

WORKING DRAFT

HOUSE BILL NO. _____

Emergency Management Assistance Compact.

Sponsored by: Joint Transportation and Highways Interim Committee

A BILL

for

1 AN ACT relating to emergency management; entering into the
2 Emergency Management Assistance Compact; specifying
3 purposes, terms and conditions of compact; making
4 conforming amendments; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 19-13-401 through 19-13-414 are
9 created to read:

10

11

ARTICLE 4

12

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

13

14

19-13-401. Compact provisions.

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1 The Emergency Management Assistance Compact is enacted into
2 law and entered into with all other jurisdictions legally
3 joining therein in form substantially the same.

4

5 **19-13-402. Purposes and authorities.**

6

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

14

15 (b) The purpose of this compact is to provide for
16 mutual assistance between the states entering into this
17 compact in managing any emergency or disaster that is duly
18 declared by the governor of the affected state, whether
19 arising from natural disaster, technological hazard, man-
20 made disaster, civil emergency aspects of resources
21 shortages, community disorders, insurgency or enemy attack.

22

23 (c) This compact shall also provide for mutual
24 cooperation in emergency-related exercises, testing or other

1 training activities using equipment and personnel simulating
2 performance of any aspect of the giving and receiving of aid
3 by party states or subdivisions of party states during
4 emergencies, such actions occurring outside actual declared
5 emergency periods. Mutual assistance in this compact may
6 include the use of the states' national guard forces, either
7 in accordance with the National Guard Mutual Assistance
8 Compact or by mutual agreement between states.

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10 **19-13-403. General implementation.**

11
12 (a) Each party state entering into this compact
13 recognizes many emergencies transcend political
14 jurisdictional boundaries and that intergovernmental
15 coordination is essential in managing these and other
16 emergencies under this compact. Each state further
17 recognizes that there will be emergencies, which require
18 immediate access and present procedures to apply outside
19 resources to make a prompt and effective response to such an
20 emergency. This is because few, if any, individual states
21 have all the resources they may need in all types of
22 emergencies or the capability of delivering resources to
23 areas where emergencies exist.

24

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

9
10 (c) On behalf of the governor of each state
11 participating in the compact, the legally designated state
12 official who is assigned responsibility for emergency
13 management will be responsible for formulation of the
14 appropriate interstate mutual aid plans and procedures
15 necessary to implement this compact.

16
17 **19-13-404. Party state responsibilities.**

18
19 (a) It shall be the responsibility of each party state
20 to formulate procedural plans and programs for interstate
21 cooperation in the performance of the responsibilities
22 listed in this section. In formulating such plans, and in
23 carrying them out, the party states, insofar as practical,
24 shall:

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(i) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency or enemy attack;

(ii) Review party states' individual emergency plans and develop a plan, which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

(iii) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(iv) Assist in warning communities adjacent to or crossing the state boundaries;

(v) 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;

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2 (vi) Inventory and set procedures for the
3 interstate loan and delivery of human and material
4 resources, together with procedures for reimbursement or
5 forgiveness.

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7 (b) The authorized representative of a party state may
8 request assistance of another party state by contacting the
9 authorized representative of that state. The provisions of
10 this agreement shall only apply to requests for assistance
11 made by and to authorized representatives. Requests may be
12 verbal or in writing. If verbal, the request shall be
13 confirmed in writing within thirty (30) days of the verbal
14 request. Requests shall provide the following information:

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16 (i) A description of the emergency service
17 function for which assistance is needed, such as but not
18 limited to fire services, law enforcement, emergency
19 medical, transportation, communications, public works and
20 engineering, building inspection, planning and information
21 assistance, mass care, resource support, health and medical
22 services and search and rescue;

23

1 (ii) The amount and type of personnel, equipment,
2 materials and supplies needed and a reasonable estimate of
3 the length of time they will be needed;

4
5 (iii) The specific place and time for staging of
6 the assisting party's response and a point of contact at
7 that location.

8
9 (c) There shall be frequent consultation between state
10 officials who have assigned emergency management
11 responsibilities and other appropriate representatives of
12 the party states with affected jurisdictions and the United
13 States government, with free exchange of information, plans
14 and resource records relating to emergency capabilities.

15
16 **19-13-405. Limitations.**

17
18 Any party state requested to render mutual aid or conduct
19 exercises and training for mutual aid shall take such action
20 as is necessary to provide and make available the resources
21 covered by this compact in accordance with the terms hereof;
22 provided that it is understood that the state rendering aid
23 may withhold resources to the extent necessary to provide
24 reasonable protection for such state. Each party state shall

1 afford to the emergency forces of any party state, while
2 operating within its state limits under the terms and
3 conditions of this compact, the same powers (except that of
4 arrest unless specifically authorized by the receiving
5 state), duties, rights and privileges as are afforded forces
6 of the state in which they are performing emergency
7 services. Emergency forces will continue under the command
8 and control of their regular leaders, but the organizational
9 units will come under the operational control of the
10 emergency services authorities of the state receiving
11 assistance. These conditions may be activated, as needed,
12 only subsequent to a declaration of a state of emergency or
13 disaster by the governor of the party state that is to
14 receive assistance or commencement of exercises or training
15 for mutual aid and shall continue so long as the exercises
16 or training for mutual aid are in progress, the state of
17 emergency or disaster remains in effect or loaned resources
18 remain in an official capacity in the receiving state,
19 whichever is longer.

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21 **19-13-406. Licenses and permits.**

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23 Whenever any person holds a license, certificate or other
24 permit issued by any state party to the compact evidencing

1 the meeting of qualifications for professional, mechanical
2 or other skills, and when such assistance is requested by
3 the receiving party state, such person shall be deemed
4 licensed, certified or permitted by the state requesting
5 assistance to render aid involving such skill to meet a
6 declared emergency or disaster, subject to such limitations
7 and conditions as the governor of the requesting state may
8 prescribe by executive order or otherwise.

9
10 **19-13-407. Liability.**

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12 Officers or employees of a party state rendering aid in
13 another state pursuant to this compact shall be considered
14 agents of the requesting state for tort liability and
15 immunity purposes; and no party state or its officers or
16 employees rendering aid in another state pursuant to this
17 compact shall be liable on account of any act or omission
18 in good faith on the part of such forces while so engaged
19 or on account of the maintenance or use of any equipment or
20 supplies in connection therewith. Good faith in this
21 section shall not include willful misconduct, gross
22 negligence, or recklessness.

23
24 **19-13-408. Supplementary agreements.**

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

15

16 **19-13-409. Compensation.**

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

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19-13-410. Reimbursement.

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4 Any party state rendering aid in another state pursuant to
5 this compact shall be reimbursed by the party state
6 receiving such aid for any loss or damage to or expense
7 incurred in the operation of any equipment and the provision
8 of any service in answering a request for aid and for the
9 costs incurred in connection with such requests; provided,
10 that any aiding party state may assume in whole or in part
11 such loss, damage, expense or other cost, or may loan such
12 equipment or donate such services to the receiving party
13 state without charge or cost; and provided further, that any
14 two (2) or more party states may enter into supplementary
15 agreements establishing a different allocation of costs
16 among those states. Expenses under W.S. 19-13-409 shall not
17 be reimbursable under this provision.

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19-13-411. Evacuation.

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21 Plans for the orderly evacuation and interstate reception of
22 portions of the civilian population as the result of any
23 emergency or disaster of sufficient proportions to so
24 warrant, shall be worked out and maintained between the

1 party states and the emergency management/services directors
2 of the various jurisdictions where any type of incident
3 requiring evacuations might occur. Such plans shall be put
4 into effect by request of the state from which evacuees come
5 and shall include the manner of transporting such evacuees,
6 the number of evacuees to be received in different areas,
7 the manner in which food, clothing, housing and medical care
8 will be provided, the registration of the evacuees, the
9 providing of facilities for the notification of relatives or
10 friends, and the forwarding of such evacuees to other areas
11 or the bringing in of additional materials, supplies and all
12 other relevant factors. Such plans shall provide that the
13 party state receiving evacuees and the party state from
14 which the evacuees come shall mutually agree as to
15 reimbursement of out-of-pocket expenses incurred in
16 receiving and caring for such evacuees, for expenditures for
17 transportation, food, clothing, medicines and medical care
18 and like items. Such expenditures shall be reimbursed as
19 agreed by the party state from which the evacuees come.
20 After the termination of the emergency or disaster, the
21 party state from which the evacuees come shall assume the
22 responsibility for the ultimate support of repatriation of
23 such evacuees.

24

1 **19-13-412. Implementation.**

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3 (a) This compact shall become operative immediately
4 upon its enactment into law by any two (2) states;
5 thereafter, this compact shall become effective as to any
6 other state upon its enactment by such state.

7

8 (b) Any party state may withdraw from this compact by
9 enacting a statute repealing the same, but no such
10 withdrawal shall take effect until thirty (30) days after
11 the governor of the withdrawing state has given notice in
12 writing of such withdrawal to the governors of all other
13 party states. Such action shall not relieve the withdrawing
14 state from obligations assumed hereunder prior to the
15 effective date of withdrawal.

16

17 (c) Duly authenticated copies of this compact and of
18 such supplementary agreements as may be entered into shall,
19 at the time of their approval, be deposited with each of the
20 party states and with the federal emergency management
21 agency and other appropriate agencies of the United States
22 government.

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1 **19-13-413. Validity.**

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3 This act shall be construed to effectuate the purposes
4 stated in W.S. 19-13-402 hereof. If any provision of this
5 compact is declared unconstitutional, or the applicability
6 thereof to any person or circumstances is held invalid, the
7 constitutionality of the remainder of this act and the
8 applicability thereof to other persons and circumstances
9 shall not be affected thereby.

10

11 **19-13-414. Additional provisions.**

12

13 Nothing in this compact shall authorize or permit the use of
14 military force by the national guard of a state at any place
15 outside that state in any emergency for which the president
16 is authorized by law to call into federal service the
17 militia, or for any purpose for which the use of the Army or
18 the Air Force would in the absence of express statutory
19 authorization be prohibited under Section 1385 of Title 18,
20 United States Code.

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22 **Section 2.** W.S. 19-9-209(d) and 19-10-104(a)(i), (ii)
23 and by creating a new paragraph (iii) are amended to read:

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1 **19-9-209. Service in state; active duty status outside**
2 **of state; costs to state.**

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4 (d) Except for assistance provided in accordance with
5 the Emergency Management Assistance Compact, the service of
6 members to the requesting state shall be at no cost to the
7 state of Wyoming and all expenses incurred by the state of
8 Wyoming shall be the responsibility of the requesting state.
9 For assistance provided in accordance with the Emergency
10 Management Assistance Compact, the allocation of expenses
11 incurred by the state shall be determined by the governor of
12 this state and the legal representatives of other party
13 states as provided in W.S. 19-13-410 of that compact.

14
15 **19-10-104. Guard not required to serve outside state;**
16 **exceptions.**

17
18 (a) The Wyoming state guard is not required to serve
19 outside the boundaries of this state except:

20
21 (i) Upon request of the governor of another
22 state, the governor of this state may order any portion of
23 the force to assist the military or police forces of the
24 other state which are actually engaged in the defense of the

1 other state. The forces may be recalled at the discretion of
2 the governor of Wyoming;~~or~~

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4 (ii) As provided by W.S. 19-8-103(b);~~or~~ or

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6 (iii) As ordered by the governor of this state in
7 accordance with the provisions of the Emergency Management
8 Assistance Compact.

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10 **Section 3.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law
12 as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15

(END)