



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{gen cat} relating to: ratification of the state and province emergency
2 management assistance compact.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3
4 SECTION 1. Subchapter VIII (title) of chapter 323 [precedes 323.80] of the
5 statutes is amended to read:

CHAPTER 323

SUBCHAPTER VIII

EMERGENCY MANAGEMENT/ASSISTANCE COMPACT COMPACTS

6
7
8
9 SECTION 2. 323.81 of the statutes is created to read:

323.81 State and Province Emergency Management Assistance

Compact. The following compact, by and between the state of Wisconsin and all other jurisdictions that enter into the compact, is ratified and approved:

(1) ARTICLE I - PURPOSE AND AUTHORITIES. (a) The State and Province Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the "compact", is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as "participating jurisdictions". For the purposes of this compact, the term "participating jurisdictions" may include any or all of the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan, and such other states and provinces as may hereafter become a party to this compact. The term "states" means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all territorial possessions of the United States. The term "Province" means the 10 political units of government within Canada.

LPS: that's "provinces"

(b) The purpose of this compact is to provide for the possibility of mutual assistance among the participating jurisdictions in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, man-made disaster, or civil emergency aspects of resources shortages.

(c) This compact also provides for the process of planning mechanisms among the participating jurisdictions responsible and for mutual cooperation, including civil emergency preparedness exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and

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1 receiving of aid by participating jurisdictions or subdivisions of participating
2 jurisdictions during emergencies, with such actions occurring outside emergency
3 periods.

4 (2) ARTICLE II - GENERAL IMPLEMENTATION.

5 (a) Each participating jurisdiction entering into this compact recognizes that
6 many emergencies may exceed the capabilities of a participating jurisdiction and
7 that intergovernmental cooperation is essential in such circumstances. Each
8 participating jurisdiction further recognizes that there will be emergencies that may
9 require immediate access and present procedures to apply outside resources to make
10 a prompt and effective response to such an emergency because few, if any, individual
11 jurisdictions have all the resources they need in all types of emergencies or the
12 capability of delivering resources to areas where emergencies exist.

13 (b) On behalf of the participating jurisdictions in the compact, the legally
14 designated official who is assigned responsibility for emergency management is
15 responsible for formulation of the appropriate interjurisdictional mutual aid plans
16 and procedures necessary to implement this compact, and for recommendations to
17 the participating jurisdiction concerned with respect to the amendment of any
18 statutes, regulations, or ordinances required for that purpose.

19 (3) ARTICLE III - PARTICIPATING JURISDICTION RESPONSIBILITIES.

20 (a) It is the responsibility of each participating jurisdiction to formulate
21 procedural plans and programs for interjurisdictional cooperation in the
22 performance of the responsibilities listed in this section. In formulating and
23 implementing such plans and programs the participating jurisdictions, to the extent
24 practical, may do any of the following:

1 1. Share and review individual jurisdiction hazards analyses that are available
2 and determine all those potential emergencies the participating jurisdictions might
3 jointly suffer, whether due to natural disaster, technological hazard, man-made
4 disaster, or emergency aspects of resource shortages.

5 2. Share emergency operations plans, procedures, and protocols established by
6 each of the participating jurisdictions before entering into this compact.

7 3. Share policies and procedures for resource mobilization, tracking,
8 demobilization, and reimbursement.

9 4. Consider joint planning, training, and exercises.

10 5. Assist with alerts, notifications, and warnings for communities adjacent to
11 or crossing participating jurisdiction boundaries.

12 6. Consider procedures to facilitate the movement of evacuees, refugees, civil
13 emergency personnel, equipment, or other resources into or across boundaries, or to
14 a designated staging area when it is agreed that such movement or staging will
15 facilitate civil emergency operations by the affected or participating jurisdictions.

16 7. Provide, to the extent authorized by law, for temporary suspension of any
17 statutes or ordinances that ~~impeded~~ the implementation of responsibilities
18 described in this section. *jurisdictions*
impede

19 (b) The authorized representative of a participating jurisdiction may request
20 assistance of another participating jurisdiction by contacting the authorized
21 representative of that jurisdiction. These provisions only apply to requests for
22 assistance made by and to authorized representatives. Requests may be ~~verbal~~ or
23 in writing. If ~~verbal~~, the request must be confirmed in writing within 15 days of the
24 ~~verbal~~ request. Requests must provide all of the following information:
oral
oral

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

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

8 3. The specific place and time for staging of the assisting participating
9 jurisdictions' response and a point of contact at the location.

10 (c) There shall be periodic consultation among the authorized representatives
11 who have assigned emergency management responsibilities.

12 (4) ARTICLE IV - LIMITATION. It is recognized that any participating
13 jurisdiction that agrees to render mutual aid or conduct exercises and training for
14 mutual aid will respond as soon as possible. It is also recognized that the
15 participating jurisdiction rendering aid may withhold or recall resources to provide
16 reasonable protection for itself, at its discretion. To the extent authorized by law,
17 each participating jurisdiction will afford to the personnel of the emergency
18 contingent of any other participating jurisdiction while operating within its
19 jurisdiction limits under the terms and conditions of this compact and under the
20 operational control of an officer of the requesting participating jurisdiction the same
21 treatment as is afforded similar or like human resources of the participating
22 jurisdiction in which they are performing emergency services. Staff comprising the
23 emergency contingent continue under the command and control of their regular
24 leaders but the organizational units come under the operational control of the
25 emergency services authorities of the participating jurisdiction receiving assistance.

1 These conditions may be activated, as needed, by the participating jurisdiction that
2 is to receive assistance or upon commencement of exercises or training for mutual
3 aid and continue as long as the exercises or training for mutual aid are in progress,
4 the emergency or disaster remains in effect or loaned resources remain in the
5 receiving participating jurisdictions, whichever is longer. The receiving
6 participating jurisdiction is responsible for informing the assisting participating
7 jurisdiction when services will no longer be required.

8 (5) ARTICLE V - LICENSES, CERTIFICATES, AND PERMITS. Whenever
9 a person holds a license, certificate, or other permit issued by any participating
10 jurisdiction evidencing the meeting of qualifications for professional, mechanical, or
11 other skills, and when such assistance is requested by the receiving participating
12 jurisdiction, such person is deemed to be licensed, certified, or permitted by the
13 jurisdiction requesting assistance to render aid involving such skill to meet an
14 emergency or disaster, subject to such limitations and conditions as the requesting
15 jurisdiction prescribes by executive order or otherwise.

16 (6) ARTICLE VI - LIABILITY. Any person or entity of a participating
17 jurisdiction rendering aid in another jurisdiction under this compact is considered
18 an agent of the requesting jurisdiction for tort liability and immunity purposes. Any
19 person or entity rendering aid in another jurisdiction under this compact is not liable
20 on account of any act or omission made in good faith on the part of such forces while
21 so engaged or on account of the maintenance or use of any equipment or supplies in
22 connection therewith. Good faith in this article does not include willful misconduct,
23 gross negligence, or recklessness.

24 (7) ARTICLE VII - SUPPLEMENTARY AGREEMENTS. Because it is
25 probable that the pattern and detail of the compact for mutual aid among 2 or more

1 participating jurisdictions may differ from that among the participating
2 jurisdictions that are party to this compact, this compact contains elements of a
3 broad base common to all participating jurisdictions, and nothing in this compact
4 precludes any participating jurisdiction from entering into supplementary
5 agreements with another jurisdiction or affects any other agreements already in
6 force among participating jurisdictions. Supplementary agreements may include
7 provisions for evacuation and reception of injured and other persons and the
8 exchange of medical, fire, public utility, reconnaissance, welfare, transportation and
9 communications personnel, equipment, and supplies.

10

(CS) (8) ARTICLE VIII - WORKERS' COMPENSATION AND DEATH BENEFITS. jr

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Each participating jurisdiction shall provide, in accordance with its own laws, for the
12 payment of workers' compensation and death benefits to injured members of the jr
13 emergency contingent of that participating jurisdiction and to representatives of
14 deceased members of that emergency contingent if the members sustain injuries or
15 are killed while rendering aid under this compact, in the same manner and on the
16 same terms as if the injury or death were sustained within their own jurisdiction.

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(CS) (9) ARTICLE IX - REIMBURSEMENT. Any participating jurisdiction
18 rendering aid in another jurisdiction under this compact shall, if requested, be
19 reimbursed by the participating jurisdiction receiving such aid for any loss or
20 damage to, or expense incurred in, the operation of any equipment and the provision
21 of any service in answering a request for aid and for the costs incurred in connection
22 with those requests. An aiding participating jurisdiction may assume in whole or in
23 part any such loss, damage, expense, or other cost or may loan such equipment or
24 donate such services to the receiving participating jurisdiction without charge or
25 cost. Any 2 or more participating jurisdictions may enter into supplementary

1 agreements establishing a different allocation of costs among those jurisdictions.

2 Expenses under article VIII are not reimbursable under this section.

3 (10) ARTICLE X - IMPLEMENTATION.

4 (a) This compact is effective upon its execution or adoption by any ^{one} State and

5 ^{one} province, and is effective as to any other jurisdiction upon its execution or adoption

6 thereby: subject to approval or authorization by the United States ^{U.S.} Congress, if

7 required, and subject to enactment of provincial or state legislation that may be

8 required for the effectiveness of the compact.

9 (b) Additional jurisdictions may participate in this compact upon execution or

10 adoption of the compact.

11 (c) Any participating jurisdiction may withdraw from this compact, but the

12 withdrawal does not take effect until 30 days after the governor or premier of the

13 withdrawing jurisdiction has given notice in writing of such withdrawal to the

14 governors or premiers of all other participating jurisdictions. The action does not

15 relieve the withdrawing jurisdiction from obligations assumed under this compact

16 prior to the effective date of the withdrawal.

17 (d) Duly authenticated copies of this compact in the French and English

18 languages and of such supplementary agreements as may be entered into shall, at

19 the time of their approval, be deposited with each of the participating jurisdictions.

20 (11) ARTICLE XI - CONSISTENCY OF LANGUAGE.

21 (The validity of the arrangements and agreements consented to in this compact

22 shall not be affected by any insubstantial difference in form or language as may be

23 adopted by the various states and provinces.

24

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen act

1 **AN ACT** *to amend* subchapter VIII (title) of chapter 323 [precedes 323.80]; and
2 *to create* 323.81 of the statutes; **relating to:** ratification of the state and
3 province emergency management assistance compact.

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

4 **SECTION 1.** Subchapter VIII (title) of chapter 323 [precedes 323.80] of the
5 statutes is amended to read:

CHAPTER 323

SUBCHAPTER VIII

EMERGENCY MANAGEMENT

ASSISTANCE COMPACT COMPACTS

*Inq
and*

1 **SECTION 2.** 323.81 of the statutes is created to read:

2 **323.81 State and Province Emergency Management Assistance**

3 **Compact.** The following compact, by and between the state of Wisconsin and all
4 other jurisdictions that enter into the compact, is ratified and approved:

5 (1) **ARTICLE I - PURPOSE AND AUTHORITIES.** (a) The State and Province
6 Emergency Management Assistance Memorandum of Understanding, hereinafter
7 referred to as the “compact,” is made and entered into by and among such of the
8 jurisdictions as shall enact or adopt this compact, hereinafter referred to as
9 “participating jurisdictions.” For the purposes of this compact, the term
10 “participating jurisdictions” may include any or all of the states of Illinois, Indiana,
11 Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and
12 Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and
13 Saskatchewan, and such other states and provinces as may hereafter become a party
14 to this compact. The term “states” means the several states, the Commonwealth of
15 Puerto Rico, the District of Columbia, and all territorial possessions of the United
16 States. The term “provinces” means the 10 political units of government within
17 Canada.

18 (b) The purpose of this compact is to provide for the possibility of mutual
19 assistance among the participating jurisdictions in managing any emergency or
20 disaster when the affected jurisdiction or jurisdictions ask for assistance, whether
21 arising from natural disaster, technological hazard, man-made disaster, or civil
22 emergency aspects of resources shortages.

23 (c) This compact also provides for the process of planning mechanisms among
24 the participating jurisdictions responsible and for mutual cooperation, including
25 civil emergency preparedness exercises, testing, or other training activities using

1 equipment and personnel simulating performance of any aspect of the giving and
2 receiving of aid by participating jurisdictions or subdivisions of participating
3 jurisdictions during emergencies, with such actions occurring outside emergency
4 periods.

5 **(2) ARTICLE II - GENERAL IMPLEMENTATION.**

6 (a) Each participating jurisdiction entering into this compact recognizes that
7 many emergencies may exceed the capabilities of a participating jurisdiction and
8 that intergovernmental cooperation is essential in such circumstances. Each
9 participating jurisdiction further recognizes that there will be emergencies that may
10 require immediate access and present procedures to apply outside resources to make
11 a prompt and effective response to such an emergency because few, if any, individual
12 jurisdictions have all the resources they need in all types of emergencies or the
13 capability of delivering resources to areas where emergencies exist.

14 (b) On behalf of the participating jurisdictions in the compact, the legally
15 designated official who is assigned responsibility for emergency management is
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6 each of the participating jurisdictions before entering into this compact.

7 3. Share policies and procedures for resource mobilization, tracking,
8 demobilization, and reimbursement.

9 4. Consider joint planning, training, and exercises.

10 5. Assist with alerts, notifications, and warnings for communities adjacent to
11 or crossing participating jurisdiction boundaries.

12 6. Consider procedures to facilitate the movement of evacuees, refugees, civil
13 emergency personnel, equipment, or other resources into jurisdictions or across
14 boundaries, or to a designated staging area when it is agreed that such movement
15 or staging will facilitate civil emergency operations by the affected or participating
16 jurisdictions.

17 7. Provide, to the extent authorized by law, for temporary suspension of any
18 statutes or ordinances that impede the implementation of responsibilities described
19 in this section.

20 (b) The authorized representative of a participating jurisdiction may request
21 assistance of another participating jurisdiction by contacting the authorized
22 representative of that jurisdiction. These provisions only apply to requests for
23 assistance made by and to authorized representatives. Requests may be oral or in
24 writing. If oral, the request must be confirmed in writing within 15 days of the oral
25 request. Requests must provide all of the following information:

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2 needed and of the mission, including fire services, emergency medical,
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18 participating jurisdiction while operating within its jurisdiction limits under the
19 terms and conditions of this compact and under the operational control of an officer
20 of the requesting participating jurisdiction the same treatment as is afforded similar
21 or like human resources of the participating jurisdiction in which they are
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15 prescribes by executive order or otherwise.

16 (6) ARTICLE VI - LIABILITY. Any person or entity of a participating jurisdiction
17 rendering aid in another jurisdiction under this compact is considered an agent of
18 the requesting jurisdiction for tort liability and immunity purposes. Any person or
19 entity rendering aid in another jurisdiction under this compact is not liable on
20 account of any act or omission made in good faith on the part of such forces while so
21 engaged or on account of the maintenance or use of any equipment or supplies in
22 connection therewith. Good faith in this article does not include willful misconduct,
23 gross negligence, or recklessness.

24 (7) ARTICLE VII - SUPPLEMENTARY AGREEMENTS. Because it is probable that the
25 pattern and detail of the compact for mutual aid among 2 or more participating

1 jurisdictions may differ from that among the participating jurisdictions that are
2 party to this compact, this compact contains elements of a broad base common to all
3 participating jurisdictions, and nothing in this compact precludes any participating
4 jurisdiction from entering into supplementary agreements with another jurisdiction
5 or affects any other agreements already in force among participating jurisdictions.
6 Supplementary agreements may include provisions for evacuation and reception of
7 injured and other persons and the exchange of medical, fire, public utility,
8 reconnaissance, welfare, transportation and communications personnel, equipment,
9 and supplies.

10 (8) ARTICLE VIII - WORKER'S COMPENSATION AND DEATH BENEFITS. Each
11 participating jurisdiction shall provide, in accordance with its own laws, for the
12 payment of worker's compensation and death benefits to injured members of the
13 emergency contingent of that participating jurisdiction and to representatives of
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17 (9) ARTICLE IX - REIMBURSEMENT. Any participating jurisdiction rendering aid
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23 such loss, damage, expense, or other cost or may loan such equipment or donate such
24 services to the receiving participating jurisdiction without charge or cost. Any 2 or
25 more participating jurisdictions may enter into supplementary agreements

1 establishing a different allocation of costs among those jurisdictions. Expenses
2 under article VIII are not reimbursable under this section.

3 (10) ARTICLE X - IMPLEMENTATION.

4 (a) This compact is effective upon its execution or adoption by any one state and
5 one province, and is effective as to any other jurisdiction upon its execution or
6 adoption thereby: subject to approval or authorization by the U.S. Congress, if
7 required, and subject to enactment of provincial or state legislation that may be
8 required for the effectiveness of the compact.

9 (b) Additional jurisdictions may participate in this compact upon execution or
10 adoption of the compact.

11 (c) Any participating jurisdiction may withdraw from this compact, but the
12 withdrawal does not take effect until 30 days after the governor or premier of the
13 withdrawing jurisdiction has given notice in writing of such withdrawal to the
14 governors or premiers of all other participating jurisdictions. The action does not
15 relieve the withdrawing jurisdiction from obligations assumed under this compact
16 prior to the effective date of the withdrawal.

17 (d) Duly authenticated copies of this compact in the French and English
18 languages and of such supplementary agreements as may be entered into shall, at
19 the time of their approval, be deposited with each of the participating jurisdictions.

20 (11) ARTICLE XI - CONSISTENCY OF LANGUAGE. The validity of the arrangements
21 and agreements consented to in this compact shall not be affected by any
22 insubstantial difference in form or language as may be adopted by the various states
23 and provinces.

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(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1148/lins
RPN:sac:rs

Insert anl:

This bill ratifies a compact between several states and provinces of Canada that would provide for the possibility of mutual assistance in managing an emergency or disaster. Currently, the compact is being considered by Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin and the Canadian provinces of Alberta, Manitoba, Ontario, and Saskatchewan. The compact allows other states and provinces to ratify the compact.

Under the compact, participating members may cooperate in preparedness exercises, testing, and training activities related to emergency management. Each member is required to designate a person responsible for formulating mutual aid plans and procedures necessary to implement the compact in his or her jurisdiction. The procedures must include the sharing of the potential emergencies the participating members might jointly suffer, emergency operational plans the members established before entering into the compact, and policies for resource mobilization, tracking, and reimbursement. Participating members are required to assist with alerts and warnings to communities adjacent to or crossing the members' jurisdictional boundaries and provide for the movement of evacuees, refugees, and emergency personnel and equipment across their jurisdictional boundaries.

The compact allows for the temporary suspension, to the extent authorized by law, of statutes or ordinances that impede the response to an emergency or disaster. [Under the compact, the authorized representative of a participating member may request assistance from another member of the compact orally or in writing, specifying the emergency for which assistance is needed, the personnel, materials, and equipment needed, and the expected length of time the assistance is needed.

Compact members agree to respond to the request for assistance as soon as possible, but the compact allows a member to withhold or withdraw resources to protect its own jurisdiction. Under the compact, a person from the jurisdiction rendering aid is considered an agent of the requesting jurisdiction for purposes of tort liability or immunity. Immunity is provided under the compact for persons rendering aid for any act or omission made in good faith for maintenance or use of any equipment or supplies while rendering aid.

If a member of a jurisdiction that is responding to a request for assistance has a license, permit or certificate evidencing a professional, mechanical, or other skill, that person may use those skills in the response to the emergency without obtaining a license, permit, or certificate in the assisted jurisdiction. If requested by the jurisdiction providing assistance under the compact, the jurisdiction that provided assistance shall be reimbursed for loss or expense incurred in provision of assistance. Participating jurisdictions may enter into agreements that specify the allocation of costs among those jurisdictions.

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person from member

Nelson, Robert

From: Barron, Julio R COL USAF NG WIARNG (US) [julio.r.barron2.mil@mail.mil]
Sent: Wednesday, February 20, 2013 10:13 AM
To: Nelson, Robert
Subject: FW: Draft review: LRB -1148/1 Topic: Multijurisdictional emergency management assistance (UNCLASSIFIED)

Attachments: 13-1148/1.pdf



13-1148_1.pdf (60 KB)

Classification: UNCLASSIFIED

Caveats: FOUO

Good morning Bob. The Governor's Office asked that I jacket this draft for introduction for both the Assembly and the Senate. Per the guidance in the e-mail below, I request a companion bill to be drafted. Please let me know when the drafts has been jacketed and I will apprise the Governor's office, per their request.

Thank you.

Julio

Julio R. Barron
Legislative Liaison
Department of Military Affairs
2400 Wright Street
Madison, Wisconsin 53704
office: (608) 242-3026
mobile: (608) 235-0182
julio.r.barron2.mil@mail.mil

-----Original Message-----

From: LRB.Legal [mailto:LRB-LegalServices@legis.wisconsin.gov]
Sent: Tuesday, February 19, 2013 12:55 PM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: Draft review: LRB -1148/1 Topic: Multijurisdictional emergency management assistance

State of Wisconsin - Legislative Reference Bureau One East Main Street - Suite 200 -
Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Robert P. Nelson, Legislative Attorney, at (608) 266-9739, at robert.nelson@legis.wisconsin.gov <mailto:robert.nelson@legis.wisconsin.gov?subject=Submitted:%20LRB%20-1148/1%20Topic:%20Multijurisdictional%20emergency%20management%20assistance?body=> , or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

Jacket for the
ASSEMBLY <mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB%20-1148/1%20Topic:%20Multijurisdictional%20emergency%20management%20assistance&body=%0APlease%20Jacket%20LRB%20-1148/1%20for%20the%20ASSEMBLY.%0A>

Jacket for the

SENATE <mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB%20-1148/1%20Topic:%20Multijurisdictional%20emergency%20management%20assistance&body=%0APlease%20Jacket%20LRB%20-1148/1%20for%20the%20SENATE.%0A>

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov <mailto:lrb.legal@legis.wisconsin.gov?subject=Submitted:%20LRB%20-1148/1%20Topic:%20Multijurisdictional%20emergency%20management%20assistance?body=> or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

Classification: UNCLASSIFIED

Caveats: FOUO



2

2013 BILL

gen act

1 AN ACT *to amend* subchapter VIII (title) of chapter 323 [precedes 323.80]; and
2 *to create* 323.81 of the statutes; **relating to:** ratification of the state and
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BILL

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(1) ARTICLE I - PURPOSE AND AUTHORITIES.

(a) The State and Province

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Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the "compact," is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as "participating jurisdictions." For the purposes of this compact, the term "participating jurisdictions" may include any or all of the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan, and such other states and provinces as may hereafter become a party to this compact. The term "states" means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all territorial possessions of the United States. The term "provinces" means the 10 political units of government within Canada.

(b) The purpose of this compact is to provide for the possibility of mutual assistance among the participating jurisdictions in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, man-made disaster, or civil emergency aspects of resources shortages.

(c) This compact also provides for the process of planning mechanisms among the participating jurisdictions responsible and for mutual cooperation, including civil emergency preparedness exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating jurisdictions or subdivisions of participating jurisdictions during emergencies, with such actions occurring outside emergency periods.

BILL**SECTION 2**1 **(2) ARTICLE II - GENERAL IMPLEMENTATION.**

2 (a) Each participating jurisdiction entering into this compact recognizes that
3 many emergencies may exceed the capabilities of a participating jurisdiction and
4 that intergovernmental cooperation is essential in such circumstances. Each
5 participating jurisdiction further recognizes that there will be emergencies that may
6 require immediate access and present procedures to apply outside resources to make
7 a prompt and effective response to such an emergency because few, if any, individual
8 jurisdictions have all the resources they need in all types of emergencies or the
9 capability of delivering resources to areas where emergencies exist.

10 (b) On behalf of the participating jurisdictions in the compact, the legally
11 designated official who is assigned responsibility for emergency management is
12 responsible for formulation of the appropriate interjurisdictional mutual aid plans
13 and procedures necessary to implement this compact, and for recommendations to
14 the participating jurisdiction concerned with respect to the amendment of any
15 statutes, regulations, or ordinances required for that purpose.

16 **(3) ARTICLE III - PARTICIPATING JURISDICTION RESPONSIBILITIES.**

17 (a) It is the responsibility of each participating jurisdiction to formulate
18 procedural plans and programs for interjurisdictional cooperation in the
19 performance of the responsibilities listed in this section. In formulating and
20 implementing such plans and programs the participating jurisdictions, to the extent
21 practical, may do any of the following:

22 1. Share and review individual jurisdiction hazards analyses that are available
23 and determine all those potential emergencies the participating jurisdictions might
24 jointly suffer, whether due to natural disaster, technological hazard, man-made
25 disaster, or emergency aspects of resource shortages.

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1 2. Share emergency operations plans, procedures, and protocols established by
2 each of the participating jurisdictions before entering into this compact.

3 3. Share policies and procedures for resource mobilization, tracking,
4 demobilization, and reimbursement.

5 4. Consider joint planning, training, and exercises.

6 5. Assist with alerts, notifications, and warnings for communities adjacent to
7 or crossing participating jurisdiction boundaries.

8 6. Consider procedures to facilitate the movement of evacuees, refugees, civil
9 emergency personnel, equipment, or other resources into jurisdictions or across
10 boundaries, or to a designated staging area when it is agreed that such movement
11 or staging will facilitate civil emergency operations by the affected or participating
12 jurisdictions.

13 7. Provide, to the extent authorized by law, for temporary suspension of any
14 statutes or ordinances that impede the implementation of responsibilities described
15 in this section.

16 (b) The authorized representative of a participating jurisdiction may request
17 assistance of another participating jurisdiction by contacting the authorized
18 representative of that jurisdiction. These provisions only apply to requests for
19 assistance made by and to authorized representatives. Requests may be oral or in
20 writing. If oral, the request must be confirmed in writing within 15 days of the oral
21 request. Requests must provide all of the following information:

22 1. A description of the emergency service function for which assistance is
23 needed and of the mission, including fire services, emergency medical,
24 transportation, communications, public works and engineering, building inspection,

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1 planning and information assistance, mass care, resource support, health and
2 medical services, and search and rescue.

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

5 3. The specific place and time for staging of the assisting participating
6 jurisdictions' response and a point of contact at the location.

7 (c) There shall be periodic consultation among the authorized representatives
8 who have assigned emergency management responsibilities.

9 (4) ARTICLE IV - LIMITATION. It is recognized that any participating jurisdiction
10 that agrees to render mutual aid or conduct exercises and training for mutual aid will
11 respond as soon as possible. It is also recognized that the participating jurisdiction
12 rendering aid may withhold or recall resources to provide reasonable protection for
13 itself, at its discretion. To the extent authorized by law, each participating
14 jurisdiction will afford to the personnel of the emergency contingent of any other
15 participating jurisdiction while operating within its jurisdiction limits under the
16 terms and conditions of this compact and under the operational control of an officer
17 of the requesting participating jurisdiction the same treatment as is afforded similar
18 or like human resources of the participating jurisdiction in which they are
19 performing emergency services. Staff comprising the emergency contingent
20 continue under the command and control of their regular leaders but the
21 organizational units come under the operational control of the emergency services
22 authorities of the participating jurisdiction receiving assistance. These conditions
23 may be activated, as needed, by the participating jurisdiction that is to receive
24 assistance or upon commencement of exercises or training for mutual aid and
25 continue as long as the exercises or training for mutual aid are in progress, the

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1 emergency or disaster remains in effect or loaned resources remain in the receiving
2 participating jurisdictions, whichever is longer. The receiving participating
3 jurisdiction is responsible for informing the assisting participating jurisdiction when
4 services will no longer be required.

5 (5) ARTICLE V – LICENSES, CERTIFICATES, AND PERMITS. Whenever a person holds
6 a license, certificate, or other permit issued by any participating jurisdiction
7 evidencing the meeting of qualifications for professional, mechanical, or other skills,
8 and when such assistance is requested by the receiving participating jurisdiction,
9 such person is deemed to be licensed, certified, or permitted by the jurisdiction
10 requesting assistance to render aid involving such skill to meet an emergency or
11 disaster, subject to such limitations and conditions as the requesting jurisdiction
12 prescribes by executive order or otherwise.

13 (6) ARTICLE VI – LIABILITY. Any person or entity of a participating jurisdiction
14 rendering aid in another jurisdiction under this compact is considered an agent of
15 the requesting jurisdiction for tort liability and immunity purposes. Any person or
16 entity rendering aid in another jurisdiction under this compact is not liable on
17 account of any act or omission made in good faith on the part of such forces while so
18 engaged or on account of the maintenance or use of any equipment or supplies in
19 connection therewith. Good faith in this article does not include willful misconduct,
20 gross negligence, or recklessness.

21 (7) ARTICLE VII – SUPPLEMENTARY AGREEMENTS. Because it is probable that the
22 pattern and detail of the compact for mutual aid among 2 or more participating
23 jurisdictions may differ from that among the participating jurisdictions that are
24 party to this compact, this compact contains elements of a broad base common to all
25 participating jurisdictions, and nothing in this compact precludes any participating

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1 jurisdiction from entering into supplementary agreements with another jurisdiction
2 or affects any other agreements already in force among participating jurisdictions.
3 Supplementary agreements may include provisions for evacuation and reception of
4 injured and other persons and the exchange of medical, fire, public utility,
5 reconnaissance, welfare, transportation and communications personnel, equipment,
6 and supplies.

7 (8) ARTICLE VIII - WORKER'S COMPENSATION AND DEATH BENEFITS. Each
8 participating jurisdiction shall provide, in accordance with its own laws, for the
9 payment of worker's compensation and death benefits to injured members of the
10 emergency contingent of that participating jurisdiction and to representatives of
11 deceased members of that emergency contingent if the members sustain injuries or
12 are killed while rendering aid under this compact, in the same manner and on the
13 same terms as if the injury or death were sustained within their own jurisdiction.

14 (9) ARTICLE IX - REIMBURSEMENT. Any participating jurisdiction rendering aid
15 in another jurisdiction under this compact shall, if requested, be reimbursed by the
16 participating jurisdiction receiving such aid for any loss or damage to, or expense
17 incurred in, the operation of any equipment and the provision of any service in
18 answering a request for aid and for the costs incurred in connection with those
19 requests. An aiding participating jurisdiction may assume in whole or in part any
20 such loss, damage, expense, or other cost or may loan such equipment or donate such
21 services to the receiving participating jurisdiction without charge or cost. Any 2 or
22 more participating jurisdictions may enter into supplementary agreements
23 establishing a different allocation of costs among those jurisdictions. Expenses
24 under article VIII are not reimbursable under this section.

25 (10) ARTICLE X - IMPLEMENTATION.

2013 DRAFTING REQUEST

Bill

Received: 1/14/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: Military Affairs 242-3026 By/Representing: Julio
May Contact: Drafter: rnelson
Subject: Military Affairs - emerg mgt Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: julio.r.barron2.mil@mail.mil
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Multijurisdictional emergency management assistance

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>
/?	rnelson 2/7/2013			_____			
/P1	rnelson 2/13/2013	scalvin 2/11/2013	rschluet 2/11/2013	_____	lparisi 2/11/2013		
/1		scalvin 2/19/2013	rschluet 2/19/2013	_____	lparisi 2/19/2013		

12 SAC
02/21/2013

[Handwritten signature]
2/21/13

Jacket for
Mil Affs.
w/ 1685/1

FE Sent For:

<END>

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 Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

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/?	rnelson 2/7/2013			_____			
/P1		scalvin 2/11/2013	rschluet 2/11/2013	_____	lparisi 2/11/2013		
FE Sent For:		/1 sac 02/18/2013					

<END>