

BILL ANALYSIS

Senate Research Center

H.B. 101
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State Affairs
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Engrossed

DIGEST

Currently, the Emergency Management Assistance Compact (compact) was created to amend the Southern Regional Emergency Management Assistance Compact (SREMAC). Several states have already ratified the compact, and all of the previous members of SREMAC are expected to ratify the compact by the December 1997. To comply, states may vary legislative language in order to enact the compact, but cannot alter the language of the compact other than the name. This compact was designed to provide mutual assistance between states entering into the compact in managing any emergency or disaster that is duly declared by the governor of the affected state or states. H.B. 101 would amend Title 9B, Health and Safety Code, by adding a chapter entitled the Emergency Management Assistance Compact. This legislation is necessary to ratify the compact.

PURPOSE

As proposed, H.B. 101 outlines provisions regarding the adoption of the Emergency Management Assistance Compact.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 9B, Health and Safety Code, by adding Chapter 778, as follows:

CHAPTER 778. EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Sec. 778.001. EXECUTION OF INTERSTATE COMPACT. Provides that this state enacts the Emergency Management Assistance Compact and enters into the compact with all other states legally joining in the compact in substantially the following form:

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

ARTICLE I - PURPOSE AND AUTHORITIES

Provides that this compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. Defines "states." Provides that the purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state or states. Requires this compact to also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such as actions occurring outside actual declared emergency periods. Authorizes mutual assistance in this compact to include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

ARTICLE II - GENERAL IMPLEMENTATION

Outlines provisions regarding the general implementation of the compact.

ARTICLE III - PARTY STATE RESPONSIBILITIES

Sets forth requirements and outlines provisions regarding party state responsibilities.

ARTICLE IV - LIMITATIONS

Sets forth requirements and outlines provisions regarding limitations on party state actions.

ARTICLE V - LICENSES AND PERMITS

Provides that 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, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI - LIABILITY

Sets forth requirements and outlines provisions regarding the liability of a party state.

ARTICLE VII - SUPPLEMENTARY AGREEMENTS

Outlines provisions regarding supplementary agreements between states.

ARTICLE VIII - COMPENSATION

Sets forth requirements regarding payment of compensation.

ARTICLE IX - REIMBURSEMENT

Sets forth requirements and outlines provisions regarding the reimbursement of a party state.

ARTICLE X - EVACUATION

Sets forth requirements regarding the evacuation of portions of the civilian population as a result of an emergency or disaster of sufficient proportions.

ARTICLE XI - IMPLEMENTATION

Sets forth requirements and outlines provisions regarding implementation of this compact.

ARTICLE XII - VALIDITY

Requires this compact to be construed to effectuate the purposes stated in Article I hereof. Provides that if any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XIII - ADDITIONAL PROVISIONS

Provides that nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory

authorization be prohibited under Section 1385 of Title 18, United States Code.

SECTION 2. Emergency clause.
Effective date: upon passage.