

2013 -- H 5612 SUBSTITUTE A

=====
LC01494/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT

Introduced By: Representatives Azzinaro, Corvese, Gallison, Fellela, and Kennedy

Date Introduced: February 27, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 30-15 of the General Laws entitled "Emergency Management" is
2 hereby amended by adding thereto the following section:

3 **30-15-44. International emergency management assistance compact. -- The**
4 **International Emergency Management Assistance Compact is hereby entered into and enacted**
5 **into law with any and all of the states legally joining therein in the form substantially as follows:**

6 Article I Purpose and Authorities - The International Emergency Management Assistance
7 Memorandum of Understanding, hereinafter referred to as the "compact," is made and entered
8 into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter
9 referred to as "party jurisdictions." For the purposes of this agreement, the term "jurisdictions"
10 may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode
11 Island, and Connecticut and the Provinces of Québec, New Brunswick, Prince Edward Island,
12 Nova Scotia and Newfoundland and Labrador, and such other states and provinces as may
13 hereafter become a party to this compact.

14 The purpose of this compact is to provide for the possibility of mutual assistance among
15 the jurisdictions entering into this compact in managing any emergency or disaster when the
16 affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster,
17 technological hazard, man-made disaster or civil emergency aspects of resource shortages.

18 This compact also provides for the process of planning mechanisms among the agencies
19 responsible and for mutual cooperation, including, if need be, emergency-related exercises,

1 testing, or other training activities using equipment and personnel simulating performance of any
2 aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party
3 jurisdictions during emergencies, with such actions occurring outside actual declared emergency
4 periods. Mutual assistance in this compact may include the use of emergency forces by mutual
5 agreement among party jurisdictions.

6 Article II General Implementation - Each party jurisdiction entering into this compact
7 recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that
8 intergovernmental cooperation is essential in such circumstances. Each jurisdiction further
9 recognizes that there will be emergencies that may require immediate access and present
10 procedures to apply outside resources to make a prompt and effective response to such an
11 emergency because few, if any, individual jurisdictions have all the resources they need in all
12 types of emergencies or the capability of delivering resources to areas where emergencies exist.

13 The prompt, full and effective utilization of resources of the participating jurisdictions,
14 including any resources on hand or available from any other source that are essential to the safety,
15 care and welfare of the people in the event of any emergency or disaster, shall be the underlying
16 principle on which all articles of this compact are understood.

17 On behalf of the party jurisdictions participating in the compact, the legally designated
18 official who is assigned responsibility for emergency management is responsible for formulation
19 of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement
20 this compact, and for recommendations to the jurisdiction concerned with respect to the
21 amendment of any statutes, regulations or ordinances required for that purpose.

22 Article III Party Jurisdiction Responsibilities - (a) Formulate plans and programs. It is the
23 responsibility of each party jurisdiction to formulate procedural plans and programs for inter-
24 jurisdictional cooperation in the performance of the responsibilities listed in this section. In
25 formulating and implementing such plans and programs the party jurisdictions, to the extent
26 practical, shall:

27 (1) Review individual jurisdiction hazards analyses that are available and, to the extent
28 reasonably possible, determine all those potential emergencies the party jurisdictions might
29 jointly suffer, whether due to natural disaster, technological hazard, man-made disaster or
30 emergency aspects of resource shortages;

31 (2) Initiate a process to review party jurisdictions' individual emergency plans and
32 develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

33 (3) Develop inter-jurisdictional procedures to fill any identified gaps and to resolve any
34 identified inconsistencies or overlaps in existing or developed plans;

1 (4) Assist in warning communities adjacent to or crossing jurisdictional boundaries;

2 (5) Protect and ensure delivery of services, medicines, water, food, energy and fuel,
3 search and rescue and critical lifeline equipment, services and resources, both human and material
4 to the extent authorized by law;

5 (6) Inventory and agree upon procedures for the inter-jurisdictional loan and delivery of
6 human and material resources, together with procedures for reimbursement or forgiveness; and

7 (7) Provide, to the extent authorized by law, for temporary suspension of any statutes or
8 ordinances, over which the province or state has jurisdiction, that impede the implementation of
9 the responsibilities described in this subsection.

10 (b) Request assistance. The authorized representative of a party jurisdiction may request
11 assistance of another party jurisdiction by contacting the authorized representative of that
12 jurisdiction. These provisions only apply to requests for assistance made by and to authorized
13 representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in
14 writing within fifteen (15) days of the verbal request. Requests must provide the following
15 information:

16 (1) A description of the emergency service function for which assistance is needed and of
17 the mission or missions, including, but not limited to, fire services, emergency medical,
18 transportation, communications, public works and engineering, building inspection, planning and
19 information assistance, mass care, resource support, health and medical services and search and
20 rescue;

21 (2) The amount and type of personnel, equipment, materials and supplies needed and a
22 reasonable estimate of the length of time they will be needed; and

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

25 (c) Consultation among party jurisdiction officials. There shall be frequent consultation
26 among the party jurisdiction officials who have assigned emergency management responsibilities,
27 such officials collectively known hereinafter as the International Emergency Management Group,
28 and other appropriate representatives of the party jurisdictions with free exchange of information,
29 plans and resource records relating to emergency capabilities to the extent authorized by law.

30 Article IV Limitation - Any party jurisdiction requested to render mutual aid or conduct
31 exercises and training for mutual aid shall undertake to respond as soon as possible, except that it
32 is understood that the jurisdiction rendering aid may withhold or recall resources to the extent
33 necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall
34 afford to the personnel of the emergency forces of any party jurisdiction, while operating within

1 its jurisdictional limits under the terms and conditions of this compact and under the operational
2 control of an officer of the requesting party, the same powers, duties, rights, privileges and
3 immunities as are afforded similar or like forces of the jurisdiction in which they are performing
4 emergency services. Emergency forces continue under the command and control of their regular
5 leaders, but the organizational units come under the operational control of the emergency services
6 authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed,
7 by the jurisdiction that is to receive assistance or upon commencement of exercises or training for
8 mutual aid and continue as long as the exercises or training for mutual aid are in progress, the
9 emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or
10 jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the
11 assisting jurisdictions of the specific moment when services will no longer be required.

12 Article V Licenses and Permits - Whenever a person holds a license, certificate or other
13 permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications
14 for professional, mechanical or other skills, and when such assistance is requested by the
15 receiving party jurisdiction, such person is deemed to be licensed, certified or permitted by the
16 jurisdiction requesting assistance to render aid involving such skill to meet an emergency or
17 disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by
18 executive order or otherwise.

19 Article VI Liability - Any person or entity of a party jurisdiction rendering aid in another
20 jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort
21 liability and immunity purposes. Any person or entity rendering aid in another jurisdiction
22 pursuant to this compact are not liable on account of any act or omission in good faith on the part
23 of such forces while so engaged or on account of the maintenance or use of any equipment or
24 supplies in connection therewith. Good faith in this article does not include willful misconduct,
25 gross negligence or recklessness.

26 Article VII Supplementary Agreements - Because it is probable that the pattern and detail
27 of the machinery for mutual aid among two (2) or more jurisdictions may differ from that among
28 the jurisdictions that are party to this compact, this compact contains elements of a broad base
29 common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering
30 into supplementary agreements with another jurisdiction or affects any other agreements already
31 in force among jurisdictions. Supplementary agreements may include, but are not limited to,
32 provisions for evacuation and reception of injured and other persons and the exchange of medical,
33 fire, public utility, reconnaissance, welfare, transportation and communications personnel,
34 equipment and supplies.

1 Article VIII Workers' Compensation and Death Benefits - Each party jurisdiction shall
2 provide, in accordance with its own laws, for the payment of workers' compensation and death
3 benefits to injured members of the emergency forces of that jurisdiction and to representatives of
4 deceased members of those forces if the members sustain injuries or are killed while rendering
5 aid pursuant to this compact, in the same manner and on the same terms as if the injury or death
6 were sustained within their own jurisdiction.

7 Article IX Reimbursement - Any party jurisdiction rendering aid in another jurisdiction
8 pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such
9 aid for any loss or damage to or expense incurred in the operation of any equipment and the
10 provision of any service in answering a request for aid and for the costs incurred in connection
11 with those requests. An aiding party jurisdiction may assume in whole or in part any such loss,
12 damage, expense or other cost or may loan such equipment or donate such services to the
13 receiving party jurisdiction without charge or cost. Any two or more party jurisdictions may enter
14 into supplementary agreements establishing a different allocation of costs among those
15 jurisdictions. Expenses under article VIII are not reimbursable under this section.

16 Article X Evacuation - Each party jurisdiction shall initiate a process to prepare and
17 maintain plans to facilitate the movement of and reception of evacuees into its territory or across
18 its territory, according to its capabilities and powers. The party jurisdiction from which the
19 evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after
20 the termination of the emergency or disaster, for the repatriation of such evacuees.

21 Article XI Implementation - (a) This compact is effective upon its execution or adoption
22 by any two (2) jurisdictions, and is effective as to any other jurisdiction upon its execution or
23 adoption thereby: subject to approval or authorization by the U.S. Congress, if required, and
24 subject to enactment of provincial or state legislation that may be required for the effectiveness of
25 the Memorandum of Understanding.

26 (b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not
27 take effect until thirty (30) days after the governor or premier of the withdrawing jurisdiction has
28 given notice in writing of such withdrawal to the governors or premiers of all other party
29 jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed
30 under this compact prior to the effective date of withdrawal.

31 (c) Duly authenticated copies of this compact in the French and English languages and of
32 such supplementary agreements as may be entered into shall, at the time of their approval, be
33 deposited with each of the party jurisdictions.

34 Article XII Severability - This compact is construed to effectuate the purposes stated in

1 Article I. If any provision of this compact is declared unconstitutional or the applicability of the
2 compact to any person or circumstances is held invalid, the validity of the remainder of this
3 compact and the applicability of the compact to other persons and circumstances are not affected.

4 Article XIII Inconsistency of Language - The validity of the arrangements and
5 agreements consented to in this compact shall not be affected by any insubstantial difference in
6 form or language as may be adopted by the various states and provinces.

7 Article XIV Amendment - This compact may be amended by agreement of the party
8 jurisdictions.

9 SECTION 2. This act shall take effect upon passage.

=====
LC01494/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT

- 1 This act would enact the International Emergency Management Assistance Compact into
- 2 Rhode Island law.
- 3 This act would take effect upon passage.

=====
LC01494/SUB A
=====