

HOUSE BILL NO. HB0108

Emergency Management Assistance Compact.

Sponsored by: Representative(s) Illoway and Ross and
Senator(s) Hanes

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:*

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8 **Section 1.** W.S. 19-13-401 is created to read:

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ARTICLE 4

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EMERGENCY MANAGEMENT ASSISTANCE COMPACT

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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 as follows:

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ARTICLE I

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Purposes and Authorities

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

14

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

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

1 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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ARTICLE II

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General Implementation

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13 Each party state entering into this compact recognizes many
14 emergencies transcend political jurisdictional boundaries
15 and that intergovernmental coordination is essential in
16 managing these and other emergencies under this compact.

17 Each state further recognizes that there will be emergencies
18 which require immediate access and present procedures to
19 apply outside resources to make a prompt and effective
20 response to such an emergency. This is because few, if any,
21 individual states have all the resources they may need in
22 all types of emergencies or the capability of delivering
23 resources to areas where emergencies exist.

24

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

8

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

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16 ARTICLE III

17 Party State Responsibilities

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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 article. 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;

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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.

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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.

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16 ARTICLE IV

17 Limitations

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

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

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ARTICLE V

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Licenses and Permits

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

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ARTICLE VI

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Liability

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15 Officers or employees of a party state rendering aid in
16 another state pursuant to this compact shall be considered
17 agents of the requesting state for tort liability and
18 immunity purposes. Any party state or its officers or
19 employees rendering aid in this state pursuant to this
20 compact shall be liable on account of any act or omission on
21 the part of such forces while so engaged or on account of
22 the maintenance or use of any equipment or supplies in
23 connection therewith in accordance with the provisions of
24 the Wyoming Governmental Claims Act.

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ARTICLE VII

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Supplementary Agreements

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

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ARTICLE VIII

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Compensation

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22 Each party state shall provide for the payment of
23 compensation and death benefits to injured members of the
24 emergency forces of that state and representatives of

1 deceased members of such forces in case such members sustain
2 injuries or are killed while rendering aid pursuant to this
3 compact, in the same manner and on the same terms as if the
4 injury or death were sustained within their own state.

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ARTICLE IX

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Reimbursement

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

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ARTICLE X

1 Evacuation

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

1 agreed by the party state from which the evacuees come.
2 After the termination of the emergency or disaster, the
3 party state from which the evacuees come shall assume the
4 responsibility for the ultimate support of repatriation of
5 such evacuees.

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ARTICLE XI

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Implementation

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10 (a) This compact shall become operative immediately
11 upon its enactment into law by any two (2) states;
12 thereafter, this compact shall become effective as to any
13 other state upon its enactment by such state.

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

23

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

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ARTICLE XII

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Validity

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

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ARTICLE XIII

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Additional Provisions

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22 Nothing in this compact shall authorize or permit the use of
23 military force by the national guard of a state at any place
24 outside that state in any emergency for which the president

1 is authorized by law to call into federal service the
2 militia, or for any purpose for which the use of the Army or
3 the Air Force would in the absence of express statutory
4 authorization be prohibited under Section 1385 of Title 18,
5 United States Code.

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7 **Section 2.** W.S. 19-9-209(d) and 19-10-104(a) are
8 amended to read:

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10 **19-9-209. Service in state; active duty status outside**
11 **of state; costs to state.**

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13 (d) Except for assistance provided in accordance with
14 the Emergency Management Assistance Compact, the service of
15 members to the requesting state shall be at no cost to the
16 state of Wyoming and all expenses incurred by the state of
17 Wyoming shall be the responsibility of the requesting state.
18 For assistance provided in accordance with the Emergency
19 Management Assistance Compact, the allocation of expenses
20 incurred by the state shall be determined by the governor of
21 this state and the legal representatives of other party
22 states as provided in article IX of that compact.

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1 **19-10-104. Guard not required to serve outside state;**
2 **exceptions.**

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4 (a) The Wyoming state guard is not required to serve
5 outside the boundaries of this state except:

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7 (i) Upon request of the governor of another
8 state, the governor of this state may order any portion of
9 the force to assist the military or police forces of the
10 other state which are actually engaged in the defense of the
11 other state. The forces may be recalled at the discretion of
12 the governor of Wyoming;~~or~~

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14 (ii) As ordered by the governor of this state in
15 accordance with the provisions of the Emergency Management
16 Assistance Compact;

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18 ~~(ii)~~ (iii) As provided by W.S. 19-8-103(b).

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

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(END)