



General Assembly

January Session, 2009

Raised Bill No. 863

LCO No. 2770

02770_____VA_

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:
(VA)

AN ACT CONCERNING THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

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

1 Section 1. Section 28-23a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 This state hereby joins in a compact with such other states and
4 territories legally joining therein, in the form substantially as follows:

5 Emergency Management Assistance Compact

6 Article I. Purposes and Authorities.

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

13 The purpose of this compact is to provide for mutual assistance

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

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

28 **Article II. General Implementation.**

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

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

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

50 Article III. Party State Responsibilities.

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

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

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

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

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

70 v. Protect and assure uninterrupted delivery of services, medicines,
71 water, food, energy and fuel, search and rescue, and critical lifeline
72 equipment, services and resources, both human and material.

73 vi. Inventory and set procedures for the interstate loan and delivery

74 of human and material resources, together with procedures for
75 reimbursement or forgiveness.

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

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

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

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

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

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

102 Article IV. Limitations.

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

124 Article V. Licenses and Permits.

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

134 Article VI. Liability.

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

144 Article VII. Supplementary Agreements.

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

156 Article VIII. Compensation.

157 Each party state shall provide for the payment of compensation and
158 death benefits to injured members of the emergency forces of that state
159 and representatives of deceased members of such forces in case such
160 members sustain injuries or are killed while rendering aid pursuant to
161 this compact, in the same manner and on the same terms as if the
162 injury or death were sustained within their own state.

163 Article IX. Reimbursement.

164 Any party state rendering aid in another state pursuant to this

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

176 **Article X. Evacuation.**

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

198 the responsibility for the ultimate support of repatriation of such
199 evacuees.

200 Article XI. Implementation.

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

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

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

216 Article XII. Validity.

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

223 [Article XIII. Additional Provisions.

224 Nothing in this compact shall authorize or permit the use of military
225 force by the National Guard of a state at any place outside that state in
226 any emergency for which the President is authorized by law to call

227 into federal service the militia, or for any purpose for which the use of
228 the Army or the Air Force would, in the absence of express statutory
229 authorization, be prohibited under 18 USC 1385.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	28-23a

Statement of Purpose:

To allow the state to provide or receive military assistance in response to state, regional or national emergencies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]