

Regular Session, 2010

# ACT No. 1035

HOUSE BILL NO. 1214

BY REPRESENTATIVE WHITE AND SENATOR WALSWORTH

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

1                    B. Immunity

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

4                    C. Definitions

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

13                   D. Establishment of an Intrastate Mutual Aid Subcommittee

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

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

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

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

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

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

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

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

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

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

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

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

8           (4) The subcommittee shall meet at regular intervals at the direction of the  
9           chairman.

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

11          (a) Review the progress and status of providing statewide mutual aid in times  
12          of disaster.

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

15          (c) Examine issues facing participating parishes regarding the  
16          implementation of this compact.

17          (6) The subcommittee shall prepare an annual report on the condition and  
18          effectiveness of mutual aid in the state, make recommendations for correcting any  
19          deficiencies, and submit that report to the governor and the Joint House and Senate  
20          Select Committees on Homeland Security.

21          (7) The subcommittee shall make recommendations to the Governor's Office  
22          of Homeland Security and Emergency Preparedness on comprehensive guidelines  
23          and procedures including but not limited to the following:

24                (a) Projected or anticipated costs.

25                (b) Checklists for requesting and providing assistance.

26                (c) Recordkeeping for all parishes.

27                (d) Reimbursement procedures.

28                (e) Any necessary implementation elements such as forms for requests and  
29                other records documenting deployment and return of assets.

1                    E. Implementations; limitations

2                    (1) A parish may request assistance of any other parish in preventing,  
3                    mitigating, responding to, and recovering from emergencies or disasters as defined  
4                    in R.S. 29:723, in an event that exceeds a parish's capability or resources, or in  
5                    concert with authorized drills or exercises. Requests for assistance shall be made  
6                    through the Office of Emergency Preparedness of the requesting parish and directed  
7                    to the Office of Emergency Preparedness of the responding parish. Requests shall  
8                    be in writing and reported to the Governor's Office of Homeland Security and  
9                    Emergency Preparedness as soon as is practicable. Nothing in this Section shall be  
10                  interpreted to impair the authority of the parish president with regard to his powers  
11                  during a declared emergency.

12                  (2) The Governor's Office of Homeland Security and Emergency  
13                  Preparedness may request assistance from any parish for the purpose of establishing  
14                  a pre-positioned cache of resources in order to expedite requests in the wake of an  
15                  anticipated disaster and may also request resources from any parish in order to help  
16                  fill requests for assistance received from other states as part of a national mutual aid  
17                  system.

18                  (3) The Governor's Office of Homeland Security and Emergency  
19                  Preparedness shall, in coordination with the Intrastate Mutual Aid Subcommittee,  
20                  develop guidance and procedures governing the implementation of this Section in  
21                  accordance with the Administrative Procedure Act.

22                  (4) The obligation of the responding parish to provide assistance is subject  
23                  to the following limitations:

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

1           (b) Assets and equipment of a responding parish shall remain subject to  
2           recall by their responding jurisdiction, but shall be under the direction and control  
3           of the appropriate officials within the incident management system of the parish  
4           receiving the assistance.

5           F. Reimbursements

6           A request for reimbursement shall be in accordance with procedures  
7           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. Workers' 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_