

IC 10-14-6

Chapter 6. Interstate Emergency Management and Disaster Compact

IC 10-14-6-1

Ratification of compact; provisions

Sec. 1. The general assembly of the state of Indiana hereby ratifies a compact on behalf of the state of Indiana with any other state legally joining therein in the form substantially as follows:

INTERSTATE EMERGENCY MANAGEMENT AND DISASTER COMPACT

The contracting states solemnly agree:

ARTICLE I

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from national security, natural, or manmade situations including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the emergency management agencies or similar bodies of the states that are parties to this compact. The directors of emergency management of all party states constitute a committee to formulate plans and to take all necessary steps for the implementation of this compact.

ARTICLE II

It shall be the duty of each party state to formulate emergency management plans and programs within such state. There shall be frequent consultation between the representatives of such states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for emergency management. In carrying out such emergency management plans and programs, the party states shall so far as possible provide and follow uniform standards, practices, and rules and regulations including the following:

- (1) Insignia, arm bands, and any other distinctive articles to designate and distinguish the different emergency management services.
- (2) Mobilization of emergency management forces and other tests and exercises.
- (3) Warning and signals for drills or actual emergencies or disasters.
- (4) The effective screening or extinguishing of all lights and lighting devices and appliances.
- (5) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services.

(6) All materials or equipment used or to be used for emergency management purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state.

(7) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or actual or impending emergencies or disasters.

(8) The safety of public meetings or gatherings.

(9) Mobile support units.

ARTICLE III

Any party state requested to render mutual aid shall take such action as necessary to provide and make available the resources covered by this compact in accordance with the terms hereof as long as 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 extend to the emergency management forces of any other 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, privileges, and immunities as if they were performing their duties in the state in which normally employed or rendering services. Emergency management 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 management authorities of the state receiving assistance.

ARTICLE IV

Whenever any person holds a license, certificate, or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical, or other skills, such persons may render aid involving such skill in any party state to meet an emergency or disaster in this state, and such state shall give due recognition to such license, certificate, or other permit as if issued in the state in which aid is rendered.

ARTICLE V

No party state or its officers or its employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection with it.

ARTICLE VI

Since it is probable that the pattern and detail of the machinery for mutual aid among two (2) or more states may differ from that appropriate among other party states, this instrument contains elements of a broad base common to all states, and nothing in this agreement contained precludes any state from entering into supplementary agreements with another state or states. These supplementary agreements may comprehend but are not limited to provisions for evacuation and reception of injured and other persons

and the exchange of medical, fire, police, public utility reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

ARTICLE VII

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency management forces of that state and the representatives of deceased members of the forces in case these members sustain injuries or are killed while rendering aid under the compact in the same manner and on the same terms as if the injury or death were sustained within that state.

ARTICLE VIII

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 answering a request for aid and for the cost incurred in connection with the request. However, any aiding party state may assume in whole or in part the loss, damage, expense, or other cost, or may loan the equipment or donate the services to the receiving party state without charge or cost. Any two (2) or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying emergency management forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

ARTICLE IX

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local emergency management areas thereof. Such plans shall include the manner of transporting such 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 such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The plans must provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for the evacuees; for expenditures for transportation, food, clothing, medicines, medical care, and like items. These expenditures shall be reimbursed by the party state of which the evacuees are residents or by the United States government under plans approved by it. After the termination of the emergency or disaster, the party state of which the evacuees are residents shall assume the responsibility for the ultimate support or repatriation of such evacuees.

ARTICLE X

This compact is to be available to any state, territory, or possession of the United States and the District of Columbia. The term "state" may include any neighboring foreign country or province or state of any neighboring foreign country.

ARTICLE XI

The committee established under Article I of this compact may request the emergency management agency of the United States government to act as an informational and coordinating body under this compact. Representatives of this agency of the United States government may attend meetings of the committee.

ARTICLE XII

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the emergency management agency and other appropriate agencies of the United States government.

ARTICLE XIII

This compact shall continue in full force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty (30) days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

ARTICLE XIV

This compact is to be construed to effectuate the purposes stated in Article I. 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 is not to be affected by it.

ARTICLE XV

(a) This article is in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this article or in any supplementary agreement made in implementation of it shall be construed to abridge, impair, or supersede any other provision of this compact or any obligation undertaken by a state pursuant to the compact, except that if its terms so provide, a supplementary agreement in implementation of this article may modify, expand, or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrence, circumstances, and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements, and procedures of this compact apply to the following:

(1) Searches for and rescue of persons who are lost, marooned,

or otherwise in danger.

(2) Action useful in coping with disasters arising from any cause or designed to increase capability to cope with any such disasters.

(3) Incidents, or the imminence of them, which endanger the health or safety of the public and which require the use of special equipment, trained personnel, or personnel in larger numbers than are locally available in order to reduce, counteract, or remove the danger.

(4) The giving and receiving of aid by subdivisions of party states.

(5) Exercises, drills, or other training or practice activities designed to aid personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact to a supplementary agreement in force pursuant to it, any aid authorized by this compact or a supplementary agreement may be furnished by any agency of a party state, a subdivision of the state, or by a joint agency of any two (2) or more party states or of their subdivisions. Any joint agency providing this aid is entitled to reimbursement for it to the same extent and in the same manner as a state. The personnel of such a joint agency, when rendering aid under this compact, shall have the same rights, authority, and immunity as personnel of party states.

(d) Nothing in this article is to be construed to exclude from the coverage of Articles I through XIV of this compact any matter which, in the absence of this article, could reasonably be construed to be covered by them.

(e) Nothing in subsection (a) is to be construed to limit previous or future entry into the Interstate Emergency Management and Disaster Compact of this state with other states.

As added by P.L.2-2003, SEC.5.

IC 10-14-6-2

Transmittal of copies of compact

Sec. 2. Duly authenticated copies of this chapter shall, upon its approval, be transmitted by the secretary of state to the governor of each state, to the president of the Senate of the United States, to the speaker of the United States House of Representatives, to the federal emergency management administration or any successor agency, to the secretary of state of the United States, and to council of state governments.

As added by P.L.2-2003, SEC.5.

IC 10-14-6-3

Limitation of powers; force and effect of articles

Sec. 3. Nothing contained in this chapter shall be construed as a limitation of powers granted in any other law to enter into interstate compacts or other agreements relating to emergency management, or impairing in any respect the force and effect thereof. The articles of

the compact contained in section 1 of this chapter shall have the same force and effect as though each article were a section of this chapter.

As added by P.L.2-2003, SEC.5.