



# Senate

General Assembly

**File No. 17**

January Session, 2009

Senate Bill No. 787

*Senate, February 26, 2009*

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE INTERNATIONAL EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT.***

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

1 Section 1. (NEW) (*Effective July 1, 2009*) This state hereby joins in a  
2 compact with such other states and territories legally joining in, in the  
3 form substantially as follows:

4 Article I. International Emergency Management Assistance  
5 Memorandum of Understanding: Purpose and Authorities.

6 The International Emergency Management Assistance  
7 Memorandum of Understanding, hereinafter referred to as the  
8 "compact," is made and entered into by and among such of the  
9 jurisdictions as shall enact or adopt this compact, hereinafter referred  
10 to as "party jurisdictions." For the purposes of this agreement, the term  
11 "jurisdictions" may include any or all of the states of Maine, New  
12 Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut  
13 and the provinces of Quebec, New Brunswick, Prince Edward Island,

14 Nova Scotia and Newfoundland, and such other states and provinces  
15 as may hereafter become a party to this compact.

16 The purpose of this compact is to provide for the possibility of  
17 mutual assistance among the jurisdictions entering into this compact in  
18 managing any emergency or disaster when the affected jurisdiction or  
19 jurisdictions request assistance, whether such emergency or disaster  
20 arises from natural disaster, technological hazard, manmade disaster  
21 or civil emergency aspects of resources shortages.

22 This compact also provides for the process of planning mechanisms  
23 among the agencies responsible and for mutual cooperation, including,  
24 if necessary, emergency-related exercises, testing, or other training  
25 activities using equipment and personnel simulating performance of  
26 any aspect of the giving and receiving of aid by party jurisdictions or  
27 subdivisions of party jurisdictions during emergencies, with such  
28 actions occurring outside actual declared emergency periods. Mutual  
29 assistance in this compact may include the use of emergency forces by  
30 mutual agreement among party jurisdictions.

31 Article II. General Implementation.

32 Each party jurisdiction entering into this compact recognizes many  
33 emergencies may exceed the capabilities of a party jurisdiction and  
34 that intergovernmental cooperation is essential in such circumstances.  
35 Each jurisdiction further recognizes that there will be emergencies that  
36 may require immediate access and existing procedures to apply  
37 outside resources to make a prompt and effective response to such an  
38 emergency because few, if any, individual jurisdictions have all the  
39 resources they need in all types of emergencies or the capability of  
40 delivering resources to areas where emergencies exist.

41 The prompt, full, and effective utilization of resources of the  
42 participating jurisdictions, including any resources on hand or  
43 available from any other source that are essential to the safety, care,  
44 and welfare of the people in the event of any emergency or disaster,  
45 shall be the underlying principle upon which all articles of this

46 compact are understood.

47 On behalf of the party jurisdictions participating in the compact, the  
48 legally designated official who is assigned responsibility for  
49 emergency management is responsible for formulation of the  
50 appropriate inter-jurisdictional mutual aid plans and procedures  
51 necessary to implement this compact, and for recommendations to the  
52 jurisdiction concerned with respect to the amendment of any statutes,  
53 regulations, or ordinances required for that purpose.

54 Article III. Party Jurisdiction Responsibilities.

55 (a) Formulate Plans and Programs. It is the responsibility of each  
56 party jurisdiction to formulate procedural plans and programs for  
57 inter-jurisdictional cooperation in the performance of the  
58 responsibilities listed in this section. In formulating and implementing  
59 such plans and programs the party jurisdictions, to the extent practical,  
60 shall:

61 (1) Review individual jurisdiction hazards analyses that are  
62 available and, to the extent reasonably possible, determine all the  
63 potential emergencies the party jurisdictions might jointly suffer,  
64 whether due to natural disaster, technological hazard, manmade  
65 disaster or emergency aspects of resource shortages;

66 (2) Initiate a process to review party jurisdictions' individual  
67 emergency plans and develop a plan that will determine the  
68 mechanism for the inter-jurisdictional cooperation;

69 (3) Develop inter-jurisdictional procedures to fill any identified gaps  
70 and to resolve any identified inconsistencies or overlaps in existing or  
71 developed plans;

72 (4) Assist in warning communities adjacent to or crossing  
73 jurisdictional boundaries;

74 (5) Protect and ensure delivery of services, medicines, water, food,  
75 energy and fuel, search and rescue, and critical lifeline equipment,

76 services and resources, both human and material, to the extent  
77 authorized by law;

78 (6) Inventory and agree upon procedures for the inter-jurisdictional  
79 loan and delivery of human and material resources, together with  
80 procedures for reimbursement or forgiveness; and

81 (7) Provide, to the extent authorized by law, for temporary  
82 suspension of any statutes or ordinances, over which the province or  
83 state has jurisdiction, that impede the implementation of the  
84 responsibilities described in this subsection.

85 (b) Request Assistance. The authorized representative of a party  
86 jurisdiction may request assistance of another party jurisdiction by  
87 contacting the authorized representative of such jurisdiction. These  
88 provisions only apply to requests for assistance made by and to  
89 authorized representatives. Requests may be verbal or in writing. If  
90 verbal, the request shall be confirmed in writing not later than fifteen  
91 days after the verbal request. Requests shall provide the following  
92 information:

93 (1) A description of the emergency service function for which  
94 assistance is needed and of the mission or missions, including, but not  
95 limited to, fire services, emergency medical, transportation,  
96 communications, public works and engineering, building inspection,  
97 planning and information assistance, mass care, resource support,  
98 health and medical services, and search and rescue;

99 (2) The amount and type of personnel, equipment, materials, and  
100 supplies needed and a reasonable estimate of the length of time they  
101 will be needed; and

102 (3) The specific place and time for staging of the assisting party's  
103 response and a point of contact at the location.

104 (c) Consultation Among Party Jurisdiction Officials. There shall be  
105 frequent consultation among the party jurisdiction officials who have  
106 assigned emergency management responsibilities, such officials

107 collectively to be known as the international emergency management  
108 group, and other appropriate representatives of the party jurisdictions  
109 with free exchange of information, plans, and resource records relating  
110 to emergency capabilities to the extent authorized by law.

111 Article IV. Limitation.

112 Any party jurisdiction requested to render mutual aid or conduct  
113 exercises and training for mutual aid shall undertake to respond as  
114 soon as possible, except that it is understood that the jurisdiction  
115 rendering aid may withhold or recall resources to the extent necessary  
116 to provide reasonable protection for such jurisdiction. Each party  
117 jurisdiction shall afford to the personnel of the emergency forces of any  
118 party jurisdiction, while operating within its jurisdictional limits under  
119 the terms and conditions of this compact and under the operational  
120 control of an officer of the requesting party, the same powers, duties,  
121 rights, privileges, and immunities as are afforded similar or like forces  
122 of the jurisdiction in which they are performing emergency services.  
123 Emergency forces shall continue under the command and control of  
124 their regular leaders, but the organizational units shall come under the  
125 operational control of the emergency services authorities of the  
126 jurisdiction receiving assistance. These conditions may be activated, as  
127 needed, by the jurisdiction that is to receive assistance or upon  
128 commencement of exercises or training for mutual aid and continue as  
129 long as the exercises or training for mutual aid are in progress, the  
130 emergency or disaster remains in effect or loaned resources remain in  
131 the receiving jurisdiction or jurisdictions, whichever is longer. The  
132 receiving jurisdiction is responsible for informing the assisting  
133 jurisdictions of the specific moment when services will no longer be  
134 required.

135 Article V. Licenses and Permits.

136 Whenever a person holds a license, certificate, or other permit  
137 issued by any party jurisdiction evidencing the meeting of  
138 qualifications for professional, mechanical, or other skills, and when  
139 such assistance is requested by a party jurisdiction, such person is

140 deemed to be licensed, certified, or permitted by the jurisdiction  
141 requesting assistance to render aid involving such skill to meet an  
142 emergency or disaster, subject to such limitations and conditions as the  
143 requesting jurisdiction prescribes by executive order or otherwise.

144 Article VI. Liability.

145 Any person or entity of a party jurisdiction rendering aid in another  
146 jurisdiction pursuant to this compact shall be considered an agent of  
147 the requesting jurisdiction for tort liability and immunity purposes.  
148 Any person or entity rendering aid in another jurisdiction pursuant to  
149 this compact shall not be liable on account of any act or omission in  
150 good faith on the part of such person or entity while so engaged or on  
151 account of the maintenance or use of any equipment or supplies in  
152 connection therewith. "Good faith" in this article shall not include  
153 wilful misconduct, gross negligence, or recklessness.

154 Article VII. Supplementary Agreements.

155 Because it is probable that the pattern and detail of the machinery  
156 for mutual aid among two or more jurisdictions may differ from that  
157 among the jurisdictions that are party to this compact, this compact  
158 contains elements of a broad base common to all jurisdictions, and  
159 nothing in this compact precludes any jurisdiction from entering into  
160 supplementary agreements with another jurisdiction or affects any  
161 other agreements already in force among jurisdictions. Supplementary  
162 agreements may include, but are not limited to, provisions for  
163 evacuation and reception of injured and other persons and the  
164 exchange of medical, fire, public utility, reconnaissance, welfare,  
165 transportation and communications personnel, equipment, and  
166 supplies.

167 Article VIII. Workers' Compensation and Death Benefits.

168 Each party jurisdiction shall provide, in accordance with its own  
169 laws, for the payment of workers' compensation and death benefits to  
170 injured members of the emergency forces of such jurisdiction and to

171 representatives of deceased members of such forces if the members  
172 sustain injuries or are killed while rendering aid pursuant to this  
173 compact, in the same manner and on the same terms as if the injury or  
174 death were sustained within their own jurisdiction.

175 Article IX. Reimbursement.

176 Any party jurisdiction rendering aid in another jurisdiction  
177 pursuant to this compact shall, if requested, be reimbursed by the  
178 party jurisdiction receiving such aid for any loss or damage to, or  
179 expense incurred in, the operation of any equipment and the provision  
180 of any service in answering a request for aid and for the costs incurred  
181 in connection with such requests. An aiding party jurisdiction may  
182 assume in whole or in part any such loss, damage, expense, or other  
183 cost or may loan such equipment or donate such services to the  
184 receiving party jurisdiction without charge or cost. Any two or more  
185 party jurisdictions may enter into supplementary agreements  
186 establishing a different allocation of costs among such jurisdictions.  
187 Expenses under article VIII are not reimbursable under this section.

188 Article X. Evacuation.

189 Each party jurisdiction shall initiate a process to prepare and  
190 maintain plans to facilitate the movement of and reception of evacuees  
191 into its territory or across its territory, according to its capabilities and  
192 powers. The party jurisdiction from which the evacuees came shall  
193 assume the ultimate responsibility for the support of the evacuees, and  
194 after the termination of the emergency or disaster, for the repatriation  
195 of such evacuees.

196 Article XI. Implementation.

197 (a) This compact is effective upon its execution or adoption by any  
198 two jurisdictions, and is effective as to any other jurisdiction upon its  
199 execution or adoption thereby, subject to approval or authorization by  
200 the United States Congress, if required, and subject to enactment of  
201 provincial or state legislation that may be required for the effectiveness

202 of the Memorandum of Understanding.

203 (b) Any party jurisdiction may withdraw from this compact, but the  
204 withdrawal shall not take effect until thirty days after the governor or  
205 premier of the withdrawing jurisdiction has given notice in writing of  
206 such withdrawal to the governors or premiers of all other party  
207 jurisdictions. The action shall not relieve the withdrawing jurisdiction  
208 from obligations assumed under this compact prior to the effective  
209 date of withdrawal.

210 (c) Duly authenticated copies of this compact in the French and  
211 English languages and of such supplementary agreements as may be  
212 entered into shall, at the time of their approval, be deposited with each  
213 of the party jurisdictions.

214 Article XII. Severability.

215 This compact is construed to effectuate the purposes stated in  
216 Article I. If any provision of this compact is declared unconstitutional  
217 or the applicability of the compact to any person or circumstances is  
218 held invalid, the validity of the remainder of this compact and the  
219 applicability of the compact to other persons and circumstances shall  
220 not be affected.

221 Article XIII. Consistency of Language.

222 The validity of the arrangements and agreements consented to in  
223 this compact shall not be affected by any insubstantial difference in  
224 form or language as may be adopted by the various states and  
225 provinces.

226 Article XIV. Amendment.

227 This compact may be amended by agreement of the party  
228 jurisdictions.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2009</i>	New section
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**PS**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Emergency Management and Homeland Security, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Various Municipalities	See Below	See Below	See Below

#### **Explanation**

The bill requires the Commissioner of Emergency Management and Homeland Security to formulate and implement a mutual aid plan involving all participating jurisdictions. This could be incorporated within the current responsibilities of the Commissioner and emergency management staff.

In the event of an emergency, jurisdictions participating in the compact may request or provide mutual aid pursuant to the plan. The bill includes a provision that a responding jurisdiction may request reimbursement for losses, damages, and expenses incurred in providing such aid. To the extent that the state requests or provides such emergency assistance, there is a potential cost associated with that request or provision. The magnitude of the expense is contingent upon the manner and extent of any such emergency.

#### **The Out Years**

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

**OLR Bill Analysis****SB 787*****AN ACT CONCERNING THE INTERNATIONAL EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT.*****SUMMARY:**

This bill enacts and commits Connecticut to the terms of the International Emergency Management Assistance Memorandum of Understanding, which provides a legal framework for the Northeastern states and eastern Canadian provinces to help each other manage emergencies and disasters. (Congress authorized this compact in Public Law 110-171.) The compact is similar to the Emergency Management Assistance Compact for states, which Connecticut adopted in 2000.

Participating jurisdictions (called party jurisdictions) agree to standard operating procedures for mutual aid requests and assistance, which may include the use of emergency forces by mutual agreement. Jurisdictions that get aid are legally responsible for reimbursing those that provide it, and out-of-state personnel who acted in good faith, and not negligently or recklessly, are immune from liability for any act or omission while rendering aid under the compact.

Connecticut's emergency management and homeland security commissioner is the state's compact representative. He must formulate plans and procedures to implement the compact.

The compact may be amended by agreement of the party jurisdictions. Any jurisdiction may withdraw from it by repealing the enacting statute.

All the Northeastern states, except Connecticut, Massachusetts, and Rhode Island, have enacted the compact. Enactment of the bill makes

Connecticut a compact member.

EFFECTIVE DATE: July 1, 2009

### **PURPOSE OF THE COMPACT (ART. I)**

The compact's purpose is to establish a mechanism to provide aid to compact members that ask for help to manage natural, technological, or manmade disasters "or civil emergency aspects of resource shortages." States, provincial, and local emergency management agencies may also plan and work together, if necessary, on emergency-related exercises, testing, or other training activities. This may include using equipment and personnel in simulated mutual aid emergency exercises during nonemergencies. Mutual aid assistance may include the use of emergency forces if the party jurisdictions agree to such use.

The compact may include the following states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (2) the following Canadian provinces: New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, and Quebec; and (3) other states and provinces that elect to participate.

### **GENERAL IMPLEMENTATION (ART. II)**

Each jurisdiction's emergency management head is responsible for formulating appropriate mutual aid plans and procedures and recommending amendments to any statute, regulation, or ordinance necessary to implement the compact.

### **JURISDICTION RESPONSIBILITIES (ART. III)**

#### ***Planning***

Jurisdictions must formulate procedural plans and programs for cooperating with each other and performing compact responsibilities. In doing so, they must, so far as practical:

1. review available analyses of jurisdiction hazards and, to the extent reasonably possible, determine potential emergencies that party jurisdictions might jointly suffer from natural disaster, technological hazard, manmade disaster, or "emergency aspects

of resource shortage”;

2. initiate a process to review member jurisdictions’ emergency plans and develop a plan that will determine the mechanism for inter-jurisdictional cooperation;
3. develop inter-jurisdictional procedures to fill identified gaps and resolve identified inconsistencies or overlaps in new or existing plans;
4. help to warn communities adjacent to or crossing jurisdictional boundaries;
5. protect and ensure delivery of services; medicine; food and water; energy and fuel; and search and rescue, and critical lifeline equipment, services, and resources, to the extent authorized by law;
6. inventory and set procedures for inter-jurisdiction loans and delivery of resources, with procedures for reimbursement or debt forgiveness; and
7. provide, to the extent authorized by law, for temporarily suspending any law or ordinance that impedes the implementation of the pertinent responsibilities.

### ***Aid Requests***

Authorized party jurisdiction representatives may request help from another each other verbally or in writing, but verbal requests must be confirmed in writing within 15 days. Compact provisions apply only to requests made by and to authorized representatives.

Requests must state the:

1. emergency services required and the mission, such as fire, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information, mass care, resource support, health and medical, or

search and rescue;

2. amount and type of personnel, equipment, material, and supplies needed and a reasonable estimate of how long; and
3. specific place and time for the assisting party to respond and a point of contact at that location.

### ***Consultation Among Party Jurisdiction Officials***

Emergency management officials and other appropriate representatives from jurisdictions must consult frequently and freely exchange information, plans, and resources relating to emergency capabilities, to the extent authorized by law. These officials make up the international emergency management group.

## **DEPLOYMENT AND CONTROL OF EMERGENCY PERSONNEL (ART. IV)**

Any party jurisdiction asked to provide mutual aid or conduct mutual aid training and exercises must try to respond as soon as possible. But it may recall or withhold resources it needs to reasonably protect itself.

Member jurisdictions must give responding jurisdictions' emergency personnel operating under the compact, and under the operational control of an officer of the requesting jurisdiction, the same power, duties, rights, privileges, and immunities available to their own emergency services personnel performing emergency services.

Emergency forces are under the command and control of their regular leaders, but the emergency services authorities of the jurisdiction receiving assistance control responding states' organizational units. Jurisdictions receiving aid may activate "these conditions," as needed, or when they begin mutual aid exercises or training. The conditions continue as long as the training or exercises are in progress, the emergency or disaster remains in effect, or other jurisdictions' loaned resources remain in the jurisdictions receiving aid, whichever is longest. Jurisdictions receiving aid are responsible for

telling assisting jurisdictions when their services are no longer needed.

#### **RECIPROCITY (ART. V)**

People licensed, permitted, or certified in responding jurisdictions are qualified to render emergency aid in their areas of expertise in party jurisdictions requesting assistance. But requesting jurisdictions, by executive order, or otherwise, may set limitations and conditions on such people.

#### **LIABILITIES (ART. VI)**

Responding personnel are considered agents of the requesting jurisdiction for tort liability and immunity purposes. They cannot be held legally responsible for omissions or good faith acts while performing under the compact. But they are not protected against lawsuits involving claims of willful misconduct, gross negligence, or recklessness.

#### **SUPPLEMENTARY AGREEMENTS (ART. VII)**

Party jurisdictions may enter supplementary agreements with each other or maintain existing ones. Such agreements may include provisions to (1) evacuate and receive injured people and non-injured people and (2) exchange medical, fire, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

#### **WORKERS COMPENSATION AND DEATH BENEFITS (ART. VIII)**

Connecticut is responsible for paying any workers' compensation and death benefits it would normally offer to personnel injured or killed while responding in another compact state. Other party jurisdictions must do the same for their emergency personnel injured or killed here.

#### **REIMBURSEMENT (ART. IX)**

Jurisdictions that get aid must, if requested, reimburse responding states for losses, damages, or expenses incurred in providing service or using equipment. Responding jurisdictions may choose to assume all

costs, provide free services, or loan equipment. Jurisdictions may enter supplementary agreements for different cost allocations. Workers compensation and death benefits are not reimbursable.

#### **EVACUATION PLANS (ART. X)**

Party jurisdictions must develop and maintain emergency evacuation plans to facilitate the movement and reception of evacuees into or across their jurisdictions, according to their capabilities and powers.

The jurisdiction from which the evacuees came must assume ultimate responsibility for supporting them and, when the disaster or emergency ends, for repatriating them.

#### **IMPLEMENTATION AND WITHDRAWAL (ART. XI)**

The compact takes effect when two jurisdictions adopt it. It has been adopted by all the states except Rhode Island and Connecticut. Enactment of this bill makes Connecticut a compact member. When the compact and any supplementary agreements are approved, jurisdictions must deposit duly authenticated copies of them, in French and English, with all party jurisdictions.

A jurisdiction may withdraw from the compact by repealing its enacting statute. Withdrawal takes effect 30 days after the governor or premier sends written notice to the governors and premiers of the other party jurisdictions. Withdrawal does not affect obligations the jurisdiction assumed before withdrawing.

#### **CONSTRUCTION AND SEVERABILITY (ART. XII)**

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

#### **CONSISTENCY OF LANGUAGE (ART. XIII)**

The validity of the arrangements and agreements in the compact does not affect any insubstantial difference in form or language adopted by the various jurisdictions.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 20 Nay 0 (02/17/2009)