

1 which may hereafter legally join therein in the form substantially as contained
2 in this Section, provided that such other jurisdiction or jurisdictions have
3 signified their joinder with this state by enactment without limitation as to
4 parties or in some other manner sufficient in law to make it clear that joinder
5 has been effected with this state.

6 C. The state of Louisiana hereby agrees:

7 Article 1. The purpose of this Compact is to provide mutual assistance
8 among the states in meeting an emergency or disaster. The purpose of this
9 Compact is to provide for mutual assistance between the states entering into this
10 Compact in managing any emergency disaster that may be duly declared by the
11 governor of the affected state, whether arising from natural disaster,
12 technological hazard, man-made disaster, civil emergency aspects of resources
13 shortages, community disorders, insurgency, or enemy attack. This Compact
14 shall also provide for mutual cooperation in emergency-related exercises,
15 testing, or other training activities using equipment and personnel simulating
16 performance of any aspect of the giving and receiving of aid by party states or
17 subdivisions of party states during emergencies, such actions occurring outside
18 actual declared emergency periods. Mutual assistance in this Compact may
19 include the use of the states' national guard forces, either in accordance with the
20 National Guard Mutual Assistance Compact or by mutual agreement between
21 states.

22 Article 2.A. It shall be the duty of each party state to formulate plans and
23 programs for application within such state. There shall be frequent consultation
24 between the representatives of the states and the free exchange of information
25 and plans, including inventories of any materials and equipment available. In
26 carrying out such plans and programs the party states shall, so far as possible,
27 provide and follow uniform standards, practices, and rules and regulations. On
28 behalf of the governor of each state participating in the Compact, the legally
29 designated state official who is assigned responsibility for emergency

1 management will be responsible for formulation of the appropriate interstate
2 mutual aid plans and procedures necessary to implement this Compact. In
3 Louisiana, the director of the Governor's Office of Homeland Security and
4 Emergency Preparedness, hereinafter referred to as director, bears that legal
5 responsibility in accordance with R.S. 29:725.

6 B. The director may designate an EMAC coordinator or EMAC
7 authorized representative to administer this Compact. The Governor's Office
8 of Homeland Security and Emergency Preparedness may promulgate and adopt
9 regulations with respect to the administration and use of this Compact.

10 Article 3.A. Any party state requested to render mutual aid shall take
11 such action as is necessary to provide and make available the resources covered
12 by this Compact in accordance with the terms hereof; provided that it is
13 understood that the state rendering aid may withhold resources to the extent
14 necessary to provide reasonable protection for such state. Each party state shall
15 extend to the civil defense forces of any other party state, while operating within
16 its state limits under the terms and conditions of this Compact, the same
17 powers, except that of arrest unless specifically authorized by the receiving
18 state, duties, rights, privileges, and immunities as if they were performing their
19 duties in the state in which they are normally employed or rendering services.
20 Additionally, the party states, insofar as practical, shall:

21 (1) Review individual state hazards analyses and, to the extent
22 reasonably possible, determine all those potential emergencies the party states
23 might jointly suffer, whether due to natural disaster, technological hazard,
24 man-made disaster, emergency aspects of resources shortages, civil disorders,
25 insurgency, or enemy attack.

26 (2) Review party states' individual emergency plans and develop a plan
27 which will determine the mechanism for the interstate management and
28 provision of assistance concerning any potential emergency.

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

1 resolve any identified inconsistencies or overlaps in existing or developed plans.

2 (4) Assist in warning communities adjacent to or crossing the state
3 boundaries.

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

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

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

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

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

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

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

28 C. There shall be frequent consultation between state officials who have
29 assigned emergency management responsibilities and other appropriate

1 representatives of the party states with affected jurisdictions and the
2 government of United States of America, with free exchange of information,
3 plans, and resource records relating to emergency capabilities.

4 Article 4. Any party state requested to render mutual aid or conduct
5 exercises and training for mutual aid shall take such action as is necessary to
6 provide and make available the resources covered by this Compact in
7 accordance with the terms hereof; provided that it is understood that the state
8 rendering aid may withhold resources to the extent necessary to provide
9 reasonable protection for such state. Each party state shall afford to the
10 emergency forces of any party state, while operating within its state limits under
11 the terms and conditions of this Compact, the same powers, except that of arrest
12 unless specifically authorized by the receiving state, duties, rights, and
13 privileges as are afforded forces of the state in which they are performing
14 emergency services. Emergency forces will continue under the command and
15 control of their regular leaders, but the organizational units will come under the
16 operational control of the emergency services authorities of the state receiving
17 assistance. These conditions may be activated as needed, only subsequent to a
18 declaration of a state emergency or disaster by the governor of the party state
19 that is to receive assistance or upon commencement of exercises or training for
20 mutual aid and shall continue so long as the exercises or training for mutual aid
21 are in progress, the state of emergency or disaster remains in effect, or loaned
22 resources remain in the receiving state, whichever is longer.

23 Article 5. Whenever any person holds a license, certificate, or other
24 permit issued by any state party to the Compact evidencing the meeting of
25 qualifications for professional, mechanical, or other skills, and when such
26 assistance is requested by the receiving party state, such person shall be deemed
27 licensed, certified, or permitted by the state requesting assistance to render aid
28 involving such skill to meet a declared emergency or disaster, subject to such
29 limitations and conditions as the governor of the requesting state may prescribe

1 by executive order or otherwise.

2 Article 6. Officers or employees of a party state, to include political
3 subdivisions and local governments of that state, rendering aid in another state
4 pursuant to this Compact shall be considered agents of the requesting state for
5 tort liability and immunity purposes. No party state or its officers or employees,
6 including local political subdivisions and local governments, rendering aid in
7 another state pursuant to this Compact shall be liable on account of any act or
8 omission in good faith on the part of such forces while so engaged or on account
9 of the maintenance or use of any equipment or supplies in connection therewith.
10 Good faith in this Article shall not include willful misconduct, gross negligence,
11 or recklessness.

12 Article 7. Inasmuch as it is probable that the pattern and detail of the
13 machinery for mutual aid among two or more states may differ from that
14 appropriate among other states party hereto, this instrument contains elements
15 of a broad base common to all states, and nothing herein contained shall
16 preclude any state from entering into supplementary agreements with another
17 state. Such supplementary agreements may comprehend but shall not be limited
18 to provisions for evacuation and reception of injured and other persons, and the
19 exchange of medical, fire, police, public utility, reconnaissance, welfare,
20 transportation and communications personnel, equipment, and supplies.

21 Article 8. Each party state shall provide for the payment of
22 compensation and death benefits to injured members of the emergency forces
23 of that state and representatives of deceased members of such forces in case
24 such members sustain injuries or are killed while rendering aid pursuant to this
25 Compact, in the same manner and on the same terms as if the injury or death
26 were sustained within their own state.

27 Article 9. Any party state rendering aid in another state pursuant to this
28 Compact shall be reimbursed by the party state receiving such aid for any loss
29 or damage to or expense incurred in the operation of any equipment and the

1 provision of any service in answering a request for aid and for the costs
2 incurred in connection with such request; provided, that any aiding party state
3 may assume in whole or in part such loss, damage, expense, or other cost, or
4 may loan such equipment or donate such services to the receiving party state
5 without charge or cost; and provided further, that any two or more party states
6 may enter into supplementary agreements establishing a different allocation of
7 costs among those states.

8 Article 10. Plans for the orderly evacuation and interstate reception of
9 portions of the civilian population as the result of any emergency or disaster of
10 sufficient proportions to so warrant, shall be worked out and maintained
11 between the party states and the emergency management services directors of
12 the various jurisdictions where any type of incident requiring evacuations might
13 occur. Such plans shall be put into effect by request of the state from which
14 evacuees come and shall include the manner of transporting such evacuees, the
15 number of evacuees to be received in different areas, the manner in which food,
16 clothing, housing, and medical care will be provided, the registration of the
17 evacuees, the providing of facilities for the notification of relatives or friends,
18 and the forwarding of such evacuees to other areas or the bringing in of
19 additional materials, supplies, and all other relevant factors. Such plans shall
20 provide that the party state receiving evacuees and the party state from which
21 the evacuees come shall mutually agree as to reimbursement of out-of-pocket
22 expenses incurred in receiving and caring for such evacuees, for expenditures
23 for transportation, food, clothing, medicines, and medical care, and like items.
24 Such expenditures shall be reimbursed as agreed by the party state from which
25 the evacuees come. After the termination of the emergency or disaster, the party
26 state from which the evacuees come shall assume the responsibility for the
27 ultimate support of repatriation of such evacuees.

28 Article 11.A. This Compact shall become effective immediately upon
29 signature of the governor or lapse of time for gubernatorial action. Thereafter,

1 this Compact shall become effective as to any other state upon enactment by
2 such state.

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

9 C. Duly authenticated copies of this Compact and of such
10 supplementary agreements as may be entered into shall, at the time of their
11 approval, be deposited with each of the party states and with the Federal
12 Emergency Management Agency and other appropriate agencies of the
13 government of the United States of America.

14 Article 12. This Compact shall be construed to effectuate the purposes
15 stated in Article 1. If any provision of this Compact is declared unconstitutional,
16 or the applicability thereof to any person or circumstances is held invalid, the
17 constitutionality of the remainder of this Compact and the applicability thereof
18 to other persons and circumstances shall not be affected.

19 Article 13. Nothing in this Compact shall authorize or permit the use of
20 military force by the national guard of a state at any place outside that state in
21 any emergency for which the president of the United States of America is
22 authorized by law to call into federal service the militia, or for any purpose for
23 which the use of the United States Army or the United States Air Force would,
24 in the absence of express statutory authorization, be prohibited under Section
25 1385 of Title 18 of the United States Code. Nothing in this Compact shall be
26 construed as understanding that Article 13 does not affect the authority of the
27 president of the United States of America over the national guard provided by
28 Article I of the United States Constitution and Title 10 of the United States
29 Code.

