

# HOUSE BILL No. 5189

October 11, 2001, Introduced by Reps. Raczkowski, Koetje, Kowall, Toy and Tabor and referred to the Committee on Commerce.

A bill to enter into the 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 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.

1           The purposes 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 and personnel simulating performance of any  
11 aspect of the giving and receiving of aid by party states or sub-  
12 divisions of party states during emergencies, such actions occur-  
13 ring outside actual declared emergency periods. Mutual assist-  
14 ance in this compact may include the use of the states' national  
15 guard forces, either in accordance with the national guard mutual  
16 assistance compact or by mutual agreement between states.

17                           ARTICLE II -- GENERAL IMPLEMENTATION

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

1 the capability of delivering resources to areas where emergencies  
2 exist.

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

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

15               ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

1           b. Review party states' individual emergency plans and  
2 develop a plan which will determine the mechanism for the  
3 interstate management and provision of assistance concerning any  
4 potential emergency.

5           c. Develop interstate procedures to fill any identified gaps  
6 and to resolve any identified inconsistencies or overlaps in  
7 existing or developed plans.

8           d. Assist in warning communities adjacent to or crossing the  
9 state boundaries.

10          e. Protect, and assure uninterrupted delivery of services,  
11 medicines, water, food, energy and fuel, search and rescue, and  
12 critical lifeline equipment, services, and resources, both human  
13 and material.

14          f. Inventory and set procedures for the interstate loan and  
15 delivery of human and material resources, together with proce-  
16 dures for reimbursement or forgiveness.

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

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

1 a. A description of the emergency service function for which  
2 assistance is needed, such as but not limited to fire services,  
3 law enforcement, emergency medical, transportation, communica-  
4 tions, public works, and engineering, building inspection, plan-  
5 ning and information assistance, mass care, resource support,  
6 health and medical services, and search and rescue.

7 b. The amount and type of personnel, equipment, materials  
8 and supplies needed, and a reasonable estimate of the length of  
9 time they will be needed.

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

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

18 ARTICLE IV -- LIMITATIONS

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

1 powers, except that of arrest unless specifically authorized by  
2 the receiving state, duties, rights, and privileges as are  
3 afforded forces of the state in which they are performing emer-  
4 gency services. Emergency forces will continue under the command  
5 and control of their regular leaders, but the organizational  
6 units will come under the operational control of the emergency  
7 services authorities of the state receiving assistance. These  
8 conditions may be activated, as needed, only subsequent to a dec-  
9 laration of a state of emergency or disaster by the governor of  
10 the party state that is to receive assistance or commencement of  
11 exercises or training for mutual aid and shall continue so long  
12 as the exercises or training for mutual aid are in progress, the  
13 state of emergency or disaster remains in effect, or loaned  
14 resources remain in the receiving state, whichever is longer.

15                   ARTICLE V -- LICENSES AND PERMITS

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

25                   ARTICLE VI -- LIABILITY

26           Officers or employees of a party state rendering aid in  
27 another state pursuant to this compact shall be considered agents

1 of the requesting state for tort liability and immunity purposes;  
2 and no party state or its officers or employees rendering aid in  
3 another state pursuant to this compact shall be liable on account  
4 of any act or omission in good faith on the part of such forces  
5 while so engaged or on account of the maintenance or use of any  
6 equipment or supplies in connection therewith. Good faith in  
7 this article shall not include willful misconduct, gross negli-  
8 gence, or recklessness.

9                   ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

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

22                   ARTICLE VIII -- COMPENSATION

23           Each party state shall provide for the payment of compensa-  
24 tion and death benefits to injured members of the emergency  
25 forces of that state and representatives of deceased members of  
26 such forces in case such members sustain injuries or are killed  
27 while rendering aid pursuant to this compact, in the same manner

1 and on the same terms as if the injury or death were sustained  
2 within their own state.

3                                   ARTICLE IX -- REIMBURSEMENT

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

17                                   ARTICLE X -- EVACUATION

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

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

16 ARTICLE IX -- IMPLEMENTATION

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

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

1           3. Duly authenticated copies of this compact and of such  
2 supplementary agreements as may be entered into shall, at the  
3 time of their approval, be deposited with each of the party  
4 states and with the federal emergency management agency and other  
5 appropriate agencies of the United States government.

6                           ARTICLE XII -- VALIDITY

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

13                           ARTICLE XIII -- ADDITIONAL PROVISIONS

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