AN ACT

To amend and reenact R.S. 29:733 and R.S. 40:1379.1(F), relative to emergency preparedness; to create the Emergency Management Assistance Compact; to provide for responsibilities, powers, duties, functions, and liability of the compact; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:733 is hereby amended and reenacted to read as follows:

§733. Interstate Emergency Preparedness and Disaster Management Assistance Compact

A. This The state of Louisiana enacts into law and enters into the Interstate Emergency Preparedness and Disaster Management Assistance Compact with all states, as defined therein herein and referred to as EMAC or Compact, which states have enacted or shall hereafter enact the compact Compact in the form substantially as follows in accordance with Public Law 104-321:

B. The Interstate Emergency Preparedness and Disaster Compact, heretofore previously in force in this state by virtue of execution pursuant to this Chapter Section, is hereby confirmed and codified. The compact Compact is and shall hereafter be in effect with any and all jurisdictions which have joined or which may hereafter legally join therein in the form substantially as contained in this Section, provided that such other jurisdiction or jurisdictions have signified their joinder with this state by enactment without limitation as to parties or in some other manner sufficient in law to make it clear that joinder has been effected with this state.

C. The contracting states solemnly agree state of Louisiana hereby agrees:

Article 1. The purpose of this compact Compact is to provide mutual aid assistance among between the states in meeting an emergency or disaster. The
prompt, full, and effective utilization of the resources of the respective states,
including such resources as may be available from the United States government or
any other source, are essential to the safety, care, and welfare of the people thereof
in the event of an emergency or disaster, and any other resources, including
personnel, equipment, or supplies, shall be incorporated into a plan or plans of
mutual aid to be developed among the emergency preparedness agencies or similar
bodies of the states that are parties hereto. The directors of emergency preparedness
of all party states shall constitute a committee to formulate plans to take all necessary
steps for the implementation of this compact. The purpose of this Compact is to
provide for mutual assistance between the states entering into this Compact 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. 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 this 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.

Article 2. It shall be the duty of each party state to formulate plans and
programs for application within such state. There shall be 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 any materials
and equipment available. In carrying out such plans and programs the party states
shall, so far as possible, provide and follow uniform standards, practices, and rules
and regulations. 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. In Louisiana, the director of the Governor's Office of Homeland
Security and Emergency Preparedness, hereinafter referred to as "director",

bears that legal responsibility in accordance with R.S. 29:725.

B. The director may designate an EMAC coordinator or

EMAC-authorized representative to administer this Compact. The Governor's

Office of Homeland Security and Emergency Preparedness may promulgate

and adopt regulations with respect to the administration and use of this

Compact.

Article 3.A. Any party state requested to render mutual aid shall take such

action as is necessary to provide and make available the resources covered by this

compact 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

extend to the civil defense forces of any other party state, while operating within its

state limits under the terms and conditions of this compact Compact, the same

powers, (except that of arrest unless specifically authorized by the receiving state),
duties, rights, privileges, and immunities as if they were performing their duties in
the state in which they are normally employed or rendering services. Additionally,
the party states, insofar as practical, shall:

(1) 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 resources shortages, civil disorders,
insurgency, or enemy attack.

(2) 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.

(3) Develop interstate procedures to fill any identified gaps and to resolve

any identified inconsistencies or overlaps in existing or developed plans.
(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy, fuel, search and rescue, critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

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

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

(1) A description of the emergency service function for which assistance is needed, including 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.

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

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

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 government of the United States of America, with free exchange of information.
plans, and resource records relating to emergency capabilities.

Article 4. 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 emergency or disaster by the governor of the party state that is to receive assistance or upon 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, whichever is longer.

Article 5. 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, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate, or other permit as if issued in the state in which aid is rendered 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.

Article 5 Article 6 Officers or employees of a party state, to include political subdivisions and local governments of that state, rendering aid in another state pursuant to this Compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees, including local political subdivisions and local governments, rendering aid in another state or in its own state pursuant to this compact 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.

Article 6 Article 7 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 appropriate among other states 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 states. Such 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, equipment, and supplies.

Article 7 Article 8 Each party state shall provide for the payment of compensation and 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 pursuant to this compact Compact, in the same manner and on the same terms as if the injury or death were sustained within such their own state.

Article 8 Article 9 Any party state rendering aid in another state pursuant to this compact 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 cost costs.
incurred in connection with such request; however, 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 as among
those states. 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 transportation, subsistence, and maintenance expense
of such forces during the time of the rendition of such aid or assistance outside the
state and may also pay fair and reasonable compensation for the use or utilization of
the supplies, materials, equipment, or facilities so utilized or consumed:

Article 9

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of an emergency or disaster of sufficient proportions to so warrant, shall be worked out from time to time between representatives of the party states and the various local areas thereof 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 and supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which evacuees come shall be reimbursed generally for the 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 of from which the evacuees are residents, or by the United States government under plans...
approved by it come. After the termination of the emergency or disaster, the party
state of from which the evacuees are residents come shall assume the responsibility
for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any state, territory, or
possession of the United States; and the District of Columbia. The term “state” may
also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact
may request the Federal Emergency Management Agency to act as an informational
and coordinating body under this compact, and representatives of such agency of the
United States government may attend meetings of such committee.

Article 12. This compact shall become operative
effective immediately upon its 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. Duly authenticated copies of this compact
and of such supplementary agreements as may be entered into 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
signature of the governor or lapse of time for gubernatorial action. Thereafter,
this Compact shall become effective as to any other state upon enactment by
such state.

B. Any party state may withdraw from this Compact by enacting a
statute repealing the same, but no such withdrawal shall take effect until thirty
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.

C. Duly authenticated copies of this Compact and of such 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 government of the
United States of America.

Article 13. This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

Article 14. This compact shall be constructed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid; the constitutionality of the remainder of this compact and the applicability of other persons and circumstances shall not be affected thereby.

Article 15. (a) This Article 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 this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand, or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances, and subject matter to which preceding Articles of this compact make it applicable, this compact and the authorizations, entitlement, and procedures thereof shall apply to:

(i) Searches for and rescue of persons who are lost, marooned, or otherwise in danger.

(ii) Action 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.

(iii) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel in larger numbers than are locally available in order to reduce, counteract, or remove the danger.
(iv) The giving and receiving of aid by subdivisions of party states.

(v) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

(e) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party state, a 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. The personnel of such joint agency, when rendering aid pursuant to this compact shall have the same rights, authority, and immunity as personnel of party states.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-14 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

Article 12. This Compact shall be construed to effectuate the purposes stated in Article 1. 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 Compact and the applicability thereof to other persons and circumstances shall not be affected.

Article 13. 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 of the United States of America 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, in the absence of express statutory authorization, be prohibited under Section 1385 of Title 18 of the United States Code. This Compact shall be construed as understanding that Article 13 does not affect the authority of the president of the United States of America over the national guard provided by Article I of the United States Constitution and Title 10 of the United States Code.

Section 2. R.S. 40:1379.1(F) is hereby amended and reenacted to read as follows:

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.
§1379.1. Special officers; powers and duties; concealed handgun permit

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F. During a declared state of emergency or disaster by the governor, the deputy secretary of the Department of Public Safety and Corrections, public safety services, office of state police may 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, as found in R.S. 29:733 and is determined by the deputy secretary to need statewide police power and power to arrest. Any person who receives a special officer’s commission under this Subsection shall not be required to be bonded and shall adhere to all restrictive stipulations as set forth in the special officer’s commission and regulations promulgated and adopted pursuant to Subsection C of this Section. Such person shall have the powers and duties of a peace officer, provided, that when he is not performing tasks directly related to the special officer's commission, he shall be regarded as a private citizen and his commission shall not be in effect.

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Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.