



2013 SENATE BILL 119

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.

Analysis by the Legislative Reference Bureau

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:

6 **CHAPTER 323**

7 SUBCHAPTER VIII

8 EMERGENCY MANAGEMENT

9 ASSISTANCE COMPACT COMPACTS

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

SENATE BILL 119**SECTION 2****1 323.81 State and Province Emergency Management Assistance**

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

4 (1) ARTICLE I – PURPOSE AND AUTHORITIES.

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

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

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

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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 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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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 inspection,
4 planning and information assistance, mass care, resource support, health and
5 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 jurisdiction
13 that agrees to render mutual aid or conduct exercises and training for mutual aid will
14 respond as soon as possible. It is also recognized that the participating jurisdiction
15 rendering aid may withhold or recall resources to provide reasonable protection for
16 itself, at its discretion. To the extent authorized by law, each participating
17 jurisdiction will afford to the personnel of the emergency contingent of any other
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
22 performing emergency services. Staff comprising the emergency contingent
23 continue under the command and control of their regular leaders but the
24 organizational units come under the operational control of the emergency services
25 authorities of the participating jurisdiction receiving assistance. These conditions

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

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

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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
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.

17 **(9) ARTICLE IX – REIMBURSEMENT.** Any participating jurisdiction rendering aid
18 in another jurisdiction under this compact shall, if requested, be reimbursed by the
19 participating jurisdiction receiving such aid for any loss or damage to, or expense
20 incurred in, the operation of any equipment and the provision of any service in
21 answering a request for aid and for the costs incurred in connection with those
22 requests. An aiding participating jurisdiction may assume in whole or in part any
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

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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)