

Senate Bill No. 518—Committee on Transportation
and Homeland Security

CHAPTER.....

AN ACT relating to civil emergencies; replacing the Interstate Civil Defense and Disaster Compact with the Emergency Management Assistance Compact; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 415.010 is hereby amended to read as follows:

415.010 The Legislature of this State hereby ratifies a Compact on behalf of the State of Nevada with any other State legally joining therein in the form substantially as follows:

~~Interstate Civil Defense and
Disaster Compact.~~

~~ARTICLE I~~

~~—The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.~~

~~ARTICLE II~~

~~—It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible~~

~~provide and follow uniform standards, practices and rules and regulations including:~~

- ~~—(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;~~
- ~~—(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;~~
- ~~—(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;~~
- ~~—(d) The effective screening or extinguishing of all lights and lighting devices and appliances;~~
- ~~—(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;~~
- ~~—(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;~~
- ~~—(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;~~
- ~~—(h) The safety of public meetings or gatherings; and~~
- ~~—(i) Mobile support units.~~

ARTICLE III

~~—Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.~~

ARTICLE IV

~~—Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or~~

~~disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.~~

ARTICLE V

~~—No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.~~

ARTICLE VI

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

ARTICLE VII

~~—Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.~~

ARTICLE VIII

~~—Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided~~

~~further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.~~

ARTICLE IX

~~—Plans 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 civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.~~

ARTICLE X

~~—This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or State thereof.~~

ARTICLE XI

~~—The committee established pursuant to Article I of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under~~

~~this compact, and representatives of such agency of the United States Government may attend meetings of such committee.~~

ARTICLE XII

~~—This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.~~

ARTICLE XIII

~~—This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.~~

ARTICLE XIV

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

ARTICLE XV

~~—(a) This Article shall be in effect only as among those States which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.~~

~~—(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:~~

~~—1. Searches for and rescue of persons who are lost, marooned, or otherwise in danger.~~

~~—2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.~~

~~—3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.~~

~~—4. The giving and receiving of aid by subdivisions of party States.~~

~~—5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.~~

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

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

~~—(e) Nothing in subsection (a) shall be construed to limit previous or future entry into the Interstate Civil Defense and Disaster Compact of this State with other States.}]~~

Implementation

This section authorizes the Governor to implement Public Law 104-321, Emergency Management Assistance Compact (EMAC), Articles 1 through 13, dated October 19, 1996.

Emergency Management Assistance Compact ARTICLE I—PURPOSES AND AUTHORITIES

This Compact is made and entered into by and between the participating member States which enact this Compact,

hereinafter called party States. For the purposes of this agreement, the term "States" is taken to mean the several States, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this Compact is to provide for mutual assistance between the States entering into this Compact in managing any emergency or disaster that is duly declared by the Governor of the affected State(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This Compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party States or subdivisions of party States during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this Compact may include the use of the States' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between States.

ARTICLE II—GENERAL IMPLEMENTATION

Each party State entering into this Compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this Compact. Each State further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating States, including any resources on hand or available from the Federal Government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party State, shall be the underlying principle on which all articles of this Compact shall be understood.

On behalf of the Governor of each State participating in the Compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this Compact.

ARTICLE III—PARTY STATE RESPONSIBILITIES

1. *It shall be the responsibility of each party State to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, the party States, insofar as practical, shall:*

(a) *Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party States might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency or enemy attack.*

(b) *Review party States' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.*

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

(d) *Assist in warning communities adjacent to or crossing the state boundaries.*

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

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

(g) *Provide, to the extent authorized by law, for temporary suspension of any statutes.*

2. *The authorized representative of a party State may request assistance of another party State by contacting the authorized representative of that State. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:*

(a) *A description of the emergency service function for which assistance is needed, such as, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.*

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

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

3. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party States with affected jurisdictions and the United States Government, with free exchange of information, plans and resource records relating to emergency capabilities.

ARTICLE IV—LIMITATIONS

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

ARTICLE V—LICENSES AND PERMITS

Whenever any person holds a license, certificate, or other permit issued by any State party to the Compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party State, such person shall be deemed licensed, certified or permitted by the State requesting assistance to render aid involving such

skill to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting State may be prescribed by executive order or otherwise.

ARTICLE VI—LIABILITY

Officers or employees of a party State rendering aid in another State pursuant to this Compact shall be considered agents of the requesting State for tort liability and immunity purposes; and no party State or its officers or employees rendering aid in another State pursuant to this Compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this Article shall not include willful misconduct, gross negligence or recklessness.

ARTICLE VII—SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that among the States that are party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or affect any other agreements already in force between States. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII—COMPENSATION

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

ARTICLE IX—REIMBURSEMENT

Any party State rendering aid in another State pursuant to this Compact shall be reimbursed by the party State receiving such aid

for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further, that any two or more party States may enter into supplementary agreements establishing a different allocation of costs among those States. Article VIII expenses shall not be reimbursable under this provision.

ARTICLE X—EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, 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. Such plans shall be put into effect by request of the State from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party State receiving evacuees and the party State from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party State from which the evacuees come. After the termination of the emergency or disaster, the party State from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI—IMPLEMENTATION

1. This Compact shall become operative immediately upon its enactment into law by any two (2) States; thereafter, this Compact shall become effective as to any other State upon its enactment by such State.

2. Any party State may withdraw from this Compact by enacting a statute repealing the same, 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. Such action shall not relieve the withdrawing State from obligations assumed hereunder prior to the effective date of withdrawal.

3. Duly authenticated copies of this Compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

ARTICLE XII—VALIDITY

This Act shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this Compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XII—ADDITIONAL PROVISIONS

Nothing in this Compact shall authorize or permit the use of military force by the National Guard of a State at any place outside that State in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would, in the absence of express statutory authorization, be prohibited under section 1385 of Title 18, United States Code.

Sec. 2. This act becomes effective upon passage and approval.