

HOUSE BILL NO. HB0019

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.**

15

16 The Emergency Management Assistance Compact is enacted into
17 law and entered into with all other jurisdictions legally

1 joining therein in form substantially the same. W.S.
2 19-13-401 through 19-13-414 shall be known and may be cited
3 as the "Emergency Management Assistance Compact."
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 or emergency aspects of resource shortages.
21

22 (c) This compact shall also provide for mutual
23 cooperation in emergency-related exercises, testing or other
24 training activities using equipment and personnel simulating

1 performance of any aspect of the giving and receiving of aid
2 by party states or subdivisions of party states during
3 emergencies for actions occurring outside actual declared
4 emergency periods. Mutual assistance in this compact may
5 include the use of the states' national guard forces, either
6 in accordance with the National Guard Mutual Assistance
7 Compact or by mutual agreement between states, provided
8 however, mutual assistance or cooperation shall be limited
9 to civil uses essential to the safety, care and welfare of
10 the people and shall not include a request for or response
11 by national guard forces under arms.

12

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

14

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

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

3

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

12

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

19

20 **19-13-404. Party state responsibilities.**

21

22 (a) It shall be the responsibility of each party state
23 to formulate procedural plans and programs for interstate
24 cooperation in the performance of the responsibilities

1 listed in this section. In formulating the plans, and in
2 carrying them out, the party states, insofar as practical,
3 shall:

4

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

11

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

16

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

20

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

23

1 (v) Protect and assure uninterrupted delivery of
2 services, medicines, water, food, energy and fuel, search
3 and rescue, and critical lifeline equipment, services and
4 resources, both human and material;

5

6 (vi) Inventory and set procedures for the
7 interstate loan and delivery of human and material
8 resources, together with procedures for reimbursement or
9 forgiveness.

10

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

19

20 (i) A description of the emergency service
21 function for which assistance is needed, including but not
22 limited to fire services, law enforcement, emergency
23 medical, transportation, communications, public works and
24 engineering, building inspection, planning and information

1 assistance, mass care, resource support, health and medical
2 services and search and rescue;

3

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

7

8 (iii) The specific place and time for staging of
9 the assisting party's response and a point of contact at
10 that location.

11

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

18

19 **19-13-405. Limitations.**

20

21 Any party state requested to render mutual aid or conduct
22 exercises and training for mutual aid shall take the action
23 necessary to provide and make available the resources
24 covered by this compact in accordance with the terms hereof;

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

23

24 **19-13-406. Licenses and permits.**

1

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

12

13 **19-13-407. Liability.**

14

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 for any act or omission on the part
21 of the forces while so engaged or for the maintenance or
22 use of any equipment or supplies in connection therewith in
23 accordance with the provisions of the Wyoming Governmental
24 Claims Act.

1

2 **19-13-408. Supplementary agreements.**

3

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

17

18 **19-13-409. Compensation.**

19

20 Each party state shall provide for the payment of
21 compensation and death benefits to injured members of the
22 emergency forces of that state and representatives of
23 deceased members of the forces in case the members sustain
24 injuries or are killed while rendering aid pursuant to this

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

3

4 **19-13-410. Reimbursement.**

5

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

20

21 **19-13-411. Evacuation.**

22

23 Plans for the orderly evacuation and interstate reception of
24 portions of the civilian population as the result of any

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

1 responsibility for the ultimate support of repatriation of
2 the evacuees.

3

4 **19-13-412. Implementation.**

5

6 (a) This compact shall become operative immediately
7 upon its enactment into law by any two (2) states;
8 thereafter, this compact shall become effective for any
9 other state upon its enactment by that state.

10

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

19

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

1

2 **19-13-413. Validity.**

3

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

11

12 **19-13-414. Additional provisions.**

13

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
16 outside that state in any emergency for which the president
17 is authorized by law to call into federal service the
18 militia, or for any purpose for which the use of the Army or
19 the Air Force would in the absence of express statutory
20 authorization be prohibited under Section 1385 of Title 18,
21 United States Code.

22

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

1

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

4

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

15

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

18

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

21

22 (i) Upon request of the governor of another
23 state, the governor of this state may order any portion of
24 the force to assist the military or police forces of the

1 other state which are actually engaged in the defense of the
2 other state. The forces may be recalled at the discretion of
3 the governor of Wyoming;~~or~~

4

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

6

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

10

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

15

16 (END)