

2017 Regular Session

SENATE BILL NO. 151

BY SENATORS WHITE AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOMELAND SECURITY. Provides for the Emergency Management Assistance Compact.  
(gov sig)

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §733. ~~Interstate Emergency Preparedness and Disaster~~ **Management Assistance**  
9 Compact

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

15 B. The ~~Interstate Emergency Preparedness and Disaster~~ Compact, heretofore  
16 **previously** in force in this state by virtue of execution pursuant to this ~~Chapter~~  
17 **Section**, is hereby confirmed and codified. The compact **Compact** is and shall

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

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

7 Article 1. The purpose of this ~~compact~~ **Compact** is to provide mutual aid  
8 **assistance among between** the states in meeting an emergency or disaster. The  
9 ~~prompt, full, and effective utilization of the resources of the respective states,~~  
10 ~~including such resources as may be available from the United States government or~~  
11 ~~any other source, are essential to the safety, care, and welfare of the people thereof~~  
12 ~~in the event of an emergency or disaster, and any other resources, including~~  
13 ~~personnel, equipment, or supplies, shall be incorporated into a plan or plans of~~  
14 ~~mutual aid to be developed among the emergency preparedness agencies or similar~~  
15 ~~bodies of the states that are parties hereto. The directors of emergency preparedness~~  
16 ~~of all party states shall constitute a committee to formulate plans to take all necessary~~  
17 ~~steps for the implementation of this compact.~~ **The purpose of this Compact is to**  
18 **provide for mutual assistance between the states entering into this Compact in**  
19 **managing any emergency disaster that may be duly declared by the governor**  
20 **of the affected state, whether arising from natural disaster, technological**  
21 **hazard, man-made disaster, civil emergency aspects of resources shortages,**  
22 **community disorders, insurgency, or enemy attack. This Compact shall also**  
23 **provide for mutual cooperation in emergency-related exercises, testing, or other**  
24 **training activities using equipment and personnel simulating performance of**  
25 **any aspect of the giving and receiving of aid by party states or subdivisions of**  
26 **party states during emergencies, such actions occurring outside actual declared**  
27 **emergency periods. Mutual assistance in this Compact may include the use of**  
28 **the states' national guard forces, either in accordance with the National Guard**  
29 **Mutual Assistance Compact or by mutual agreement between states.**

1 Article 2 2.A. It shall be the duty of each party state to formulate plans and  
2 programs for application within such state. There shall be frequent consultation  
3 between the representatives of the states and with the United States government and  
4 the free exchange of information and plans, including inventories of any materials  
5 and equipment available. In carrying out such plans and programs the party states  
6 shall, so far as possible, provide and follow uniform standards, practices, and rules  
7 and regulations. On behalf of the governor of each state participating in the  
8 Compact, the legally designated state official who is assigned responsibility for  
9 emergency management will be responsible for formulation of the appropriate  
10 interstate mutual aid plans and procedures necessary to implement this  
11 Compact. In Louisiana, the director of the Governor's Office of Homeland  
12 Security and Emergency Preparedness, hereinafter referred to as "director",  
13 bears that legal responsibility in accordance with R.S. 29:725.

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

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

29 (1) Review individual state hazards analyses and, to the extent

1 reasonably possible, determine all those potential emergencies the party states  
2 might jointly suffer, whether due to natural disaster, technological hazard,  
3 man-made disaster, emergency aspects of resources shortages, civil disorders,  
4 insurgency, or enemy attack.

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

8 (3) Develop interstate procedures to fill any identified gaps and to resolve  
9 any identified inconsistencies or overlaps in existing or developed plans.

10 (4) Assist in warning communities adjacent to or crossing the state  
11 boundaries.

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

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

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

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

27 (1) A description of the emergency service function for which assistance  
28 is needed, including but not limited to fire services, law enforcement, emergency  
29 medical, transportation, communications, public works and engineering,

1 building, inspection, planning and information assistance, mass care, resource  
2 support, health and medical services, and search and rescue.

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

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

7 C. There shall be frequent consultation between state officials who have  
8 assigned emergency management responsibilities and other appropriate  
9 representatives of the party states with affected jurisdictions and the  
10 government of the United States of America, with free exchange of information,  
11 plans, and resource records relating to emergency capabilities.

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

1 resources remain in the receiving state, whichever is longer.

2 ~~Article 4~~ Article 5. Whenever any person holds a license, certificate, or other  
3 permit issued by any state party to the Compact evidencing the meeting of  
4 qualifications for professional, mechanical, or other skills, ~~such person may render~~  
5 ~~aid involving such skill in any party state to meet an emergency or disaster and such~~  
6 ~~state shall give due recognition to such license, certificate, or other permit as if~~  
7 ~~issued in the state in which aid is rendered~~ and when such assistance is requested  
8 by the receiving party state, such person shall be deemed licensed, certified, or  
9 permitted by the state requesting assistance to render aid involving such skill  
10 to meet a declared emergency or disaster, subject to such limitations and  
11 conditions as the governor of the requesting state may prescribe by executive  
12 order or otherwise.

13 ~~Article 5~~ Article 6. Officers or employees of a party state, to include  
14 political subdivisions and local governments of that state, rendering aid in  
15 another state pursuant to this Compact shall be considered agents of the  
16 requesting state for tort liability and immunity purposes. No party state or its  
17 officers or employees, including local political subdivisions and local  
18 governments, rendering aid in another state ~~or in its own state~~ pursuant to this  
19 ~~compact~~ Compact shall be liable on account of any act or omission in good faith on  
20 the part of such forces while so engaged; or on account of the maintenance or use of  
21 any equipment or supplies in connection therewith. Good faith in this Article shall  
22 not include willful misconduct, gross negligence, or recklessness.

23 ~~Article 6~~ Article 7. Inasmuch as it is probable that the pattern and detail of  
24 the machinery for mutual aid among two or more states may differ from that  
25 appropriate among other states party hereto, this instrument contains elements of a  
26 broad base common to all states, and nothing herein contained shall preclude any  
27 state from entering into supplementary agreements with another state ~~or states~~. Such  
28 supplementary agreements may comprehend but shall not be limited to provisions  
29 for evacuation and reception of injured and other persons, and the exchange of

1 medical, fire, police, public utility, reconnaissance, welfare, transportation and  
2 communications personnel, equipment, and supplies.

3 ~~Article 7~~ **Article 8**. Each party state shall provide for the payment of  
4 compensation and death benefits to injured members of the response forces of that  
5 state and ~~the~~ representatives of deceased members of such forces in case such  
6 members sustain injuries or are killed while rendering aid pursuant to this ~~compact~~  
7 **Compact**, in the same manner and on the same terms as if the injury or death were  
8 sustained within such **their own** state.

9 ~~Article 8~~ **Article 9**. Any party state rendering aid in another state pursuant to  
10 this ~~compact~~ **Compact** shall be reimbursed by the party state receiving such aid for  
11 any loss or damage to, or expense incurred in the operation of any equipment **and**  
12 **the provision of any service in** answering a request for aid, and for the ~~cost~~ **costs**  
13 incurred in connection with such request; ~~however,~~ **provided that** any aiding party  
14 state may assume in whole or in part such loss, damage, expense, or other cost, or  
15 may loan such equipment or donate such services to the receiving party state without  
16 charge or cost; ~~;~~ and **provided further, that** any two or more party states may enter  
17 into supplementary agreements establishing a different allocation of costs as among  
18 those states. ~~The United States government may relieve the party state receiving aid~~  
19 ~~from any liability and reimburse the party state supplying forces for the~~  
20 ~~compensation paid to and the transportation, subsistence, and maintenance expense~~  
21 ~~of such forces during the time of the rendition of such aid or assistance outside the~~  
22 ~~state and may also pay fair and reasonable compensation for the use or utilization of~~  
23 ~~the supplies, materials, equipment, or facilities so utilized or consumed.~~

24 ~~Article 9~~ **Article 10**. Plans for the orderly evacuation and **interstate** reception  
25 **of portions** of the civilian population as the result of an emergency or disaster **of**  
26 **sufficient proportions to so warrant,** shall be worked out ~~from time to time~~  
27 ~~between representatives of the party states and the various local areas thereof~~ **and**  
28 **maintained between the party states and the emergency management services**  
29 **directors of the various jurisdictions where any type of incident requiring**

1        evacuations might occur. Such plans shall be put into effect by request of the  
 2        state from which evacuees come and shall include the manner of transporting such  
 3        evacuees, the number of evacuees to be received in different areas, the manner in  
 4        which food, clothing, housing, and medical care will be provided, the registration of  
 5        the evacuees, the providing of facilities for the notification of relatives or friends,  
 6        and the forwarding of such evacuees to other areas or the bringing in of additional  
 7        materials, ~~and~~ supplies, and all other relevant factors. Such plans shall provide that  
 8        the party state receiving evacuees and the party state from which evacuees come  
 9        shall ~~be reimbursed generally for the~~ mutually agree as to reimbursement of out-  
 10       of-pocket expenses incurred in receiving and caring for such evacuees for  
 11       expenditures for transportation, food, clothing, medicines, and medical care, and like  
 12       items. Such expenditures shall be reimbursed as agreed by the party state ~~of~~ from  
 13       which the evacuees ~~are residents~~, or by the United States government under plans  
 14       ~~approved by it~~ come. After the termination of the emergency or disaster, the party  
 15       state ~~of~~ from which the evacuees ~~are residents~~ come shall assume the responsibility  
 16       for the ultimate support ~~or~~ of repatriation of such evacuees.

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

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

24        ~~Article 12~~ Article 11.A. This compact Compact shall become operative  
 25        effective immediately upon its ratification by any state as between it and any other  
 26        state or states so ratifying and shall be subject to approval by congress unless prior  
 27        congressional approval has been given. Duly authenticated copies of this compact  
 28        and of such supplementary agreements as may be entered into shall, at the time of  
 29        their approval, be deposited with each of the party states and emergency



1 preparedness agency and other appropriate agencies of the United States government  
2 signature of the governor or lapse of time for gubernatorial action. Thereafter,  
3 this Compact shall become effective as to any other state upon enactment by  
4 such state.

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

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

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

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

26 ~~Article 15.(a) This Article shall be in effect only as among those states which~~  
27 ~~have enacted it into law or in which the governors have adopted it pursuant to~~  
28 ~~constitutional or statutory authority sufficient to give it the force of law as part of this~~  
29 ~~compact\* or any obligation undertaken by a state pursuant thereto, except that if its~~

1 terms so provide, a supplementary agreement in implementation of this Article may  
2 modify, expand, or add to any such obligation as among the parties to the  
3 supplementary agreement.

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

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

9 (ii) ~~Action useful in coping with emergencies or disasters arising from any~~  
10 ~~cause or designed to increase the capacity to cope with any such emergencies or~~  
11 ~~disasters.~~

12 (iii) ~~Incidents, or the imminence thereof, which endanger the health or safety~~  
13 ~~of the public and which require the use of special equipment, trained personnel in~~  
14 ~~larger numbers than are locally available in order to reduce, counteract, or remove~~  
15 ~~the danger.~~

16 (iv) ~~The giving and receiving of aid by subdivisions of party states.~~

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

20 (c) ~~Except as expressly limited by this compact or a supplementary~~  
21 ~~agreement in force pursuant thereto, any aid authorized by this compact or such~~  
22 ~~supplementary agreement may be furnished by any agency of a party state, a~~  
23 ~~subdivision of such state, or by a joint agency providing such aid shall be entitled to~~  
24 ~~reimbursement therefor to the same extent and in the same manner as a state. The~~  
25 ~~personnel of such joint agency, when rendering aid pursuant to this compact shall~~  
26 ~~have the same rights, authority, and immunity as personnel of party states.~~

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

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

6 Article 13. Nothing in this Compact shall authorize or permit the use of  
 7 military force by the national guard of a state at any place outside that state in  
 8 any emergency for which the president of the United States of America is  
 9 authorized by law to call into federal service the militia, or for any purpose for  
 10 which the use of the United States Army or the United States Air Force would,  
 11 in the absence of express statutory authorization, be prohibited under Section  
 12 1385 of Title 18 of the United States Code. This Compact shall be construed as  
 13 understanding that Article 13 does not affect the authority of the president of  
 14 the United States of America over the national guard provided by Article I of  
 15 the United States Constitution and Title 10 of the United States Code.

16 Section 2. R.S. 40:1379.1(F) is hereby amended and reenacted to read as follows:  
 17 §1379.1. Special officers; powers and duties; concealed handgun permit

18 \* \* \*

19 F. During a declared state of emergency or disaster by the governor, the  
 20 deputy secretary of the Department of Public Safety and Corrections, public safety  
 21 services, office of state police may issue a special officer’s commission to a  
 22 commissioned law enforcement officer who responds to a request for assistance  
 23 pursuant to the ~~Southern Regional Homeland Security and Emergency Preparedness~~  
 24 Management Assistance Compact, as found in R.S. ~~29:751~~ **29:733** and is determined  
 25 by the deputy secretary to need statewide police power and power to arrest. Any  
 26 person who receives a special officer’s commission under this Subsection shall not  
 27 be required to be bonded and shall adhere to all restrictive stipulations as set forth  
 28 in the special officer’s commission and regulations promulgated and adopted  
 29 pursuant to Subsection C of this Section. Such person shall have the powers and

1 duties of a peace officer, provided, that when he is not performing tasks directly  
 2 related to the special officer's commission, he shall be regarded as a private citizen  
 3 and his commission shall not be in effect.

4 \* \* \*

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

---

The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

---

#### DIGEST

SB 151 Reengrossed

2017 Regular Session

White

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

Proposed 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.

Present law provides 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.

Proposed law repeals present 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.

Present law provides 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. Requires 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.

Proposed law retains present 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. Proposed 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.

Present law provides 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. Present law further provides 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.

Proposed law retains present 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.

Proposed 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.

Proposed 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.

Proposed 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.

Proposed 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. Proposed 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.

Present law provides that any person that holds a license, certificate, or other permit in any party state may render aide 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.

Proposed law deletes present 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 aide involving such skill to meet a declared emergency or disaster, subject to limitations and conditions set by the governor of the requesting state.

Proposed 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.

Present law provides 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.

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

Present law provides 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.

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

Present law provides 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.

Proposed law retains present law.

Present law provides 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. Present law further provides that any aiding party may assume in whole or part the loss or damage and may loan equipment to a receiving state without cost.

Proposed 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 present law.

Present law provides 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.

Proposed law deletes present law.

Present law provides 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. Present law further provides 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.

Proposed 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.

Present law provides 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.

Proposed law deletes present law and provides that the plans regarding the transporting 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.

Present law provides 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.

Proposed 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.

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

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

Present law allows 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.

Proposed law deletes present law.

Present law provides 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.

Proposed law deletes present 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.

Present law provides 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.

Proposed 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 present law.

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

Proposed law deletes present 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. Proposed law further provides that such withdrawal shall not relieve the withdrawing state from obligations assumed prior to the effective date of the withdrawal.

Present law provides 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.

Proposed law retains present law.

Present law provides 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.

Proposed law deletes present law.

Present law provides 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.

Proposed law deletes present law.

Present law provides 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.

Proposed law deletes present law.

Proposed 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.

Proposed 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.

Present law provides 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.

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

Effective upon signature of the governor or lapse of time for gubernatorial action.

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



Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes the name of the compact pursuant to which the deputy secretary of DPSC may issue special officer's commissions to law enforcement officers needing statewide police power in a declared state of emergency ~~from~~ the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact to the Emergency Management Assistance Compact.
2. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Restores present law requiring consultation with the United States government when states formulate plans and programs.
3. Restores present law provisions for payment of compensation and death benefits to members of the response forces vs. emergency forces.