

State Government Committee

SB 5256

Brief Description: *Enacting the emergency management assistance compact.*

Sponsors: *By Senators Kastama and Regala.*

Brief Summary of Bill

- *Enacts the Emergency Management Assistance Compact providing mutual assistance between participating states in the event of declared emergencies and mutual cooperation between participating states in emergency-related exercises and training.*

Hearing Date: *3/19/01*

Staff: *Steve Lundin (786-7127).*

Background:

1. Emergency management.

The Governor, through the Adjutant General, has general supervision over the state's emergency management functions. The Governor is authorized to cooperate with the federal government and other states in implementing these authorities and may enter into mutual aid arrangements with other states and the provinces of Canada.

The Adjutant General is required to develop a comprehensive, all-hazard emergency plan for the state that includes an analysis of natural and man caused hazards and procedures to coordinate local and state resources in responding to such hazards. In the event of a disaster beyond local control, the Governor, through the Adjutant General, is responsible to assume operational control over all or any part of emergency management functions in the state.

Each county and city is required to establish a local organization for emergency management and prepare a local emergency management plan. The Adjutant General may allow two or more counties or cities to establish a single local organization. Local plans

are submitted to the Adjutant General for recommendations and certification with the state comprehensive emergency management plan. If the local organization does not agree with the recommendations, the matter is referred to the emergency management council for final action. The emergency management council consists of not more than 17 persons appointed by the Governor with membership from a variety of groups, including counties, cities, fire chiefs, emergency management directors, search and rescue volunteers, and medical experts.

2. Compacts between states.

Article I, Section 10, Clause 3, of the United States Constitution, provides that a state may not enter into a compact or agreement with another state without the consent of Congress.

Congress approved the Emergency Management Compact on October 15, 1996. Some 35 states and two territories have enacted the compact.

Summary of Bill:

The Emergency Management Assistance Compact is enacted. This compact provides for both:

- Mutual assistance between states that approve the compact in managing any emergency or disaster that has been declared by the Governors of the affected states, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack; and*
- Mutual cooperation in emergency-related exercises and training activities.*

The state must formulate procedural plans and programs for interstate cooperation that include, among other elements, procedures for loaning and delivery of human and material resources involved in such cooperation and procedures for reimbursement or forgiveness.

A request for assistance must be made by the authorized representative of a state and may be in writing or verbal, but if verbal the request must be confirmed in writing within 30 days.

A state party to the compact that is requested to render aid must take necessary actions, but it is recognized that the state may withhold resources if necessary to provide reasonable protection for itself.

Conditions on providing assistance include:

- The receiving state must be under a declaration of emergency by the Governor;*
- The emergency forces of a state operating in another state operate under the terms and conditions of emergency forces of the state in which they operate, except for the power of arrest unless specifically authorized by the receiving state;*

- *The emergency forces remain under the command and control of their regular leaders, but the organizational units are under the operational control of the emergency services authorities of the state receiving assistance;*
- *A person who renders assistance from one state, with a license, certificate, or other permit relating to professional, mechanical, or other skills, is deemed to be licensed, certified, or permitted by the state requesting the assistance, subject to limitations that may be prescribed by Governor of the requesting state; and*
- *Officers or employees of a party state rendering aid under the compact are considered to be agents of the requesting state for tort liability and immunity purposes.*

A party state may withdraw from the compact by enacting a statute repealing the compact, but a withdrawal may not take effect until 30 days after the Governor of the withdrawing state provides written notice of the withdrawal to the Governors of the other party states.

Rulemaking Authority: *No express authority.*

Appropriation: *None.*

Fiscal Note: *Available.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*