

SCOMM

127:11

4.5.02

FURTHER REFERRALS State Affairs
Labor and Commerce

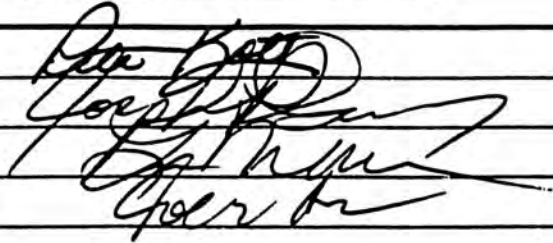
The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS Committee considered:
HB 323

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Recommends it be replaced with _____ CS _____ (____) [] Same Title [] New Title
For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

☐ Letter of Intent Committee

[illegible]

		Printed Last Name	(4)	(1)
		KOTT	✓	
		GREEN		✓
		MURKOWSKI	✓	
		Hoge 2	✓	
Chair: 		Chenault.	✓	
Chair:				

Special Committee on Military & Veteran Affairs
Representative Mike Chenault, Chair

Representative Bev Masek
Representative Lisa Murkowski
Representative Joe Green
Representative Pete Kott
Representative Sharon Cissna
Representative Joe Hayes

Representative Mike Chenault
Alaska State Capitol, Room 432
Juneau, Alaska 99801-1182
Phone 907-465-3779
Fax 907-465-2833
Email Representative_
Mike_Chenault@legis.state.ak.us

Special Committee on Military & Veteran Affairs
Representative Mike Chenault, Chair

MEMORANDUM

Date: March 27, 2002
To: Suzi Lowell, Chief Clerk
From: Representative Mike Chenault, Chair
Subject: Schedule for MLV Meetings

The Special Committee on Military & Veteran's Affairs will meet on Tuesdays and Thursdays in Capitol Room 124 from 3:00 – 5:00 p.m.
+ All meetings will be teleconferenced.

MLV Committee Meeting Schedule

DATE: Tuesday, April 2, 2002
+Confirmation of Governor's appointments
Alaska Air National Guard-Brigadier General
Colonel Jim Robinson- Fort Richardson
Colonel Tim Scott- Eielson Air Force Base
Colonel Gene Ramsey—Kulis ANG Base
Space and Missile Defense- Brigadier General
Colonel Jim Welch- Anchorage
Bills previously heard

DATE: Thursday, April 4, 2002
*+HB 323 Emergency Management Assistance Compact
*+HB 327 State Employees Called to Military Duty

Bills previously heard

If you have any questions, please contact Marie Riley Military & Veterans Affairs committee aide at #3779.

**Special Committee on Military & Veterans' Affairs
Representative Mike Chenault, Chair**

Committee Members

Representative Bev Masek
Representative Lisa Murkowski
Representative Joe Green
Representative Pete Kott
Representative Sharon Cissna
Representative Joe Hayes

Alaska State Capitol, Room 432
Juneau, Alaska 99801-1182
Phone 907-465-3779
Fax 907-465-2833

AGENDA

April 4, 2002



Capitol Room 124 3:00-5:00 p.m.

- I. Call to order
- II. Roll call
- III. Introductions
- IV. ***+HB 323 Emergency Management Assistance Compact**
"An Act relating to emergency and disaster relief forces as state employees for purposes of workers' compensation benefits; relating to the Emergency Management Assistance Compact and the implementation of the compact; and providing for an effective date."
- V. ***+HB 327 State Employees Called to Military Duty**
"An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."
- VI. **Bills previously heard**
HB 371 Alaska Veterans' Memorial Endowment Fund
- VII. Next meeting scheduled for **Tuesday, April 9, 2002.**
- VIII. Adjournment

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 323
 (H) Publish Date: 1/16/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Military Affairs
 Title Emergency Management Assistance BRU Disaster Planning and Control
Compact Component Disaster Planning and Control
 Sponsor Rules
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill authorizes the department to enter into an agreement with other states for mutual assistance during disasters or emergencies. There is no fiscal impact to the state of joining this pact.

Prepared by: Carol Carroll
 Division Administrative Services
 Approved by: Carol Carroll
 Agency Military and Veterans Affairs

Phone 465-4730
 Date/Time 12/11/01 2:55 PM
 Date 12/11/2001

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 323
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

January 14, 2002

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

This bill I transmit today is part of a package of bills I am forwarding to the Legislature to address Alaska's ability to respond to disasters and emergencies. It would enact the Emergency Management Assistance Compact (EMAC), making Alaska the 43rd state to do so.

The EMAC is a mutual aid agreement that facilitates inter-state assistance in declared disasters and emergencies, including man-made disasters and civil emergencies as well as natural disasters. A party state, through its authorized representative, may request assistance of another party state in the form of personnel, equipment, materials, or supplies for emergency functions such as fire services, medical services, transportation, or other necessities. The EMAC provides that states shall honor requests for assistance, but may withhold resources as necessary to ensure reasonable protection in its own state. The requesting state shall reimburse states rendering aid including actual costs incurred and any losses or damages.

The EMAC addresses certain legal issues of common concern relating to emergency assistance. It provides that officers and employees of the state rendering aid are considered agents of the requesting state for tort liability and immunity purposes. An assisting state's officers or employees may not be liable for any good faith act or omission of its forces or because of maintenance or use of equipment or supplies. This provides officers or employees of another state coming to assist Alaska in a disaster the same immunity from liability afforded our employees and agents.

The Honorable Brian Porter

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Under the EMAC, each state pays compensation and death benefits to members of its emergency forces who are 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.

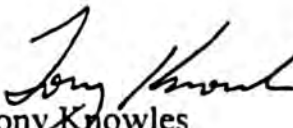
The bill also updates state law so that an Alaskan civilian volunteer performing emergency or disaster relief functions in another state under the EMAC, or at the request of our state division of emergency services, is considered an Alaska state employee for workers' compensation purposes. The reenacted statute will control state liability for workers' compensation benefits by limiting eligibility to those volunteers who are on a roster maintained by the division of emergency services.

Finally, this bill repeals the outdated Interstate Civil Defense and Disaster Compact; its goals are being met under the EMAC.

Enacting the EMAC will benefit the state by providing immediate access to additional trained and experienced emergency specialists and other emergency resources nationwide during a disaster. It will further benefit the state by providing for prompt reimbursement by the Federal Emergency Management Agency (FEMA) of the costs of emergency resources provided by other states to Alaska in the event of a disaster. Presently, the state must negotiate an agreement with the FEMA for reimbursement in each disaster.

I urge your support for joining EMAC, as most other states have done.

Sincerely,


Tony Knowles
Governor

HB 323 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.

SECTIONAL ANALYSIS OF HB 323

(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.

Implementation of Uniformed Services Employee Return and Reemployment Act (USERRA)

	Military pay augmentation	Health Coverage continuation, non-COBRA	Other Arrangements?
Alabama			
Alaska			
Arizona			
Arkansas			
California			
Colorado			
Connecticut			
Delaware			
District of Columbia	15 days of paid military leave; unused portion carried to next year.	Coverage continues at no additional cost to employee for first 365 days of service; EE pays cost to continue beyond first year up to 18 months.	Life insurance continued for 12 months; if employee returns immediately after service period ends, absence is credited as time served for retirement.
Florida			
Georgia	18 days of fully paid service; unpaid military leave thereafter.	Cobra	EE can purchase service credit for up to 5 years of active service absence by indebtedness.
Hawaii			
Idaho	USERRA only	COBRA only	none
Illinois			
Indiana			
Iowa			
Kansas	USERRA; returning employees can buy back any leave cashed in if within 30 days of return.	COBRA	USERRA
Kentucky	10 days of military leave; USERRA	COBRA or intermittent paid leave use;	Life insurance continued for 12 months

Implementation of Uniformed Services Employee Return and Reemployment Act (USERRA)

	Military pay augmentation	Health Coverage continuation, non-COBRA	Other Arrangements?
Louisiana	15 days military leave; USERRA	COBRA, except that ER will pay premium if EE does not	none, but options under consideration
Maine	17 days per year annual training duty pay only	COBRA only	none
Maryland		ER pays ER and EE portions of HI contribution for duration of active service	Other options like augmented pay and income credit for retirement are being considered
Massachusetts			
Michigan	Augmented pay for first 30 days of military absence	Benefits continue for same 30 day period; no employer contribution after 30 days, but dependent coverage subject to COBRA	Returned military employee gets service credit for time on active service.
Minnesota			
Mississippi			
Missouri			
Montana	USERRA only	If period of service less than 31 days, ER pays contribution; for longer than 31 days, COBRA or military coverage	
Nebraska			
Nevada	differential pay	none	none
New Hampshire	no	ER pays health and dental for period of active service	
New Jersey			

Implementation of Uniformed Services Employee Return and Reemployment Act (USERRA)

	Military pay augmentation	Health Coverage continuation, non-COBRA	Other Arrangements?
New Mexico	Regular 15 days military leave, plus an addition 15 days authorized by Gov.; can use leave.	COBRA after paid leave is exhausted.	none
New York	22 workdays military leave	no comment	none
North Carolina	15 days per year paid military leave, but can draw on succeeding year's 15 days if necessary. Nguard called to duty get 30 days full pay, then augmented pay after that.	COBRA only	General Assembly is considering deferred taxes and renewals, but nothing definite yet.
North Dakota	Military leave for first 30 days of active duty; no provision for subsidizing difference between military pay and regular pay.	State agencies are encouraged to continue premium contributions; not required.	none
Ohio	Employees get 22 days of military leave per year; up to \$500 per month subsidy for NG who are state employees.	Regular coverage for 30 days; COBRA after	none

Implementation of Uniformed Services Employee Return and Reemployment Act (USERRA)

	Military pay augmentation	Health Coverage continuation, non-COBRA	Other Arrangements?
Oklahoma	Full state pay for first 20 days of military leave in any federal fiscal year; agencies have option to pay afterward.	No provision to continue premium contribution after first 20 days; employees may be allowed to use portions of accrued leave to constitute "pay status" for purposes of contribution by employer.	none
Oregon	USERRA only		
Pennsylvania	15 additional days of paid military leave;	coverage continues through active service period	\$500 stipend per month of active service, paid upon reemployment; retirement credit continues - ER pays ER portion if EE pays EE portion
Rhode Island			
South Carolina			
South Dakota			
Tennessee			
Texas	studying options for policy decisions		
Utah	USERRA only, but under review		
Vermont			
Virginia	no	Employer pays ER contribution for 18 mo period under COBRA, if EE selects to continue coverage	Use of accrued leave
Washington			
West Virginia			

Implementation of Uniformed Services Employee Return and Reemployment Act (USERRA)

	Military pay augmentation	Health Coverage continuation, non-COBRA	Other Arrangements?
Wisconsin	no for regular military; yes for employed National Guard who are activated	coverage continues through active service period	none
Wyoming	15 days per year paid military leave	Health Ins premium contributions continue; flexible spending accounts are open to adjustment	Upon reemployment, ER will make all retirement contributions to make EE whole for active service