

**MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2007 (FIRST) Regular Session**

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**Bill No. 133 (FC)**

Introduced by:

F. F. Blas, Jr.  
J. V. Espaldon  
R. J. Respicio

**AN ACT TO RATIFY THE EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT, AND  
FOR OTHER RELATED PURPOSES.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

- Section 1. Legislative Statement.**
- Section 2. Title.**
- Section 3. Authorization and Approval of Emergency Management Assistance Compact.**
- Section 4. Effective Date.**
- Section 5. Severability.**

**Section 1. Legislative Statement.** *I Liheslaturan Guåhan*, “the Guam Legislature,” finds that the Emergency Management Assistance Compact (EMAC) is a mutual aid agreement and partnership between states that exists because, from typhoons to earthquakes and from wildfires to toxic waste spills, all jurisdictions share a common enemy: the constant threat of disaster. More importantly, EMAC allows states and territories to assist one another during emergencies. EMAC offers a quick and easy way for jurisdictions to send personnel and equipment to help disaster relief efforts in other areas. There are times when state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Out-of-jurisdiction aid through EMAC helps fill such shortfalls.

1           EMAC also establishes a firm legal foundation. Requests for EMAC assistance  
2 are legally binding, contractual arrangements which makes jurisdictions that ask for  
3 help responsible for reimbursing all out-of-state costs and liable for out-of-state  
4 personnel. States and territories can rest assured that sending aid will not be a  
5 financial or legal burden for them. EMAC provides fast and flexible Assistance.  
6 EMAC allows jurisdictions to ask for whatever assistance they need for any  
7 emergency, from earthquakes to acts of terrorism. On the other hand, states and  
8 territories are not forced to send any assistance unless they are able to. EMAC's  
9 simple procedures also mean states can dispense with bureaucratic wrangling. EMAC,  
10 states are now joining forces and helping one another when they need it the most:  
11 whenever disaster threatens.

12           **Section 2. Title.** This Act may be cited as the "***Guam Emergency***  
13 ***Management Assistance Compact Act of 2007 (Guam EMAC 2007).***"

14           **Section 3. Authorization and Approval of Emergency Management**  
15 **Assistance Compact.** *I Liheslaturan Guåhan*, the Guam Legislature, hereby  
16 authorizes *I Maga'lahaen Guåhan*, the Governor of Guam, to enter into a compact on  
17 behalf of the territory of Guam with any other state or territory legally joining therein,  
18 in the form substantially as follows. The Emergency Management Assistance  
19 Compact is attached and labeled as "**Exhibit A,**" and incorporated herein.

20           **Section 4. Effective Date.** This Act, being deemed of immediate  
21 importance shall take effect upon its enactment.

22           **Section 5. Severability.** *If* any provision of this Law or its application to  
23 any person or circumstance is found to be invalid or contrary to law, such invalidity  
24 shall *not* affect other provisions or applications of this Law which can be given effect  
25 without the invalid provisions or application, and to this end the provisions of this  
26 Law are severable.

**“EXHIBIT A.”**

**Emergency Management Assistance Compact**

<b>Article I.</b>	<b>Purposes and Authorities.</b>
<b>Article II.</b>	<b>General Implementation.</b>
<b>Article III.</b>	<b>Party State Responsibilities.</b>
<b>Article IV.</b>	<b>Limitations.</b>
<b>Article V.</b>	<b>Licenses and Permits.</b>
<b>Article VI.</b>	<b>Liability.</b>
<b>Article VII.</b>	<b>Supplementary Agreements.</b>
<b>Article VIII.</b>	<b>Compensation.</b>
<b>Article IX.</b>	<b>Reimbursement.</b>
<b>Article X.</b>	<b>Evacuation.</b>
<b>Article XI.</b>	<b>Implementation.</b>
<b>Article XII.</b>	<b>Validity.</b>
<b>Article XIII.</b>	<b>Additional Provisions.</b>

1   **“EXHIBIT A.”**

2   **Emergency Management Assistance Compact**

3   **Article I. Purposes and Authorities.**

4             This compact is made and entered into by and between the participating  
5 member states which enact this compact, hereinafter called party states. For the  
6 purposes of this agreement, the term “states” is taken to mean the several states, the  
7 Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial  
8 possessions.

9             The purpose of this compact is to provide for mutual assistance between the  
10 states entering into this compact in managing any emergency or disaster that is duly  
11 declared by the governor of the affected state(s), whether arising from natural disaster,  
12 technological hazard, man-made disaster, civil emergency aspects of resources  
13 shortages, community disorders, insurgency, or enemy attack.

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

21   **Article II. General Implementation.**

22            Each party state entering into this compact recognizes many emergencies  
23 transcend political jurisdictional boundaries and that intergovernmental coordination  
24 is essential in managing these and other emergencies under this compact. Each state  
25 further recognizes that there will be emergencies which require immediate access and  
26 present procedures to apply outside resources to make a prompt and effective response

1 to such an emergency. This is because few, if any, individual states have all the  
2 resources they may need in all types of emergencies or the capability of delivering  
3 resources to areas where emergencies exist.

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

9 On behalf of the governor of each state participating in the compact, the legally  
10 designated state official who is assigned responsibility for emergency management  
11 will be responsible for formulation of the appropriate interstate mutual aid plans and  
12 procedures necessary to implement this compact.

### 13 **Article III. Party State Responsibilities.**

14 **A.** It shall be the responsibility of each party state to formulate procedural  
15 plans and programs for interstate cooperation in the performance of the  
16 responsibilities listed in this article. In formulating such plans, and in carrying them  
17 out, the party states, insofar as practical, shall:

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

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

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

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

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

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

12          (7)    Provide, to the extent authorized by law, for temporary  
13 suspension of any statutes.

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

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

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

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

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

11   **Article IV. Limitations.**

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

1 the exercises or training for mutual aid are in progress, the state of emergency or  
2 disaster remains in effect or loaned resources remain in the receiving state(s),  
3 whichever is longer.

4 **Article V. Licenses and Permits.**

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

12 **Article VI. Liability.**

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

20 **Article VII. Supplementary Agreements.**

21 Inasmuch as it is probable that the pattern and detail of the machinery for  
22 mutual aid among two or more states may differ from that among the states that are  
23 party hereto, this instrument contains elements of a broad base common to all states,  
24 and nothing herein contained shall preclude any state from entering into  
25 supplementary agreements with another state or affect any other agreements already in  
26 force between states. Supplementary agreements may comprehend, but shall not be



1 limited to, provisions for evacuation and reception of injured and other persons and  
2 the exchange of medical, fire, police, public utility, reconnaissance, welfare,  
3 transportation and communications personnel, and equipment and supplies.

#### 4 **Article VIII. Compensation.**

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

#### 10 **Article IX. Reimbursement.**

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

#### 21 **Article X. Evacuation.**

22 Plans for the orderly evacuation and interstate reception of portions of the  
23 civilian population as the result of any emergency or disaster of sufficient proportions  
24 to so warrant, shall be worked out and maintained between the party states and the  
25 emergency management/services directors of the various jurisdictions where any type  
26 of incident requiring evacuations might occur. Such plans shall be put into effect by

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

#### 15 **Article XI. Implementation.**

16 **A.** This compact shall become operative immediately upon its enactment  
17 into law by any two (2) states; thereafter, this compact shall become effective as to  
18 any other state upon its enactment by such state.

19 **B.** Any party state may withdraw from this Compact by enacting a statute  
20 repealing the same, but no such withdrawal shall take effect until 30 days after the  
21 governor of the withdrawing state has given notice in writing of such withdrawal to  
22 the governors of all other party states. Such action shall not relieve the withdrawing  
23 state from obligations assumed hereunder prior to the effective date of withdrawal.

24 **C.** Duly authenticated copies of this compact and of such supplementary  
25 agreements as may be entered into shall, at the time of their approval, be deposited

1 with each of the party states and with the Federal Emergency Management Agency  
2 and other appropriate agencies of the United States Government.

3 **Article XII. Validity.**

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

9 **Article XIII. Additional Provisions.**

10 Nothing in this compact shall authorize or permit the use of military force by  
11 the National Guard of a state at any place outside that state in any emergency for  
12 which the President is authorized by law to call into federal service the militia, or for  
13 any purpose for which the use of the Army or the Air Force would in the absence of  
14 express statutory authorization be prohibited under Section 1385 of title 18, United  
15 States Code.