

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.

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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~~

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

22 Article ~~2~~ **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 with the United States government and
25 the free exchange of information and plans, including inventories of any materials
26 and equipment available. In carrying out such plans and programs the party states
27 shall, so far as possible, provide and follow uniform standards, practices, and rules
28 and regulations. **On behalf of the governor of each state participating in the**
29 **Compact, the legally designated state official who is assigned responsibility for**
30 **emergency management will be responsible for formulation of the appropriate**

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

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

10 Article 3 3.A. Any party state requested to render mutual aid shall take such
11 action as is necessary to provide and make available the resources covered by this
12 ~~compact~~ 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 its
16 state limits under the terms and conditions of this ~~compact~~ Compact, the same
17 powers, (except that of arrest unless specifically authorized by the receiving state),
18 duties, rights, privileges, and immunities as if they were performing their duties in
19 the state in which they are normally employed or rendering services. Additionally,
20 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 resolve
30 any identified inconsistencies or overlaps in existing or developed plans.

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

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

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

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

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

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

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

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

27 C. There shall be frequent consultation between state officials who have
28 assigned emergency management responsibilities and other appropriate
29 representatives of the party states with affected jurisdictions and the
30 government of the United States of America, with free exchange of information,

1 plans, and resource records relating to emergency capabilities.

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

21 ~~Article 4~~ **Article 5.** Whenever any person holds a license, certificate, or other
 22 permit issued by any state **party to the Compact** evidencing the meeting of
 23 qualifications for professional, mechanical, or other skills, ~~such person may render~~
 24 ~~aid involving such skill in any party state to meet an emergency or disaster and such~~
 25 ~~state shall give due recognition to such license, certificate, or other permit as if~~
 26 ~~issued in the state in which aid is rendered~~ **and when such assistance is requested**
 27 **by the receiving party state, such person shall be deemed licensed, certified, or**
 28 **permitted by the state requesting assistance to render aid involving such skill**
 29 **to meet a declared emergency or disaster, subject to such limitations and**
 30 **conditions as the governor of the requesting state may prescribe by executive**

1 order or otherwise.

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

12 ~~Article 6~~ **Article 7.** Inasmuch as it is probable that the pattern and detail of
 13 the machinery for mutual aid among two or more states may differ from that
 14 appropriate among other states party hereto, this instrument contains elements of a
 15 broad base common to all states, and nothing herein contained shall preclude any
 16 state from entering into supplementary agreements with another state ~~or states~~. Such
 17 supplementary agreements may comprehend but shall not be limited to provisions
 18 for evacuation and reception of injured and other persons, and the exchange of
 19 medical, fire, police, public utility, reconnaissance, welfare, transportation and
 20 communications personnel, equipment, and supplies.

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

27 ~~Article 8~~ **Article 9.** Any party state rendering aid in another state pursuant to
 28 this ~~compact~~ **Compact** shall be reimbursed by the party state receiving such aid for
 29 any loss or damage to, or expense incurred in the operation of any equipment **and**
 30 **the provision of any service in** answering a request for aid, and for the ~~cost~~ **costs**

1 incurred in connection with such request; ~~however,~~ **provided that** any aiding party
 2 state may assume in whole or in part such loss, damage, expense, or other cost, or
 3 may loan such equipment or donate such services to the receiving party state without
 4 charge or cost; ~~and~~ **provided further, that** any two or more party states may enter
 5 into supplementary agreements establishing a different allocation of costs as among
 6 those states. ~~The United States government may relieve the party state receiving aid~~
 7 ~~from any liability and reimburse the party state supplying forces for the~~
 8 ~~compensation paid to and the transportation, subsistence, and maintenance expense~~
 9 ~~of such forces during the time of the rendition of such aid or assistance outside the~~
 10 ~~state and may also pay fair and reasonable compensation for the use or utilization of~~
 11 ~~the supplies, materials, equipment, or facilities so utilized or consumed.~~

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

1 approved by it come. After the termination of the emergency or disaster, the party
 2 state of from which the evacuees ~~are residents~~ come shall assume the responsibility
 3 for the ultimate support ~~or of~~ repatriation of such evacuees.

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

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

11 ~~Article 12~~ Article 11.A. This compact Compact shall become operative
 12 effective immediately upon its ratification by any state as between it and any other
 13 state or states so ratifying and shall be subject to approval by congress unless prior
 14 congressional approval has been given. ~~Duly authenticated copies of this compact~~
 15 ~~and of such supplementary agreements as may be entered into shall, at the time of~~
 16 ~~their approval, be deposited with each of the party states and emergency~~
 17 ~~preparedness agency and other appropriate agencies of the United States government~~
 18 signature of the governor or lapse of time for gubernatorial action. Thereafter,
 19 this Compact shall become effective as to any other state upon enactment by
 20 such state.

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

27 C. Duly authenticated copies of this Compact and of such supplementary
 28 agreements as may be entered into shall, at the time of their approval, be
 29 deposited with each of the party states and with the Federal Emergency
 30 Management Agency and other appropriate agencies of the government of the

1 **United States of America.**

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

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

12 ~~Article 15.(a) This Article shall be in effect only as among those states which~~
13 ~~have enacted it into law or in which the governors have adopted it pursuant to~~
14 ~~constitutional or statutory authority sufficient to give it the force of law as part of this~~
15 ~~compact* or any obligation undertaken by a state pursuant thereto, except that if its~~
16 ~~terms so provide, a supplementary agreement in implementation of this Article may~~
17 ~~modify, expand, or add to any such obligation as among the parties to the~~
18 ~~supplementary agreement.~~

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

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

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

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

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

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

5 ~~(c) Except as expressly limited by this compact or a supplementary~~
 6 ~~agreement in force pursuant thereto, any aid authorized by this compact or such~~
 7 ~~supplementary agreement may be furnished by any agency of a party state, a~~
 8 ~~subdivision of such state, or by a joint agency providing such aid shall be entitled to~~
 9 ~~reimbursement therefor to the same extent and in the same manner as a state. The~~
 10 ~~personnel of such joint agency, when rendering aid pursuant to this compact shall~~
 11 ~~have the same rights, authority, and immunity as personnel of party states.~~

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

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

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

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

1 §1379.1. Special officers; powers and duties; concealed handgun permit

2 * * *

3 F. During a declared state of emergency or disaster by the governor, the
4 deputy secretary of the Department of Public Safety and Corrections, public safety
5 services, office of state police may issue a special officer’s commission to a
6 commissioned law enforcement officer who responds to a request for assistance
7 pursuant to the ~~Southern Regional Homeland Security and Emergency Preparedness~~
8 Management Assistance Compact, as found in R.S. ~~29:751~~ **29:733** and is determined
9 by the deputy secretary to need statewide police power and power to arrest. Any
10 person who receives a special officer’s commission under this Subsection shall not
11 be required to be bonded and shall adhere to all restrictive stipulations as set forth
12 in the special officer’s commission and regulations promulgated and adopted
13 pursuant to Subsection C of this Section. Such person shall have the powers and
14 duties of a peace officer, provided, that when he is not performing tasks directly
15 related to the special officer's commission, he shall be regarded as a private citizen
16 and his commission shall not be in effect.

17 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____