

S B

2 3 5

CS FOR SENATE BILL NO. 235(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to emergency and disaster relief forces as state employees for purposes**
2 **of workers' compensation benefits; relating to the Emergency Management Assistance**
3 **Compact and the implementation of the compact; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 23.30.244 is repealed and reenacted to read:**

6 **Sec. 23.30.244. Emergency and disaster relief forces as state employees.**

7 (a) A resident of this state temporarily engaged as a civilian volunteer in an
8 emergency or a disaster relief function in another state or country who suffers injury
9 or death during the course and within the scope of providing emergency or disaster
10 relief aid is considered an employee of this state for purposes of this chapter if, at the
11 time of the injury or death, the volunteer

12 (1) is an active roster civilian volunteer member of a state-certified
13 emergency force and is registered with the state division of emergency services in the
14 Department of Military and Veterans' Affairs;

1 (2) is providing services under AS 26.23.136 during an emergency or
2 disaster; and

3 (3) is not otherwise covered for that injury or death by an employer's
4 workers' compensation insurance policy or self-insurance certificate.

5 (b) A resident of this state temporarily engaged as a civilian volunteer in a
6 disaster emergency relief function in this state who suffers injury or death during the
7 course and within the scope of providing disaster emergency relief aid is considered an
8 employee of the state for purposes of this chapter if, at the time of the injury or death,
9 the volunteer

10 (1) is an active roster civilian volunteer member of an emergency
11 service organization whose services were requested by the division of emergency
12 services in the Department of Military and Veterans' Affairs;

13 (2) is providing services requested by the Department of Military and
14 Veterans' Affairs during a disaster emergency declared under AS 26.20.040 or
15 AS 26.23.020;

16 (3) is not an employee of an agency of the United States, this state, or a
17 political subdivision of this state; and

18 (4) is not otherwise covered for that injury or death by an employer's
19 workers' compensation insurance policy or self-insurance certificate.

20 (c) The gross weekly earnings for a resident of this state temporarily engaged
21 as a civilian volunteer under this section are the minimum gross weekly earnings paid
22 to an employee employed by this state to perform equivalent work, or, if an employee
23 is not employed by this state to perform equivalent work, the state average weekly
24 wage, but the gross weekly earnings for calculating compensation may not be less than
25 the minimum wage computed on the basis of 40 hours of work a week.

26 * Sec. 2. AS 26.23.070(b) is amended to read:

27 (b) If the governor finds that a vulnerable area lies only partly within the state
28 and includes territory in a foreign jurisdiction, and that it would be desirable to
29 establish an international relationship, mutual aid, or an area organization for disaster,
30 the governor shall take steps to that end as desirable. If this action is taken with
31 jurisdictions that have enacted the Emergency Management Assistance Compact

1 [INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT] substantially as
 2 contained in AS 26.23.136 [AS 26.23.130], any resulting agreement may be
 3 considered a supplementary [SUPPLEMENTAL] agreement under Article VII
 4 [ARTICLE VI] of that compact.

5 * Sec. 3. AS 26.23 is amended by adding new sections to read:

6 **Sec. 26.23.135. Emergency Management Assistance Compact enacted and**
 7 **entered into.** The Emergency Management Assistance Compact is hereby enacted
 8 into law and entered into with all jurisdictions legally joining in it in a form
 9 substantially as contained in AS 26.23.136.

10 **Sec. 26.23.136. Compact terms.** The terms and provisions of the compact
 11 referred to in AS 26.23.135 are as follows:

12 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

13 **ARTICLE I**

14 **PURPOSES; DEFINITIONS**

15 This compact is made and entered into by and between the participating
 16 member states that enact this compact, which are called party states. For the purposes
 17 of this agreement, "states" means the several states, the Commonwealth of Puerto
 18 Rico, the District of Columbia, and all United States territorial possessions.

19 The purpose of this compact is to provide for mutual assistance between the
 20 states entering into this compact in managing any emergency or disaster that is
 21 declared by the governor of the affected state or states, whether arising from natural
 22 disaster, technological hazard, man-made disaster, civil emergency aspects of
 23 resources shortages, community disorders, insurgency, or enemy attack.

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

31 **ARTICLE II**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes many emergencies transcend political jurisdiction 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 that 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 that 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 is the underlying principle on which all articles of this compact are 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 is responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III

PARTY STATE RESPONSIBILITIES

(a) It is 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

(1) 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;

(2) review party states' individual emergency plans and develop a plan that will determine the mechanism for the interstate management and provision of

1 assistance concerning any potential emergency;

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

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

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

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

12 (7) provide, to the extent authorized by law, for temporary suspension
13 of any statutes or ordinances that restrict the implementation of the responsibilities
14 listed in (1) - (6) of this subsection.

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

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

26 (2) the amount and type of personnel, equipment, materials and
27 supplies needed, and a reasonable estimate of the length of time they will be needed;
28 and

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

31 (c) There shall be frequent consultation between state officials who have

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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 of the compact; however, 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 exercises or training for mutual aid and shall continue so long as the exercises 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 or states, whichever is longest.

ARTICLE V
LICENSES AND PERMITS

Notwithstanding any contrary provision of law, 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, the person is deemed licensed, certified, or permitted by the state requesting assistance to render aid

1 involving such a skill to meet a declared emergency or disaster, subject to the
2 limitations and conditions as the governor of the requesting state may prescribe by
3 proclamation or otherwise.

4 ARTICLE VI

5 LIABILITY

6 Officers or employees of a party state rendering aid in another state under this
7 compact are considered agents of the requesting state for tort liability and immunity
8 purposes; and a party state or its officers or employees rendering aid in another state in
9 accordance with this compact is not liable on account of any act or omission in good
10 faith on the part of such forces while so engaged or on account of the maintenance or
11 use of any equipment or supplies in connection with the rendering of that aid. Good
12 faith in this article does not include wilful misconduct, gross negligence, or
13 recklessness.

14 ARTICLE VII

15 SUPPLEMENTARY AGREEMENTS

16 Inasmuch as it is probable that the pattern and detail of the machinery for
17 mutual aid among two or more states may differ from that among the states that are
18 party to the compact, this instrument contains elements of a broad base common to all
19 states, and nothing contained in the compact precludes any state from entering into
20 supplementary agreements with another state or affects any other agreements already
21 in force between states. Supplementary agreements may comprehend, but are not
22 limited to, provisions for evacuation and reception of injured and other persons and
23 the exchange of medical, fire, police, public utility, reconnaissance, welfare,
24 transportation and communications personnel, and equipment and supplies.

25 ARTICLE VIII

26 COMPENSATION

27 Each party state shall provide for the payment of compensation and death
28 benefits to injured members of the emergency forces of that state and representatives
29 of deceased members of such forces in case those members sustain injuries or are
30 killed while rendering aid under this compact, in the same manner and on the same
31 terms as if the injury or death were sustained within their own state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE IX
REIMBURSEMENT

Any party state rendering aid in another state under this compact 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 and the provision of any service in answering a request for aid and for the costs incurred in connection with such a request; however, any aiding party state may assume in whole or in part the loss, damage, expense, or other cost, or may loan equipment or donate services to the receiving party state without charge or cost and, further, any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses are not 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 or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. The plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting the 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 the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The 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 the 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 the

1 evacuees.

2 ARTICLE XI
3 IMPLEMENTATION

4 (a) This compact becomes operative immediately upon its enactment into law
5 by any two states; after that, this compact becomes effective as to any other state upon
6 its enactment by that state.

7 (b) Any party state may withdraw from this compact by enacting a statute
8 repealing the compact, but the withdrawal does not take effect until 30 days after the
9 governor of the withdrawing state has given notice in writing of the withdrawal to the
10 governors of all other party states. The action does not relieve the withdrawing state
11 from obligations assumed under the compact before the effective date of withdrawal.

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

16 ARTICLE XII
17 VALIDITY

18 This Act shall be construed to effectuate the purposes stated in Article I of this
19 compact. If any provision of this compact is declared unconstitutional, or the
20 applicability of the compact to any person or circumstances is held invalid, the
21 constitutionality of the remainder of this compact and the applicability of the compact
22 to other persons and circumstances are not affected by the invalidity of any provision
23 of the compact.

24 ARTICLE XIII
25 ADDITIONAL PROVISIONS

26 Nothing in this compact authorizes or permits the use of military force by the
27 National Guard of a state at any place outside that state in any emergency for which
28 the President is authorized by law to call into federal service the militia, or for any
29 purpose for which the use of the Army or the Air Force would in the absence of
30 express statutory authorization be prohibited under 18 U.S.C. 1385.

31 * Sec. 4. AS 26.23.210(b) is amended to read:

1 (b) The provisions of this chapter[, OTHER THAN AS 26.23.130,] apply to
2 preparedness, response, and recovery in cases of natural and human made
3 [MANMADE] disasters other than disasters listed in (a) of this section.

4 * Sec. 5. AS 26.23.120 and 26.23.130 are repealed.

5 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT

OFFERED IN THE HOUSE

BY _____

TO: SB 235

1 Page 2, line 13:

2 Following "under"

3 Insert "AS 26.20.040 or"

4

5 Page 9, line 30:

6 Following "chapter":

7 Delete ", other than AS 26.23.136 [AS 26.23.130],"

8 Insert "[, OTHER THAN AS 26.23.130],"

SECTIONAL ANALYSIS OF SB 235

(Re emergency and disaster relief forces as state employees
for workers' comp and re the Emergency Management Assistance Compact)

Section 1 repeals and reenacts existing AS 23.30.244 (workers' compensation; civil defense and disaster relief forces as state employees). Presently, this statute provides that an Alaskan temporarily engaged in civil defense or disaster relief, whether in another state under an interstate compact or as a volunteer in this state, is considered an employee of the state for purposes of workers' compensation. The statutory change will make administration of workers' compensation coverage for disaster workers the same as for emergency medical technicians—in order to be covered as state employees for workers' compensation purposes, these workers must be listed on a roster maintained by the Division of Emergency Services. This will result in faster payment of claims, and will assist in risk management in tracking the number of potential claimants.

Sections 2 and 4 makes conforming amendments to AS 26.23.070 (establishment of interjurisdictional disaster planning and service areas) and AS 26.23.210 (relationship of disaster laws to civil defense laws) to make these statutes consistent with the adoption of the Emergency Management Assistance Compact and the repeal of the Interstate Civil Defense and Disaster Compact, discussed below in sections 3 and 5.

Section 3 enacts the Emergency Management Assistance Compact (EMAC). The compact is a uniform agreement that establishes a framework by which states can request assistance from and provide assistance to other states in declared disasters and emergencies. The EMAC was originally developed and adopted by states in the southeastern United States and now has been adopted by 43 states, including New York, New Jersey, and Michigan, which joined after the September 11 attack.

Article I of the EMAC describes its purpose, and provides for mutual cooperation in emergency-related exercises and training as well as in disaster response.

Article II describes the general implementation of the EMAC, with each state designating an emergency management official responsible for formulating appropriate mutual aid plans and procedures consistent with the EMAC.

Article III describes party states' responsibilities for planning and preparedness, and describes the procedures by which a state may request assistance of another state. Such assistance may be in the form of personnel, equipment, materials, supplies, or emergency services such as fire services, medical services, transportation.

Article IV provides that the state receiving a request for assistance shall take such action as is necessary to provide the requested resources, however it may withhold them to the extent necessary to provide reasonable protection in its own state. This article also

specifies that the requesting state must declare a state of emergency or disaster, and the emergency forces are under the immediate command and control of their regular leaders, but are under the operational control of the requesting state.

Article V provides that in general, a license, certificate, or other permit held by a responder in the assisting state is valid when providing assistance in the requesting state.

Article VI provides that employees of the assisting state are considered agents of the requesting state for tort liability and immunity purposes, and no assisting state's employees shall be liable for any good faith act or on account of the maintenance or use of equipment or supplies.

Article VII authorizes supplementary agreements in addition to the EMAC.

Article VIII specifies that the requesting state shall pay workers' compensation and death benefits to members of its emergency forces and the representatives of deceased members who are injured and killed while rendering aid to another state, in the same manner and on the same terms as if they were injured or killed within their own state.

Article IX provides for reimbursement by the requesting state of the costs incurred by the assisting state in responding to the request.

Article X addresses planning for and implementation of evacuations from one state to another.

Articles XI, XII, and XIII cover administration of the EMAC, including provisions for withdrawal, principles of interpretation, and additional provisions respecting the use of the National Guard.

Section 5 repeals the outdated Interstate Civil Defense and Disaster Compact.

SB225 Emergency Management Assistance Compact (EMAC)

What does this bill accomplish?

1. It repeals the outdated Interstate Civil Defense and Disaster Compact (AS 26.23.120 and 130) and replaces it with the Emergency Management Assistance Compact (EMAC), a mutual aid agreement that facilitates disaster assistance among member states.
2. It updates AS 23.30.244 to provide worker's compensation for specific categories of disaster volunteers, namely those who perform duties in another state under EMAC or those who perform duties in Alaska under the Division of Emergency Services.

What is EMAC?

EMAC allows states to assist one another during emergencies. It offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Out-of-state aid through EMAC helps fill such shortfalls.

EMAC establishes a firm legal foundation. Requests for EMAC assistance are legally binding, contractual arrangements which make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States that send aid will not incur a financial burden.

EMAC provides fast and flexible assistance. EMAC allows states to ask for whatever assistance they need for any emergency, from earthquakes to acts of terrorism. At the same time, EMAC makes no requirement for a state to send assistance unless they determine to provide the requested assistance.

Why should Alaska join EMAC?

While Alaska is capable of handling most disasters/emergencies, as demonstrated by past events, there are times when disasters exceed State and local resources and therefore require outside assistance. Normally this assistance comes from federal agencies through the Federal Emergency Management Agency (FEMA). However, not all disasters qualify for a Presidential Disaster Declaration and therefore are not eligible for federal assistance.

EMAC provides a means for Alaska to receive interstate assistance when federal assistance is not merited or available. Even when federal assistance is merited, EMAC assistance may be more readily available or more cost effective, or it may be necessary to supplement federal assistance. In any case, EMAC allows other member states to assist Alaska by rapidly providing their unique resources and expertise in the event of a large-scale disaster. EMAC costs incurred for a disaster that receives a Presidential Disaster Declaration are reimbursable by FEMA at the same cost share (75/25) as other costs incurred by the state.

Because a terrorist attack has the potential to be catastrophic and therefore overwhelming, Alaska should take all possible measures to obtain outside assistance prior to such an event.

Membership in EMAC will also allow Alaska to rapidly provide requested assistance to other states in a process that provides mutually agreed upon and understood requirements for reimbursement and responsibility for the welfare of personnel and resources.

AMENDMENT

OFFERED IN THE HOUSE

BY _____

TO: SB 235

1 Page 2, line 13:

2 Following "under"

3 Insert "AS 26.20.040 or"

4

5 Page 9, line 30:

6 Following "chapter":

7 Delete ", other than AS 26.23.136 [AS 26.23.130],"

8 Insert "[, OTHER THAN AS 26.23.130],"

SECTIONAL ANALYSIS OF SB 235

(Re emergency and disaster relief forces as state employees
for workers' comp and re the Emergency Management Assistance Compact)

Section 1 repeals and reenacts existing AS 23.30.244 (workers' compensation; civil defense and disaster relief forces as state employees). Presently, this statute provides that an Alaskan temporarily engaged in civil defense or disaster relief, whether in another state under an interstate compact or as a volunteer in this state, is considered an employee of the state for purposes of workers' compensation. The statutory change will make administration of workers' compensation coverage for disaster workers the same as for emergency medical technicians—in order to be covered as state employees for workers' compensation purposes, these workers must be listed on a roster maintained by the Division of Emergency Services. This will result in faster payment of claims, and will assist in risk management in tracking the number of potential claimants.

Sections 2 and 4 makes conforming amendments to AS 26.23.070 (establishment of interjurisdictional disaster planning and service areas) and AS 26.23.210 (relationship of disaster laws to civil defense laws) to make these statutes consistent with the adoption of the Emergency Management Assistance Compact and the repeal of the Interstate Civil Defense and Disaster Compact, discussed below in sections 3 and 5.

Section 3 enacts the Emergency Management Assistance Compact (EMAC). The compact is a uniform agreement that establishes a framework by which states can request assistance from and provide assistance to other states in declared disasters and emergencies. The EMAC was originally developed and adopted by states in the southeastern United States and now has been adopted by 43 states, including New York, New Jersey, and Michigan, which joined after the September 11 attack.

Article I of the EMAC describes its purpose, and provides for mutual cooperation in emergency-related exercises and training as well as in disaster response.

Article II describes the general implementation of the EMAC, with each state designating an emergency management official responsible for formulating appropriate mutual aid plans and procedures consistent with the EMAC.

Article III describes party states' responsibilities for planning and preparedness, and describes the procedures by which a state may request assistance of another state. Such assistance may be in the form of personnel, equipment, materials, supplies, or emergency services such as fire services, medical services, transportation.

Article IV provides that the state receiving a request for assistance shall take such action as is necessary to provide the requested resources, however it may withhold them to the extent necessary to provide reasonable protection in its own state. This article also

specifies that the requesting state must declare a state of emergency or disaster, and the emergency forces are under the immediate command and control of their regular leaders, but are under the operational control of the requesting state.

Article V provides that in general, a license, certificate, or other permit held by a responder in the assisting state is valid when providing assistance in the requesting state.

Article VI provides that employees of the assisting state are considered agents of the requesting state for tort liability and immunity purposes, and no assisting state's employees shall be liable for any good faith act or on account of the maintenance or use of equipment or supplies.

Article VII authorizes supplementary agreements in addition to the EMAC.

Article VIII specifies that the requesting state shall pay workers' compensation and death benefits to members of its emergency forces and the representatives of deceased members who are injured and killed while rendering aid to another state, in the same manner and on the same terms as if they were injured or killed within their own state.

Article IX provides for reimbursement by the requesting state of the costs incurred by the assisting state in responding to the request.

Article X addresses planning for and implementation of evacuations from one state to another.

Articles XI, XII, and XIII cover administration of the EMAC, including provisions for withdrawal, principles of interpretation, and additional provisions respecting the use of the National Guard.

Section 5 repeals the outdated Interstate Civil Defense and Disaster Compact.

SB235 Emergency Management Assistance Compact (EMAC)

What does this bill accomplish?

1. It repeals the outdated Interstate Civil Defense and Disaster Compact (AS 26.23.120 and 130) and replaces it with the Emergency Management Assistance Compact (EMAC), a mutual aid agreement that facilitates disaster assistance among member states.
2. It updates AS 23.30.244 to provide worker's compensation for specific categories of disaster volunteers, namely those who perform duties in another state under EMAC or those who perform duties in Alaska under the Division of Emergency Services.

What is EMAC?

EMAC allows states to assist one another during emergencies. It offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Out-of-state aid through EMAC helps fill such shortfalls.

EMAC establishes a firm legal foundation. Requests for EMAC assistance are legally binding, contractual arrangements which make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States that send aid will not incur a financial burden.

EMAC provides fast and flexible assistance. EMAC allows states to ask for whatever assistance they need for any emergency, from earthquakes to acts of terrorism. At the same time, EMAC makes no requirement for a state to send assistance unless they determine to provide the requested assistance.

Why should Alaska join EMAC?

While Alaska is capable of handling most disasters/emergencies, as demonstrated by past events, there are times when disasters exceed State and local resources and therefore require outside assistance. Normally this assistance comes from federal agencies through the Federal Emergency Management Agency (FEMA). However, not all disasters qualify for a Presidential Disaster Declaration and therefore are not eligible for federal assistance.

EMAC provides a means for Alaska to receive interstate assistance when federal assistance is not merited or available. Even when federal assistance is merited, EMAC assistance may be more readily available or more cost effective, or it may be necessary to supplement federal assistance. In any case, EMAC allows other member states to assist Alaska by rapidly providing their unique resources and expertise in the event of a large-scale disaster. EMAC costs incurred for a disaster that receives a Presidential Disaster Declaration are reimbursable by FEMA at the same cost share (75/25) as other costs incurred by the state.

Because a terrorist attack has the potential to be catastrophic and therefore overwhelming, Alaska should take all possible measures to obtain outside assistance prior to such an event.

Membership in EMAC will also allow Alaska to rapidly provide requested assistance to other states in a process that provides mutually agreed upon and understood requirements for reimbursement and responsibility for the welfare of personnel and resources.