

Regular Session, 2010

HOUSE BILL NO. 1214

BY REPRESENTATIVE WHITE

HOMELAND SECURITY: Establishes an Intrastate Mutual Aid Compact

1 AN ACT

2 To enact R.S. 29:739, relative to intrastate mutual aid; to provide for the creation and
3 implementation of an Intrastate Mutual Aid Compact; to provide for an Intrastate
4 Mutual Aid Subcommittee; to provide for guidelines and procedures; to define
5 certain terms; to provide for responsibilities of parishes; to provide for license,
6 certificate, and permit portability; to provide for parish reimbursement; to provide
7 relative to workers' compensation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:739 is hereby enacted to read as follows:

10 §739. Intrastate Mutual Aid Compact

11 A. Declaration of Intent; purpose

12 This state enacts into law the Intrastate Mutual Aid Compact, which is hereby
13 established. The compact is and shall hereafter be in effect for any and all parishes
14 in this state. The Intrastate Mutual Aid Compact is a system of intrastate mutual aid
15 between parishes in the state, to provide and promote mutual assistance among the
16 parishes in the prevention of, response to, and recovery from, an emergency or
17 disaster, as defined in R.S. 29:723, occurring in a parish, or any other event that
18 exceeds a parish's capability or resources. The system shall also provide for mutual
19 cooperation among the parishes in conducting disaster related exercises, testing, or
20 other training activities outside actual emergency periods. This legislation does not

1 mandate that a parish provide assistance when requested, nor does it preclude
2 parishes from entering into supplemental agreements with other parishes pursuant
3 to R.S. 29:730 and R.S. 29:730.1 and does not affect any other agreement to which
4 a parish may currently be a party, or decide to be a party.

5 B. Immunity

6 The provisions of R.S. 29:735 shall apply to personnel responding to requests
7 for assistance under this Act.

8 C. Definitions

9 As used in this Section: (1) "first responder" refers to those individuals who
10 in the early stages of an incident are responsible for the protection and preservation
11 of life, property, evidence, and the environment, including emergency response
12 providers as defined in Section 2 of the Homeland Security Act of 2002 (6
13 U.S.C.101), as well as emergency management, public health, clinical care, public
14 works, and other skilled support personnel, such as equipment operators that provide
15 immediate support services during prevention, response, and recovery operations
16 consistent with Homeland Security Presidential Directive 8.

17 D. Establishment of an Intrastate Mutual Aid Subcommittee

18 (1) An Intrastate Mutual Aid Subcommittee is hereby established and shall
19 be composed of the following members:

20 (a) President of the Louisiana Sheriffs Association, Inc., or his designee.

21 (b) President of the Louisiana Association of Chiefs of Police, Inc., or his
22 designee.

23 (c) President of the Louisiana Fire Chiefs Association, or his designee.

24 (d) Chair of the Regional Parish Homeland Security and Emergency
25 Preparedness Directors Committee, or his designee.

26 (e) State fire marshal, or his designee.

27 (f) The deputy secretary of the Department of Public Safety and Corrections,
28 public safety services, or his designee.

1 (g) The director of the Governor's Office of Homeland Security and
2 Emergency Preparedness, or his designee.

3 (h) The president of the Police Jury Association of Louisiana, or his designee.

4 (i) The president of the Louisiana Municipal Association, or his designee.

5 (2) The chairman of the subcommittee shall be appointed by the director of
6 the Governor's Office of Homeland Security and Emergency Preparedness. All
7 remaining officers shall be elected by and from the membership of the
8 subcommittee.

9 (3) Members of the subcommittee shall be entitled to be reimbursed for
10 actual expenses for travel consistent with allowances for state classified employees
11 approved by the chairman of the subcommittee, if funding is available.

12 (4) The subcommittee shall meet at regular intervals at the direction of the
13 chairman.

14 (5) It shall be the subcommittee's responsibility to do the following:

15 (a) Review the progress and status of providing statewide mutual aid in terms
16 of disaster.

17 (b) Assist in developing methods to track and evaluate the activation of the
18 mutual aid system.

19 (c) Examine issues facing participating parishes regarding the
20 implementation of this compact.

21 (6) The subcommittee shall prepare an annual report on the condition and
22 effectiveness of mutual aid in the state, make recommendations for correcting any
23 deficiencies and submit that report to the Governor and the Joint House and Senate
24 Select Committees on Homeland Security.

25 (7) The subcommittee shall make recommendations to the Governor's Office
26 of Homeland Security and Emergency Preparedness on comprehensive guidelines
27 and procedures that shall be applicable to all parishes and shall address, including
28 but not limited to the following:

29 (a) Projected or anticipated costs.

- 1 (b) Checklists for requesting and providing assistance.
- 2 (c) Record keeping for all parishes.
- 3 (d) Reimbursement procedures.
- 4 (e) Any necessary implementation elements such as forms for requests and
5 other records documenting deployment and return of assets.

6 E. Implementations; limitations

7 (1) A parish may request assistance of any other parish in preventing,
8 mitigating, responding to, and recovering from emergencies or disasters as defined
9 in R.S. 29:723, in an event that exceeds a parish's capability or resources, or in
10 concert with authorized drills or exercises. Requests for assistance shall be made
11 through the Office of Emergency Preparedness of the requesting parish and directed
12 to the Office of Emergency Preparedness of the responding parish. Requests shall
13 be in writing and reported to Governor's Office of Homeland Security and
14 Emergency Preparedness as soon as is practicable.

15 (2) The Governor's Office of Homeland Security and Emergency
16 Preparedness shall, in coordination with the Intrastate Mutual Aid Subcommittee,
17 develop guidance and procedures governing the implementation of this Section in
18 accordance with the Administrative Procedures Act.

19 (3) The obligation of the responding parish to provide assistance is subject
20 to the following limitations:

21 (a) First responders of a responding parish shall remain subject to recall by
22 their responding jurisdiction, will continue to utilize their customary skills and
23 techniques, and standard operating procedures to include medical procedures and
24 protocols, and other procedures and protocols, but shall be under the direction and
25 control of the appropriate officials within the incident management system of the
26 parish receiving the assistance.

27 (b) Assets and equipment of a responding parish shall remain subject to recall
28 by their responding jurisdiction, but shall be under the direction and control of the

1 appropriate officials within the incident management system of the parish receiving
2 the assistance.

3 F. Reimbursements

4 A requesting parish shall reimburse the parish rendering aid under this
5 compact. A parish providing assistance may donate assets or services of any kind
6 to a receiving parish. A request for reimbursement shall be in accordance with
7 procedures developed by the Intrastate Mutual Aid Subcommittee.

8 G. License; certificate; permit portability

9 If a person or entity holds a license, certificate or other permit issued by a
10 parish or the state evidencing qualification in a professional, mechanical or other
11 skill and the assistance of that person or entity is requested by a parish, the person
12 or entity shall be deemed to be licensed, certified or permitted in the parish
13 requesting assistance for the duration of the event and subject to any limitations and
14 conditions the chief executive of the parish receiving the assistance may prescribe
15 by executive order or otherwise.

16 H. Worker's Compensation

17 Personnel authorized by their employer to respond to an event who sustain
18 injury or death in the course and scope of their employment remain entitled to all
19 applicable benefits normally available pursuant to their employment even though
20 they may be under the direction and control of another governmental entity.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

White

HB No. 1214

Abstract: Creates and implements the Intrastate Mutual Aid Compact. Creates a subcommittee and provides for membership and responsibilities and requires it to create guidelines, procedures and an annual report. Provides for responsibilities of parishes and reimbursement procedures. Further provides for restrictions and license, certificate, and permit portability and worker's compensation provisions.

Proposed law enacts the Intrastate Mutual Aid Compact, which provides for a system of intrastate mutual aid between parishes in the state for the prevention of, response to, and recovery from, any emergency disaster, in a participating parishes. Further provides for

mutual cooperation in conducting disaster related exercises, testing or other training activities outside actual emergency periods.

Proposed law provides that parishes are not precluded from entering into supplemental agreements nor does it affect any other agreement to which a political subdivision may be a party.

Proposed law provides that with regards to immunity, the provisions of present law shall apply to personnel responding to requests for assistance.

Proposed law defines "first responder".

Proposed law establishes an Intrastate Mutual Aid Subcommittee and provides for membership and the appointment of the chairmen. Further provides for reimbursement for travel expenses consistent with allowances for state classified employees and to be approved by the chairman of the subcommittee.

Proposed law provides the subcommittee shall be responsible for reviewing the status of statewide mutual aid, assist in developing methods to track and evaluate the activation of the system, and to examine issues facing parishes regarding the implementation of this compact.

Proposed law requires that the subcommittee to prepare an annual report on the condition and effectiveness of mutual aid in the state, make recommendations for correcting any deficiencies, and submit that report to the Governor Joint House and Senate Select Committees on Homeland Security.

Proposed law provides that the subcommittee shall develop comprehensive guidelines and procedures that address certain requirements and shall be applicable to all parishes.

Proposed law authorizes a parish to request assistance of any other parish in preventing, mitigating, responding to and recovering from emergencies or disasters in concert with authorized drills or exercises as allowed under the compact.

Proposed law requires all requests for assistance for the requesting parish be made through the office of emergency preparedness and directed to the respective Office of Emergency Preparedness of the responding parish. Further requires all requests to be in writing and reported to GOHSEP as soon as practicable.

Proposed law requires GOHSEP in coordination with the Intrastate Mutual Aid Subcommittee, develop guidance and procedures governing the implementation of proposed law, in accordance with the Administrative Procedures Act.

Proposed law requires the requesting parish to reimburse the responding rendering aid under the compact in accordance with the procedures developed by the Mutual Aid subcommittee. Further authorizes a parish providing assistance to donate assets of any kind.

Proposed law requires that a person or entity who holds a license, certificate or other permit issued by a parish or the state evidencing qualification in a professional, mechanical or other skill and the assistance of that person or entity is requested by a parish, the person or entity shall be deemed to be licensed, certified or permitted in the parish requesting assistance for the duration of the declared emergency or authorized drills or exercises and subject to any limitations and conditions the chief executive of the parish receiving the assistance may prescribe by executive order or otherwise.

Proposed law provides that personnel authorized by their employer to respond to an event who sustains injury or death in the course and scope of their employment remain entitled to all applicable benefits normally available pursuant to their employment even though they may be under the direction and control of a different parish or other entity.

(Adds R.S. 29:739)