

RÉSUMÉ DIGEST

ACT 246 (SB 151)

2017 Regular Session

White

Prior law entered the state into the Interstate Emergency Preparedness and Disaster Compact with all states which have enacted or will enact the compact.

New law deletes references to Interstate Emergency Preparedness and Disaster Compact and enters the state into the Emergency Management Assistance Compact (EMAC) with all states that have enacted or will enact the compact in accordance with PL 104-321, with the purpose of providing mutual assistance among the states in meeting an emergency or disaster.

Prior law provided that the purpose of the Interstate Emergency Preparedness and Disaster Compact is to provide mutual aid among the states in meeting an emergency or disaster and that the directors of emergency preparedness of each party state shall constitute a committee to formulate plans necessary to implement the compact.

New law repeals prior law and provides that states entering into this Compact must provide assistance in managing any emergency disaster that may be duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack. Further provides that states must 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.

Prior law provided that it is the duty of each party state to formulate plans and programs for application within each state and each party shall, to the extent possible, follow uniform standards, practices, and regulations. Required frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of available materials and equipment.

New law retains prior law and provides that the designated state official assigned responsibility for emergency management is responsible for formulation of the appropriate interstate aid plans necessary to implement the Compact. New law further provides that in LA that person is the director of GOHSEP, or his designee, and GOHSEP may promulgate regulations relative to the administration of the Compact.

Prior law provided that any party state requested to render aid shall take such action as is necessary to provide and make available the resources covered by the compact with the understanding that the state rendering aid may withhold resources as necessary for protection. Prior law further provided that each party state shall extend to the civil defense forces of the other party states the same powers and duties (except arrest) as if they were performing their duties in the state in which they are normally employed.

New law retains prior law and further provides that party states shall also review individual state hazards and determine all potential emergencies the party states might jointly suffer, review party states' individual emergency plans and develop a plan to determine the mechanism for interstate management and provision of assistance, develop interstate procedures to fill any identified gaps and resolve inconsistencies, assist in warning adjacent communities, assure the delivery of services and resources, inventory and set procedures for the interstate loan of human resources, set procedures for reimbursement, provide for temporary suspension of state statutes that restrict implementation of any Compact responsibilities.

New law provides that the director may request assistance of another state by contacting the authorized representative of that state and that only requests made by the director to an authorized director of another state are covered by the provisions of EMAC.

New law requires an oral request for assistance by the director must be confirmed in writing within 30 days and must include a description of the services requested, the amount and type of personnel or equipment needed, and the specific place and time for staging the assisting party's response.

New law provides that there shall be frequent consultation between state officials of party states and the government of the United States, with free exchange of information and resources relating to emergency capabilities.

New law provides that each state shall afford emergency forces of another state the same powers and privileges, except arrest power, as if they were operating in the state in which they are normally employed. New law further provides that emergency forces will continue under the command of their regular leaders, but organizational units will come under the operational control of the emergency services authorities of the state receiving assistance.

Prior law provided that any person that holds a license, certificate, or other permit in any party state may render aid involving such skill in any other party state during an emergency and states shall give due recognition of licenses, certificates, or other permits issued in other states during a disaster or emergency.

New law deletes prior law and provides that when a person holding a license, certificate, or other permit issued by a party state they 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 limitations and conditions set by the governor of the requesting state.

New law provides that officers or employees of a party state, including local and political subdivisions and local governments, rendering aid in another state shall be considered agents of the requesting state for tort liability and immunity purposes.

Prior law provided that no party state or its officers or employees, rendering aid in another state 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.

New law retains prior law and provides that the provisions of prior law also extend to local political subdivisions and local governments. New law further provides that good faith does not include willful misconduct, gross negligence, or recklessness.

Prior law provided that nothing in the compact prohibits any state from entering into supplementary agreements with another state or states and that such agreements may comprehend provisions for evacuation, exchange of emergency and medical services, and supplies.

New law provides that supplementary agreements may only be between two party states and otherwise retains prior law.

Prior law provided that each party state shall provide for the payment of compensation of death benefits to injured members of the response forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid in the same manner and on the same terms as if the injury or death were sustained within their own states.

New law retains prior law.

Prior law provided that any party state rendering aid in another state shall be reimbursed by the party state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with answering a request for aid. Prior law further provided that any aiding party may assume in whole or part the loss or damage and may loan equipment to a receiving state without cost.

New law provides that any party state rendering aid shall be reimbursed by the state receiving aid for any expense incurred in the provision of any service in answering a request for aid and otherwise retains prior law.

Prior law provided that the United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying forces for the compensation paid to and the expense of such forces during the time of the rendition of aid or assist outside the state and may also pay compensation for the use of supplies or equipment.

New law deletes prior law.

Prior law provided for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local areas thereof. Prior law further provided that such plans must include the manner of transporting evacuees, number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided and other relevant factors.

New law provides that the plans for the orderly evacuation and interstate reception of portions of the civilian population and a result of an emergency or disaster 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 and shall be put into effect by request of the state from which the evacuees come from.

Prior law provided that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for evacuees and such reimbursement shall be by the party state of which the evacuees are residents or by the United States government.

New law deletes prior law and provides that the plans regarding the transporting of evacuees shall also provide that the party state receiving evacuees and the state from which evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred for the transportation and care of evacuees and reimbursement shall occur accordingly.

Prior law provided that at the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support or repatriation of such evacuees.

New law provides that at the termination of the emergency or disaster, the state from which the evacuees come shall assume responsibility for the ultimate support of repatriation of such evacuees.

Prior law provided that the compact shall be available to any state, territory, or possession of the United States and the District of Columbia.

New law deletes prior law and provides that this Compact shall be with all states which have enacted or will enact the Compact in accordance with PL 104-321.

Prior law allowed the committee established by the compact to request FEMA to act as an informational and coordinating body under the compact and representatives of FEMA may attend meetings of the committee.

New law deletes prior law.

Prior law provided that the compact shall become operative immediately upon this ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given.

New law deletes prior law and provides that this Compact shall become effective immediately upon signature of the governor or lapse of time for gubernatorial action and shall become effective as to any other state upon enactment by such state.

Prior law provided that duly authenticated copies of the compact and of supplementary agreements shall, at the time of their approval, be deposited with each of the party states and emergency preparedness agency and other appropriate agencies of the United States government.

New law provides that duly authenticated copies of this Compact and of supplementary agreements shall, at the time of their approval, be deposited with each of the party states and with FEMA and otherwise retains prior law.

Prior law provided that the compact shall continue in force and remain binding on each party state until the legislature or governor of such party state withdraws. Prior law further

provides that such action shall not be effective until 30 days after notice has been sent by the governor of the withdrawing state to the governors of all other party states.

New law deletes prior law and provides that any party state may withdraw from the Compact by enacting a statute repealing the Compact, 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. New law further provides that such withdrawal shall not relieve the withdrawing state from obligations assumed prior to the effective date of the withdrawal.

Prior law provided that if any provision of the compact is declared unconstitutional, or the applicability is held invalid, the constitutionality of the remainder of the compact and applicability of other persons and circumstances shall not be affected.

New law retains prior law.

Prior law provided that the compact shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of the compact or any obligation undertaken by a state, except if its terms provide, a supplementary agreement in implementation may modify the obligations among the parties to the supplementary agreement.

New law deletes prior law.

Prior law provided that the compact applies to searches and rescues of persons in danger, actions useful in coping with emergencies or disasters arising from any cause or designed to increase the capacity to cope with any such emergencies or disasters, incidents which endanger the health or safety of the public and require the use of special equipment, trained personnel in larger number than are locally available, the giving and receiving of aid by subdivisions of party states, and exercises or other training activities for aid personnel.

New law deletes prior law.

Prior law provided that as expressly limited by the compact or a supplementary agreement, any aid authorized may be furnished by any agency of a party state, subdivision of such state, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a state and the personnel of such joint agency, when rendering aid, shall have the same rights, authority, and immunity as personnel of party states.

New law deletes prior law.

New law provides that nothing in the Compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in an emergency for which the president of the United States is authorized by law to call into federal service the militia, or for any purpose for which the use of the United States Army or the United States Air Force would be prohibited under Section 1385 of Title 18 of the United States Code.

New law provides that nothing in the Compact affects the authority of the president of the United States over the National Guard provided by Article I of the United States Constitution and Title 10 of the United States Code.

Prior law provided that during a declared state of emergency or disaster, the deputy secretary of DPSC can issue a special officer's commission to a commissioned law enforcement officer who responds to a request for assistance pursuant to the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact and is determined by the deputy secretary to need statewide police power and power to arrest.

New law provides that the deputy secretary of DPSC may issue the same special officer's commission provided in prior law to a commissioned law enforcement officer responding to a request for assistance pursuant to EMAC and otherwise retains prior law.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 29:733 and R.S. 40:1379.1(F))