

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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**REPRESENTATIVES Webster, Flowers, Calvert, Seitz, Allen, Sullivan, Jerse,
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Barnes, Key, Redfern, Krupinski, Rhine, Woodard
SENATORS Mead, Robert Gardner, Goodman, Coughlin**

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, to enter into the Compact with all 3
other jurisdictions legally joining in it, and to 4
declare an emergency. 5

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

Section 1. That section 5502.40 of the Revised Code be 6
enacted to read as follows: 7

Sec. 5502.40. The emergency management assistance compact is 8
hereby ratified, enacted into law, and entered into with all other 9
jurisdictions legally joining in it, in the following form: 10

"ARTICLE I - PURPOSE AND AUTHORITIES 11

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This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions. 12 13 14 15 16 17

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in 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. 18 19 20 21 22 23 24

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. 25 26 27 28 29 30 31 32 33

ARTICLE II - GENERAL IMPLEMENTATION 34

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 35 36 37 38 39 40 41 42 43

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delivering resources to areas where emergencies exist. 44

The prompt, full, and effective utilization of resources of 45
the participating states, including any resources on hand or 46
available from the Federal Government or any other source, that 47
are essential to the safety, care, and welfare of the people in 48
the event of any emergency or disaster declared by a party state, 49
shall be the underlying principle on which all articles of this 50
compact shall be understood. 51

On behalf of the governor of each state participating in the 52
compact, the legally designated state official who is assigned 53
responsibility for emergency management will be responsible for 54
formulation of the appropriate interstate mutual aid plans and 55
procedures necessary to implement this compact. 56

ARTICLE III - PARTY STATE RESPONSIBILITIES 57

(A) It shall be the responsibility of each party state to 58
formulate procedural plans and programs for interstate cooperation 59
in the performance of the responsibilities listed in this article. 60
In formulating such plans, and in carrying them out, the party 61
states, insofar as practical, shall: 62

(i) Review individual state hazards analyses and, to the 63
extent reasonably possible, determine all those potential 64
emergencies the party states might jointly suffer, whether due to 65
natural disaster, technological hazard, man-made disaster, 66
emergency aspects of resource shortages, civil disorders, 67
insurgency, or enemy attack. 68

(ii) Review party states' individual emergency plans and 69
develop a plan which will determine the mechanism for the 70
interstate management and provision of assistance concerning any 71
potential emergency. 72

(iii) Develop interstate procedures to fill any identified 73
gaps and to resolve any identified inconsistencies or overlaps in 74

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<u>existing or developed plans.</u>	75
<u>(iv) Assist in warning communities adjacent to or crossing the state boundaries.</u>	76
<u>(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.</u>	78
<u>(vi) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.</u>	82
<u>(vii) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.</u>	85
<u>(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:</u>	88
<u>(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.</u>	96
<u>(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.</u>	102

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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. 105
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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. 108
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ARTICLE IV - LIMITATIONS 114

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

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ARTICLE V - LICENSES AND PERMITS

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

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exchange of medical, fire, police, public utility, reconnaissance, 169
welfare, transportation and communications personnel, and 170
equipment and supplies. 171

ARTICLE VIII - COMPENSATION 172

Each party state shall provide for the payment of 173
compensation and death benefits to injured members of the 174
emergency forces of that state and representatives of deceased 175
members of such forces in case such members sustain injuries or 176
are killed while rendering aid pursuant to this compact, in the 177
same manner and on the same terms as if the injury or death were 178
sustained within their own state. 179

ARTICLE IX - REIMBURSEMENT 180

Any party state rendering aid in another state pursuant to 181
this compact shall be reimbursed by the party state receiving such 182
aid for any loss or damage to or expense incurred in the operation 183
of any equipment and the provision of any service in answering a 184
request for aid and for the costs incurred in connection with such 185
requests; provided, that any aiding party state may assume in 186
whole or in part such loss, damage, expense, or other cost, or may 187
loan such equipment or donate such services to the receiving party 188
state without charge or cost; and provided further, that any two 189
or more party states may enter into supplementary agreements 190
establishing a different allocation of costs among those states. 191
Article VIII expenses shall not be reimbursable under this 192
provision. 193

ARTICLE X - EVACUATION 194

Plans for the orderly evacuation and interstate reception of 195
portions of the civilian population as the result of any emergency 196
or disaster of sufficient proportions to so warrant, shall be 197
worked out and maintained between the party states and the 198
emergency management/services directors of the various 199
jurisdictions where any type of incident requiring evacuations 200

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

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ARTICLE XI - IMPLEMENTATION

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

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

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(C) Duly authenticated copies of this compact and of such

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supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

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ARTICLE XII - VALIDITY

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

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ARTICLE XIII - ADDITIONAL PROVISIONS

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

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Section 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity lies in the fact that the recent terrorist attacks in New York City and Washington, D.C., indicate that emergency fire, medical services, law enforcement, and other personnel are often needed to respond quickly to disasters outside state boundaries, and, thus, it is fitting that Ohio, as soon as possible, enter into an interstate compact that establishes procedures for the use of emergency personnel outside state boundaries. Therefore, this act shall go into immediate effect.

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