



House of Representatives

File No. 662

General Assembly

January Session, 2007

(Reprint of File No. 46)

House Bill No. 7024
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 30, 2007

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 shall be known as the Intrastate Mutual Aid Compact
5 and is made and entered into by and between the participating
6 political subdivisions of this state. The purpose of this compact is to
7 create a system of intrastate mutual aid between participating political
8 subdivisions in the state. Each participant of this system recognizes
9 that emergencies transcend political jurisdictional boundaries and that
10 intergovernmental coordination is essential for the protection of lives
11 and property and for best use of available assets. The system shall
12 provide for mutual assistance among the participating political
13 subdivisions in the prevention of, response to, and recovery from, any
14 disaster that results in a declaration of a local civil preparedness
15 emergency in a participating political subdivision, subject to that

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

20 Article II. General Provisions

21 (1) For purposes of this compact: (A) "Participating political
22 subdivision" means each political subdivision of the state whose
23 legislative body has not adopted a resolution withdrawing from this
24 compact in accordance with the provisions of this article; and (B) "chief
25 executive officer" means the elected or appointed officer granted the
26 authority to declare a local civil preparedness emergency by the
27 charter or ordinance of his or her political subdivision.

28 (2) On and after the effective date of this act, each political
29 subdivision within the state shall automatically be a participating
30 member of this compact. A participating political subdivision may
31 withdraw from this compact by adopting a resolution indicating its
32 intent to do so. The political subdivision shall automatically be deemed
33 to have withdrawn from this compact upon adoption of such a
34 resolution. The chief executive officer of such political subdivision
35 shall submit a copy of such resolution to the Commissioner of
36 Emergency Management and Homeland Security not later than ten
37 days after the adoption of the resolution. Nothing in this article shall
38 preclude a participating political subdivision from entering into a
39 supplementary mutual aid agreement with another political
40 subdivision or affect any other inter-local municipal agreement,
41 including any other mutual aid agreement, to which a political
42 subdivision may be a party or become a party.

43 (3) In the event of a serious disaster affecting any political
44 subdivision of the state, the chief executive officer of that political
45 subdivision may declare a local civil preparedness emergency. The
46 chief executive officer of such political subdivision shall notify the
47 Commissioner of Emergency Management and Homeland Security of

48 such declaration not later than twenty-four hours after such
49 declaration. Such a declaration shall activate the emergency plan of
50 operations of that political subdivision, as established under
51 subsection (a) of section 28-7 of the general statutes, and authorize the
52 request or furnishing of aid and assistance, including any aid and
53 assistance provided under the intrastate mutual aid system described
54 in this section. No immunity, rights or privileges shall be provided for
55 any individual who self-dispatches in response to a declaration,
56 without authorization by such individual's participating political
57 subdivision.

58 Article III. Responsibilities of the Local and Joint Organizations of
59 Participating Political Subdivisions

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

63 (1) Identifying potential hazards that could affect the participating
64 political subdivisions using an identification system common to all
65 participating jurisdictions;

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

69 (3) Identifying and inventorying the current services, equipment,
70 supplies, personnel and other resources related to planning,
71 prevention, mitigation, response and recovery activities of the
72 participating political subdivisions; and

73 (4) Adopting and implementing the standardized incident
74 management system approved by the Department of Emergency
75 Management and Homeland Security.

76 Article IV. Implementation

77 Any request for assistance made by the chief executive officer of a

78 participating political subdivision who has declared a local civil
79 preparedness emergency shall be made to the chief executive officers
80 of other participating political subdivisions or their designees.
81 Requests may be oral or in writing, and shall be reported to the
82 Commissioner of Emergency Management and Homeland Security not
83 later than twenty-four hours after the request. Oral requests shall be
84 reduced to writing not later than forty-eight hours after the request.

85 Article V. Conditions

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

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

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

94 (3) Personnel of a responding participating political subdivision
95 shall continue under the command and control of their responding
96 jurisdiction, including emergency medical treatment protocols,
97 standard operating procedures and other protocols, but shall be under
98 the operational control of the appropriate officials within the incident
99 management system of the participating political subdivision receiving
100 assistance; and

101 (4) Assets and equipment of a responding participating political
102 subdivision shall continue under the control of the responding
103 jurisdiction, but shall be under the operational control of the
104 appropriate officials within the incident management system of the
105 participating political subdivision receiving assistance.

106 Article VI. Licenses, Certificates and Permits

107 (1) If a person or entity holds a license, certificate or other permit

108 issued by a participating political subdivision or the state evidencing
109 qualification in a profession, mechanical skill or other skill, and the
110 assistance of that person or entity is requested by a participating
111 political subdivision, such person or entity shall be deemed to be
112 licensed, certified or permitted in the political subdivision requesting
113 assistance for the duration of the declared local civil preparedness
114 emergency, subject to any limitations and conditions as may be
115 prescribed by the chief executive officer of the participating political
116 subdivisions, by executive order or otherwise; or by the person or
117 entity's sponsor hospital.

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

124 Article VII. Reimbursement

125 (1) Participating political subdivisions shall maintain
126 documentation of all assets provided. In the event of federal
127 reimbursement to a requesting political subdivision, any political
128 subdivision providing assistance under the compact and this section
129 shall receive its appropriate share of said reimbursement.

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

139 (3) Any dispute between political subdivisions regarding

140 reimbursement shall be resolved by the parties not later than thirty
 141 days after written notice of the dispute by the party asserting
 142 noncompliance. If the dispute is not resolved within ninety days of the
 143 notice of the claim, either party may request that the dispute be
 144 resolved through arbitration. Any such arbitration shall be conducted
 145 under the commercial arbitration rules of the American Arbitration
 146 Association.

147 Article VIII. Liability

148 For the purposes of liability, all persons from a responding political
 149 subdivision under the operational control of the requesting political
 150 subdivision are deemed to be employees of the responding political
 151 subdivision. Neither the participating political subdivisions nor their
 152 employees, except in cases of wilful misconduct, gross negligence or
 153 bad faith, shall be liable for the death of or injury to persons or for
 154 damage to property when complying or attempting to comply with the
 155 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

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.

House "A", which made several technical changes, has no fiscal impact.

The Out Years

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

OLR Bill Analysis**HB 7024 (as amended by House "A")******AN ACT CREATING AN INTRASTATE MUTUAL AID SYSTEM.*****SUMMARY:**

This bill enacts and commits state's participating political subdivisions (towns) to the terms of the Intrastate Mutual Aid Compact. The compact provides a legal framework for towns to request and provide mutual aid when any member town declares a local civil preparedness emergency.

Any town may withdraw from the compact by enacting a resolution to that effect and submitting a copy of the resolution, within 10 days after adopting it, to 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.

*House Amendment "A" eliminates a requirement for towns to certify copies of their resolutions to DEMHS and adds the 10-day deadline, defines participating political subdivisions, and makes technical and conforming changes.

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 participating political subdivisions to (1) provide mutual aid to prevent, respond to, or

recover from any disaster that results in a town declaring a local civil preparedness emergency and (2) participate in disaster-related exercises, testing, or training. (The compact is similar to the Emergency Management Assistance Compact for states.)

A “participating political subdivision” means each political subdivision whose legislative body has not adopted a resolution withdrawing from the compact.

MEMBERSHIP

All towns are participating 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. The resolution takes effect upon adoption.

The town’s chief executive officer must submit a copy of the resolution to the DEMHS commissioner not later than 10 days after the town adopts it. Compact membership does not preclude other inter-town mutual aid agreements or replace or affect interlocal 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.

A chief executive officer who wants help from a compact member must make the request to the town's chief executive officer. He or she 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 local civil preparedness 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 the town that requested assistance, it 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 after 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.

BACKGROUND

Legislative History

On March 27, the House referred the bill (File 46) to the Planning and Development Committee, which reported it unchanged.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 21 Nay 0 (02/27/2007)

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (04/04/2007)