

1999 DRAFTING REQUEST

Bill

Received: **01/21/99**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Plouff (608) 266-7056**

By/Representing: **Grant Huber**

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:

Emergency management interstate 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>
/?	nelsorp1 03/17/99	chanaman 03/17/99		_____			State
/1			lpaasch 03/18/99	_____	lrb_docadmin 03/18/99		State
/2			martykr 04/26/99	_____	lrb_docadmin 04/26/99	lrb_docadmin 04/26/99	

FE Sent For:

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PA's Jacket "1/2" for Assm

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Extra Copies:

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Emergency management interstate compact

Instructions:

See Attached - 1703

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LEGISLATIVE REFERENCE BUREAU**BILL REQUEST FORM**

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 1/21/99	Legislator or agency requesting this draft: Rep. Joe Plouff
Name/phone number of person submitting request: Rep. Joe Plouff	
Persons to contact for questions about this draft (names and phone numbers please): Rep. Plouff or Grant Huber 266-7056	
Describe the problem, including any helpful examples. How do you want to solve the problem? Legislation To enable Wisconsin To join an interstate compact that makes it easier and faster for states to aid one another when disaster threatens. Compact is The Emergency Management Assistance Compact or The EMAC in which 23 states are a member of.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

A copy of a Council of State Gov's article is attached

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

would like to introduce it early in this session,

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

Joe Plouff



Help is just a state away

A new interstate compact makes it easier and faster for states to aid one another when disasters threaten.

BY RICHARD J. DIEFFENBACH

Richard J. Dieffenbach is a policy analyst for the National Emergency Management Association, CSG, Lexington, Ky. For more information, call (606) 244-8112 or e-mail rdieffen@csq.org.

When Hurricane Georges thundered across the Mid-Atlantic region in September 1998, devastating Puerto Rico and the Caribbean, Florida braced itself for the impact. As seasoned hurricane veterans, state officials knew that swift action was necessary to protect coastal communities and evacuate residents to safety.

In particular, Florida officials knew they needed to evacuate special needs patients in the Florida Keys immediately. The evacuation would be difficult due to the patients' medical conditions and because a single highway connected them to mainland. The same operation had proven especially difficult six years earlier when Hurricane Andrew ravaged the state.

This time, however, Florida was ready. With storm clouds gathering, Florida emergency management officials immediately called their counterparts in North Carolina and urgently requested assistance because, unlike Florida, North Carolina possessed aircraft specially designed for medical evacuations. As soon as the patients were ready, two planes from the North Carolina National Guard were winging toward the Keys. Such a fast and effective rescue might not have been



North Carolina Air National Guard personnel help an elderly man from their aircraft following an air lift mission in Key West, Fla.

possible without the Emergency Management Assistance Compact.

EMAC is a mutual agreement among 23 states and Puerto Rico that exists because, from hurricanes to earthquakes to toxic waste spills, all states face a common enemy: the threat of disaster. By joining the compact, states agree to share expertise and resources during emergencies.

Without EMAC or similar interstate compacts, states face bureaucratic red tape and legal battles over sending personnel and equipment to other states. With EMAC, however, states can send assistance quickly through a process that is legal, yet also flexible — both essential for effective emergency management.

Fighting disasters

EMAC fills a vital need for addi-



put communities on their feet again. Yet there are disasters, such as Hurricane Andrew, that overwhelm state and local resources. In such cases, EMAC offers a quick and easy way for states to send personnel and equipment to one another. In addition, federal assistance is sometimes inadequate or even unavailable. Out-of-state aid through the compact can fill such shortfalls.

A prime example of states aiding each other came during this summer's Florida wild-fires, in which the combined resources

Florida. Ten of these states sent assistance through EMAC, including fire-fighters, fire engines, tanker trucks, helicopters, cargo aircraft and specialized equipment. Other states sent aid through separate fire fighting compacts.

Under the terms of EMAC, Florida reimbursed other states for the \$3 million worth of assistance sent through the compact. That price was well worth it, Chiles said.

"When Florida was faced with wild-fires, the task of protecting the state's (residents) and property stretched our resources to the limit," he said. "Thanks to our compacts with other states through our EMAC program, we got the help we needed. The coordinated effort during the fires is proof of the value of these compacts. When we were in need, our neighbors were there. And when they are in need, we will be there too."

Officials in other states agree the compact is having an impact. Mike Sherberger of the Georgia Emergency Management Agency, who coordinated EMAC operations during the fires, said: "It works. It flat works. EMAC made the difference."

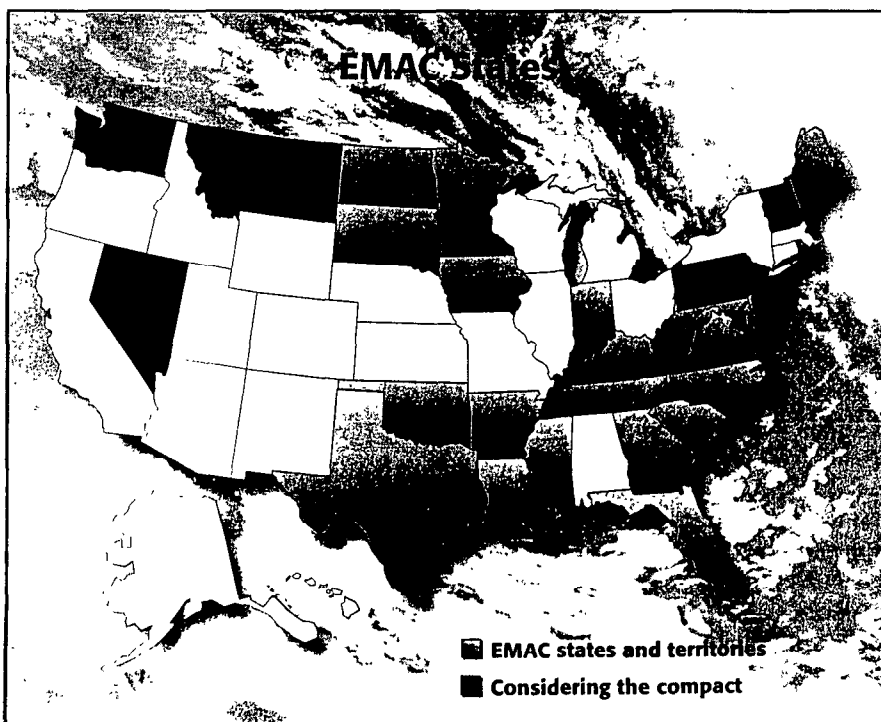
tional resources during emergencies. When Hurricane Andrew struck, causing as much as \$30 billion worth of damage, it strained the ability of Florida and the Federal Emergency Management Agency to provide relief to the many battered communities. Afterward, Florida Gov. Lawton Chiles realized had there been a convenient way to get help from other states, recovering from the hurricane would have been easier.

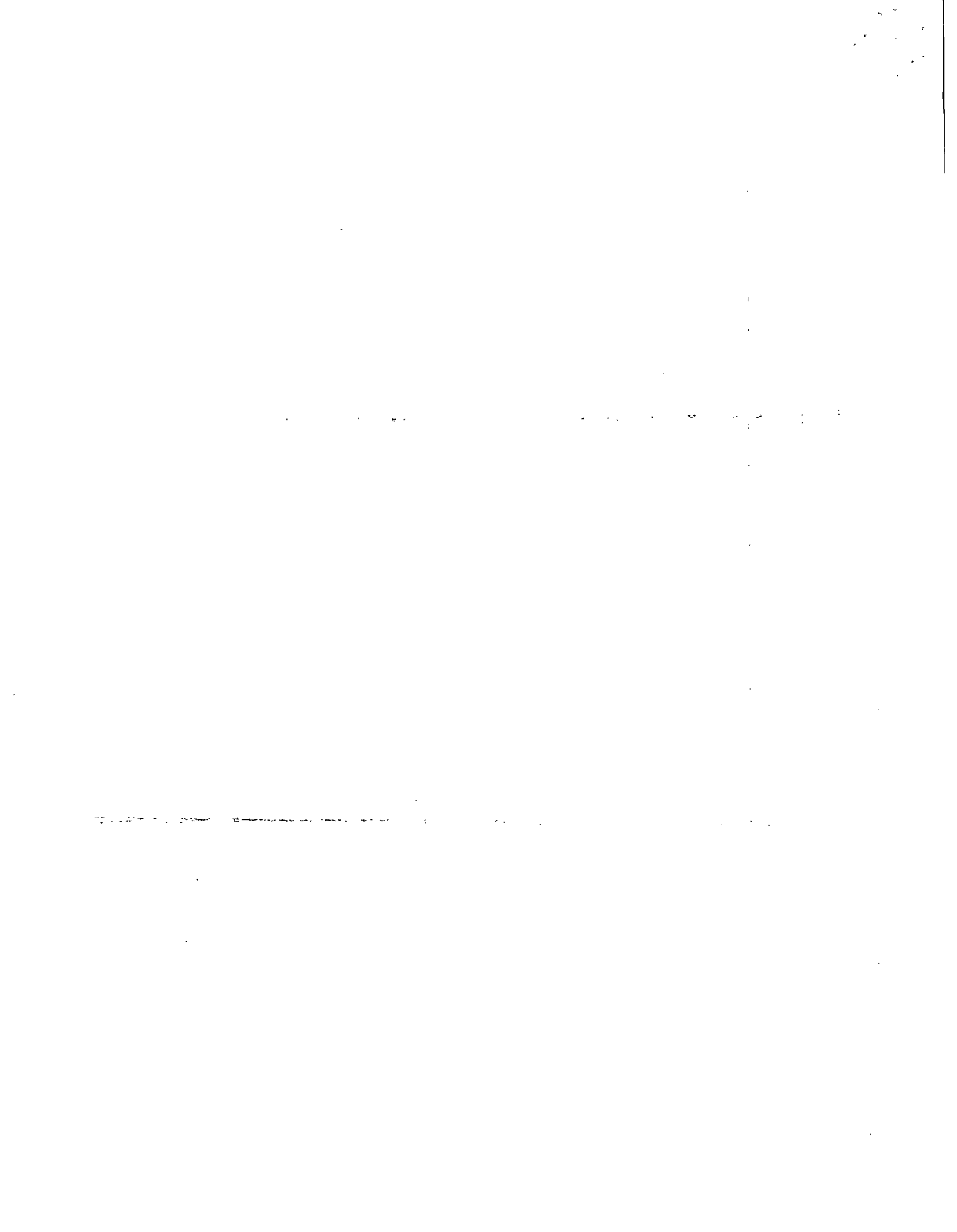
At Chiles' suggestion, governors in the South began exploring the benefits of an interstate mutual aid compact for both natural and man-made disasters, which resulted in the creation of EMAC in 1995. Thanks to the compact, states have another weapon against disasters, both large and small.

Neighbor helping neighbor

Usually, the efforts of state and local government, with help from FEMA, are enough to protect people and help

of 45 states battled 2,200 blazes across 500,000 acres and in every county in







Senior Airman Lee Thompson, North Carolina Air National Guard, directs personnel in the loading of patients onto a C-130 Hercules aircraft.

When tropical storms struck Florida and the Gulf states two months later, nine states from as far away as Iowa and Maine sent help. And before relief efforts were over, the EMAC states already were discussing how they might aid one another during the winter storms of the coming months.

A firm foundation

The Emergency Management Assistance Compact provides member states with benefits that similar compacts don't offer, including a firm legal foundation. Similar interstate aid efforts often are agreements among governors that lack legal authority and fall into disuse after the signatories leave office. EMAC, however, requires member states to make the compact a state law before they join.

EMAC is also the first interstate compact for emergency management approved by Congress since the Civil Defense Act of 1950. This approval makes it easier for FEMA to reimburse states for the cost of sending help.

Because EMAC is state law, assistance sent through the compact is a

legally binding arrangement. States that ask for help are responsible for reimbursing all out-of-state costs and accept tort liability for out-of-state personnel. In addition, states must agree to each other's terms before sending or receiving aid.

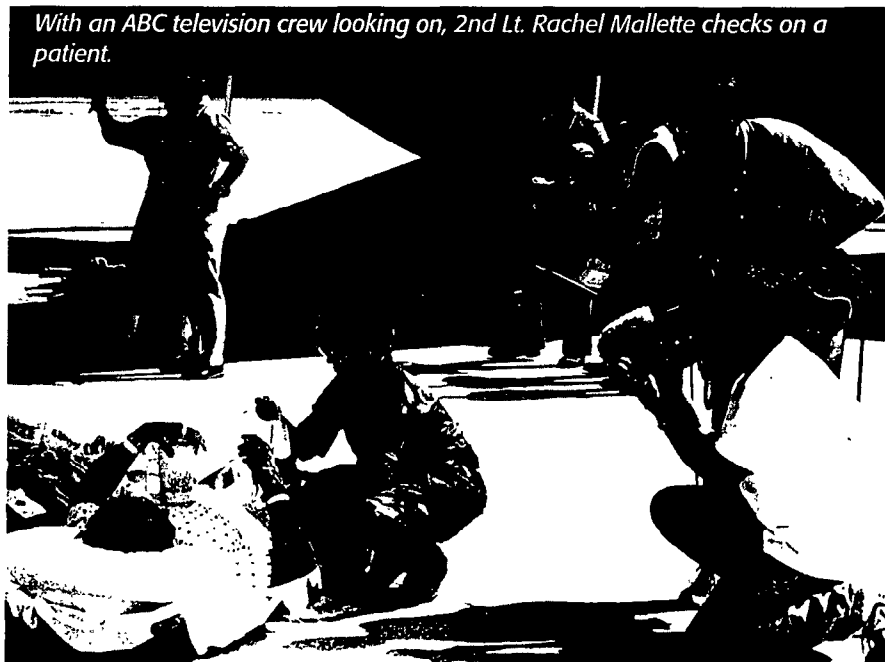
By establishing a firm legal founda-

tion, EMAC reduces confusion, worry and unnecessary requests for disaster relief. States ask for out-of-state assistance only when they need it and can cover the costs. States know sending aid will not be a financial or a legal burden. All this improves the likelihood that states will send needed help.

Unlike other limited compacts, such as the Fire Services Compact, EMAC allows states to ask for whatever assistance they need for any emergency situation, from earthquakes to acts of domestic terrorism. On the other hand, states are not forced to send any assistance they cannot provide.

Speed and flexibility

The compact provides fast and flexible assistance. Because EMAC's simple procedures require only governor approval for sending or receiving assistance, it dispenses with bureaucratic wrangling. During the Florida wildfires, Maryland responded quickly to Florida's request. Shelly Bilello of the Maryland Emergency Management Agency said, "Our attorney general was especially pleased that, because we had signed EMAC, it took only a short executive order to get the



With an ABC television crew looking on, 2nd Lt. Rachel Mallette checks on a patient.

resources authorized and sent.”

EMAC is also one of only a few such compacts that have implementation procedures, including standard procedures for making requests and for conducting out-of-state operations. Member states also have appointed a task force to coordinate requests, which results in improved communications and rapid response.

An evolving partnership

Since being approved by Congress in 1996, EMAC has grown from a handful of states to a nationwide compact. In addition to its 24 signatories, Montana, Nevada, New Hampshire, New Jersey, Pennsylvania, Vermont and Washington state are considering membership. Eric Tolbert, director of North Carolina's Emergency Management Division, anticipates continued growth: “With more and more states joining us, it is a sign of what mutual aid will be

like in the future.”

With more requests for assistance through EMAC, member states are discussing ways to improve the process. They are working with the National Emergency Management Association and The Council of State Governments to develop specialized strike teams and a multistate training program for EMAC operations. Such activities mean the compact will remain a vital and valuable resource for disaster relief.

States know they cannot always deal with emergencies by themselves. In an era of rising disaster costs and tightening government budgets, states also know they cannot rely solely on the federal government. That is why states are adopting new strategies and tapping new resources to protect their residents and reduce damage caused by disasters. Through the Emergency Management Assistance Compact, states are joining forces and helping one another when they need it the most. ★

CSG resources

The National Emergency Management Association is an organization affiliated with CSG. NEMA consists of the directors of emergency management from all states, U.S. territories and the District of Columbia. The NEMA directors are responsible for establishing and maintaining an integrated and responsive emergency management structure at the state and territory level.

For more information on NEMA, contact Trina Hembree at (606) 244-8233, or Richard J. Dieffenbach at (606) 244-8112. To order the *NEMA/CSG 1997 Report on State Emergency Management Funding and Structures*, call CSG's publication sales department at (800) 800-1910. Request publication C138-9700. The cost is \$35.



Life is our life's work.

1999 BILLrefer
act.

- 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

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:

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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 subs. 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

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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 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
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

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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

Refer
cat

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:

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
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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

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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

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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~~ ^{such}
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

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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
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

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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

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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)

cmh

R- Note

*This draft changes "the skill"
to "such skill" as suggested by
Terry McCandle, DIVA.*

RPN

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

LRB-1905/2dn
RPN:cmh:km

April 22, 1999

This draft changes "the skill" to "such skill" as suggested by Terry Mc Candle, 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: 3/18/99

To: Representative Plouff

Relating to LRB drafting number: LRB-1905

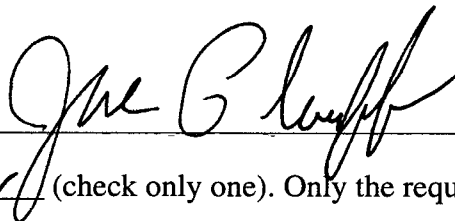
Topic

Emergency management interstate compact

Subject(s)

Military Affairs

1. **JACKET** the draft for introduction

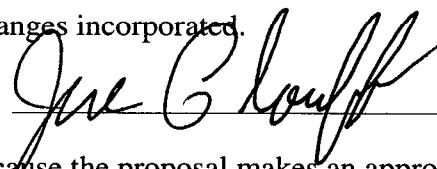


in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

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



FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R 10/94)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No

1905/2 AB 338

Subject

INTERSTATE COMPACTS FOR EMERGENCY ASSISTANCE

I. One Time Costs or Revenue Impacts for State and/or Local Government (not included in annual cost)

Initial planning efforts funded from existing base level resources.

II. Annualized Costs

Annualized Fiscal Impact

A. State Costs by Category	Increased Costs	Decreased Costs
State Operations – Salaries and Fringes		
(FTE Position Changes)		
State Operations- Other Costs		
Local Assistance		
Aids to Individual and Organizations		
TOTAL – State Costs by Category	-0-	-0-
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues	Increased Revs	Decreased Revs
GPR Taxes		
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	-0-	-0-

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	0	0
NET CHANGE IN REVENUE	0	0

Agency/Prepared By:
Steven L. Bendrick, Military Affairs, 242-3155

Signature

Date:
5/6/99