

HB5189, As Passed House, December 13, 2001

REPRINT

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5189**

(As passed the Senate November 8, 2001)

A bill to enter into an interstate emergency management assistance compact.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. The interstate emergency management assistance com-
2 pact is enacted into law and entered into with all other juris-
3 dictions legally joining into this compact in the form substan-
4 tially insofar as it deals with equipment as follows:

5 ARTICLE I -- PURPOSE AND AUTHORITIES

6 This compact is made and entered into by and between the
7 participating member states which enact this compact, hereinafter
8 called party states. For the purposes of this agreement, the
9 term "states" is taken to mean the several states, the
10 Commonwealth of Puerto Rico, the District of Columbia, and all
11 United States territorial possessions.

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

2

1 The purpose of this compact is to provide for mutual
2 assistance between the states entering into this compact in
3 managing any emergency or disaster that is duly declared by the
4 governor of the affected state, whether arising from natural
5 disaster, technological hazard, man-made disaster, civil emer-
6 gency aspects of resource shortages, community disorders, insur-
7 gency, or enemy attack.

8 This compact shall also provide for mutual cooperation in
9 emergency-related exercises, testing, or other training activi-
10 ties using equipment simulating performance of any aspect of the
11 giving and receiving of aid by party states or subdivisions of
12 party states during emergencies, such actions occurring outside
13 actual declared emergency periods.

14 ARTICLE II -- GENERAL IMPLEMENTATION

15 Each party state entering into this compact recognizes many
16 emergencies transcend political jurisdictional boundaries and
17 that intergovernmental coordination is essential in managing
18 these and other emergencies under this compact. Each state fur-
19 ther recognizes that there will be emergencies which require
20 immediate access and present procedures to apply outside
21 resources to make a prompt and effective response to such an
22 emergency. This is because few, if any, individual states have
23 all the resources they may need in all types of emergencies or
24 the capability of delivering resources to areas where emergencies
25 exist.

26 The prompt, full, and effective utilization of resources of
27 the participating states, including any resources on hand or

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

3

1 available from the federal government or any other source, that
2 are essential to the safety, care, and welfare of the people in
3 the event of any emergency or disaster declared by a party state,
4 shall be the underlying principle on which all articles of this
5 compact shall be understood.

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

11 ARTICLE III -- PARTY STATE RESPONSIBILITIES

12 1. It shall be the responsibility of each party state to
13 formulate procedural plans and programs for interstate coopera-
14 tion in the performance of the responsibilities listed in this
15 article. In formulating such plans, and in carrying them out,
16 the party states, insofar as practical, shall:

17 a. Review individual state hazards analyses and, to the
18 extent reasonably possible, determine all those potential emer-
19 gencies the party states might jointly suffer, whether due to
20 natural disaster, technological hazard, man-made disaster, emer-
21 gency aspects of resource shortages, civil disorders, insurgency,
22 or enemy attack.

23 b. Review party states' individual emergency plans and
24 develop a plan which will determine the mechanism for the inter-
25 state management and provision of assistance concerning any
26 potential emergency.

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

4

1 c. Develop interstate procedures to fill any identified gaps
2 and to resolve any identified inconsistencies or overlaps in
3 existing or developed plans.

4 d. Assist in warning communities adjacent to or crossing the
5 state boundaries.

6 e. Protect, and assure uninterrupted delivery of services,
7 medicines, water, food, energy and fuel, search and rescue, and
8 critical lifeline equipment, services, and resources, both human
9 and material.

10 f. Inventory and set procedures for the interstate loan and
11 delivery of material resources, together with procedures for
12 reimbursement or forgiveness.

13 g. Provide, to the extent authorized by law, for temporary
14 suspension of any statutes or ordinances that restrict the imple-
15 mentation of the above responsibilities.

16 2. The authorized representative of a party may request
17 assistance of another party state by contacting the authorized
18 representative of that state. The provisions of this agreement
19 shall only apply to requests for assistance made by and to autho-
20 rized representatives. Requests may be verbal or in writing. If
21 verbal, the request shall be confirmed in writing within 30 days
22 of the verbal request. Requests shall provide all of the
23 following:

24 a. A description of the emergency service function for which
25 assistance is needed, such as but not limited to fire services,
26 law enforcement, emergency medical, transportation,
27 communications, public works, and engineering, building

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

5

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

4 b. The amount and type of equipment, materials and supplies
5 needed, and a reasonable estimate of the length of time they will
6 be needed.

7 c. The specific place and time for staging of the assisting
8 party's response and a point of contact at that location.

9 3. There shall be frequent consultation between state offi-
10 cials who have assigned emergency management responsibilities and
11 other appropriate representatives of the party states with
12 affected jurisdictions and the United States government, with
13 free exchange of information, plans, and resource records relat-
14 ing to emergency capabilities.

15 ARTICLE IV -- LIMITATIONS

16 Any party state requested to render mutual aid or conduct
17 exercises and training for mutual aid shall take such action as
18 is necessary to provide and make available the resources covered
19 by this compact in accordance with the terms hereof, provided
20 that it is understood that the state rendering aid may withhold
21 resources to the extent necessary to provide reasonable protec-
22 tion for such state. Each party state shall afford to the emer-
23 gency forces of any party state, while operating within its state
24 limits under the terms and conditions of this compact, the same
25 powers, except that of arrest unless specifically authorized by
26 the receiving state, duties, rights, and privileges as are
27 afforded forces of the state in which they are performing

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

6

1 emergency services. Emergency forces will continue under the
2 command and control of their regular leaders, but the organiza-
3 tional units will come under the operational control of the emer-
4 gency services authorities of the state receiving assistance.
5 These conditions may be activated, as needed, only subsequent to
6 a declaration of a state of emergency or disaster by the governor
7 of the party state that is to receive assistance or commencement
8 of exercises or training for mutual aid and shall continue so
9 long as the exercises or training for mutual aid are in progress,
10 the state of emergency or disaster remains in effect, or loaned
11 resources remain in the receiving state, whichever is longer.

12 ARTICLE V -- LICENSES AND PERMITS

13 Whenever any person holds a license, certificate, or other
14 permit issued by any state party to the compact evidencing the
15 meeting of qualifications for professional, mechanical, or other
16 skills, and when such assistance is requested by the receiving
17 party state, such person shall be deemed licensed, certified, or
18 permitted by the state requesting assistance to render aid
19 involving such skill to meet a declared emergency or disaster,
20 subject to such limitations and conditions as the governor of the
21 requesting state may prescribe by executive order or otherwise.

22 ARTICLE VI -- LIABILITY

23 Officers or employees of a party state rendering aid in
24 another state pursuant to this compact shall be considered agents
25 of the requesting state for tort liability and immunity purposes;
26 and no party state or its officers or employees rendering aid in
27 another state pursuant to this compact shall be liable on account

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

7

1 of any act or omission in good faith on the part of such forces
2 while so engaged or on account of the maintenance or use of any
3 equipment or supplies in connection therewith. Good faith in
4 this article shall not include willful misconduct, gross negli-
5 gence, or recklessness.

6 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

7 Inasmuch as it is probable that the pattern and detail of
8 the machinery for mutual aid among 2 or more states may differ
9 from that among the states that are party hereto, this instrument
10 contains elements of a broad base common to all states, and noth-
11 ing herein contained shall preclude any state from entering into
12 supplementary agreements with another state or affect any other
13 agreements already in force between states. Supplementary agree-
14 ments may comprehend, but shall not be limited to, provisions for
15 evacuation and reception of injured and other persons and the
16 exchange of medical, fire, police, public utility, reconnais-
17 sance, welfare, transportation and communications personnel, and
18 equipment and supplies.

19 ARTICLE VIII -- COMPENSATION

20 Each party state shall provide for the payment of compensa-
21 tion and death benefits to injured members of the emergency
22 forces of that state and representatives of deceased members of
23 such forces in case such members sustain injuries or are killed
24 while rendering aid pursuant to this compact, in the same manner
25 and on the same terms as if the injury or death were sustained
26 within their own state.

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

8

1 ARTICLE IX -- REIMBURSEMENT

2 Any party state rendering aid in another state pursuant to
3 this compact shall be reimbursed by the party state receiving
4 such aid for any loss or damage to or expense incurred in the
5 operation of any equipment and the provision of any service in
6 answering a request for aid and for the costs incurred in connec-
7 tion with such requests; provided that any aiding party state may
8 assume in whole or in part such loss, damage, expense, or other
9 cost, or may loan such equipment or donate such services to the
10 receiving party state without charge or cost; and provided fur-
11 ther, that any 2 or more party states may enter into supplemen-
12 tary agreements establishing a different allocation of costs
13 among those states. Article VIII expenses shall not be reimbur-
14 sable under this provision.

15 ARTICLE X -- EVACUATION

16 Plans for the orderly evacuation and interstate reception of
17 portions of the civilian population as the result of any emer-
18 gency or disaster of sufficient proportions to so warrant, shall
19 be worked out and maintained between the party states and the
20 emergency management or services directors of the various juris-
21 dictions where any type of incident requiring evacuations might
22 occur. Such plans shall be put into effect by request of the
23 state from which evacuees come and shall include the manner of
24 transporting such evacuees, the number of evacuees to be received
25 in different areas, the manner in which food, clothing, housing,
26 and medical care will be provided, the registration of the
27 evacuees, the providing of facilities for the notification of

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

9

1 relatives or friends, and the forwarding of such evacuees to
2 other areas or the bringing in of additional materials, supplies,
3 and all other relevant factors. Such plans shall provide that
4 the party state receiving evacuees and the party state from which
5 the evacuees come shall mutually agree as to reimbursement of
6 out-of-pocket expenses incurred in receiving and caring for such
7 evacuees, for expenditures for transportation, food, clothing,
8 medicines and medical care, and like items. Such expenditures
9 shall be reimbursed as agreed by the party state from which the
10 evacuees come. After the termination of the emergency or
11 disaster, the party state from which the evacuees come shall
12 assume the responsibility for the ultimate support of repatria-
13 tion of such evacuees.

14 ARTICLE IX -- IMPLEMENTATION

15 1. This compact shall become operative immediately upon its
16 enactment into law by any 2 states; thereafter, this compact
17 shall become effective as to any other state upon its enactment
18 by such state.

19 2. Any party state may withdraw from this compact by enact-
20 ing a statute repealing the same, but no such withdrawal shall
21 take effect until 30 days after the governor of the withdrawing
22 state has given notice in writing of such withdrawal to the gov-
23 ernors of all other party states. Such action shall not relieve
24 the withdrawing state from obligations assumed hereunder prior to
25 the effective date of withdrawal.

26 3. Duly authenticated copies of this compact and of such
27 supplementary agreements as may be entered into shall, at the

HB5189, As Passed House, December 13, 2001

House Bill No. 5189

10

1 time of their approval, be deposited with each of the party
2 states and with the federal emergency management agency and other
3 appropriate agencies of the United States government.

4 ARTICLE XII -- VALIDITY

5 This compact shall be construed to effectuate the purposes
6 stated in Article I hereof. If any provision of this compact is
7 declared unconstitutional, or the applicability thereof to any
8 person or circumstances is held invalid, the constitutionality of
9 the remainder of this compact and the applicability thereof to
10 other persons and circumstances shall not be affected thereby.

11 ARTICLE XIII -- ADDITIONAL PROVISIONS

12 Nothing in this compact shall authorize or permit the use of
13 military force by the national guard of a state at any place out-
14 side that state in any emergency for which the president is
15 authorized by law to call into federal service the militia, or
16 for any purpose for which the use of the army or the air force
17 would in the absence of express statutory authorization be pro-
18 hibited under section 1385 of title 18, United States Code.

19 Sec. 2. The legislature shall review this act every 5 years
20 after the date of enactment.

21 Sec. 3. It is the intent of the legislature to read this
22 act in conjunction with Senate Bill No. 715 of the 91st
23 Legislature.

24 Sec. 4. This act does not take effect unless Senate Bill
25 No. 715 of the 91st Legislature is enacted into law.