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House Bill 5189 (Substitute H-1 as passed by the House)

Sponsor: Representative Andrew Raczkowski

House Committee: Commerce

Senate Committee: Local, Urban and State Affairs

Date Completed: 10-31-01

CONTENT

The bill would create a new act to enter Michigan into the Interstate Emergency Management Assistance Compact, which would do the following:

- Provide for mutual assistance between the party states in managing any emergency or disaster declared by the governor of the affected state.**
- Provide for mutual cooperation in emergency-related exercises outside of actual declared emergency periods.**
- Require each party state to formulate procedural plans and programs for interstate cooperation in performing its responsibilities under the compact.**
- Require each party state to afford the emergency forces of another state the same powers, duties, rights, and privileges afforded in its own state, except that of arrest unless specifically authorized.**
- Specify that no state or its officers or employees would be liable on account of any act or omission in good faith while providing aid or using equipment or supplies.**
- Require each party state to provide compensation to injured members of its emergency forces and death benefits to representatives of members killed while rendering aid, as if the injury or death were sustained within its own state.**
- Require a state rendering aid in another state to be reimbursed from the state receiving assistance for any loss or damage to equipment or expense incurred while providing services.**
- Require party states to work out plans for the orderly evacuation and interstate reception of the civilians.**

The compact would become effective immediately upon its enactment by two states. The compact provides that a state could withdraw by enacting a repealing statute, but a withdrawal could not take effect until 30 days after the governor of that state had given notice in writing to the governors of the other party states.

The bill would require the Legislature to review the proposed act every five years after its enactment.

A more detailed description of the compact follows:

Purpose and Authorities

The purpose of the compact would be to provide for mutual assistance between the states entering into the compact in managing any emergency or disaster declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made

disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

The compact also would have to provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, occurring outside of actual declared emergency periods. Mutual assistance in the compact could include the use of the states' National Guard forces.

General Implementation

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

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

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

Party State Responsibilities

Responsibilities. It would be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in performing its responsibilities under the compact. In formulating and carrying out these plans, the party states, to the extent practical, would have to do the following:

- Review individual state hazard analyses and, to the extent reasonably possible, determine all those potential emergencies the party states could jointly suffer, whether due to natural disaster, technical hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
- Review party states' individual emergency plans and develop a plan that would determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.
- Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
- Assist in warning communities adjacent to or crossing the state boundaries.
- Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources (both human and material).
- Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that would restrict the implementation of these responsibilities.

Requests for Assistance. The authorized representative of a party state could request assistance of another party state by contacting its authorized representative. The provisions of this agreement would apply only to requests for assistance made by and to authorized representatives. Requests could be verbal or in writing. A verbal request would have to be confirmed in writing within 30 days. Requests would have to provide the following:

- A description of the emergency service function for which assistance was needed (such as fire service, law enforcement, emergency medical, transportation, communications, public works, and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue).
- The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they would be needed.
- The specific place and time for staging the assisting party's response and a point of contact at that location.

There would have to be frequent consultation between state officials having assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the U.S. government, with free exchange of information, plans, and resource records relating to emergency capabilities.

Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid would have to take such action as necessary to provide and make available the resources covered by the compact. It would be understood that the state rendering aid could withhold resources to the extent necessary to provide reasonable protection for the state.

Each party state would have to afford to the emergency forces of another party state, which operating within its state limits under the compact, the same powers, duties, rights, and privileges afforded in its own state, except that of arrest unless specifically authorized. Emergency forces would continue under the command and control of their regular leaders, but the organizational units would come under the operational control of the emergency services authorities of the state receiving assistance. These conditions could be activated only after an emergency was declared by the governor of the affected state, or exercises or training for mutual aid were begun, and would continue as long as the exercises or training for mutual aid were in progress, the state of emergency or disaster remained in effect, or loaned resources remained in the affected state, whichever was longer.

Licenses and Permits

The compact provides that whenever any person held a license, certificate, or other permit issued by any party state containing evidence that qualifications for professional, mechanical, or other skills were met, and when such assistance was requested by a receiving state, the person would be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving that skill to meet a declared emergency or disaster, subject to the limitations and conditions as the governor of the requesting state could prescribe by executive order or otherwise.

Evacuation

The compact would require the party states and the emergency management or services directors of the various jurisdictions where an incident requiring evaluations could occur, to work out plans for the orderly evacuation and interstate reception of portions of the civilian population as a result of an emergency or disaster. The evacuation plans would have to

include the following:

- The manner of transporting the evacuees.
- The number of evacuees to be received in different areas.
- The manner in which food, clothing, housing, and medical care would be provided.
- The registration of the evacuees.
- The provision of facilities for the notification of relatives or friends.
- The forwarding of the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors.

The plans would have to require the party state receiving evacuees and the state from which they came mutually to agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for the evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. After the disaster or emergency ended, the party state from which the evacuees came would have to assume the responsibility for the ultimate support of their repatriation.

Military

The compact specifies that nothing in it would authorize or permit the use of military force by the National Guard of a state outside of that state in any emergency for which the President was authorized by law to call into Federal service the militia, or for any purpose for which use of the army or air force would be prohibited, under Section 1385 of Title 18 of the United States Code in the absence of express statutory authorization.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. The costs of formulating plans and the costs of affording emergency services to another state cannot be determined at this time.

Fiscal Analyst: B. Baker