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HOUSE BILL 562

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joe Thompson

AN ACT

RELATING TO EMERGENCY MANAGEMENT; ENTERING INTO THE EMERGENCY
MANAGEMENT ASSISTANCE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Emergency Management Assistance Compact".

Section 2. COMPACT ENTERED INTO.--The Emergency
Management Assistance Compact is enacted into law and entered
into with all other jurisdictions legally joining therein in
accordance with its terms, in a form substantially as follows:

"EMERGENCY MANAGEMENT ASSISTANCE COMPACT

ARTICLE 1 - PURPOSE AND AUTHORITIES

A. The Emergency Management Assistance Compact is made
and entered into by and between the participating member
states that enact that compact.

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1 B. As used in the Emergency Management Assistance

2 Compact:

3 (1) "party states" means the participating member
4 states to the compact; and

5 (2) "state" means the several states, the
6 Commonwealth of Puerto Rico, the District of Columbia and all
7 United States territorial possessions.

8 C. The purpose of the Emergency Management Assistance
9 Compact is to provide for mutual assistance between the party
10 states in managing any emergency or disaster that is duly
11 declared by the governor of the affected state, whether
12 arising from natural disaster, technological hazard, man-made
13 disaster, civil emergency aspects of resources shortages,
14 community disorders, insurgency or enemy attack.

15 D. The Emergency Management Assistance Compact shall
16 also provide for mutual cooperation in emergency-related
17 exercises, testing or other training activities using
18 equipment and personnel simulating performance of any aspect
19 of the giving and receiving of aid by party states or
20 subdivisions of party states during emergencies, such actions
21 occurring outside actual declared emergency periods. Mutual
22 assistance pursuant to that compact may include the use of the
23 states' national guard forces, either in accordance with the
24 National Guard Mutual Assistance Compact or by mutual
25 agreement between states.

1 ARTICLE 2 - GENERAL IMPLEMENTATION

2 A. Each party state entering into the Emergency
3 Management Assistance Compact recognizes that many emergencies
4 transcend political jurisdictional boundaries and that
5 intergovernmental coordination is essential in managing these
6 and other emergencies under that compact. Each state further
7 recognizes that there will be emergencies that require
8 immediate access and will present procedures to apply outside
9 resources to make a prompt and effective response to such an
10 emergency. This is because few, if any, individual states
11 have all the resources they may need in all types of
12 emergencies or the capability of delivering resources to areas
13 where emergencies exist.

14 B. The prompt, full and effective use of resources of
15 the participating states, including any resources on hand or
16 available from the federal government or any other source,
17 that are essential to the safety, care and welfare of the
18 people in the event of any emergency or disaster declared by a
19 party state, shall be the underlying principle on which all
20 articles of the Emergency Management Assistance Compact shall
21 be understood.

22 C. On behalf of the governor of each state participating
23 in the compact, the legally designated state official who is
24 assigned responsibility for emergency management will be
25 responsible for formulation of the appropriate interstate

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1 mutual aid plans and procedures necessary to implement the
2 Emergency Management Assistance Compact.

3 ARTICLE 3 - PARTY STATE RESPONSIBILITIES

4 A. It shall be the responsibility of each party state to
5 formulate procedural plans and programs for interstate
6 cooperation in the performance of the responsibilities listed
7 in this article. In formulating such plans, and in carrying
8 them out, the party states, insofar as practical, shall:

9 (1) review individual state hazards analyses and,
10 to the extent reasonably possible, determine all those
11 potential emergencies the party states might jointly suffer,
12 whether due to natural disaster, technological hazard, man-
13 made disaster, emergency aspects of resource shortages, civil
14 disorders, insurgency or enemy attack;

15 (2) review party states' individual emergency
16 plans and develop a plan that will determine the mechanism for
17 the interstate management and provision of assistance
18 concerning any potential emergency;

19 (3) develop interstate procedures to fill any
20 identified gaps and to resolve any identified inconsistencies
21 or overlaps in existing or developed plans;

22 (4) assist in warning communities adjacent to or
23 crossing the state boundaries;

24 (5) protect and ensure uninterrupted delivery of
25 services, medicines, water, food, energy and fuel, search and

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1 rescue and critical life-line equipment, services and
2 resources, both human and material;

3 (6) inventory and set procedures for the
4 interstate loan and delivery of human and material resources,
5 together with procedures for reimbursement or forgiveness; and

6 (7) provide, to the extent authorized by law, for
7 temporary suspension of any statutes or ordinances that
8 restrict the implementation of the responsibilities delineated
9 in this subsection.

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

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

25 (2) the amount and type of personnel, equipment,

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1 materials and supplies needed, and a reasonable estimate of
2 the length of time they will be needed; and

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

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

12 ARTICLE 4 - LIMITATIONS

13 A. Any party state requested to render mutual aid or
14 conduct exercises and training for mutual aid shall take such
15 action as is necessary to provide and make available the
16 resources covered by the Emergency Management Assistance
17 Compact in accordance with the terms of the compact; provided
18 that it is understood that the state rendering aid may
19 withhold resources to the extent necessary to provide
20 reasonable protection for such state.

21 B. Each party state shall afford to the emergency forces
22 of any party state, while operating within its state limits
23 under the terms and conditions of the Emergency Management
24 Assistance Compact, the same powers, except that of arrest
25 unless specifically authorized by the receiving state, duties,

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1 rights and privileges as are afforded forces of the state in
2 which they are performing emergency services. Emergency
3 forces will continue under the command and control of their
4 regular leaders, but the organizational units will come under
5 the operational control of the emergency services authorities
6 of the state receiving assistance. These conditions may be
7 activated, as needed, only subsequent to a declaration of a
8 state of emergency or disaster by the governor of the party
9 state that is to receive assistance or commencement of
10 exercises or training for mutual aid and shall continue so
11 long as the exercises or training for mutual aid are in
12 progress, the state of emergency or disaster remains in effect
13 or loaned resources remain in the receiving states, whichever
14 is longer.

15 ARTICLE 5 - LICENSES AND PERMITS

16 Whenever any person holds a license, certificate or other
17 permit issued by any state party to the compact evidencing the
18 meeting of qualifications for professional, mechanical or
19 other skills, and when such assistance is requested by the
20 receiving party state, such person shall be deemed licensed,
21 certified or permitted by the state requesting assistance to
22 render aid involving such skill to meet a declared emergency
23 or disaster, subject to such limitations and conditions as the
24 governor of the requesting state may prescribe by executive
25 order or otherwise.

1 supplies.

2 ARTICLE 8 - COMPENSATION

3 Each party state shall provide for the payment of compensation
4 and death benefits to injured members of the emergency forces
5 of that state and representatives of deceased members of such
6 forces in case such members sustain injuries or are killed
7 while rendering aid pursuant to the Emergency Management
8 Assistance Compact in the same manner and on the same terms as
9 if the injury or death were sustained within its own state.

10 ARTICLE 9 - REIMBURSEMENT

11 Any party state rendering aid in another party state pursuant
12 to the Emergency Management Assistance Compact shall be
13 reimbursed by the party state receiving such aid for any loss
14 or damage to or expense incurred in the operation of any
15 equipment and the provision of any service in answering a
16 request for aid and for the costs incurred in connection with
17 such requests; provided, that any aiding party state may
18 assume in whole or in part such loss, damage, expense or other
19 cost, or may loan such equipment or donate such services to
20 the receiving party state without charge or cost; and provided
21 further, that any two or more party states may enter into
22 supplementary agreements establishing a different allocation
23 of costs among those states. Article 8 of that compact shall
24 not be reimbursable under this provision.

25 ARTICLE 10 - EVACUATION

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

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1 repatriation of such evacuees.

2 ARTICLE 11 - IMPLEMENTATION

3 A. The Emergency Management Assistance Compact shall
4 become operative immediately upon its enactment into law by
5 any two (2) states; thereafter, the Emergency Management
6 Assistance Compact shall become effective as to any other
7 state upon its enactment by such state.

8 B. Any party state may withdraw from the Emergency
9 Management Assistance Compact by enacting a statute repealing
10 that compact, but no such withdrawal shall take effect until
11 30 days after the governor of the withdrawing state has given
12 notice in writing of such withdrawal to the governors of all
13 other party states. Such action shall not relieve the
14 withdrawing state from obligations assumed hereunder prior to
15 the effective date of withdrawal.

16 C. Duly authenticated copies of the Emergency Management
17 Assistance Compact and of such supplementary agreements as may
18 be entered into shall, at the time of their approval, be
19 deposited with each of the party states and with the Federal
20 Emergency Management Agency and other appropriate agencies of
21 the United States Government.

22 ARTICLE 12 - VALIDITY

23 This section shall be construed to effectuate the purposes
24 stated in Article I of the Emergency Management Assistance
25 Compact. If any provision of that compact is declared

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1 unconstitutional, or its applicability to any person or
2 circumstances is held invalid, the constitutionality of the
3 remainder of the compact and its applicability to other
4 persons and circumstances shall not be affected.

5 ARTICLE 13 - ADDITIONAL PROVISIONS

6 Nothing in the Emergency Management Assistance Compact shall
7 authorize or permit the use of military force by the national
8 guard of a state at any place outside that state in any
9 emergency for which the president is authorized by law to call
10 into federal service the militia, or for any purpose for which
11 the use of the army or the air force would in the absence of
12 express statutory authorization be prohibited under Section
13 1385 of Title 18, United States Code.

14 ARTICLE 14 - REPORTING TO THE LEGISLATURE

15 The secretary of public safety shall, by January, 2000,
16 provide to the legislative finance committee copies of all
17 mutual aid plans and procedures promulgated, developed or
18 entered into after the effective date of this section. The
19 secretary shall annually thereafter provide the legislative
20 finance committee with copies of all new or amended mutual aid
21 plans and procedures by January of each calendar year. "

22 Section 3. EFFECTIVE DATE. --The effective date of the
23 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 February 20, 1999

7
8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 562

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS.

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17 Respectfully submitted,

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22 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 562

Page 14

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Luna, Martinez, Rios, Sanchez

Absent: None

J: \99BillSWP\H0562

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 26, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 562

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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21 Max Coll, Chair man
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 16

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 14 For 0 Against

Yes: 14

Excused: Buffett, Taylor, Watchman

Absent: None

J: \99BillSWP\H0562

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 12, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 562

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Michael S. Sanchez, Chairman

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: None

Excused: Payne, Stockard, Tsosie

Absent: None

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