

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 410

Short Title: Emergency Management Compact/AB.

(Public)

---

Sponsors: Representatives Thompson; Justus, Kiser, and Sexton.

---

Referred to: State Government.

---

March 6, 1997

A BILL TO BE ENTITLED

AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 166A of the General Statutes is amended by adding a new Article to read:

**“ARTICLE 4.**

**"EMERGENCY MANAGEMENT ASSISTANCE COMPACT.**

**"§ 166A-34. Title of Article; entering into Compact.**

(a) This Article may be cited as the Emergency Management Assistance Compact.

(b) The Emergency Management Assistance Compact, hereinafter ‘Compact’, is hereby enacted into law and entered into by this State with all other states legally joining therein, in the form substantially as set forth in this Article. This Compact is made and entered into by and between the party states which enact this Compact. For the purposes of this Article, the term ‘states’ means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions and the term ‘party states’ means the participating member states which enact and enter into this Compact.

**"§ 166A-35. Purposes and authorities.**

1       (a) The purpose of this Compact is to provide for mutual assistance between the  
2 party states in managing any emergency or disaster that is duly declared by the governor  
3 of the affected state or states, whether arising from natural disaster, technological hazard,  
4 man-made disaster, civil emergency aspects of resources shortages, community disorders,  
5 insurgency, or enemy attack.

6       (b) This Compact shall also provide for mutual cooperation in emergency-related  
7 exercises, testing, or other training activities using equipment and personnel simulating  
8 performance of any aspect of the giving and receiving of aid by party states or  
9 subdivisions of party states during emergencies, such actions occurring outside actual  
10 declared emergency periods. Mutual assistance in this Compact may include the use of  
11 the states' national guard forces, either in accordance with the National Guard Mutual  
12 Assistance Compact or by mutual agreement between states.

13 **"§ 166A-36. General implementation.**

14       (a) Each party state recognizes that many emergencies transcend political  
15 jurisdictional boundaries and that intergovernmental coordination is essential in  
16 managing these and other emergencies under this Compact. Each party state further  
17 recognizes that there will be emergencies that require immediate access and present  
18 procedures to apply outside resources to respond to emergencies effectively and  
19 promptly. This is because few, if any, individual states have all the resources that they  
20 may need in all types of emergencies or the capability of delivering resources to areas  
21 where emergencies exist.

22       (b) The prompt, full, and effective utilization of resources of the participating  
23 states, including any resources on hand or available from the federal government or any  
24 other source, that are essential to the safety, care, and welfare of the people in the event  
25 of any emergency or disaster declared by a party state, shall be the underlying principle  
26 on which all articles of this Compact shall be understood.

27       (c) On behalf of the governor of each party state, the legally designated state  
28 official who is assigned responsibility for emergency management shall be responsible  
29 for formulation of the appropriate interstate mutual aid plans and procedures necessary to  
30 implement this Compact.

31 **"§ 166A-37. Party state responsibilities.**

32       (a) It shall be the responsibility of each party state to formulate procedural plans  
33 and programs for interstate cooperation in the performance of the responsibilities listed in  
34 this Article. In formulating the plans, and in carrying them out, the party states, insofar  
35 as practicable, shall:

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

41           (2) Review the party states' individual emergency plans and develop a plan  
42 that will determine the mechanism for the interstate management and  
43 provision of assistance concerning any potential emergency.

- 1           (3) Develop interstate procedures to fill any identified gaps and to resolve  
2 any identified inconsistencies or overlaps in existing or developed plans.  
3           (4) Assist in warning communities adjacent to or crossing the state  
4 boundaries.  
5           (5) Protect and assure uninterrupted delivery of services, medicines, water,  
6 food, energy and fuel, search and rescue, and critical lifeline equipment  
7 services, and resources, both human and material.  
8           (6) Inventory and set procedures for the interstate loan and delivery of  
9 human and material resources, together with procedures for  
10 reimbursement or forgiveness.  
11           (7) Provide, to the extent authorized by law, for temporary suspension of  
12 any statutes or ordinances that restrict the implementation of the above  
13 responsibilities.

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

- 20           (1) A description of the emergency service function for which assistance is  
21 needed, including fire services, law enforcement, emergency medical,  
22 transportation, communications, public works and engineering, building  
23 inspection, planning and information assistance, mass care, resource  
24 support, health and medical services, and search and rescue.  
25           (2) The amount and type of personnel, equipment, materials and supplies  
26 needed, and a reasonable estimate of the length of time they will be  
27 needed.  
28           (3) The specific place and time for staging of the assisting party's response  
29 and a point of contact at that location.

30       (c) There shall be frequent consultation between state officials who have assigned  
31 emergency management responsibilities and other appropriate representatives of the party  
32 states with affected jurisdictions and the federal government, with free exchange of  
33 information, plans, and resource records relating to emergency capabilities.

34 **"§ 166A-38. Limitations.**

35       (a) Any party state requested to render mutual aid or conduct exercises and  
36 training for mutual aid shall take such action as is necessary to provide and make  
37 available the resources covered by this Compact in accordance with the terms hereof;  
38 provided that the state rendering aid may withhold resources to the extent necessary to  
39 provide reasonable protection for such state.

40       (b) Each party state shall afford to the emergency forces of any party state while  
41 operating within its state limits under the terms and conditions of this Compact, the same  
42 powers (except that of arrest unless specifically authorized by the receiving state), duties,  
43 rights, and privileges as are afforded forces of the state in which they are performing

1 emergency services. Emergency forces will continue under the command and control of  
2 their regular leaders, but the organizational units will come under the operational control  
3 of the emergency services authorities of the state receiving assistance. These conditions  
4 may be activated, as needed, only subsequent to a declaration of a state of emergency or  
5 disaster by the governor of the party state that is to receive assistance or commencement  
6 of exercises or training for mutual aid and shall continue so long as the exercises or  
7 training for mutual aid are in progress, the state of emergency or disaster remains in  
8 effect, or loaned resources remain in the receiving state or states, whichever is longer.

9 **"§ 166A-39. Licenses and permits.**

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

17 **"§ 166A-40. Liability.**

18 Officers or employees of a party state rendering aid in another state pursuant to this  
19 Compact shall be considered agents of the requesting state for tort liability and immunity  
20 purposes; and no party state or its officers or employees rendering aid in another state  
21 pursuant to this Compact shall be liable for any act or omission occurring as a result of a  
22 good faith attempt to render aid or as a result of the use of any equipment or supplies  
23 used in connection with an attempt to render aid. For the purposes of this Article, 'good  
24 faith' does not include willful misconduct, gross negligence, or recklessness.

25 **"§ 166A-41. Supplementary agreements.**

26 Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid  
27 among two or more states may differ from that among the states that are party hereto, this  
28 instrument contains elements of a broad base common to all states, and nothing herein  
29 contained shall preclude any state from entering into supplementary agreements with  
30 another state or affect any other agreements already in force between states.  
31 Supplementary agreements may comprehend, but shall not be limited to, provisions for  
32 evacuation and reception of injured and other persons and the exchange of medical, fire,  
33 police, public utility, reconnaissance, welfare, transportation and communications  
34 personnel, and equipment and supplies.

35 **"§ 166A-42. Compensation.**

36 Each party state shall provide for the payment of compensation and death benefits to  
37 injured members of the emergency forces of that state and representatives of deceased  
38 members of the forces in case the members sustain injuries or are killed while rendering  
39 aid pursuant to this Compact, in the same manner and on the same terms as if the injury  
40 or death were sustained within their own state.

41 **"§ 166A-43. Reimbursement.**

42 Any party state rendering aid in another state pursuant to this Compact shall be  
43 reimbursed by the party state receiving the aid for any loss or damage to or expense

1 incurred in the operation of any equipment and the provision of any service in answering  
2 a request for aid and for the costs incurred in connection with the requests; provided, that  
3 any aiding party state may assume in whole or in part the loss, damage, expense, or other  
4 cost, or may loan the equipment or donate the services to the receiving party state without  
5 charge or cost; and provided further, that any two or more party states may enter into  
6 supplementary agreements establishing a different allocation of costs among those states.

7 **"§ 166A-44. Evacuation.**

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

25 **"§ 166A-45. Effective date.**

26 (a) This Compact shall become operative immediately upon its enactment into law  
27 by any two states; thereafter, this Compact shall become effective as to any other state  
28 upon its enactment by the state.

29 (b) Any party state may withdraw from this Compact by enacting a statute  
30 repealing the same, but no withdrawal shall take effect until 30 days after the governor of  
31 the withdrawing state has given notice in writing of the withdrawal to the governors of all  
32 other party states. The action shall not relieve the withdrawing state from obligations  
33 assumed hereunder prior to the effective date of withdrawal.

34 (c) Duly authenticated copies of this Compact and of any supplementary  
35 agreements as may be entered into shall, at the time of their approval, be deposited with  
36 each of the party states and with the Federal Emergency Management Agency and other  
37 appropriate agencies of the federal government.

38 **"§ 166A-46. Validity.**

39 If any provision of this Compact is declared unconstitutional, or the applicability  
40 thereof to any person or circumstances is held invalid, the constitutionality of the  
41 remainder of this act and the applicability thereof to other persons and circumstances  
42 shall not be affected thereby.

43 **"§ 166A-47. Additional provisions.**

1        Nothing in this Compact shall authorize or permit the use of military force by the  
2 national guard of a state at any place outside that state in any emergency for which the  
3 President is authorized by law to call into federal service the militia, or for any purpose  
4 for which the use of the Army or the Air Force would in the absence of express statutory  
5 authorization be prohibited under section 1385 of Title 18, United States Code."

6                Section 2. This act is effective when it becomes law.