours after such  
30 declaration. Such a declaration shall activate the emergency plan of  
31 operations of that political subdivision, as established under  
32 subsection (a) of section 28-7 of the general statutes, and authorize the  
33 request or furnishing of aid and assistance, including any aid and  
34 assistance provided under the intrastate mutual aid system described  
35 in this section. No immunity, rights or privileges are provided for any  
36 individual who self-dispatches in response to a declaration, without  
37 authorization by a participating political subdivision. All political  
38 subdivisions within the state are, upon enactment of this compact,  
39 automatically a part of the intrastate mutual aid system. A political  
40 subdivision within the state may elect not to participate or to  
41 withdraw from the intrastate mutual aid system upon enactment of an  
42 appropriate resolution by its governing body declaring that it elects  
43 not to participate in the intrastate mutual aid system. Such a resolution  
44 shall be effective upon the filing of a certified copy with the  
45 Commissioner of Emergency Management and Homeland Security.  
46 Nothing in this compact shall preclude participating political  
47 subdivisions from entering into supplementary mutual aid agreements

48 with another political subdivision or affect any other inter-local  
49 municipal agreement, including any other mutual aid agreement, to  
50 which a political subdivision may be a party or become a party.

51 Article III. Responsibilities of the Local and Joint Organizations of  
52 Participating Political Subdivisions

53 The participating political subdivisions shall ensure that the duties  
54 of their local or joint organizations, as described in subsection (a) of  
55 section 28-7 of the general statutes, include the following:

56 (1) Identifying potential hazards that could affect the participating  
57 political subdivisions using an identification system common to all  
58 participating jurisdictions;

59 (2) Conducting of joint planning, intelligence sharing and threat  
60 assessment development with contiguous participating political  
61 subdivisions, and conduct joint training at least biennially;

62 (3) Identifying and inventorying the current services, equipment,  
63 supplies, personnel and other resources related to planning,  
64 prevention, mitigation, response and recovery activities of the  
65 participating political subdivisions; and

66 (4) Adopting and implementing the standardized incident  
67 management system approved by the Department of Emergency  
68 Management and Homeland Security.

69 Article IV. Implementation

70 Any request for assistance made by the chief executive officer of a  
71 participating political subdivision who has declared a local civil  
72 preparedness emergency shall be made to the chief executive officers  
73 of other participating political subdivisions or their designees.  
74 Requests may be oral or in writing, and shall be reported to the  
75 Commissioner of Emergency Management and Homeland Security not  
76 later than twenty-four hours after the request. Oral requests shall be  
77 reduced to writing not later than forty-eight hours after the request.

78 Article V. Conditions

79 A participating political subdivision's obligation to provide  
80 assistance in the case of a declared local civil preparedness emergency  
81 is subject to the following conditions:

82 (1) A participating political subdivision shall have declared a local  
83 civil preparedness emergency;

84 (2) A responding participating political subdivision may withhold  
85 or recall resources to the extent it deems necessary to provide  
86 reasonable protection and services for its own jurisdiction;

87 (3) Personnel of a responding participating political subdivision  
88 shall continue under the command and control of their responding  
89 jurisdiction, including emergency medical treatment protocols,  
90 standard operating procedures and other protocols, but shall be under  
91 the operational control of the appropriate officials within the incident  
92 management system of the participating political subdivision receiving  
93 assistance; and

94 (4) Assets and equipment of a responding participating political  
95 subdivision shall continue under the control of the responding  
96 jurisdiction, but shall be under the operational control of the  
97 appropriate officials within the incident management system of the  
98 participating political subdivision receiving assistance.

99 Article VI. Licenses, Certificates and Permits

100 (1) If a person or entity holds a license, certificate or other permit  
101 issued by a participating political subdivision or the state evidencing  
102 qualification in a profession, mechanical skill or other skill, and the  
103 assistance of that person or entity is requested by a participating  
104 political subdivision, such person or entity shall be deemed to be  
105 licensed, certified or permitted in the political subdivision requesting  
106 assistance for the duration of the declared local civil preparedness  
107 emergency, subject to any limitations and conditions as may be  
108 prescribed by the chief executive officer of the participating political

109 subdivisions, by executive order or otherwise; or by the person or  
110 entity's sponsor hospital.

111 (2) The officers, members and employees of the responding political  
112 subdivision, including, but not limited to, public works, firefighting,  
113 police or other assigned personnel rendering aid or assistance  
114 pursuant to the compact and this section shall have the same duties,  
115 rights, privileges and immunities as if they were performing their  
116 duties in the responding political subdivision.

117 Article VII. Reimbursement

118 (1) Participating political subdivisions shall maintain  
119 documentation of all assets provided. In the event of federal  
120 reimbursement to a requesting political subdivision, any political  
121 subdivision providing assistance under the compact and this section  
122 shall receive its appropriate share of said reimbursement.

123 (2) A participating political subdivision may donate assets of any  
124 kind to a requesting participating political subdivision. Unless  
125 requested in writing, no reimbursement shall be sought by a  
126 responding political subdivision from a requesting political  
127 subdivision that has declared a local civil preparedness emergency.  
128 Any written request for reimbursement must be made not later than  
129 thirty calendar days after the response, except that notice of intent to  
130 seek reimbursement shall be given at the time the aid is rendered, or as  
131 soon as possible thereafter.

132 (3) Any dispute between political subdivisions regarding  
133 reimbursement shall be resolved by the parties not later than thirty  
134 days after written notice of the dispute by the party asserting  
135 noncompliance. If the dispute is not resolved within ninety days of the  
136 notice of the claim, either party may request that the dispute be  
137 resolved through arbitration. Any such arbitration shall be conducted  
138 under the commercial arbitration rules of the American Arbitration  
139 Association.

140 Article VIII. Liability

141 For the purposes of liability, all persons from a responding political  
142 subdivision under the operational control of the requesting political  
143 subdivision are deemed to be employees of the responding political  
144 subdivision. Neither the participating political subdivisions nor their  
145 employees, except in cases of wilful misconduct, gross negligence or  
146 bad faith, shall be liable for the death of or injury to persons or for  
147 damage to property when complying or attempting to comply with the  
148 intrastate mutual aid system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section

**PS**      *Joint Favorable*

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 chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Emergency Management and Homeland Security, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Potential Cost and Potential Savings	Indeterminate	Indeterminate

**Explanation**

The bill establishes an intrastate mutual aid system between participating political subdivisions within the state. The bill is not anticipated to result in a cost to the state, or to the Department of Emergency Management and Homeland Security which would be responsible for overseeing the program.

The bill requires municipalities who enter into the agreement to conduct joint training biennially, as well as identify and inventory resources related to disaster planning, prevention, mitigation, and recovery. These requirements may result in a potential cost to the municipality.

The bill could result in a potential savings or cost to various municipalities, associated with the pooling of resources during a disaster.

Additionally, municipalities providing resources to another municipality, where a disaster may have occurred, are not required to

request reimbursement, which could result in a potential cost. The municipality gaining the additional resources could incur a savings.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 7024*****AN ACT CREATING AN INTRASTATE MUTUAL AID SYSTEM*****SUMMARY:**

This bill enacts and commits towns to the terms of the Intrastate Mutual Aid Compact. The compact provides a legal framework for towns to request and provide mutual aid during any state of emergency declared by a participating town.

Any town may withdraw from the compact by enacting and filing a certified copy of an appropriate resolution with the Department of Emergency Management and Homeland Security (DEMHS) commissioner.

The bill outlines responsibilities of local civil preparedness organizations, procedures for activating the compact, permit and license reciprocity, and reimbursement and liability issues.

EFFECTIVE DATE: October 1, 2007

**COMPACT'S PURPOSE**

The compact's stated purpose is to establish a statewide municipal mutual aid system. It creates a mechanism for towns to (1) provide mutual aid to prevent, respond to, or recover from any disaster that results in a town declaring a state of emergency and (2) participate in disaster-related exercises, testing, or training. (The compact is similar to the Emergency Management Assistance Compact for states.)

**MEMBERSHIP**

All towns are members of the compact, once the bill is enacted. But any town may withdraw or choose not to participate if its governing body enacts a resolution to that effect and files a certified copy with

DEMHS. The resolution takes effect when filed. Membership in the compact does not preclude other inter-town mutual aid agreements or replace or affect inter-local agreements to which towns are or may become parties.

### **DUTIES OF LOCAL CIVIL PREPAREDNESS ORGANIZATIONS**

By law, every town must establish a local organization to perform civil preparedness functions, in accordance with the state civil preparedness plan. The bill requires that towns ensure that these functions include:

1. identifying potential hazards that may affect towns using a common identification system;
2. conducting joint planning, intelligence sharing, and threat assessment development with contiguous participating towns, and conducting joint training at least biennially;
3. inventorying and identifying current services, equipment, supplies, personnel, and other resources related to planning, prevention, mitigation, response, and recovery activities of the participating towns; and
4. adopting and implementing DEMHS' approved standardized incident-management system.

### **COMPACT ACTIVATION**

If a serious disaster affects any town, the chief executive officer may declare a civil preparedness emergency. For compact purposes, the chief executive officer is the elected or appointed official authorized to declare a local civil preparedness emergency by the town's charter or ordinance. The official must notify the DEMHS commissioner of the declaration within 24 hours after making it. The declaration activates the town's emergency plan of operations and authorizes the request or furnishing of aid and assistance.

If the chief executive officer who wants help assistance from a

compact member must make the request to the town's chief executive officer. He may make requests verbally or in writing and report them to the commissioner within 24 hours after making them. Compact provisions apply only to requests made by and to chief executive officers. Verbal requests must be confirmed in writing within 48 hours.

## **CONDITIONS OF PARTICIPATION AND PERSONNEL DEPLOYMENT**

A town's obligation to provide aid under the compact is subject to certain conditions. First, the town requesting aid must declare a state of emergency. Secondly, any town may withhold or recall resources it deems necessary to provide reasonable protection and services for its own jurisdiction.

Thirdly, a responding town's personnel uses its own emergency medical treatment protocols, standard operating procedures, and other protocols; its assets and equipment are under its command and control. But these personnel and assets are under the operational control of the appropriate officials within the incident-management system of the town receiving assistance.

## **RIGHTS AND LIABILITIES**

A responding town's personnel, including police, firefighters, and other assigned personnel have the same rights, duties, privileges, and immunities as they have in their own town.

Responding personnel under the operational control of the receiving town are considered employees of the responding town for liability purposes. Neither the participating towns nor the employees are legally responsible for death, personal injuries, or property damage when complying or attempting to comply with the compact. But they are not protected against lawsuits involving claims of willful misconduct, gross negligence, or bad faith.

And people who respond to declared emergencies without authorization from a participating town have no immunities, rights, or

privileges under the compact.

## **REIMBURSEMENTS AND DISPUTE RESOLUTION**

Participating towns must document all assets they provide. If the federal government reimburses a town that requested assistance, the town must provide an appropriate share of the reimbursement to towns that provided aid.

A participating town may donate any kind of assets to a town requesting aid. A town seeking reimbursement must do so in writing. It can file the reimbursement claim up to 30 calendar days after it provided assistance, but it must give notice of intent to seek reimbursement at the time it provides the aid or as soon as possible afterwards.

Towns must resolve any dispute over reimbursement no later than 30 days after the town asserting noncompliance provides a written notice of the dispute. If they do not resolve the dispute within 90 days of the claim notice, either party may seek arbitration, which must be conducted under the American Arbitration Association's commercial arbitration rules.

## **LICENSE RECIPROCITY**

People licensed, permitted, or certified in responding towns are qualified to perform in their areas of expertise in participating towns requesting assistance during the emergency, subject to any limitations and conditions prescribed by the chief executive officer of the requesting municipality by executive order or otherwise or by the person or entity's sponsor hospital.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 21    Nay 0    (02/27/2007)