

Interstate Emergency Management Assistance Compact

This law enacts an interstate compact that provides for mutual assistance between states in managing emergencies and disasters, whether natural or man-made. It provides for mutual cooperation in emergency-related exercises, testing or other training using equipment and personnel.

The compact is designed to facilitate emergency services through intergovernmental coordination. States are given responsibility for reviewing potential hazards, drafting plans, developing procedures and conducting exercises to simulate responses to emergencies.

The language contains procedures for requesting assistance between states and commanding disparate state personnel within a given disaster area. It provides limited immunity from tort liability to personnel from one state who are rendering aid in another.

This compact originated from the Southern states through the Southern Governors' Association (SGA). This compact received Congressional consent in 1996 as H.J. Res.193. Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia were members at that time.

Submitted as:
Virginia
CH 280, Laws of 1995 (S 1121)
Enacted, 1995.

Suggested Legislation

(Title, enacting clause, etc.)

1 *Compact enacted into law; terms.*
2 The Emergency Management Assistance Compact is hereby enacted
3 into law and entered into by [state] with all other states legally joining
4 therein, in the form substantially as follows:

1 *Emergency Management Assistance Compact Article I. Purpose and*
2 *Authorities*
3 This compact is made and entered into by and between the partici-
4 pating member states which enact this compact, hereinafter called party
5 states. For the purposes of this compact, the term "states" is taken to mean
6 the several states, the Commonwealth of Puerto Rico, the District of Co-
7 lumbia, and all U.S. territorial possessions.

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8 The purpose of this compact is to provide for mutual assistance be-
9 tween the states entering into this compact in managing any emergency or
10 disaster that is duly declared by the Governor of the affected state, whether
11 arising from natural disaster, technological hazard, man-made disaster, civil
12 emergency aspects of resources shortages, community disorders, insurgency,
13 or enemy attack.

14 This compact shall also provide for mutual cooperation in emergency-
15 related exercises, testing, or other training activities using equipment and
16 personnel simulating performance of any aspect of the giving and receiving
17 of aid by party states or subdivisions of party states during emergencies,
18 such actions occurring outside actual declared emergency periods. Mutual
19 assistance in this compact may include the use of states' National Guard
20 forces, either in accordance with the National Guard Mutual Assistance
21 Compact or by mutual agreement between states.

1 *Article II. General Implementation.*

2 Each party state entering into this compact recognizes that many
3 emergencies transcend political jurisdictional boundaries and that inter-
4 governmental coordination is essential in managing these and other emer-
5 gencies under this compact. Each state further recognizes that there will
6 be emergencies which require immediate access and present procedures to
7 apply outside resources to make a prompt and effective response to such an
8 emergency. This is because few, if any, individual states have all the re-
9 sources they may need in all types of emergencies or the capability of deliv-
10 ering resources to areas where emergencies exist.

11 The prompt, full, and effective utilization of resources of the partici-
12 pating states, including any resources on hand or available from the fed-
13 eral government or any other source, that are essential to the safety, care
14 and welfare of the people in the event of any emergency or disaster de-
15 clared by a party state, shall be the underlying principle on which all ar-
16 ticles of this compact shall be understood.

17 On behalf of the Governor of each state participating in the compact,
18 the legally designated state official who is assigned responsibility for emer-
19 gency management will be responsible for formulation of the appropriate
20 interstate mutual aid plans and procedures necessary to implement this
21 compact.

1 *Article III. Party State Responsibilities*

2 A. It shall be the responsibility of each party state to formulate proce-
3 dural plans and programs for interstate cooperation in the performance of
4 the responsibilities listed in this article. In formulating such plans, and in
5 carrying them out, the party states, insofar as practical, shall:

6 1. Review individual state hazards analyses and, to the extent rea-
7 sonably possible, determine all those potential emergencies the party states

8 might jointly suffer, whether due to natural disaster, technological hazard,
9 man-made disaster, emergency aspects of resources shortages, civil disor-
10 ders, insurgency, or enemy attack;

11 2. Review party states' individual emergency plans and develop a
12 plan which will determine the mechanism for the interstate management
13 and provision of assistance concerning any potential emergency;

14 3. Develop interstate procedures to fill any identified gaps and to
15 resolve any identified inconsistencies or overlaps in existing or developed
16 plans;

17 4. Assist in warning communities adjacent to or crossing the state
18 boundaries;

19 5. Protect and assure uninterrupted delivery of services, medicines,
20 water, food, energy and fuel, search and rescue, and critical lifeline equip-
21 ment, services, and resources, both human and material;

22 6. Inventory and set procedures for the interstate loan and deliv-
23 ery of human and material resources, together with procedures for reim-
24 bursement or forgiveness; and

25 7. Provide, to the extent authorized by law, for temporary suspen-
26 sion of any statutes or ordinances that restrict the implementation of the
27 above responsibilities.

28 B. The authorized representative of a party state may request assis-
29 tance of another party state by contacting the authorized representative of
30 that state. The provisions of this compact shall only apply to requests for
31 assistance made by and to authorized representatives. Requests may be
32 verbal or in writing. If verbal, the request shall be confirmed in writing
33 within thirty days of the verbal request. Requests shall provide the follow-
34 ing information;

35 1. A description of the emergency service function for which assis-
36 tance is needed, including, but not limited to, fire services, law enforcement,
37 emergency medical, transportation, communications, public works and en-
38 gineering, building inspection, planning and information assistance, mass
39 care, resource support, health and medical services, and search and rescue;

40 2. The amount and type of personnel, equipment, materials and
41 supplies needed, and a reasonable estimate of the length of time they will
42 be needed; and

43 3. The specific place and time for staging of the assisting party's
44 response and a point of contact at that location.

45 C. There shall be frequent consultation between state officials who
46 have assigned emergency management responsibilities and other appro-
47 priate representatives of the party states with affected jurisdictions and
48 the United States Government, with free exchange of information, plans,
49 and resource records relating to emergency capabilities.

1 *Article IV. Limitations.*

2 Any party state requested to render mutual aid or conduct exercises
3 and training for mutual aid shall take such action as is necessary to pro-
4 vide and make available the resources covered by this compact in accor-
5 dance with the terms hereof; provided that it is understood that the state
6 rendering aid may withhold resources to the extent necessary to provide
7 reasonable protection for such state.

8 Each party state shall afford to the emergency forces of any party
9 state, while operating within its state limits under the terms and condi-
10 tions of this compact, the same powers, except that of arrest unless specifi-
11 cally authorized by the receiving state, duties, rights, and privileges as are
12 afforded forces of the state in which they are performing emergency ser-
13 vices. Emergency forces will continue under the command and control of
14 their regular leaders, but the organizational units will come under the op-
15 erational control of the emergency services authorities of the state receiv-
16 ing assistance. These conditions may be activated, as needed, only subse-
17 quent to a declaration of a state emergency or disaster by the governor of
18 the party state that is to receive assistance or upon commencement of exer-
19 cises or training for mutual aid and shall continue so long as the exercises
20 or training for mutual aid are in progress, the state of emergency or disas-
21 ter remains in effect, or loaned resources remain in the receiving state,
22 whichever is longer.

1 *Article V. Licenses and Permits.*

2 Whenever any person holds a license, certificate, or other permit is-
3 sued by any state party to the compact evidencing the meeting of qualifica-
4 tions for professional, mechanical, or other skills, and when such assistance
5 is requested by the receiving party state, such person shall be deemed li-
6 censed, certified, or permitted by the state requesting assistance to render
7 aid involving such skill to meet a declared emergency or disaster, subject to
8 such limitations and conditions as the Governor of the requesting state
9 may prescribe by executive order or otherwise.

1 *Article VI. Liability.*

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

1 Article VII. Supplemental Agreements.

2 Inasmuch as it is probable that the pattern and detail of the machin-
3 ery for mutual aid among two or more states may differ from that among
4 the states that are party hereto, this compact contains elements of a broad
5 base common to all states, and nothing herein shall preclude any state
6 entering into supplementary agreements with another state or affect any
7 other agreements already in force between states. Supplementary agree-
8 ments may comprehend, but shall not be limited to, provisions for evacua-
9 tion and reception of injured and other persons and the exchange of medi-
10 cal, fire, police, public utility, reconnaissance, welfare, transportation and
11 communications personnel, and equipment and supplies.

1 *Article VIII. Compensation.*

2 Each party state shall provide for the payment of compensation and
3 death benefits to injured members of the emergency forces of that state and
4 representatives of deceased members of such forces in case such members
5 sustain injuries or are killed while rendering aid pursuant to this compact,
6 in the same manner and on the same terms as if the injury or death were
7 sustained within their own state.

1 *Article IX. Reimbursement.*

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

1 Article X. Evacuation.

2 Plans for the orderly evacuation and interstate reception of portions
3 of the civilian population as the result of any emergency or disaster of suf-
4 ficient proportions to so warrant, shall be worked out and maintained be-
5 tween the party states and the emergency management/services directors
6 of the various jurisdictions where any type of incident requiring evacua-
7 tions might occur. Such plans shall be put into effect by request of the state
8 from which evacuees come and shall include the manner of transporting
9 such evacuees, the number of evacuees to be received in different areas, the
10 manner in which food, clothing, housing, and medical care will be provided,
11 the registration of the evacuees, the providing of facilities for the notifica-

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12 tion of relatives or friends, and the forwarding of such evacuees to other
13 areas or the bringing in of additional materials, supplies, and all other rel-
14 evant factors. Such plans shall provide that the party state receiving evacu-
15 ees and the party state from which the evacuees come shall mutually agree
16 as to reimbursement of out-of-pocket expenses incurred in receiving and
17 caring for such evacuees, for expenditures for transportation, food clothing,
18 medicines and medical care, and like items. Such expenditures shall be
19 reimbursed as agreed by the party state from which the evacuees come.
20 After the termination of the emergency or disaster, the party state from
21 which the evacuees come shall assume the responsibility for the ultimate
22 support of repatriation of such evacuees.

1 Article XI. Implementation.

2 (A) This compact shall become effective immediately upon its enact-
3 ment into law by any two states. Thereafter, this compact shall become
4 effective as to any other state upon enactment by such state.

5 (B) Any party state may withdraw from this compact by enacting a
6 statute repealing the same, but no such withdrawal shall take effect until
7 thirty days after the Governor of the withdrawing state has given notice in
8 writing of such withdrawal to the Governors of all other party states. Such
9 action shall not relieve the withdrawing state from obligations assumed
10 hereunder prior to the effective date of withdrawal.

11 (C) Duly authenticated copies of this compact and of such supplement-
12 ary agreements as may be entered into shall, at the time of their approval,
13 be deposited with each of the party states and with the Federal Emergency
14 Management Agency and other appropriate agencies of the United States
15 Government.

1 Article XII. Validity.

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

1 *Article XIII. Additional Provisions.*

2 Nothing in this compact shall authorize or permit the use of military
3 force by the National Guard of a state at any place outside that state in any
4 emergency for which the President is authorized by law to call into federal
5 service the militia, or for any purpose for which the use of the Army or the
6 Air Force would in the absence of express statutory authorization be pro-
7 hibited under Section 1385 of Title 18 of the United States Code.

1 Section 2. [*Effective Date.*] [Insert effective date.]