

HB

366

<TARGET><BILL>HB 366</BILL><SUBJECT>HB
366</SUBJECT><COMM>HCRA27</COMM></TARGET>

ALASKA STATE LEGISLATURE

HOUSE COMMUNITY & REGIONAL AFFAIRS



HB 366 DISASTER PLANNING AND SERVICES

"An Act establishing an Alaska intrastate mutual aid system and relating to the duties of the Alaska division of homeland security and emergency management and the duties of the Alaska State Emergency Response Commission."

In 2004 the National Emergency Management Association (NEMA) in conjunction with the Federal Emergency Management Agency (FEMA) and a host of emergency response organizations, began developing and promoting model legislation for an intrastate mutual aid system (IMAS). The goal of IMAS is to provide a framework for all political subdivisions within a state to receive and render aid to other subdivisions within a state in times of need.

HB 366 will implement this model legislation in a manner that will be beneficial for Alaskan communities. The system detailed in HB 366 will provide a framework for mutual assistance among the participating political subdivisions – regions, boroughs, municipalities, and other local jurisdictions - in the prevention of, response to, and recovery from any disaster that results in a formal declaration of local disaster emergency.

The employees and volunteers who serve in emergency services recognize that emergencies transcend political jurisdictional boundaries. They, and the local agencies they serve, understand that intergovernmental coordination is essential for the protection of lives and property and for best use of available assets. Currently, the Alaska Disaster Act does provide for political subdivisions to create mutual aid agreements, which, in practice, works well for neighboring entities or service areas that have an established history of providing mutual aid to one another. These local mutual aid agreements vary widely in their scope and may not all address key issues of liability and compensation. Further, they may not encompass all emergency services. Through HB 366, a statewide agreement would be developed to supplement existing regional or local agreements by establishing a comprehensive, integrated system of mutual aid at a state level that will ensure an efficient and effective response to all hazards and disasters.

HB 366 would allow all political subdivisions to automatically be included in the statewide mutual aid system. A political subdivision may elect to withdraw by enacting an appropriate resolution by its governing body. This legislation would not prevent participating entities from entering into supplementary agreements with other political subdivisions or impact any existing or future agreements. If a participating entity cannot provide assistance to a requesting entity, they are not obligated or bound to provide assistance.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 366
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB366-DMVA-MVA-HSEM-3-25-12 Dept. Affected Dept. of Military & Veterans Affairs
 Title Disaster Planning and Services Appropriation Military and Veterans Affairs
 Allocation Homeland Security and
 Sponsor (H) Community & Regional Affairs Emergency Management
 Requester (H) Military & Veterans Affairs Special Committee OMB Component Number 2657

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	GF/MH (UGF)						
1018	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated **SUPPLEMENTAL (FY12) operating costs** 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by McHugh Pierre, Deputy Commissioner
 Division Office of the Commissioner, DMVA
 Approved by Major General Thomas H. Katkus, Commissioner
Office of the Commissioner, DMVA

Phone (907) 428-6003
 Date/Time 3/25/12 4:00 PM
 Date 3/25/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 366

Analysis

This bill establishes the Alaska intrastate mutual aid system. The Division of Homeland Security and Emergency Management will coordinate the operation of the Alaska intrastate mutual aid system among participating political subdivisions of the state and develop, in coordination with the political subdivisions and appropriate state and federal agencies, comprehensive guidelines and procedures for the Alaska intrastate mutual aid system, including record keeping and reimbursement procedures and forms for use by political subdivisions requesting and providing assistance.

There is no fiscal impact to the Department of Military and Veterans Affairs for this bill.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 19, 2012

SUBJECT: Sectional summary of HB 366 (Work Order No. 27-LS1450\A)

TO: Representative Cathy Muñoz
Attn: Terry Harvey

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires the Alaska division of homeland security and emergency management ("division") to play an integral part in developing and implementing the Alaska Intrastate Mutual Aid System ("mutual aid system") established by sec. 5 of the bill.

Section 2. Requires the division to coordinate the operation of the mutual aid system and assist in the development of certain guidelines and procedures for the mutual aid system.

Section 3. Provides that the Alaska State Emergency Response Commission ("commission") will facilitate the preparation and implementation of the mutual aid system.

Section 4. Requires the commission to review and make recommendations about the mutual aid system.

Section 5. Establishes the mutual aid system between participating political subdivisions of the state. Provides that every political subdivision is a participating member of the mutual aid system unless the subdivision withdraws. Provides what assistance a political subdivision may request assistance for. Addresses qualifications and employment of, and workers' compensation for, emergency responders. Establishes reimbursement procedures for, and tort liability of, participating political subdivisions. Provides definitions for the provisions establishing the mutual aid system.

TLAB:ljw
12-211.ljw

Alaska State Legislature

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee



During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

House of Representatives

MEMORANDUM

To: House Community & Regional Affairs Committee
Rep. Cathy Munoz, Chair
Rep. Neal Foster, Vice-Chair
Rep. Dan Saddler
Rep. Alan Austerman
Rep. Sharon Cissna
Rep. Alan Dick
Rep. Berta Gardner

From: Rep. Eric Feige

Date: March 27, 2012

Re: HB 366, Intrastate Mutual Aid

HB 366, sponsored by the House Community and Regional Affairs Committee, will come before you on Thursday, March 29. My office has been assisting with this bill and I would like to make myself and Michael Paschall of my staff available to answer any questions you may have concerning the bill. We may be reached at 465-4859.

HB 366 is a companion bill to SB 208, which is currently waiting for a hearing in Senate Finance. With HB 366 not having a referral to House Finance, we are hoping to get the bill moved through committee the week of March 26 and onto the House Floor early the following week to allow it to reach the Senate as soon as possible.

HB 366 was heard and moved out of Military & Veterans Affairs on March 27. I encourage you to contact my office with any questions you have concerning this bill to help facilitate moving the bill through Community & Regional Affairs on Thursday.

This bill is supported by the Department of Military and Veterans Affairs and was drafted from model legislation from the National Emergency Management Association in consultation with the Department and the Alaska Municipal League, Alaska Fire Chiefs Association, and the Fairbanks North Star Borough.

Attached is a copy of the sponsor statement and the bill. Additional information (probably more than you would like to read) is available on BASIS.

Again, if you have any questions, please contact my office.

The Emergency Management Assistance Compact (EMAC), established in 1996, has weathered the storm when tested and stands today as the cornerstone of the nation's mutual aid system.



EMAC is the first national disaster-relief compact since the Civil Defense and Disaster Compact of 1950 to be ratified by Congress. Since ratification and signing into law in 1996 (Public Law 104-321), 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members.

EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Through EMAC states can also transfer services, such as shipping newborn blood from a disaster-impacted lab to a lab in another state.

The strength of EMAC and the quality that distinguishes it from other plans and compacts lie in

its governance structure; its relationship with federal organizations, states, counties, territories, and regions; the willingness of states and response and recovery personnel to deploy; and the ability to move any resource one state wishes to utilize to assist another state.

EMAC establishes a firm legal foundation. Once the conditions for providing assistance to a requesting state have been set, the terms constitute a legally binding contractual agreement that makes affected states responsible for reimbursement. The EMAC legislation solves the problems of liability and responsibilities of cost and allows for credentials, licenses, and certifications to be honored across state lines.

Deploying resources through EMAC leverages federal grant dollars (such as HMGP & EMPG) invested in state and local emergency management resource capabilities.

Through EMAC, states are able to join forces and help one another when they need it the most: whenever disaster strikes!



EMAC Overview

DMIS SIG
August 2006



What is EMAC?

Emergency Management Assistance Compact

- National interstate mutual aid compact
- Formalized into law by member states
- Implemented by State Emergency Management Agencies





EMAC Vision & Mission

Vision

The cornerstone of national mutual aid

Mission

**Facilitate the efficient and effective sharing
of resources between member states
during times of disaster or emergency**



EMAC is administered by NEMA, the
National Emergency Management Association



EMAC History

- **1992** - Concept of Emergency Management Compact Conceived by Southern US Governors
- **1993** - Adopted as Southern Regional Emergency Management Assistance Compact
- **1996** – Endorsed by National Governor’s Association & FEMA for Nationwide Use
- **1996** - Ratified by US Congress and Signed into Law (PL 104-321)
- **1996 to present** – Adoption by individual states
Implementation and improvement of CONOPS



EMAC is administered by NEMA, the
National Emergency Management Association



EMAC Members

50 States
the District of Columbia
Puerto Rico and the U.S. Virgin Islands
have enacted EMAC legislation

(as of May 2006)





What does EMAC do?

EMAC:

- Maximizes the use of available resources
- Coordinates resource deployments with the NRP structure and resources
- Expedites and streamlines delivery of assistance between member states
- Protects state sovereignty
- Provides management and oversight for interstate aid

EMAC does NOT:

- Replace federal support
- Alter a state's operational direction and control
- Endorse or support freelancing or self-dispatch
- Broker resources from municipality to municipality
 - Resources move from state to state.
 - Non-state resources move through the state EMA





How Does EMAC Work?



EMAC Process (simplified)

Event occurs or is imminent
and Governor declares an
emergency or disaster



Affected State alerts
National Coordinating Group
(NCG)



Affected State uses
in-house personnel or
requests an A-Team

Needs identified and defined



Requests are broadcast to
member states (authorized)



Member states determine
matches, availability, and cost



Member states make offer of
assistance (authorized)



Affected state considers offers and
accepts, rejects, or negotiates



REQ-A completed



ANY CAPABILITY OF A MEMBER STATE can be shared with other member states

- State/Local EOC Support
- Damage assessment
- Disaster recovery
- Logistics
- Donations management
- Security
- Communications
- Fire fighting
- Aviation support
- Medical personnel/resources
- Hazard mitigation
- Community outreach
- Search and rescue
- Debris clearance
- Information & planning
- Public Health
- Hazardous materials
- Human services/mass care
- Animal control
- Information/planning

Other examples...



Why is EMAC Successful?



EMAC Effectiveness

- Key Issues Resolved in Advance Through Provisions in the Compact Language
 - Reimbursement, Licensure, Liability
- Active Member States with Executive Support
- Operations Manual
 - Levels of Operation/ Span of Control/ Continuity of Operations
- Continual Improvement – Strategic Planning
 - MBO/ Flexibility/ Critiques/ Training/ Exercises
- Administrative Oversight and Support Staff
 - Formal Protocols and Governance Structure (within NEMA)
- Customized Technology Development





EMAC Key Provisions

“...the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.”

“...licenses, certificates, or other permits... shall be deemed licensed, certified, or permitted by the state requesting assistance.”



EMAC is administered by NEMA, the
National Emergency Management Association



EMAC Key Provisions

“Employees . . . rendering aid . . . shall be considered agents of the requesting state for tort liability and immunity purposes”

“. . . any party state rendering aid . . . shall be reimbursed by the party state receiving aid for any loss or damage to or expense incurred . . .”



EMAC is administered by NEMA, the
National Emergency Management Association



Member State Responsibilities

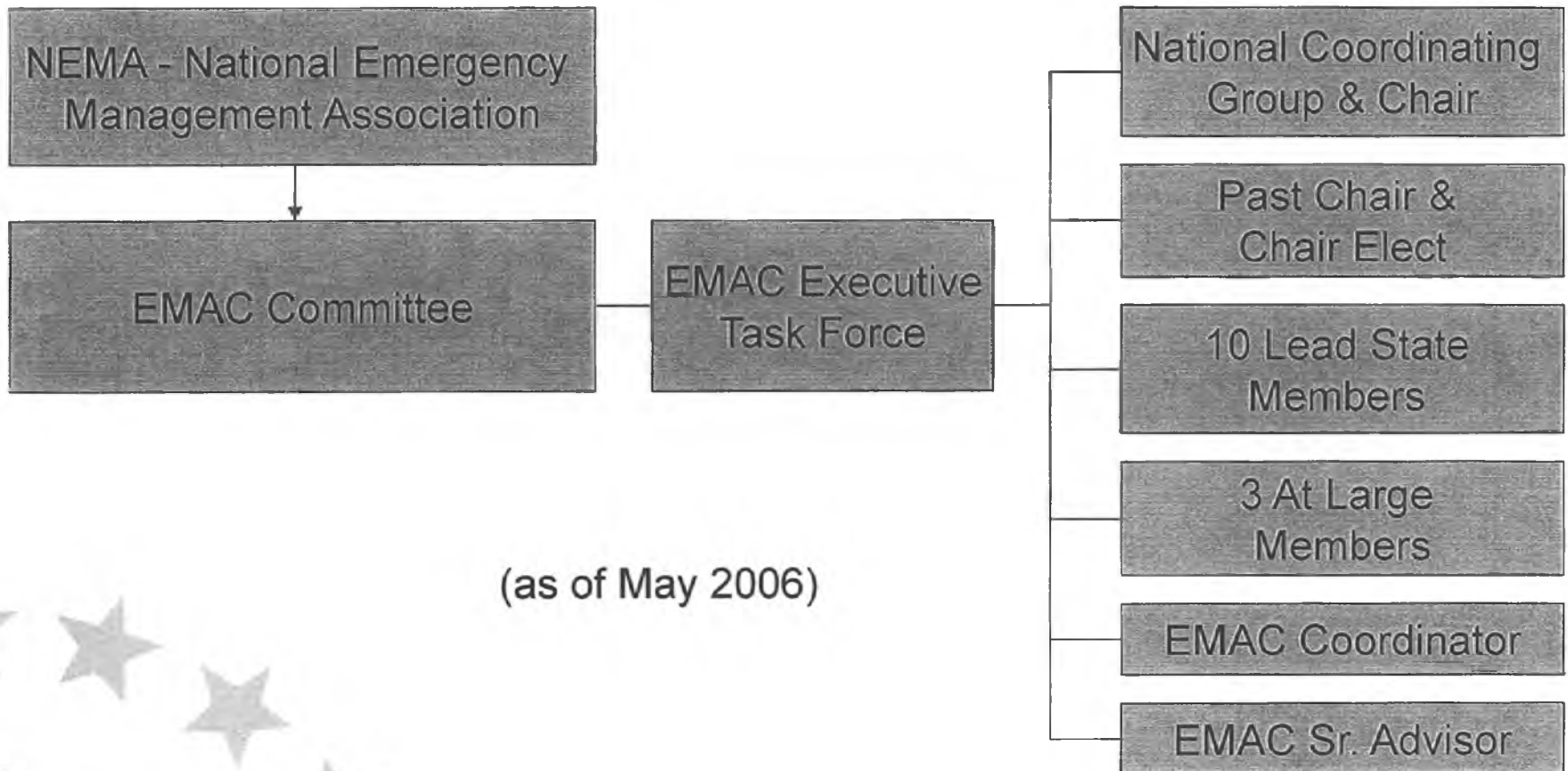
- Train EMA, State Agency, and Local Government Personnel on the EMAC Process
- Train Personnel on EMAC A-Team Operations
- Maintain Procedures for A-Team Activation
- Develop and Maintain Procedures for Requesting and Providing Assistance
- Evaluate Procedures Through Exercise/Actual



EMAC is administered by NEMA, the
National Emergency Management Association



EMAC Governance Structure



(as of May 2006)





Operational Response



EMAC Operational Units

- National Coordination Group
- A-Team
- Regional Coordinating Teams
- National Coordinating Team
- Full time administrative support - NEMA



EMAC is administered by NEMA, the
National Emergency Management Association



National Coordination Group

- Activates EMAC Operations on Short Notice
- Provides Oversight of EMAC Operations
- Collateral Responsibility of the Chair of the Operations Sub-Committee



EMAC is administered by NEMA, the
National Emergency Management Association



A-Team

- Deploys at Request of Affected State
- Operates from Affected State's EOC or other Command and Control location
- Coordinates resource requests on behalf of the Affected State
- Serves as Liaison Between Affected State and other EMAC member States



EMAC is administered by NEMA, the
National Emergency Management Association



Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax: 907/459-1102

Email: mayor@co.fairbanks.ak.us

March 22, 2012

The Honorable Cathy Munoz, Chair
House Community and Regional Affairs Committee
Alaska State Capitol, Room 403
Juneau, AK 99801-1182

Subject: Support for HB 366, Disaster Planning and Services

Dear Chair Munoz:

Thank you for introducing HB 366, a bill to establish a comprehensive Intrastate Mutual Aid System (IMAS) that would allow all political subdivisions to transcend their jurisdictional boundaries to receive and render aid to other political subdivisions in the event of disasters and emergencies. The Fairbanks North Star Borough Assembly identified intrastate mutual aid legislation as one of its legislative priorities in 2010, therefore, the Borough is pleased to offer our support of HB 366. We believe that this legislation is good public policy that will provide for a consistent and integrated mutual aid system to ensure an effective response in disaster situations.

The 2009 ice jam flooding, which devastated communities located along the Yukon River, demonstrated a critical need for an intrastate mutual aid system. The Fairbanks North Star Borough provided fire apparatus to City of Eagle after that community's fire station was submerged during the flooding. Borough emergency management staff assisted with sheltering a planeload of evacuated elders and children from a Yukon River village. These communities are geographically isolated from the Borough and, therefore, mutual aid agreements with these communities did not exist. The myriad of issues that have arisen with regard to authorities, compensation, liability, and the ability to provide timely assistance, as a result of the Yukon River flooding response clearly demonstrates the value of having agreements and procedures in place long before a disaster occurs. The establishment of an intrastate mutual aid system framework as proposed by HB 366 will substantially close this gap.

Disasters know no political boundaries. They can happen at any time, in any place, and to anyone. HB 366 provides an integrated and structured framework to provide efficient and effective emergency aid and relief to all Alaskan residents when disaster strikes. Thank you for your consideration and support of HB 366.

Sincerely,

Mayor Luke Hopkins

-----Original Message-----

From: Billie Bob Allen [<mailto:bballen@mtaonline.net>]

Sent: Monday, March 19, 2012 12:04 PM

To: Rep. Cathy Munoz

Cc: Michael Paschall

Subject: Support for HB366

The Honorable Cathy Munoz
Alaska State House of Representatives
Chair, House Community and Regional Affairs Committee

Dear Representative Munoz:

Please accept this letter as support for HB366 which would establish an intrastate mutual aid system in Alaska. I have been authorized by my client, Alaska State Fair, Inc., (ASF) to notify you of their support for HB366. We have also issued a letter of support for the companion Bill SB208 to Senator Joe Paskvan sponsor of the proposed legislation through the Senate State Affairs Committee.

ASF management has been working with the Matanuska-Susitna Borough EMS and the State Homeland Security and Emergency Management Division in regards to emergency planning in the event of a disaster. Signatory to an Agreement to develop an initial plan to create shelter for the people of the Mat-Su Borough in the event of a disaster are the Mat-Su Borough, State of Alaska, Department of Corrections, Mat-Su Borough School District, American Red Cross, City of Palmer and Mat-Su Regional Medical Center. The purpose of the Agreement (MOU) is to form a partnership to plan, prepare, and implement mass sheltering protocol for use on the Alaska State Fair grounds.

To that end, Madam Chair, the ASF has pledged it's assets, where needed to benefit the people of the State of Alaska in the event of a disaster in any fashion that they can. ASF has approximately 130,000 sf under roof and is accessible by surface, rail, and air.

The commitment to assist by the Alaska State Fair supports their pledge and agreement to be a part of an intrastate mutual aid system, thus their favor to the passage of HB366.

Madam Chair, should you have any questions please do not hesitate to contact me.

Yours Truly,

Bill Allen
Legislative Consultant

cc: Michael Paschall

Sent from my iPad



217 Second Street, Suite 200 • Juneau, Alaska 99801

Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

February 29, 2012

Senator Joe Paskvan
Alaska State Capitol Building
Juneau, Alaska 99811

Dear Senator Paskvan,

Thank you for introducing SB 208; An Act establishing an Alaska intrastate mutual aid system and relating to the duties of the Alaska division of homeland security and emergency management and the duties of the Alaska State Emergency Response Commission.

The model legislation that has been put forth by the collaboration of NEMA and FEMA, to promote an Intrastate Mutual Aid System (IMAS), is legislation that the Alaska Municipal League believes should be implemented within the State of Alaska. The ability for one political subdivision to receive and/or render aid to another is both wise and important to all involved.

Emergencies have no respect for jurisdictional boundaries that we impose upon our state. Therefore, emergency responders must be able to depend on other political subdivisions for coordination in order to protect lives and property. SB 208, as we interpret it, would allow for a statewide agreement, rather than the Alaska Disaster Act which provides for mutual aid between neighboring political subdivisions.

The Alaska Fire Chief's Association is a member of AML and we support their hard work and commitment to enhancing all safety needs with regards to fire fighting. Because of this relationship and the importance to municipalities to be able to help protect their residents, we stand in strong support of SB 208.

Thank you for the opportunity to comment.

Sincerely,

Kathie Wasserman
Executive Director



AARP Alaska
3601 C Street
Suite 1420
Anchorage, AK 99503

T 1-866-227-7447
F 907-341-2270
TTY 1-877-434-7598
www.aarp.org/ak

March 9, 2012

The Honorable Bill Wielechowski, Chair
Senate State Affairs Committee
Alaska Capitol, Room 101
Juneau, AK 99801-1182

RE: SB 208 (Paskvan)—Support

Dear Chair Wielechowski:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the Senate State Affairs Committee to support SB 208, authored by your Committee Vice-Chair Senator Joe Paskvan.

SB 208 is based on model legislation recommended by the Federal Emergency Management Agency (FEMA) and the National Emergency Management Association (NEMA). SB 208 would provide a comprehensive statewide mutual aid system that would enable all political subdivisions to receive and render aid to other subdivisions in case of disasters and emergencies. Some mutual aid agreements already exist but SB 208 would provide a blueprint that would be consistent throughout Alaska.

AARP believes that SB 208 would benefit our members as well as the general public.

Surveys of the older population (over 50) indicate that of those who self-identify that they will need help evacuating their homes in a natural disaster, half indicate that they will require help from someone outside their household. Older people, who face special health and other risks, will likely be more vulnerable during disasters than the general adult population. Recent disasters have highlighted how devastating to older adults such events are. Physical capacity and resiliency place frail older adults at special risk. For example, a study conducted by AARP after Hurricane Katrina found that many older adults lost their lives when they were abandoned in nursing homes and assisted living facilities. Older adults may lack the ability to get to emergency food and water distribution centers. Older adults rely disproportionately on informal networks for support. When disaster strikes, these networks may be destroyed, leaving older adults at high risk.

We understand that SB 208 is about governmental entities working together. We also understand that our members and the general public will benefit when government emergency planning takes place at all levels.

AARP urges an "AYE" vote on SB 208.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie Darlin".

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Joe Paskvan
Senator Cathy Giessel
Senator Albert Kookesh
Senator Kevin Meyer