

As Introduced

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Hollister**

A B I L L

To enact section 5502.40 of the Revised Code to 1
establish the Emergency Management Assistance 2
Compact in law and to enter into the compact with 3
all other jurisdictions legally joining in it. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5502.40 of the Revised Code be 5
enacted to read as follows: 6

Sec. 5502.40. The emergency management assistance compact is 7
hereby ratified, enacted into law, and entered into with all other 8
jurisdictions legally joining in it, in the following form: 9

"ARTICLE I - PURPOSE AND AUTHORITIES 10

This compact is made and entered into by and between the 11
participating member states which enact this compact, hereinafter 12
called party states. For the purposes of this agreement, the term 13
"states" is taken to mean the several states, the Commonwealth of 14
Puerto Rico, the District of Columbia, and all U.S. territorial 15
possessions. 16

The purpose of this compact is to provide for mutual 17
assistance between the states entering into this compact in 18

managing any emergency or disaster that is duly declared by the
governor of the affected state(s), whether arising from natural
disaster, technological hazard, man-made disaster, civil emergency
aspects of resources shortages, community disorders, insurgency,
or enemy attack.

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

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ARTICLE II - GENERAL IMPLEMENTATION

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

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The prompt, full, and effective utilization of resources of
the participating states, including any resources on hand or
available for the Federal Government or any other source, that are
essential to the safety, care, and welfare of the people in the
event of any emergency or disaster declared by a party state,
shall be the underlying principle on which all articles of this
compact shall be understood.

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

ARTICLE III - PARTY STATE RESPONSIBILITIES

(A) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(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.

(vi) Inventory and set procedures for the interstate loan and

delivery of human and material resources, together with procedures
for reimbursement or forgiveness.

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(vii) Provide, to the extent authorized by law, for temporary
suspension of any statutes or ordinances that restrict the
implementation of the above responsibilities.

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

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

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

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

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

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ARTICLE IV - LIMITATIONS

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Any party state requested to render mutual aid or conduct 114
exercises and training for mutual aid shall take such action as is 115
necessary to provide and make available the resources covered by 116
this compact in accordance with the terms hereof; provided that it 117
is understood that the state rendering aid may withhold resources 118
to the extent necessary to provide reasonable protection for such 119
state. Each party state shall afford to the emergency forces of 120
any party state, while operating within its state limits under the 121
terms and conditions of this compact, the same powers (except that 122
of arrest unless specifically authorized by the receiving state), 123
duties, rights, and privileges as are afforded forces of the state 124
in which they are performing emergency services. Emergency forces 125
will continue under the command and control of their regular 126
leaders, but the organizational units will come under the 127
operational control of the emergency services authorities of the 128
state receiving assistance. These conditions may be activated, as 129
needed, only subsequent to a declaration of a state of emergency 130
or disaster by the governor of the party state that is to receive 131
assistance or commencement of exercises or training for mutual aid 132
and shall continue so long as the exercises or training for mutual 133
aid are in progress, the state of emergency or disaster remains in 134
effect or loaned resources remain in the receiving state(s), 135
whichever is longer. 136

ARTICLE V - LICENSES AND PERMITS

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Whenever any person holds a license, certificate, or other 138
permit issued by any state party to the compact evidencing the 139
meeting of qualifications for professional, mechanical, or other 140
skills, and when such assistance is requested by the receiving 141
party state, such person shall be deemed licensed, certified, or 142
permitted by the state requesting assistance to render aid 143
involving such skill to meet a declared emergency or disaster, 144

subject to such limitations and conditions as the governor of the
requesting state may prescribe by executive order or otherwise.

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ARTICLE VI - LIABILITY

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

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ARTICLE VII - SUPPLEMENTARY AGREEMENTS

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

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ARTICLE VIII - COMPENSATION

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

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same manner and on the same terms as if the injury or death were
sustained within their own state.

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ARTICLE IX - REIMBURSEMENT

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

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ARTICLE X - EVACUATION

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Plans for the orderly evacuation and interstate reception of
portions of the civilian population as the result of any emergency
or disaster of sufficient proportions to so warrant, shall be
worked out and maintained between the party states and the
emergency management/services directors of the various
jurisdictions where any type of incident requiring evacuations
might occur. Such plans shall be put into effect by request of the
state from which evacuees come and shall include the manner of
transporting such evacuees, the number of evacuees to be received
in different areas, the manner in which food, clothing, housing,
and medical care will be provided, the registration of the
evacuees, the providing of facilities for the notification of
relatives or friends, and the forwarding of such evacuees to other
areas or the bringing in of additional materials, supplies, and
all other relevant factors. Such plans shall provide that the

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party state receiving evacuees and the party state from which the 209
evacuees come shall mutually agree as to reimbursement of 210
out-of-pocket expenses incurred in receiving and caring for such 211
evacuees, for expenditures for transportation, food, clothing, 212
medicines and medical care, and like items. Such expenditures 213
shall be reimbursed as agreed by the party state from which the 214
evacuees come. After the termination of the emergency or disaster, 215
the party state from which the evacuees come shall assume the 216
responsibility for the ultimate support of repatriation of such 217
evacuees. 218

ARTICLE XI - IMPLEMENTATION 219

(A) This compact shall become operative immediately upon its 220
enactment into law by any two (2) states; thereafter, this compact 221
shall become effective as to any other state upon its enactment by 222
such state. 223

(B) Any party state may withdraw from this compact by 224
enacting a statute repealing the same, but no such withdrawal 225
shall take effect until 30 days after the governor of the 226
withdrawing state has given notice in writing of such withdrawal 227
to the governors of all other party states. Such action shall not 228
relieve the withdrawing state from obligations assumed hereunder 229
prior to the effective date of withdrawal. 230

(C) Duly authenticated copies of this compact and of such 231
supplementary agreements as may be entered into shall, at the time 232
of their approval, be deposited with each of the party states and 233
with the Federal Emergency Management Agency and other appropriate 234
agencies of the United States Government. 235

ARTICLE XII - VALIDITY 236

This Act shall be construed to effectuate the purposes stated 237
in Article I hereof. If any provision of this compact is declared 238
unconstitutional, or the applicability thereof to any person or 239
circumstances is held invalid, the constitutionality of the 240

remainder of this act and the applicability thereof to other 241
persons and circumstances shall not be affected thereby. 242

ARTICLE XIII - ADDITIONAL PROVISIONS 243

Nothing in this compact shall authorize or permit the use of 244
military force by the National Guard of a state at any place 245
outside that state in any emergency for which the President is 246
authorized by law to call into federal service the militia, or for 247
any purpose for which the use of the Army or the Air Force would 248
in the absence of express statutory authorization be prohibited 249
under Section 1385 of title 18, United States Code." 250