

1 AN ACT in relation to emergency management assistance.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Emergency Management Assistance Compact Act.

6 Section 5. Emergency Management Assistance Compact. The  
7 State of Illinois ratifies and approves the Emergency  
8 Management Assistance Compact and enters into the Compact in  
9 substantially the following form:

10 ARTICLE I. Purposes and Authorities

11 This compact is made and entered into by and between the  
12 participating member states which enact this compact,  
13 hereinafter called party states. For the purposes of this  
14 agreement, the term "states" is taken to mean the several  
15 states, the Commonwealth of Puerto Rico, the District of  
16 Columbia, and all U.S. territorial possessions.

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

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

1 include the use of the states' National Guard forces, either  
2 in accordance with the National Guard Mutual Assistance  
3 Compact or by mutual agreement between states.

4 ARTICLE II. General Implementation

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

16 The prompt, full, and effective utilization of resources  
17 of the participating states, including any resources on hand  
18 or available from the federal government or any other source,  
19 that are essential to the safety, care, and welfare of the  
20 people in the event of any emergency or disaster declared by  
21 a party state, shall be the underlying principle on which all  
22 articles of this compact shall be understood.

23 On behalf of the governor of each state participating in  
24 the compact, the legally designated state official who is  
25 assigned responsibility for emergency management will be  
26 responsible for formulation of the appropriate interstate  
27 mutual aid plans and procedures necessary to implement this  
28 compact.

29 ARTICLE III. Party State Responsibilities

30 (a) It shall be the responsibility of each party state  
31 to formulate procedural plans and programs for interstate  
32 cooperation in the performance of the responsibilities listed

1 in this article. In formulating such plans, and in carrying  
2 them out, the party states, insofar as practical, shall:

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

9 (ii) Review party states' individual emergency  
10 plans and develop a plan which will determine the  
11 mechanism for the interstate management and provision of  
12 assistance concerning any potential emergency.

13 (iii) Develop interstate procedures to fill any  
14 identified gaps and to resolve any identified  
15 inconsistencies or overlaps in existing or developed  
16 plans.

17 (iv) Assist in warning communities adjacent to or  
18 crossing the state boundaries.

19 (v) Protect and assure uninterrupted delivery of  
20 services, medicines, water, food, energy and fuel, search  
21 and rescue, and critical lifeline equipment, services,  
22 and resources, both human and material.

23 (vi) Inventory and set procedures for the  
24 interstate loan and delivery of human and material  
25 resources, together with procedures for reimbursement or  
26 forgiveness.

27 (vii) Provide, to the extent authorized by law, for  
28 temporary suspension of any statutes.

29 (b) The authorized representative of a party state may  
30 request assistance of another party state by contacting the  
31 authorized representative of that state. The provisions of  
32 this agreement shall only apply to requests for assistance  
33 made by and to authorized representatives. Requests may be  
34 verbal or in writing. If verbal, the request shall be

1 confirmed in writing within 30 days of the verbal request.  
2 Requests shall provide the following information:

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

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

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

16 (c) There shall be frequent consultation between state  
17 officials who have assigned emergency management  
18 responsibilities and other appropriate representatives of the  
19 party states with affected jurisdictions and the United  
20 States government, with free exchange of information, plans,  
21 and resource records relating to emergency capabilities.

22 ARTICLE IV. Limitations

23 Any party state requested to render mutual aid or conduct  
24 exercises and training for mutual aid shall take such action  
25 as is necessary to provide and make available the resources  
26 covered by this compact in accordance with the terms hereof;  
27 provided that it is understood that the state rendering aid  
28 may withhold resources to the extent necessary to provide  
29 reasonable protection for such state. Each party state shall  
30 afford to the emergency forces of any party state, while  
31 operating within its state limits under the terms and  
32 conditions of this compact, the same powers (except that of  
33 arrest unless specifically authorized by the receiving

1 state), duties, rights, and privileges as are afforded forces  
 2 of the state in which they are performing emergency services.  
 3 Emergency forces will continue under the command and control  
 4 of their regular leaders, but the organizational units will  
 5 come under the operational control of the emergency services  
 6 authorities of the state receiving assistance. These  
 7 conditions may be activated, as needed, only subsequent to a  
 8 declaration of a state of emergency or disaster by the  
 9 governor of the party state that is to receive assistance or  
 10 commencement of exercises or training for mutual aid and  
 11 shall continue so long as the exercises or training for  
 12 mutual aid are in progress, the state of emergency or  
 13 disaster remains in effect or loaned resources remain in the  
 14 receiving state(s), whichever is longer.

15 ARTICLE V. Licenses and Permits

16 Whenever any person holds a license, certificate, or  
 17 other permit issued by any state party to the compact  
 18 evidencing the meeting of qualifications for professional,  
 19 mechanical, or other skills, and when such assistance is  
 20 requested by the receiving party state, such person shall be  
 21 deemed licensed, certified, or permitted by the state  
 22 requesting assistance to render aid involving such skill to  
 23 meet a declared emergency or disaster, subject to such  
 24 limitations and conditions as the governor of the requesting  
 25 state may prescribe by executive order or otherwise.

26 ARTICLE VI. Liability

27 Officers or employees of a party state rendering aid in  
 28 another state pursuant to this compact shall be considered  
 29 agents of the requesting state for tort liability and  
 30 immunity purposes; and no party state or its officers or  
 31 employees rendering aid in another state pursuant to this  
 32 compact shall be liable on account of any act or omission in

1 good faith on the part of such forces while so engaged or on  
2 account of the maintenance or use of any equipment or  
3 supplies in connection therewith. Good faith in this article  
4 shall not include willful misconduct, gross negligence, or  
5 recklessness.

6 ARTICLE VII. Supplementary Agreements

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

20 ARTICLE VIII. Compensation

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

28 ARTICLE IX. Reimbursement

29 Any party state rendering aid in another state pursuant  
30 to this compact shall be reimbursed by the party state  
31 receiving such aid for any loss or damage to or expense

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

12 ARTICLE X. Evacuation

13 Plans for the orderly evacuation and interstate reception  
 14 of portions of the civilian population as the result of any  
 15 emergency or disaster of sufficient proportions to so  
 16 warrant, shall be worked out and maintained between the party  
 17 states and the emergency management services directors of the  
 18 various jurisdictions where any type of incident requiring  
 19 evacuations might occur. Such plans shall be put into effect  
 20 by request of the state from which evacuees come and shall  
 21 include the manner of transporting such evacuees, the number  
 22 of evacuees to be received in different areas, the manner in  
 23 which food, clothing, housing, and medical care will be  
 24 provided, the registration of the evacuees, the providing of  
 25 facilities for the notification of relatives or friends, and  
 26 the forwarding of such evacuees to other areas or the  
 27 bringing in of additional materials, supplies, and all other  
 28 relevant factors. Such plans shall provide that the party  
 29 state receiving evacuees and the party state from which the  
 30 evacuees come shall mutually agree as to reimbursement of  
 31 out-of-pocket expenses incurred in receiving and caring for  
 32 such evacuees, for expenditures for transportation, food,  
 33 clothing, medicines and medical care, and like items. Such

1 expenditures shall be reimbursed as agreed by the party state  
 2 from which the evacuees come. After the termination of the  
 3 emergency or disaster, the party state from which the  
 4 evacuees come shall assume the responsibility for the  
 5 ultimate support of repatriation of such evacuees.

6 ARTICLE XI. Implementation

7 (a) This compact shall become operative immediately upon  
 8 its enactment into law by any two (2) states; thereafter,  
 9 this compact shall become effective as to any other state  
 10 upon its enactment by such state.

11 (b) Any party state may withdraw from this compact by  
 12 enacting a statute repealing the same, but no such withdrawal  
 13 shall take effect until 30 days after the governor of the  
 14 withdrawing state has given notice in writing of such  
 15 withdrawal to the governors of all other party states. Such  
 16 action shall not relieve the withdrawing state from  
 17 obligations assumed hereunder prior to the effective date of  
 18 withdrawal.

19 (c) Duly authenticated copies of this compact and of  
 20 such supplementary agreements as may be entered into shall,  
 21 at the time of their approval, be deposited with each of the  
 22 party states and with the Federal Emergency Management Agency  
 23 and other appropriate agencies of the United States  
 24 government.

25 ARTICLE XII. Validity

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



1                   ARTICLE XIII. Additional Provisions

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

10           (45 ILCS 150/Act rep.)

11           Section 95. The Interstate Disaster Compact Act is  
12 repealed.

13           Section 99. Effective date. This Act takes effect upon  
14 becoming law.