

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/12/99**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Governor 66672**

By/Representing: **Stewart Simonson**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Military Affairs**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

National guard interstate emergency management assistance compact

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			lpaasch 03/15/99	_____	lrb_docadmin 03/15/99		State
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Vers.      Drafted      Reviewed      Typist      Proofed      Submitted      Jacketed      Required

\_\_\_\_\_ 05/5/99

FE Sent For:

5/25/99

<END>

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*management*

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/2	nelsorp1 03/17/99	chanaman 03/17/99	lpaasch 03/18/99	_____	lrb_docadmin 03/18/99		

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FE Sent For:			3-18 LP.	3-18 LP SKM <END>			

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FE Sent For:

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STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR

MEMORANDUM

To: Robert Nelson  
Legislative Reference Bureau

Date: January 8, 1999

From: Stewart Simonson  
Legal Counsel to the Governor

Subject: National Guard Interstate Emergency Management Assistance Compact

---

Attached is a copy of the National Guard Interstate Emergency Management Assistance Compact. This compact has been enacted in numerous other jurisdictions, including Minnesota and Iowa. I would like to have the language of this compact incorporated into a bill draft for introduction in the upcoming session. For your reference, I have included copies of the Minnesota and Iowa acts.

Should you have any questions concerning this request, please feel free to contact me. I can be reached at 266-6672.

Attachments



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## **EMERGENCY MANAGEMENT ASSISTANCE COMPACT.**

The interstate emergency management assistance compact is entered into with all other states which enter into the compact in substantially the following form:

### **ARTICLE I - PURPOSE AND AUTHORITIES**

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

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

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact or by mutual agreement between states.

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## **ARTICLE II - GENERAL IMPLEMENTATION**

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

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

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

## **ARTICLE III - PARTY STATE RESPONSIBILITIES**

1. IT shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:
  - a. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard , made-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
  - b. Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.
  - c. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
  - d. Assist in warning communities adjacent to or crossing the state boundaries.
  - e. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue ,and critical lifeline equipment, services, and resources, both human and material.
  - f. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
  - g. provide, to the extent authorized by law, for temporary suspension of any statues or ordinances that restrict the implementation of the above responsibilities.

2. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following.
  - a. A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
  - b. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
  - c. The specific place and time for staging of the assisting party's response and a point of contact at that location.
  
3. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

#### **ARTICLE IV - LIMITATIONS**

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

#### **ARTICLE V -- LICENSES AND PERMITS**

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

#### **ARTICLE VI - LIABILITY**

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

#### **ARTICLE VII - SUPPLEMENTARY AGREEMENTS**

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein

contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

#### **ARTICLE VIII - COMPENSATION**

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

#### **ARTICLE IX - REIMBURSEMENT**

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and

provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

## ARTICLE X - EVACUATION

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

## **ARTICLE XI - IMPLEMENTATION**

1. This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.
2. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.
3. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the federal emergency management agency and other appropriate agencies of the United States government.

## **ARTICLE XII - VALIDITY**

This Act shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any



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person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

### **ARTICLE XIII - ADDITIONAL PROVISIONS**

Nothing in this compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president is authorized by law to call into federal service the militia, or for any purpose for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18, United States Code.

# AN ACT

RECEIVED

MAY 13 1998

DIV. EMERG. GOV.

1

2 relating to the military; entering into the interstate  
3 emergency management assistance compact; proposing  
4 coding for new law in Minnesota Statutes, chapter 192.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [192.89] [INTERSTATE EMERGENCY MANAGEMENT  
7 ASSISTANCE COMPACT.]

8 Subdivision 1. [ARTICLE I - PURPOSE AND AUTHORITIES.] This  
9 compact is made and entered into by and between the  
10 participating member states which enact this compact,  
11 hereinafter called party states. For the purposes of this  
12 agreement, the term "states" is taken to mean the several  
13 states, the Commonwealth of Puerto Rico, the District of  
14 Columbia, and all United States territorial possessions.

15 The purpose of this compact is to provide for mutual  
16 assistance between the states entering into this compact in  
17 managing any emergency or disaster that is duly declared by the  
18 governor of an affected state, whether arising from natural  
19 disaster, technological hazard, artificially created disaster,  
20 civil emergency aspects of resources shortages, community  
21 disorders, insurgency, or enemy attack.

22 This compact shall also provide for mutual cooperation in  
23 emergency-related exercises, testing, or other training  
24 activities using equipment and personnel simulating performance  
25 of any aspect of the giving and receiving of aid by party states

1 or subdivisions of party states during emergencies, such actions  
2 occurring outside actual declared emergency periods. Mutual  
3 assistance in this compact may include the use of the states'  
4 national guard forces, either in accordance with the national  
5 guard mutual assistance compact or by mutual agreement between  
6 states.

7 Subd. 2. [ARTICLE II - GENERAL IMPLEMENTATION.] Each party  
8 state entering into this compact recognizes many emergencies  
9 transcend political jurisdictional boundaries and that  
10 intergovernmental coordination is essential in managing these  
11 and other emergencies under this compact. Each state further  
12 recognizes that there will be emergencies which require  
13 immediate access and present procedures to apply outside  
14 resources to make a prompt and effective response to such an  
15 emergency. This is because few, if any, individual states have  
16 all the resources they may need in all types of emergencies or  
17 the capability of delivering resources they may need in all  
18 types of emergencies or the capability of delivering resources  
19 to areas where emergencies exist.

20 The prompt, full, and effective utilization of resources of  
21 the participating states, including any resources on hand or  
22 available from the federal government or any other source, that  
23 are essential to the safety, care, and welfare of the people in  
24 the event of any emergency or disaster declared by a party  
25 state, shall be the underlying principle on which all articles  
26 of this compact shall be understood.

27 On behalf of the governor of each state participating in  
28 the compact, the legally designated state official who is  
29 assigned responsibility for emergency management will be  
30 responsible for formulation of the appropriate interstate mutual  
31 aid plans and procedures necessary to implement this compact.

32 Subd. 3. [ARTICLE III - PARTY STATE RESPONSIBILITIES.] (a)  
33 It shall be the responsibility of each party state to formulate  
34 procedural plans and programs for interstate cooperation in the  
35 performance of the responsibilities listed in this subdivision.  
36 In formulating such plans, and in carrying them out, the party

1 states, insofar as practical, shall:

2 (1) review individual state hazards analyses and, to the  
3 extent reasonably possible, determine all those potential  
4 emergencies the party states might jointly suffer, whether due  
5 to natural disaster, technological hazard, artificially created  
6 disaster, emergency aspects of resource shortages, civil  
7 disorders, insurgency, or enemy attack;

8 (2) review party states' individual emergency plans and  
9 develop a plan which will determine the mechanism for the  
10 interstate management and provision of assistance concerning any  
11 potential emergency;

12 (3) develop interstate procedures to fill any identified  
13 gaps and to resolve any identified inconsistencies or overlaps  
14 in existing or developed plans;

15 (4) assist in warning communities adjacent or crossing the  
16 state boundaries;

17 (5) protect and assure uninterrupted delivery of services,  
18 medicines, water, food, energy and fuel, search and rescue, and  
19 critical lifeline equipment, services, and resources, both human  
20 and material;

21 (6) inventory and set procedures for the interstate loan  
22 and delivery of human and material resources, together with  
23 procedures for reimbursement or forgiveness; and

24 (7) provide, to the extent authorized by law, for temporary  
25 suspension of any statutes or ordinances that restrict the  
26 implementation of the above responsibilities.

27 (b) The authorized representative of a party state may  
28 request assistance of another party state by contacting the  
29 authorized representative of that state. The provisions of this  
30 agreement shall only apply to requests for assistance made by  
31 and to authorized representatives. Requests may be verbal or in  
32 writing. If verbal, the request shall be confirmed in writing  
33 within 30 days of the verbal request. Requests shall provide  
34 the following information:

35 (1) a description of the emergency service function for  
36 which assistance is needed, such as, but not limited to, fire

1 services, law enforcement, emergency medical, transportation,  
2 communications, public works and engineering, building  
3 inspection, planning and information assistance, mass care,  
4 resource support, health and medical services, and search and  
5 rescue;

6 (2) the amount and type of personnel equipment, materials,  
7 and supplies needed, and a reasonable estimate of the length of  
8 time they will be needed; and

9 (3) the specific place and time for staging of the  
10 assisting party's response and a point of contact at that  
11 location.

12 (c) There shall be frequent consultation between state  
13 officials who have assigned emergency management  
14 responsibilities and other appropriate representatives of the  
15 party states with affected jurisdictions and the United States  
16 government, with free exchange of information, plans, and  
17 resource records relating to emergency capabilities.

18 Subd. 4. [ARTICLE IV - LIMITATIONS.] Any party state  
19 requested to render mutual aid or conduct exercises and training  
20 for mutual aid shall take such action as is necessary to provide  
21 and make available the resources covered by this compact in  
22 accordance with the terms hereof; provided that it is understood  
23 that the state rendering aid may withhold resources to the  
24 extent necessary to provide reasonable protection for such state.

25 Each party state shall afford to the emergency forces of  
26 any party state, while operating within its state limits under  
27 the terms and conditions of this compact, the same powers  
28 (except that of arrest unless specifically authorized by the  
29 receiving state), duties, rights, and privileges as are afforded  
30 forces of the state in which they are performing emergency  
31 services. Emergency forces will continue under the command and  
32 control of their regular leaders, but the organizational units  
33 will come under the operational control of the emergency  
34 services authorities of the state receiving assistance. These  
35 conditions may be activated, as needed, only subsequent to a  
36 declaration of a state of emergency or disaster by the governor

1 of the party state that is to receive assistance or commencement  
2 of exercises or training for mutual aid and shall continue so  
3 long as the exercises or training for mutual aid are in  
4 progress, the state of emergency or disaster remains in effect,  
5 or loaned resources remain in the receiving state, whichever is  
6 longer.

7       Subd. 5. [ARTICLE V - LICENSES AND PERMITS.] Whenever any  
8 person holds a license, certificate, or other permit issued by  
9 any state party to the compact evidencing the meeting of  
10 qualifications for professional, mechanical, or other skills,  
11 and when such assistance is requested by the receiving party  
12 state, such person shall be deemed licensed, certified, or  
13 permitted by the state requesting assistance to render aid  
14 involving such skill to meet a declared emergency or disaster,  
15 subject to such limitations and conditions as the governor of  
16 the requesting state may prescribe by executive order or  
17 otherwise.

18       Subd. 6. [ARTICLE VI - LIABILITY.] Officers or employees  
19 of a party state rendering aid in another state pursuant to this  
20 compact shall be considered agents of the requesting state for  
21 tort liability and immunity purposes; and no party state or its  
22 officers or employees rendering aid in another state pursuant to  
23 this compact shall be liable on account of any act or omission  
24 in good faith on the part of such forces while so engaged or on  
25 account of the maintenance or use of any equipment or supplies  
26 in connection therewith. "Good faith" in this subdivision does  
27 not include willful misconduct, gross negligence, or  
28 recklessness.

29       Subd. 7. [ARTICLE VII - SUPPLEMENTARY  
30 AGREEMENTS.] Inasmuch as it is probable that the pattern and  
31 detail of the machinery for mutual aid among two or more states  
32 may differ from that among the states that are party hereto,  
33 this instrument contains elements of a broad base common to all  
34 states, and nothing herein contained shall preclude any state  
35 from entering into supplementary agreements with another state  
36 or affect any other agreements already in force between states.

1 Supplementary agreements may comprehend, but shall not be  
2 limited to, provisions for evacuation and reception of injured  
3 and other persons and the exchange of medical, fire, police,  
4 public utility, reconnaissance, welfare, transportation and  
5 communications personnel, and equipment and supplies.

6 Subd. 8. [ARTICLE VIII - COMPENSATION.] Each party state  
7 shall provide for the payment of compensation and death benefits  
8 to injured members of the emergency forces of that state and  
9 representatives of deceased members of such forces in case such  
10 members sustain injuries or are killed while rendering aid  
11 pursuant to this compact, in the same manner and on the same  
12 terms as if the injury or death were sustained within their own  
13 state.

14 Subd. 9. [ARTICLE IX - REIMBURSEMENT.] Any party state  
15 rendering aid in another state pursuant to this compact shall be  
16 reimbursed by the party state receiving such aid for any loss or  
17 damage to or expense incurred in the operation of any equipment  
18 and the provision of any service in answering a request for aid  
19 and for the costs incurred in connection with such requests;  
20 provided, that any aiding party state may assume in whole or in  
21 part such loss, damage, expense, or other cost, or may loan such  
22 equipment or donate such services to the receiving party state  
23 without charge or cost; and provided further, that any two or  
24 more party states may enter into supplementary agreements  
25 establishing a different allocation of costs among those  
26 states. Article VIII expenses shall not be reimbursable under  
27 this provision.

28 Subd. 10. [ARTICLE X - EVACUATION.] Plans for the orderly  
29 evacuation and interstate reception of portions of the civilian  
30 population as the result of any emergency or disaster of  
31 sufficient proportions to so warrant, shall be worked out and  
32 maintained between the party states and the emergency  
33 management/services directors of the various jurisdictions where  
34 any type of incident requiring evacuations might occur. Such  
35 plans shall be put into effect by request of the state from  
36 which evacuees come and shall include the manner of transporting

1 such evacuees; the number of evacuees to be received in  
2 different areas; the manner in which food, clothing, housing,  
3 and medical care will be provided; the registration of the  
4 evacuees; the providing of facilities for the notification of  
5 relatives or friends; and the forwarding of such evacuees to  
6 other areas or the bringing in of additional materials,  
7 supplies, and all other relevant factors. Such plans shall  
8 provide that the party state receiving evacuees and the party  
9 state from which the evacuees come shall mutually agree as to  
10 reimbursement of out-of-pocket expenses incurred in receiving  
11 and caring for such evacuees; for expenditures for  
12 transportation, food, clothing, medicine, and medical care; and  
13 like items. Such expenditures shall be reimbursed as agreed by  
14 the party state from which the evacuees come. After the  
15 termination of the emergency or disaster, the party state from  
16 which the evacuees come shall assume the responsibility for the  
17 ultimate support of repatriation of such evacuees.

18 Subd. 11. [ARTICLE XI - IMPLEMENTATION.] (a) This compact  
19 shall become operative immediately upon its enactment into law  
20 by any two states; thereafter, this compact shall become  
21 effective as to any other state upon its enactment by such state.

22 (b) Any party state may withdraw from this compact by  
23 enacting a statute repealing the same, but no such withdrawal  
24 shall take effect until 30 days after the governor of the  
25 withdrawing state has given notice in writing of such withdrawal  
26 to the governors of all other party states. Such action shall  
27 not relieve the withdrawing state from obligations assumed  
28 hereunder prior to the effective date of withdrawal.

29 (c) Duly authenticated copies of this compact and of such  
30 supplementary agreements as may be entered into shall, at the  
31 time of their approval, be deposited with each of the party  
32 states and with the Federal Emergency Management Agency and  
33 other appropriate agencies of the United States government.

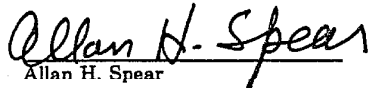
34 Subd. 12. [ARTICLE XII - VALIDITY.] This section shall be  
35 construed to effectuate the purposes stated in Article I  
36 hereof. If any provision of this compact is declared




1 unconstitutional, or the applicability thereof to any person or  
2 circumstances is held invalid, the constitutionality of the  
3 remainder of this compact and the applicability thereof to other  
4 persons and circumstances shall not be affected thereby.

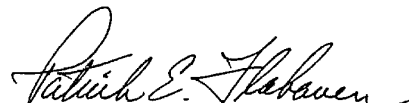
5       Subd. 13. [ARTICLE XIII - ADDITIONAL PROVISIONS.] Nothing  
6 in this compact shall authorize or permit the use of military  
7 force by the national guard of a state at any place outside that  
8 state in any emergency for which the president of the United  
9 States is authorized by law to call into federal service the  
10 militia, or for any purpose for which the use of the army or the  
11 air force would, in the absence of express statutory  
12 authorization, be prohibited under United States Code, title 18,  
13 section 1385.

This bill was passed in conformity to the rules of each house and the joint rules of the two houses as required by the Constitution of the State of Minnesota.

  
Allan H. Spear  
President of the Senate.

  
Philip C. Carruthers  
Speaker of the House of Representatives.

Passed the Senate on March 6, 1998.

  
Patrick E. Flahaven  
Secretary of the Senate.


Passed the House of Representatives on March 11, 1998.

  
Edward A. Burdick  
Chief Clerk, House of Representatives.

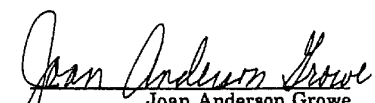
This bill is properly enrolled and was presented to the Governor on March 17, 1998.

  
Lorna M. Breiter  
Acting Revisor of Statutes.

Approved on March 18, 1998, at 4:30 P. M.

  
Arne H. Carlson  
Governor.

Filed on March 18, 1998.

  
Joan Anderson Grove  
Secretary of State.



SENATE FILE 358

AN ACT  
RELATING TO THE ADOPTION OF THE INTERSTATE EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29C.21, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

29C.21 EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

The interstate emergency management assistance compact is entered into with all other states which enter into the compact in substantially the following form:

ARTICLE I -- PURPOSE AND AUTHORITIES

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

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

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either

in accordance with the national guard mutual assistance compact or by mutual agreement between states.

ARTICLE II -- GENERAL IMPLEMENTATION

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

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

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

ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

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

c. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

d. Assist in warning communities adjacent to or crossing the state boundaries.

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

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

g. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

2. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following:

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

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

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

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

ARTICLE IV -- LIMITATIONS

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

ARTICLE V -- LICENSES AND PERMITS

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

ARTICLE VI -- LIABILITY

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on

the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

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

ARTICLE VIII -- COMPENSATION

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

ARTICLE IX -- REIMBURSEMENT

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

ARTICLE X -- EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any

emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI -- IMPLEMENTATION

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

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

3. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the federal emergency management agency and other appropriate agencies of the United States government.

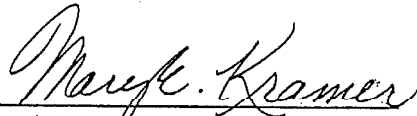
ARTICLE XII -- VALIDITY



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

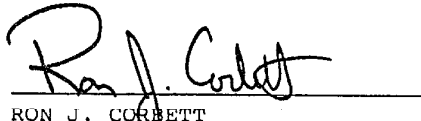
ARTICLE XIII -- ADDITIONAL PROVISIONS

Nothing in this compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president is authorized by law to call into federal service the militia, or for any purpose for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18, United States Code.



MARY E. KRAMER

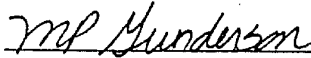
President of the Senate



RON J. CORBETT

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 358, Seventy-seventh General Assembly.



MARY PAT GUNDERSON

Secretary of the Senate

Approved May 7, 1997



TERRY E. BRANSTAD

Governor



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1703#  
RPN.....  
cmh

*0-Note*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1

*gen cat.*  
AN ACT ...; relating to: interstate emergency *management* assistance compact.

*Analysis by the Legislative Reference Bureau*

*(insert anal)*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

SECTION 1. 166.30 of the statutes is created to read:

3

**166.30 Emergency <sup>✓</sup>management assistance compact.** The following

4

compact, by and between the state of Wisconsin and all other states ~~which~~ <sup>that</sup> enter into

5

the compact, is ratified and approved:

6

**EMERGENCY MANAGEMENT**

7

**ASSISTANCE COMPACT**

8

~~ARTICLE~~ *FILE* ~~(a)~~ *Title 1* ~~Title~~

9

**(1) ARTICLE I - PURPOSE AND AUTHORITIES** (a) This compact is made and entered

10

into by and between the participating member states ~~which~~ <sup>that</sup> enact this compact,

*U.S. in this section*

1 ~~Hereinafter~~ called "party states." For the purposes of this agreement, the term "states"  
2 ~~is taken to~~ mean the several states, the Commonwealth of Puerto Rico, the District  
3 of Columbia, and all ~~United States~~ territorial possessions.

4 (b) The purpose of this compact is to provide for mutual assistance ~~between~~ *among* the  
5 ~~states entering into this compact~~ *party* states in managing any emergency or disaster that is  
6 declared by the governor of the affected state, whether arising from natural disaster,  
7 technological hazard, man-made disaster, civil emergency aspects of resource  
8 shortages, community disorders, insurgency, or enemy attack.

9 (c) This compact ~~shall~~ also provide *s* for mutual cooperation in  
10 emergency-related exercises, testing, or other training activities using equipment  
11 and personnel simulating performance of any aspect of the giving and receiving of  
12 aid by party states or subdivisions of party states during emergencies *of it activities* such ~~as~~  
13 ~~occur~~ outside actual declared emergency periods. Mutual assistance in this  
14 compact may include the use of the states' national guard forces, either in accordance  
15 with the national guard mutual assistance compact or by mutual agreement *among* ~~between~~  
16 states.

17 (2) ARTICLE II - GENERAL IMPLEMENTATION. (a) Each party state ~~entering into~~  
18 ~~this compact~~ *that* recognizes many emergencies transcend political jurisdictional  
19 boundaries and that intergovernmental coordination is essential in managing these  
20 and other emergencies under this compact. Each *party* state ~~shall~~ recognize that there  
21 will be emergencies *that* ~~which~~ require immediate access and present procedures to apply  
22 outside resources to make a prompt and effective response to such an emergency.

23 This is because few, if any, individual states have all the resources they may need in  
24 all types of emergencies or the capability of delivering resources to areas where  
25 emergencies exist.

1 (b) The prompt, full, and effective utilization of resources of the <sup>party</sup> participating  
 2 states, including any resources on hand or available from the federal government or  
 3 any other source, that are essential to the safety, care, and welfare of the people in  
 4 the event of any emergency or disaster declared by a party state, shall be the  
 5 underlying principle on which ~~Articles~~ <sup>subsections (1) to (12)</sup> of this compact shall be understood.

6 (c) On behalf of the governor of each <sup>party</sup> state participating in the compact, the  
 7 legally designated state official who is assigned responsibility for emergency  
 8 management will be responsible for formulation of the appropriate interstate  
 9 mutual aid plans and procedures necessary to implement this compact.

10 (3) ARTICLE III - PARTY STATE RESPONSIBILITIES. (a) It shall be the  
 11 responsibility of each party state to formulate procedural plans and programs for  
 12 interstate cooperation in the performance of the responsibilities listed in this <sup>subsection</sup> ~~section~~

13 In formulating such plans, and in carrying them out, the party states, insofar as  
 14 practical, shall <sup>do all of the following</sup>

15 1. Review individual state hazards analyses and, to the extent reasonably  
 16 possible, determine all those potential emergencies the party states might jointly  
 17 suffer, whether due to natural disaster, technological hazard, <sup>man</sup> ~~made~~-made disaster,  
 18 emergency aspects of resource shortages, civil disorders, insurgency, or enemy  
 19 attack.

20 2. Review party states' individual emergency plans and develop a plan <sup>which</sup> ~~which~~ <sup>that</sup>  
 21 will determine the mechanism for the interstate management and provision of  
 22 assistance concerning any potential emergency.

23 3. Develop interstate procedures to fill any identified gaps and to resolve any  
 24 identified inconsistencies or overlaps in existing or developed plans.

25 4. Assist in warning communities adjacent to or crossing the state boundaries.

1           5. Protect and assure uninterrupted delivery of services, medicines, water,  
 2           food, energy and fuel, search and rescue<sup>^</sup> and critical lifeline equipment, services,  
 3           and resources, both human and material.

4           6. Inventory and set procedures for the interstate loan and delivery of human  
 5           and material resources, together with procedures for reimbursement or forgiveness.

6           7. provide, to the extent authorized by law, for temporary suspension of any  
 7           statutes or ordinances that restrict the implementation of the ~~above~~ responsibilities<sup>^</sup> *listed in subcls. 1. to 6*

8           (b) The authorized representative of a party state may request assistance of  
 9           another party state by contacting the authorized representative of that state. The  
 10          provisions of this agreement shall only apply to requests for assistance made by and  
 11          to authorized representatives. Requests may be made by and to authorized  
 12          representatives. Requests may be verbal or in writing. If verbal, the request shall be  
 13          confirmed in writing within thirty days of the verbal request. Requests shall provide  
 14          all of the following.

15          1. A description of the emergency service function for which assistance is  
 16          needed, such as ~~fire services~~ fire services, law enforcement, emergency medical,  
 17          transportation, communications, public works and engineering, building inspection,  
 18          planning and information assistance, mass care, resource support, health and  
 19          medical services, and search and rescue.

20          2. The amount and type of personnel, equipment, materials and supplies  
 21          needed, and a reasonable estimate of the length of time they will be needed.

22          3. The specific place and time for staging of the assisting party's response and  
 23          a point of contact at that location.

24          (c) There shall be frequent consultation ~~between~~ <sup>among</sup> state officials who have  
 25          assigned emergency management responsibilities and other appropriate

1 representatives of the party states with affected jurisdictions and the ~~United States~~  
2 government, with free exchange of information, plans, and resource records relating  
3 to emergency capabilities.

4 (4) ARTICLE IV - LIMITATIONS. Any party state requested to render mutual aid

5 or conduct exercises and training for mutual aid shall take ~~such~~ <sup>any</sup> action ~~as~~ <sup>that</sup> is

6 necessary to provide and make available the resources covered by this compact in

7 accordance with the terms ~~of this compact~~ <sup>of this compact</sup>, provided that it is understood that the state

8 rendering aid may withhold resources to the extent necessary to provide reasonable

9 protection for ~~such~~ <sup>that</sup> state. Each party state shall afford to the emergency forces of any

10 party state, while operating within its state limits under the terms and conditions

11 of this compact, the same powers, except that of arrest unless specifically authorized

12 by the receiving state, duties, rights, and privileges as are afforded forces of the state

13 in which ~~they are~~ <sup>it is</sup> performing emergency services. Emergency forces will continue

14 under the command and control of their regular leaders, but the organizational units

15 will come under the operational control of the emergency services authorities of the

16 state receiving assistance. These conditions may be activated, as needed, only

17 subsequent to a declaration of a state of emergency or disaster by the governor of the

18 party state that is to receive assistance or commencement of exercises or training for

19 mutual aid and shall continue so long as the exercises or training for mutual aid are

20 in progress, the state of emergency or disaster remains in effect, or loaned resources

21 remain in the receiving state, whichever is ~~longer~~ <sup>longest</sup>.

22 (5) ARTICLE V - LICENSES AND PERMITS Whenever any person holds a license,

23 certificate, or other permit issued by any ~~state party to the compact~~ <sup>state party to the compact</sup> evidencing the

24 meeting of qualifications for professional, mechanical, or other skills, and when such

25 assistance is requested by the receiving party state, ~~such~~ <sup>that</sup> person shall be deemed

1 licensed, certified, or permitted by the state requesting assistance to render aid  
 2 involving ~~such~~ <sup>the</sup> skill to meet a declared emergency or disaster, subject to ~~such~~ <sup>any</sup>  
 3 limitations and conditions as the governor of the requesting state may prescribe by  
 4 executive order or otherwise.

5 (6) ARTICLE VI - LIABILITY. Officers or employees of a party state rendering aid  
 6 in another <sup>party</sup> state ~~under the terms of this compact~~ shall be considered agents of the  
 7 requesting state for tort liability and immunity purposes and no party state or its  
 8 officers or employees <sup>party</sup> rendering aid in another state ~~under the terms of this compact~~ shall  
 9 be liable on account of any act or omission <sup>performed</sup> in good faith on the part of ~~such~~ <sup>those</sup> forces while  
 10 so engaged or on account of the maintenance or use of any equipment or supplies in  
 11 connection ~~with~~ <sup>The rendering of aid</sup> subsection ~~in~~ <sup>wanton or reckless</sup>  
 12 ~~gross negligence or recklessness.~~

13 (7) ARTICLE VII - SUPPLEMENTARY AGREEMENTS. Inasmuch as it is probable that  
 14 the pattern and detail of the machinery for mutual aid among two or more states may  
 15 differ from that among the <sup>party</sup> states ~~that are party to this compact~~ <sup>compact</sup>, this instrument contains  
 16 elements of a broad base common to all states, and nothing ~~herein~~ <sup>in this compact</sup> contained shall  
 17 preclude any state from entering into supplementary agreements with another state  
 18 or affect any other agreements already in force <sup>among</sup> ~~between~~ states. Supplementary  
 19 agreements may ~~comprehend~~ <sup>include</sup> but shall not be limited to provisions for evacuation  
 20 and reception of injured and other persons and the exchange of medical, ~~fire~~ <sup>NO I&C.</sup>, police,  
 21 public utility, reconnaissance, welfare, transportation and communications  
 22 personnel, and equipment and supplies.

23 (8) ARTICLE VIII - COMPENSATION. Each party state shall provide for the  
 24 payment of compensation and death benefits to injured members of the emergency  
 25 forces of that state and representatives of deceased members of ~~such~~ <sup>those</sup> forces in case

1 ~~such~~ <sup>those</sup> members sustain injuries or are killed while rendering aid ~~pursuant to~~ <sup>under</sup> this  
 2 compact, in the same manner and on the same terms as if the injury or death were  
 3 sustained within their own state.

4 (9) ARTICLE IX - REIMBURSEMENT. ~~Any~~ <sup>Except as provided in this subsection</sup> party state rendering aid in another state  
 5 ~~pursuant to~~ <sup>under</sup> this compact shall be reimbursed by the party state receiving ~~such~~ <sup>the</sup> aid  
 6 for any loss or damage to or expense incurred in the operation of any equipment and  
 7 the provision of any service in answering a request for aid and for the costs incurred  
 8 in connection with ~~such~~ <sup>the</sup> requests ~~provided that~~ <sup>provided that</sup> any aiding party state may assume  
 9 in whole or in part ~~such~~ <sup>the</sup> loss, damage, expense, or other cost, or may loan ~~such~~  
 10 equipment or donate ~~such~~ services to the receiving party state without charge or cost.

11 ~~and provided further, that~~ <sup>(8)</sup> any two or more party states may enter into  
 12 supplementary agreements establishing a ~~different~~ <sup>different</sup> allocation of costs among those  
 13 states. ~~Article VII~~ <sup>Subsection 11(b)</sup> expenses ~~shall~~ <sup>may</sup> not be reimbursable under this ~~provision~~ <sup>subsection</sup>.

14 (10) ARTICLE X - EVACUATION. Plans for the orderly evacuation and interstate  
 15 reception of portions of the civilian population as the result of any emergency or  
 16 disaster of sufficient proportions to so warrant, shall be worked out and maintained  
 17 ~~between~~ <sup>among</sup> the party states and the emergency management or services directors of the  
 18 various jurisdictions where any type of incident requiring evacuations might occur.

19 ~~Such~~ <sup>Evacuation</sup> plans shall be put into effect by request of the state from which evacuees come  
 20 and shall include the manner of transporting such evacuees, the number of evacuees  
 21 to be received in different areas, the manner in which food, clothing, housing, and  
 22 medical care will be provided, the registration of the evacuees, the providing of  
 23 facilities for the notification of relatives or friends, ~~and~~ the forwarding of such  
 24 evacuees to other areas or the bringing in of additional materials, supplies, and all  
 25 other relevant factors. ~~Such~~ <sup>Evacuation</sup> plans shall provide that the party state receiving



1 evacuees and the party state from which the evacuees come shall mutually agree as  
 2 to reimbursement of out-of-pocket expenses incurred in receiving and caring for  
 3 ~~such~~ <sup>the</sup> evacuees, for expenditures for transportation, food, clothing, medicines and  
 4 medical care, and <sup>for</sup> ~~like~~ <sup>those</sup> items. ~~Such~~ expenditures shall be reimbursed as agreed by the  
 5 party state from which the evacuees come. After the termination of the emergency  
 6 or disaster, the party state from which the evacuees ~~come~~ <sup>came</sup> shall assume the  
 7 responsibility for the ultimate support of repatriation of such evacuees.

8 (11) ARTICLE XI - IMPLEMENTATION. (a) This compact shall become operative  
 9 immediately upon its enactment into law by any two states. ~~Thereafter,~~ <sup>This compact becomes operative</sup> this compact  
 10 shall become effective as to any other state upon its enactment by such state.

11 (b) Any party state may withdraw from this compact by enacting a statute  
 12 repealing the ~~same~~ <sup>compact</sup>, but ~~no such~~ <sup>the</sup> withdrawal shall <sup>not</sup> take effect until thirty days after  
 13 the governor of the withdrawing state has given notice in writing of ~~such~~ <sup>the</sup> withdrawal  
 14 to the governors of all other party states. ~~Such action~~ <sup>Withdrawal from this compact</sup> shall not relieve the  
 15 withdrawing state from obligations assumed ~~hereunder~~ <sup>under the compact before</sup> the effective date of  
 16 withdrawal.

17 (c) ~~Only~~ <sup>any</sup> authenticated copies of this compact and of ~~such~~ <sup>any</sup> supplementary  
 18 agreements as may be entered into shall, at the time of their approval, be deposited  
 19 with each of the party states and with the federal emergency management agency  
 20 and other appropriate agencies of the ~~United States~~ <sup>United States</sup> government.

21 (12) ARTICLE XII - VALIDITY. This Act shall be construed to effectuate the  
 22 purposes stated in Article I hereof. If any provision of this compact is declared  
 23 unconstitutional, or the applicability thereof to any person or <sup>needed</sup> circumstances is held  
 24 invalid, the constitutionality of the remainder of this Act and the applicability  
 25 thereof to other persons and circumstances shall not be affected thereby.

(12)

~~XII~~

①

(13) ARTICLE ~~XII~~ - ADDITIONAL PROVISIONS. Nothing in this compact shall

2 authorize or permit the use of military force by the national guard of a state at any  
3 place outside that state in any emergency for which the president is authorized by  
4 law to call into federal service the militia, or for any purpose for which the use of the  
5 army or the air force would in the absence of express statutory authorization be

⑥

prohibited under ~~section 1385 of Title 18, United States Code~~ 1385

7

(END)

D-Note

The bill refers to the "national guard mutual assistance compact" but I have no idea what this is or where I can ~~found~~ find that compact.

RAD  
~

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1703/?ins  
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insert anl:

*interstate*      *in response*

This bill creates an emergency management assistance ~~interstate~~ compact. Under the compact, states that are members of the compact provide mutual assistance to other member states ~~to respond~~ to an emergency or disaster declared by the governor of the affected state. The disaster could be natural, a technological hazard, a man-made disaster, enemy attack or other civil emergency. Under the compact, member states ~~would~~ cooperate in emergency-related exercises. Assistance provided under the compact includes the use of a state's national guard, fire services, law enforcement, medical, transportation and communications personnel and equipment. The compact requires each member state to formulate plans and programs for interstate cooperation in responding to a disaster.

The compact allows a member state to withhold requested resources if necessary to provide protection for its citizens. The emergency forces will have the same powers and responsibilities in the requesting state as they have in their own state, except that of arrest unless specifically authorized by the requesting state. Emergency force members are, under the compact, considered agents of the requesting state for tort liability and immunity purposes. The requesting state is responsible for the payment of benefits to injured members of the emergency force in the same manner as if the injury occurred in the member's own state. Under the compact, the requesting state shall reimburse the state rendering the assistance for any loss, damage or expense incurred in the provision of the emergency services, except that the aiding party may assume any or all of those costs. In addition, the compact allows member states to enter into agreements establishing the allocation of costs among those states. The compact provides for the withdrawal from the compact upon repeal of the compact and notification to the other member states.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*and training*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1703/1dn  
RPN:cmh:lp

March 15, 1999

The bill refers to the "national guard mutual assistance compact" but I have no idea what this is or where I can find that compact.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1703/1  
RPN:cmh:lp

2

1999 BILL

*refer  
compact*

1 AN ACT to create 166.30 of the statutes; relating to: interstate emergency  
2 management assistance compact.

---

***Analysis by the Legislative Reference Bureau***

This bill creates an interstate emergency management assistance compact. Under the compact, states that are members of the compact provide mutual assistance to other member states in response to an emergency or disaster declared by the governor of the affected state. The disaster could be natural, a technological hazard, a man-made disaster, enemy attack or other civil emergency. Under the compact, member states cooperate in emergency-related exercises and training. Assistance provided under the compact includes the use of a state's national guard, fire services, law enforcement, medical, transportation and communications personnel and equipment. The compact requires each member state to formulate plans and programs for interstate cooperation in responding to a disaster.

The compact allows a member state to withhold requested resources if necessary to provide protection for its citizens. The emergency forces will have the same powers and responsibilities in the requesting state as they have in their own state, except that of arrest unless specifically authorized by the requesting state. Emergency force members are, under the compact, considered agents of the requesting state for tort liability and immunity purposes. The requesting state is responsible for the payment of benefits to injured members of the emergency force in the same manner as if the injury occurred in the member's own state. Under the compact, the requesting state shall reimburse the state rendering the assistance for any loss, damage or expense incurred in the provision of the emergency services,

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except that the aiding party may assume any or all of those costs. In addition, the compact allows member states to enter into agreements establishing the allocation of costs among those states. The compact provides for the withdrawal from the compact upon repeal of the compact and notification to the other member states.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 166.30 of the statutes is created to read:

**166.30 Emergency management assistance compact.** The following compact, by and between the state of Wisconsin and all other states that enter into the compact, is ratified and approved:

**EMERGENCY MANAGEMENT**

**ASSISTANCE COMPACT**

**(1) ARTICLE I – PURPOSE AND AUTHORITIES.** (a) This compact is made and entered into by and between the participating member states that enact this compact, called “party states” in this section. In this agreement, the term “states” means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U. S. territorial possessions.

*- close space*

(b) The purpose of this compact is to provide for mutual assistance among the party states in managing any emergency or disaster that is declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

(c) This compact also provides for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party

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1 states or subdivisions of party states during emergencies if such activities occur  
2 outside actual declared emergency periods. Mutual assistance in this compact may  
3 include the use of the states' national guard forces, either in accordance with the  
4 national guard mutual assistance compact or by mutual agreement among states.

5 (2) ARTICLE II - GENERAL IMPLEMENTATION. (a) Each party state recognizes that  
6 many emergencies transcend political jurisdictional boundaries and that  
7 intergovernmental coordination is essential in managing these and other  
8 emergencies under this compact. Each party state recognizes that there will be  
9 emergencies which require immediate access and present procedures to apply  
10 outside resources to make a prompt and effective response to such an emergency.

11 (b) The prompt, full, and effective utilization of resources of the party states,  
12 including any resources on hand or available from the federal government or any  
13 other source, that are essential to the safety, care, and welfare of the people in the  
14 event of any emergency or disaster declared by a party state, shall be the underlying  
15 principle on which subs. (1) to (12) of this compact shall be understood.

16 (c) On behalf of the governor of each party state, the legally designated state  
17 official who is assigned responsibility for emergency management will be responsible  
18 for formulation of the appropriate interstate mutual aid plans and procedures  
19 necessary to implement this compact.

20 (3) ARTICLE III - PARTY STATE RESPONSIBILITIES. (a) It shall be the  
21 responsibility of each party state to formulate procedural plans and programs for  
22 interstate cooperation in the performance of the responsibilities listed in this  
23 subsection. In formulating such plans, and in carrying them out, the party states,  
24 insofar as practical, shall do all of the following:

**BILL**

1           1. Review individual state hazards analyses and, to the extent reasonably  
2 possible, determine all those potential emergencies the party states might jointly  
3 suffer, whether due to natural disaster, technological hazard, man-made disaster,  
4 emergency aspects of resource shortages, civil disorders, insurgency, or enemy  
5 attack.

6           2. Review party states' individual emergency plans and develop a plan that will  
7 determine the mechanism for the interstate management and provision of assistance  
8 concerning any potential emergency.

9           3. Develop interstate procedures to fill any identified gaps and to resolve any  
10 identified inconsistencies or overlaps in existing or developed plans.

11           4. Assist in warning communities adjacent to or crossing the state boundaries.

12           5. Protect and assure uninterrupted delivery of services, medicines, water,  
13 food, energy and fuel, search and rescue, and critical lifeline equipment, services,  
14 and resources, both human and material.

15           6. Inventory and set procedures for the interstate loan and delivery of human  
16 and material resources, together with procedures for reimbursement or forgiveness.

17           7. Provide, to the extent authorized by law, for temporary suspension of any  
18 statutes or ordinances that restrict the implementation of the responsibilities listed  
19 in subds. 1. to 6.

20           (b) The authorized representative of a party state may request assistance of  
21 another party state by contacting the authorized representative of that state. The  
22 provisions of this agreement shall only apply to requests for assistance made by and  
23 to authorized representatives. Requests may be made by and to authorized  
24 representatives. Requests may be verbal or in writing. If verbal, the request shall



**BILL**

1 be confirmed in writing within thirty days of the verbal request. Requests shall  
2 provide all of the following.

3 1. A description of the emergency service function for which assistance is  
4 needed, such as fire services, law enforcement, emergency medical, transportation,  
5 communications, public works and engineering, building inspection, planning and  
6 information assistance, mass care, resource support, health and medical services,  
7 and search and rescue.

8 2. The amount and type of personnel, equipment, materials and supplies  
9 needed, and a reasonable estimate of the length of time they will be needed.

10 3. The specific place and time for staging of the assisting party's response and  
11 a point of contact at that location.

12 (c) There shall be frequent consultation among state officials who have  
13 assigned emergency management responsibilities and other appropriate  
14 representatives of the party states with affected jurisdictions and the U.S.  
15 government, with free exchange of information, plans, and resource records relating  
16 to emergency capabilities.

17 (4) ARTICLE IV – LIMITATIONS. Any party state requested to render mutual aid  
18 or conduct exercises and training for mutual aid shall take any action that is  
19 necessary to provide and make available the resources covered by this compact in  
20 accordance with the terms of this compact, provided that it is understood that the  
21 state rendering aid may withhold resources to the extent necessary to provide  
22 reasonable protection for that state. Each party state shall afford to the emergency  
23 forces of any party state, while operating within its state limits under the terms and  
24 conditions of this compact, the same powers, except that of arrest unless specifically  
25 authorized by the receiving state, duties, rights, and privileges as are afforded forces

**BILL**

1 of the state in which it is performing emergency services. Emergency forces will  
2 continue under the command and control of their regular leaders, but the  
3 organizational units will come under the operational control of the emergency  
4 services authorities of the state receiving assistance. These conditions may be  
5 activated, as needed, only subsequent to a declaration of a state of emergency or  
6 disaster by the governor of the party state that is to receive assistance or  
7 commencement of exercises or training for mutual aid and shall continue so long as  
8 the exercises or training for mutual aid are in progress, the state of emergency or  
9 disaster remains in effect, or loaned resources remain in the receiving state,  
10 whichever is longest.

11 (5) ARTICLE V - LICENSES AND PERMITS. Whenever any person holds a license,  
12 certificate, or other permit issued by any party state evidencing the meeting of  
13 qualifications for professional, mechanical, or other skills, and when such assistance  
14 is requested by the receiving party state, that person shall be deemed licensed,  
15 certified, or permitted by the state requesting assistance to render aid involving the  
16 skill to meet a declared emergency or disaster, subject to any limitations and  
17 conditions as the governor of the requesting state may prescribe by executive order  
18 or otherwise.

19 (6) ARTICLE VI - LIABILITY. Officers or employees of a party state rendering aid  
20 in another party state shall be considered agents of the requesting state for tort  
21 liability and immunity purposes, and no party state or its officers or employees  
22 rendering aid in another party state shall be liable on account of any act or omission  
23 performed in good faith on the part of those forces while so engaged or on account of  
24 the maintenance or use of any equipment or supplies in connection with the

**BILL**

1 rendering of aid. "Good faith" in this subsection shall not include wilful, wanton or  
2 reckless misconduct.

3 (7) ARTICLE VII - SUPPLEMENTARY AGREEMENTS. Inasmuch as it is probable that  
4 the pattern and detail of the machinery for mutual aid among two or more states may  
5 differ from that among the party states, this compact contains elements of a broad  
6 base common to all states, and nothing contained in this compact shall preclude any  
7 state from entering into supplementary agreements with another state or affect any  
8 other agreements already in force among states. Supplementary agreements may  
9 include provisions for evacuation and reception of injured and other persons and the  
10 exchange of medical, fire, police, public utility, reconnaissance, welfare,  
11 transportation and communications personnel, and equipment and supplies.

12 (8) ARTICLE VIII - COMPENSATION. Each party state shall provide for the  
13 payment of compensation and death benefits to injured members of the emergency  
14 forces of that state and representatives of deceased members of those forces in case  
15 those members sustain injuries or are killed while rendering aid under this compact,  
16 in the same manner and on the same terms as if the injury or death were sustained  
17 within their own state.

18 (9) ARTICLE IX - REIMBURSEMENT. Except as provided in this subsection, any  
19 party state rendering aid in another state under this compact shall be reimbursed  
20 by the party state receiving the aid for any loss or damage to or expense incurred in  
21 the operation of any equipment and the provision of any service in answering a  
22 request for aid and for the costs incurred in connection with the requests. Any aiding  
23 party state may assume in whole or in part the loss, damage, expense, or other cost,  
24 or may loan equipment or donate services to the receiving party state without charge  
25 or cost. Any two or more party states may enter into supplementary agreements

**BILL**

1 establishing an allocation of costs among those states. Subsection (8) expenses may  
2 not be reimbursable under this subsection.

3 (10) ARTICLE X – EVACUATION. Plans for the orderly evacuation and interstate  
4 reception of portions of the civilian population as the result of any emergency or  
5 disaster of sufficient proportions to so warrant, shall be worked out and maintained  
6 among the party states and the emergency management or services directors of the  
7 various jurisdictions where any type of incident requiring evacuations might occur.  
8 Evacuation plans shall be put into effect by request of the state from which evacuees  
9 come and shall include the manner of transporting such evacuees, the number of  
10 evacuees to be received in different areas, the manner in which food, clothing,  
11 housing, and medical care will be provided, the registration of the evacuees, the  
12 providing of facilities for the notification of relatives or friends, the forwarding of  
13 such evacuees to other areas or the bringing in of additional materials, supplies, and  
14 all other relevant factors. Evacuation plans shall provide that the party state  
15 receiving evacuees and the party state from which the evacuees come shall mutually  
16 agree as to reimbursement of out-of-pocket expenses incurred in receiving and  
17 caring for the evacuees, for expenditures for transportation, food, clothing,  
18 medicines and medical care, and for like items. Those expenditures shall be  
19 reimbursed as agreed by the party state from which the evacuees come. After the  
20 termination of the emergency or disaster, the party state from which the evacuees  
21 came shall assume the responsibility for the ultimate support of repatriation of such  
22 evacuees.

23 (11) ARTICLE XI – IMPLEMENTATION. (a) This compact shall become operative  
24 immediately upon its enactment into law by any two states. After this compact

**BILL**

1 becomes operative, this compact shall become effective as to any other state upon its  
2 enactment by such state.

3 (b) Any party state may withdraw from this compact by enacting a statute  
4 repealing the compact, but the withdrawal shall not take effect until thirty days after  
5 the governor of the withdrawing state has given notice in writing of the withdrawal  
6 to the governors of all other party states. Withdrawal from this compact shall not  
7 relieve the withdrawing state from obligations assumed under the compact before  
8 the effective date of withdrawal.

9 (c) Authenticated copies of this compact and of any supplementary agreements  
10 as may be entered into shall, at the time of their approval, be deposited with each of  
11 the party states and with the federal emergency management agency and other  
12 appropriate agencies of the U. S. government.

13 (12) ARTICLE XII – ADDITIONAL PROVISIONS. Nothing in this compact shall  
14 authorize or permit the use of military force by the national guard of a state at any  
15 place outside that state in any emergency for which the president is authorized by  
16 law to call into federal service the militia, or for any purpose for which the use of the  
17 army or the air force would in the absence of express statutory authorization be  
18 prohibited under 18 USC 1385.

19 (END)



# 1999 BILL

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1 AN ACT to create 166.30 of the statutes; relating to: interstate emergency  
2 management assistance compact.

### *Analysis by the Legislative Reference Bureau*

This bill creates an interstate emergency management assistance compact. Under the compact, states that are members of the compact provide mutual assistance to other member states in response to an emergency or disaster declared by the governor of the affected state. The disaster could be natural, a technological hazard, a man-made disaster, enemy attack or other civil emergency. Under the compact, member states cooperate in emergency-related exercises and training. Assistance provided under the compact includes the use of a state's national guard, fire services, law enforcement, medical, transportation and communications personnel and equipment. The compact requires each member state to formulate plans and programs for interstate cooperation in responding to a disaster.

The compact allows a member state to withhold requested resources if necessary to provide protection for its citizens. The emergency forces will have the same powers and responsibilities in the requesting state as they have in their own state, except that of arrest unless specifically authorized by the requesting state. Emergency force members are, under the compact, considered agents of the requesting state for tort liability and immunity purposes. The requesting state is responsible for the payment of benefits to injured members of the emergency force in the same manner as if the injury occurred in the member's own state. Under the compact, the requesting state shall reimburse the state rendering the assistance for any loss, damage or expense incurred in the provision of the emergency services,

**BILL**

except that the aiding party may assume any or all of those costs. In addition, the compact allows member states to enter into agreements establishing the allocation of costs among those states. The compact provides for the withdrawal from the compact upon repeal of the compact and notification to the other member states.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 166.30 of the statutes is created to read:

2           **166.30 Emergency management assistance compact.** The following  
3 compact, by and between the state of Wisconsin and all other states that enter into  
4 the compact, is ratified and approved:

5   **EMERGENCY MANAGEMENT**  
6   **ASSISTANCE COMPACT**

7           **(1) ARTICLE I – PURPOSE AND AUTHORITIES.** (a) This compact is made and entered  
8 into by and between the participating member states that enact this compact, called  
9 “party states” in this section. In this agreement, the term “states” means the several  
10 states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S.  
11 territorial possessions.

12           (b) The purpose of this compact is to provide for mutual assistance among the  
13 party states in managing any emergency or disaster that is declared by the governor  
14 of the affected state, whether arising from natural disaster, technological hazard,  
15 man-made disaster, civil emergency aspects of resource shortages, community  
16 disorders, insurgency, or enemy attack.

17           (c) This compact also provides for mutual cooperation in emergency-related  
18 exercises, testing, or other training activities using equipment and personnel  
19 simulating performance of any aspect of the giving and receiving of aid by party

**BILL**

1 states or subdivisions of party states during emergencies if such activities occur  
2 outside actual declared emergency periods. Mutual assistance in this compact may  
3 include the use of the states' national guard forces, either in accordance with the  
4 national guard mutual assistance compact or by mutual agreement among states.

5 (2) ARTICLE II – GENERAL IMPLEMENTATION. (a) Each party state recognizes that  
6 many emergencies transcend political jurisdictional boundaries and that  
7 intergovernmental coordination is essential in managing these and other  
8 emergencies under this compact. Each party state recognizes that there will be  
9 emergencies which require immediate access and present procedures to apply  
10 outside resources to make a prompt and effective response to such an emergency.

11 (b) The prompt, full, and effective utilization of resources of the party states,  
12 including any resources on hand or available from the federal government or any  
13 other source, that are essential to the safety, care, and welfare of the people in the  
14 event of any emergency or disaster declared by a party state, shall be the underlying  
15 principle on which subs. (1) to (12) of this compact shall be understood.

16 (c) On behalf of the governor of each party state, the legally designated state  
17 official who is assigned responsibility for emergency management will be responsible  
18 for formulation of the appropriate interstate mutual aid plans and procedures  
19 necessary to implement this compact.

20 (3) ARTICLE III – PARTY STATE RESPONSIBILITIES. (a) It shall be the  
21 responsibility of each party state to formulate procedural plans and programs for  
22 interstate cooperation in the performance of the responsibilities listed in this  
23 subsection. In formulating such plans, and in carrying them out, the party states,  
24 insofar as practical, shall do all of the following:



**BILL**

1           1. Review individual state hazards analyses and, to the extent reasonably  
2 possible, determine all those potential emergencies the party states might jointly  
3 suffer, whether due to natural disaster, technological hazard, man-made disaster,  
4 emergency aspects of resource shortages, civil disorders, insurgency, or enemy  
5 attack.

6           2. Review party states' individual emergency plans and develop a plan that will  
7 determine the mechanism for the interstate management and provision of assistance  
8 concerning any potential emergency.

9           3. Develop interstate procedures to fill any identified gaps and to resolve any  
10 identified inconsistencies or overlaps in existing or developed plans.

11           4. Assist in warning communities adjacent to or crossing the state boundaries.

12           5. Protect and assure uninterrupted delivery of services, medicines, water,  
13 food, energy and fuel, search and rescue, and critical lifeline equipment, services,  
14 and resources, both human and material.

15           6. Inventory and set procedures for the interstate loan and delivery of human  
16 and material resources, together with procedures for reimbursement or forgiveness.

17           7. Provide, to the extent authorized by law, for temporary suspension of any  
18 statutes or ordinances that restrict the implementation of the responsibilities listed  
19 in subds. 1. to 6.

20           (b) The authorized representative of a party state may request assistance of  
21 another party state by contacting the authorized representative of that state. The  
22 provisions of this agreement shall only apply to requests for assistance made by and  
23 to authorized representatives. Requests may be made by and to authorized  
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**BILL**

1 be confirmed in writing within thirty days of the verbal request. Requests shall  
2 provide all of the following.

3 1. A description of the emergency service function for which assistance is  
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6 information assistance, mass care, resource support, health and medical services,  
7 and search and rescue.

8 2. The amount and type of personnel, equipment, materials and supplies  
9 needed, and a reasonable estimate of the length of time they will be needed.

10 3. The specific place and time for staging of the assisting party's response and  
11 a point of contact at that location.

12 (c) There shall be frequent consultation among state officials who have  
13 assigned emergency management responsibilities and other appropriate  
14 representatives of the party states with affected jurisdictions and the U.S.  
15 government, with free exchange of information, plans, and resource records relating  
16 to emergency capabilities.

17 (4) ARTICLE IV - LIMITATIONS. Any party state requested to render mutual aid  
18 or conduct exercises and training for mutual aid shall take any action that is  
19 necessary to provide and make available the resources covered by this compact in  
20 accordance with the terms of this compact, provided that it is understood that the  
21 state rendering aid may withhold resources to the extent necessary to provide  
22 reasonable protection for that state. Each party state shall afford to the emergency  
23 forces of any party state, while operating within its state limits under the terms and  
24 conditions of this compact, the same powers, except that of arrest unless specifically  
25 authorized by the receiving state, duties, rights, and privileges as are afforded forces

**BILL**

1 of the state in which it is performing emergency services. Emergency forces will  
2 continue under the command and control of their regular leaders, but the  
3 organizational units will come under the operational control of the emergency  
4 services authorities of the state receiving assistance. These conditions may be  
5 activated, as needed, only subsequent to a declaration of a state of emergency or  
6 disaster by the governor of the party state that is to receive assistance or  
7 commencement of exercises or training for mutual aid and shall continue so long as  
8 the exercises or training for mutual aid are in progress, the state of emergency or  
9 disaster remains in effect, or loaned resources remain in the receiving state,  
10 whichever is longest.

11 (5) ARTICLE V - LICENSES AND PERMITS. Whenever any person holds a license,  
12 certificate, or other permit issued by any party state evidencing the meeting of  
13 qualifications for professional, mechanical, or other skills, and when such assistance  
14 is requested by the receiving party state, that person shall be deemed licensed,  
15 certified, or permitted by the state requesting assistance to render aid involving <sup>such</sup> ~~the~~  
16 skill to meet a declared emergency or disaster, subject to any limitations and  
17 conditions as the governor of the requesting state may prescribe by executive order  
18 or otherwise.

19 (6) ARTICLE VI - LIABILITY. Officers or employes of a party state rendering aid  
20 in another party state shall be considered agents of the requesting state for tort  
21 liability and immunity purposes, and no party state or its officers or employes  
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1 rendering of aid. "Good faith" in this subsection shall not include wilful, wanton or  
2 reckless misconduct.

3 (7) ARTICLE VII - SUPPLEMENTARY AGREEMENTS. Inasmuch as it is probable that  
4 the pattern and detail of the machinery for mutual aid among two or more states may  
5 differ from that among the party states, this compact contains elements of a broad  
6 base common to all states, and nothing contained in this compact shall preclude any  
7 state from entering into supplementary agreements with another state or affect any  
8 other agreements already in force among states. Supplementary agreements may  
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11 transportation and communications personnel, and equipment and supplies.

12 (8) ARTICLE VIII - COMPENSATION. Each party state shall provide for the  
13 payment of compensation and death benefits to injured members of the emergency  
14 forces of that state and representatives of deceased members of those forces in case  
15 those members sustain injuries or are killed while rendering aid under this compact,  
16 in the same manner and on the same terms as if the injury or death were sustained  
17 within their own state.

18 (9) ARTICLE IX - REIMBURSEMENT. Except as provided in this subsection, any  
19 party state rendering aid in another state under this compact shall be reimbursed  
20 by the party state receiving the aid for any loss or damage to or expense incurred in  
21 the operation of any equipment and the provision of any service in answering a  
22 request for aid and for the costs incurred in connection with the requests. Any aiding  
23 party state may assume in whole or in part the loss, damage, expense, or other cost,  
24 or may loan equipment or donate services to the receiving party state without charge  
25 or cost. Any two or more party states may enter into supplementary agreements

**BILL**

1 establishing an allocation of costs among those states. Subsection (8) expenses may  
2 not be reimbursable under this subsection.

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4 reception of portions of the civilian population as the result of any emergency or  
5 disaster of sufficient proportions to so warrant, shall be worked out and maintained  
6 among the party states and the emergency management or services directors of the  
7 various jurisdictions where any type of incident requiring evacuations might occur.  
8 Evacuation plans shall be put into effect by request of the state from which evacuees  
9 come and shall include the manner of transporting such evacuees, the number of  
10 evacuees to be received in different areas, the manner in which food, clothing,  
11 housing, and medical care will be provided, the registration of the evacuees, the  
12 providing of facilities for the notification of relatives or friends, the forwarding of  
13 such evacuees to other areas or the bringing in of additional materials, supplies, and  
14 all other relevant factors. Evacuation plans shall provide that the party state  
15 receiving evacuees and the party state from which the evacuees come shall mutually  
16 agree as to reimbursement of out-of-pocket expenses incurred in receiving and  
17 caring for the evacuees, for expenditures for transportation, food, clothing,  
18 medicines and medical care, and for like items. Those expenditures shall be  
19 reimbursed as agreed by the party state from which the evacuees come. After the  
20 termination of the emergency or disaster, the party state from which the evacuees  
21 came shall assume the responsibility for the ultimate support of repatriation of such  
22 evacuees.

23 (11) ARTICLE XI - IMPLEMENTATION. (a) This compact shall become operative  
24 immediately upon its enactment into law by any two states. After this compact

**BILL**

1 becomes operative, this compact shall become effective as to any other state upon its  
2 enactment by such state.

3 (b) Any party state may withdraw from this compact by enacting a statute  
4 repealing the compact, but the withdrawal shall not take effect until thirty days after  
5 the governor of the withdrawing state has given notice in writing of the withdrawal  
6 to the governors of all other party states. Withdrawal from this compact shall not  
7 relieve the withdrawing state from obligations assumed under the compact before  
8 the effective date of withdrawal.

9 (c) Authenticated copies of this compact and of any supplementary agreements  
10 as may be entered into shall, at the time of their approval, be deposited with each of  
11 the party states and with the federal emergency management agency and other  
12 appropriate agencies of the U.S. government.

13 **(12) ARTICLE XII - ADDITIONAL PROVISIONS.** Nothing in this compact shall  
14 authorize or permit the use of military force by the national guard of a state at any  
15 place outside that state in any emergency for which the president is authorized by  
16 law to call into federal service the militia, or for any purpose for which the use of the  
17 army or the air force would in the absence of express statutory authorization be  
18 prohibited under 18 USC 1385.

19 **(END)**

LRB-1703/3dn  
RPN cmr

## D-NOTE

The only change between this draft and ~~the~~ the earlier version is the ~~change~~ substitution of the phrase "such <sup>skill</sup> skill" for the phrase "the skill" on page 6, lines 15 and 16. This change <sup>was</sup> ~~was~~ made at the request of Tericy McCardle, DRAFT.

RPN

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1703/3dn  
RPN:cmh:hmh

April 27, 1999

The only change between this draft and the earlier version is the substitution of the phrase "such skill" for the phrase "the skill" on page 6, lines 15 and 16. This change was made at the request of Terry McCardle, DMA.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/27/99

To: Governor

Relating to LRB drafting number: LRB-1703

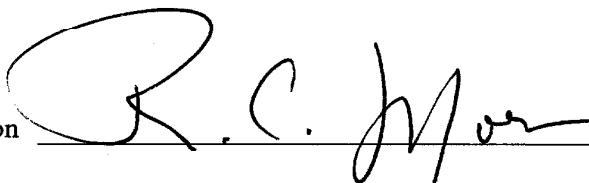
**Topic**

National guard interstate emergency management assistance compact

**Subject(s)**

Military Affairs

1. **JACKET** the draft for introduction



in the Senate  or the Assembly  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-7511