



2013 SENATE BILL 119

April 1, 2013 – Introduced by Senators PETROWSKI, CARPENTER, HARSDORF, LASSA, MILLER, OLSEN, SCHULTZ and L. TAYLOR, cosponsored by Representatives PETRYK, BIES, BERCEAU, BERNARD SCHABER, BERNIER, BROOKS, ENDSLEY, JACQUE, KAHL, NERISON, A. OTT, RINGHAND, SINICKI, STONE and STRACHOTA, by request of Department of Military Affairs. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

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

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 the available hazards analyses of the potential emergencies that 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.

SENATE BILL 119

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 person from a member 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.

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

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

3 **CHAPTER 323**
4 SUBCHAPTER VIII
5 EMERGENCY MANAGEMENT
6 **ASSISTANCE COMPACT COMPACTS**

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

8 **323.81 State and Province Emergency Management Assistance**

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

11 (1) ARTICLE I - PURPOSE AND AUTHORITIES.

SENATE BILL 119

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

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

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

25 **(2) ARTICLE II – GENERAL IMPLEMENTATION.**

SENATE BILL 119**SECTION 2**

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

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

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

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

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

SENATE BILL 119

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,

SENATE BILL 119**SECTION 2**

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

SENATE BILL 119

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

SENATE BILL 119**SECTION 2**

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.

SENATE BILL 119

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

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

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

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

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

21 (END)