

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.

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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, emergency aspects of resource shortages,
21 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.

9

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:

1

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

8

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

13

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

17

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

20

21 (v) Protect and assure uninterrupted delivery of
22 services, medicines, water, food, energy and fuel, search
23 and rescue, and critical lifeline equipment, services and
24 resources, both human and material;

1

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;

6

7 (vii) Provide, to the extent authorized by law,
8 for temporary suspension of any statutes or ordinances that
9 restrict the implementation of the responsibilities
10 specified in this section.

11

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

20

21 (i) A description of the emergency service
22 function for which assistance is needed, such as but not
23 limited to fire services, law enforcement, emergency
24 medical, transportation, communications, public works and

1 engineering, building inspection, planning and information
2 assistance, mass care, resource support, health and medical
3 services and search and rescue;

4

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

8

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

12

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

19

20 **19-13-405. Limitations.**

21

22 Any party state requested to render mutual aid or conduct
23 exercises and training for mutual aid shall take such action
24 as is necessary to provide and make available the resources

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

24

1 **19-13-406. Licenses and permits.**

2

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

13

14 **19-13-407. Liability.**

15

16 Officers or employees of a party state rendering aid in
17 another state pursuant to this compact shall be considered
18 agents of the requesting state for tort liability and
19 immunity purposes; and no party state or its officers or
20 employees rendering aid in another state pursuant to this
21 compact shall be liable on account of any act or omission
22 in good faith on the part of such forces while so engaged
23 or on account of the maintenance or use of any equipment or
24 supplies in connection therewith. Good faith in this

1 section shall not include willful misconduct, gross
2 negligence, or recklessness.

3

4 **19-13-408. Supplementary agreements.**

5

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

19

20 **19-13-409. Compensation.**

21

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.

5

6 **19-13-410. Reimbursement.**

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

22

23 **19-13-411. Evacuation.**

24

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

1 party state from which the evacuees come shall assume the
2 responsibility for the ultimate support of repatriation of
3 such evacuees.

4

5 **19-13-412. Implementation.**

6

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

11

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

20

21 (c) Duly authenticated copies of this compact and of
22 such supplementary agreements as may be entered into shall,
23 at the time of their approval, be deposited with each of the
24 party states and with the federal emergency management

1 agency and other appropriate agencies of the United States
2 government.

3

4 **19-13-413. Validity.**

5

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

13

14 **19-13-414. Additional provisions.**

15

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

24

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

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4 **19-9-209. Service in state; active duty status outside**
5 **of state; costs to state.**

6

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

17

18 **19-10-104. Guard not required to serve outside state;**
19 **exceptions.**

20

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

23

