

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 151 by Senator White

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, after "To" delete "enact R.S. 29:733-A and to  
3 repeal R.S. 29:733," and insert "amend and reenact R.S. 29:733 and R.S. 40:1379.1(F),"

4 AMENDMENT NO. 2

5 On page 1, line 3, delete "Interstate"

6 AMENDMENT NO. 3

7 On page 1, line 5, after "requirements;" delete the remainder of the line and on line 6  
8 delete "Preparedness and Disaster Compact;"

9 AMENDMENT NO. 4

10 On page 1, line 8, after "R.S." delete "29:733-A is hereby enacted" and insert "29:733 is  
11 hereby amended and reenacted"

12 AMENDMENT NO. 5

13 On page 1, delete lines 9 through 17, and delete pages 2 through 8 and insert the  
14 following:

15 "§733. ~~Interstate~~ Emergency Preparedness and Disaster Management  
16 Assistance Compact

17 A. This ~~The~~ state of Louisiana enacts into law and enters into the  
18 ~~Interstate~~ Emergency Preparedness and Disaster Management Assistance  
19 Compact with all states, as defined ~~therein~~ herein and referred to as  
20 EMAC or Compact, which states have enacted or shall hereafter enact the  
21 ~~compact~~ Compact in the form substantially as follows in accordance Public  
22 Law 104-321:

23 B. The ~~Interstate~~ Emergency Preparedness and Disaster Compact,  
24 heretofore in force in this state by virtue of execution pursuant to this  
25 ~~Chapter~~ Section, is hereby confirmed and codified. The ~~compact~~ Compact  
26 is and shall hereafter be in effect with any and all jurisdictions which have  
27 joined or which may hereafter legally join therein in the form substantially  
28 as contained in this Section, provided that such other jurisdiction or  
29 jurisdictions have signified their joinder with this state by enactment without  
30 limitation as to parties or in some other manner sufficient in law to make it  
31 clear that joinder has been effected with this state.

32 C. The ~~contracting states~~ solemnly agree state of Louisiana hereby  
33 agrees :

34 Article 1. The purpose of this ~~compact~~ Compact is to provide mutual  
35 aid assistance among between the states in meeting an emergency or  
36 disaster. ~~The prompt, full, and effective utilization of the resources of the~~  
37 ~~respective states, including such resources as may be available from the~~  
38 ~~United States government or any other source, are essential to the safety,~~  
39 ~~care, and welfare of the people thereof in the event of an emergency or~~  
40 ~~disaster, and any other resources, including personnel, equipment, or~~  
41 ~~supplies, shall be incorporated into a plan or plans of mutual aid to be~~

1 developed among the emergency preparedness agencies or similar bodies of  
 2 the states that are parties hereto. The directors of emergency preparedness  
 3 of all party states shall constitute a committee to formulate plans to take all  
 4 necessary steps for the implementation of this compact. The purpose of this  
 5 Compact is to provide for mutual assistance between the states entering  
 6 into this Compact in managing any emergency disaster that may be duly  
 7 declared by the governor of the affected state, whether arising from  
 8 natural disaster, technological hazard, man-made disaster, civil  
 9 emergency aspects of resources shortages, community disorders,  
 10 insurgency, or enemy attack. This Compact shall also provide for  
 11 mutual cooperation in emergency-related exercises, testing, or other  
 12 training activities using equipment and personnel simulating  
 13 performance of any aspect of the giving and receiving of aid by party  
 14 states or subdivisions of party states during emergencies, such actions  
 15 occurring outside actual declared emergency periods. Mutual assistance  
 16 in this Compact may include the use of the states' national guard forces,  
 17 either in accordance with the National Guard Mutual Assistance  
 18 Compact or by mutual agreement between states.

19 Article 2 2.A. It shall be the duty of each party state to formulate  
 20 plans and programs for application within such state. There shall be frequent  
 21 consultation between the representatives of the states and ~~with the United~~  
 22 ~~States government~~ and the free exchange of information and plans, including  
 23 inventories of any materials and equipment available. In carrying out such  
 24 plans and programs the party states shall, so far as possible, provide and  
 25 follow uniform standards, practices, and rules and regulations. On behalf of  
 26 the governor of each state participating in the Compact, the legally  
 27 designated state official who is assigned responsibility for emergency  
 28 management will be responsible for formulation of the appropriate  
 29 interstate mutual aid plans and procedures necessary to implement this  
 30 Compact. In Louisiana, the director of the Governor's Office of  
 31 Homeland Security and Emergency Preparedness, hereinafter referred  
 32 to as director, bears that legal responsibility in accordance with R.S.  
 33 29:725.

34 B. The director may designate an EMAC coordinator or EMAC  
 35 authorized representative to administer this Compact. The Governor's  
 36 Office of Homeland Security and Emergency Preparedness may  
 37 promulgate and adopt regulations with respect to the administration and  
 38 use of this Compact.

39 Article 3 3.A. Any party state requested to render mutual aid shall  
 40 take such action as is necessary to provide and make available the resources  
 41 covered by this compact ~~Compact~~ **Compact** in accordance with the terms hereof;  
 42 provided that it is understood that the state rendering aid may withhold  
 43 resources to the extent necessary to provide reasonable protection for such  
 44 state. Each party state shall extend to the civil defense forces of any other  
 45 party state, while operating within its state limits under the terms and  
 46 conditions of this compact ~~Compact~~ **Compact**, the same powers, (except that of arrest  
 47 unless specifically authorized by the receiving state), duties, rights,  
 48 privileges, and immunities as if they were performing their duties in the state  
 49 in which ~~they are~~ normally employed or rendering services. Additionally,  
 50 the party states, insofar as practical, shall:

51 (1) Review individual state hazards analyses and, to the extent  
 52 reasonably possible, determine all those potential emergencies the party  
 53 states might jointly suffer, whether due to natural disaster, technological  
 54 hazard, man-made disaster, emergency aspects of resources shortages,  
 55 civil disorders, insurgency, or enemy attack.

56 (2) Review party states' individual emergency plans and develop  
 57 a plan which will determine the mechanism for the interstate  
 58 management and provision of assistance concerning any potential  
 59 emergency.

1 (3) Develop interstate procedures to fill any identified gaps and  
2 to resolve any identified inconsistencies or overlaps in existing or  
3 developed plans.

4 (4) Assist in warning communities adjacent to or crossing the  
5 state boundaries.

6 (5) Protect and assure uninterrupted delivery of services,  
7 medicines, water, food, energy, fuel, search and rescue, critical lifeline  
8 equipment, services, and resources, both human and material.

9 (6) Inventory and set procedures for the interstate loan and  
10 delivery of human and material resources, together with procedures for  
11 reimbursement or forgiveness.

12 (7) Provide, to the extent authorized by law, for temporary  
13 suspension of any statutes or ordinances that restrict the implementation  
14 of the above responsibilities.

15 B. The director may request assistance of another party state by  
16 contacting the authorized representative of that state. The provisions of  
17 this Compact shall only apply to requests for assistance made by the  
18 director and to authorized representative of another state. Requests may  
19 be verbal or in writing. If verbal, the request shall be confirmed in  
20 writing within thirty days of the verbal request. Requests shall provide  
21 the following information:

22 (1) A description of the emergency service function for which  
23 assistance is needed, including but not limited to fire services, law  
24 enforcement, emergency medical, transportation, communications,  
25 public works and engineering, building, inspection, planning and  
26 information assistance, mass care, resource support, health and medical  
27 services, and search and rescue.

28 (2) The amount and type of personnel, equipment, materials and  
29 supplies needed, and a reasonable estimate of the length of time they will  
30 be needed.

31 (3) The specific place and time for staging of the assisting party's  
32 response and a point of contact at that location.

33 C. There shall be frequent consultation between state officials  
34 who have assigned emergency management responsibilities and other  
35 appropriate representatives of the party states with affected jurisdictions  
36 and the government of United States of America, with free exchange of  
37 information, plans, and resource records relating to emergency  
38 capabilities.

39 Article 4. Any party state requested to render mutual aid or  
40 conduct exercises and training for mutual aid shall take such action as  
41 is necessary to provide and make available the resources covered by this  
42 Compact in accordance with the terms hereof; provided that it is  
43 understood that the state rendering aid may withhold resources to the  
44 extent necessary to provide reasonable protection for such state. Each  
45 party state shall afford to the emergency forces of any party state, while  
46 operating within its state limits under the terms and conditions of this  
47 Compact, the same powers, except that of arrest unless specifically  
48 authorized by the receiving state, duties, rights, and privileges as are  
49 afforded forces of the state in which they are performing emergency  
50 services. Emergency forces will continue under the command and  
51 control of their regular leaders, but the organizational units will come  
52 under the operational control of the emergency services authorities of  
53 the state receiving assistance. These conditions may be activated as  
54 needed, only subsequent to a declaration of a state emergency or disaster  
55 by the governor of the party state that is to receive assistance or upon  
56 commencement of exercises or training for mutual aid and shall continue  
57 so long as the exercises or training for mutual aid are in progress, the

1 state of emergency or disaster remains in effect, or loaned resources  
 2 remain in the receiving state, whichever is longer.

3 ~~Article 4~~ **Article 5.** Whenever any person holds a license, certificate,  
 4 or other permit issued by any state **party to the Compact** evidencing the  
 5 meeting of qualifications for professional, mechanical, or other skills, ~~such~~  
 6 ~~person may render aid involving such skill in any party state to meet an~~  
 7 ~~emergency or disaster and such state shall give due recognition to such~~  
 8 ~~license, certificate, or other permit as if issued in the state in which aid is~~  
 9 ~~rendered~~ **and when such assistance is requested by the receiving party**  
 10 **state, such person shall be deemed licensed, certified, or permitted by the**  
 11 **state requesting assistance to render aid involving such skill to meet a**  
 12 **declared emergency or disaster, subject to such limitations and**  
 13 **conditions as the governor of the requesting state may prescribe by**  
 14 **executive order or otherwise.**

15 ~~Article 5~~ **Article 6.** **Officers or employees of a party state, to**  
 16 **include political subdivisions and local governments of that state,**  
 17 **rendering aid in another state pursuant to this Compact shall be**  
 18 **considered agents of the requesting state for tort liability and immunity**  
 19 **purposes.** No party state or its officers or employees, **including local**  
 20 **political subdivisions and local governments,** rendering aid in another state  
 21 ~~or in its own state pursuant to this compact~~ **Compact** shall be liable on  
 22 account of any act or omission in good faith on the part of such forces while  
 23 so engaged; or on account of the maintenance or use of any equipment or  
 24 supplies in connection therewith. **Good faith in this Article shall not**  
 25 **include willful misconduct, gross negligence, or recklessness.**

26 ~~Article 6~~ **Article 7.** Inasmuch as it is probable that the pattern and  
 27 detail of the machinery for mutual aid among two or more states may differ  
 28 from that appropriate among other states party hereto, this instrument  
 29 contains elements of a broad base common to all states, and nothing herein  
 30 contained shall preclude any state from entering into supplementary  
 31 agreements with another state ~~or states~~. Such supplementary agreements  
 32 may comprehend but shall not be limited to provisions for evacuation and  
 33 reception of injured and other persons, and the exchange of medical, fire,  
 34 police, public utility, reconnaissance, welfare, transportation and  
 35 communications personnel, equipment, and supplies.

36 ~~Article 7~~ **Article 8.** Each party state shall provide for the payment of  
 37 compensation and death benefits to injured members of the **response**  
 38 **emergency** forces of that state and the representatives of deceased members  
 39 of such forces in case such members sustain injuries or are killed while  
 40 rendering aid pursuant to this ~~compact~~ **Compact**, in the same manner and on  
 41 the same terms as if the injury or death were sustained within ~~such~~ **their own**  
 42 state.

43 ~~Article 8~~ **Article 9.** Any party state rendering aid in another state  
 44 pursuant to this ~~compact~~ **Compact** shall be reimbursed by the party state  
 45 receiving such aid for any loss or damage to, or expense incurred in the  
 46 operation of any equipment **and the provision of any service in** answering  
 47 a request for aid, and for the ~~cost~~ **costs** incurred in connection with such  
 48 request; ~~however,~~ **provided that** any aiding party state may assume in whole  
 49 or in part such loss, damage, expense, or other cost, or may loan such  
 50 equipment or donate such services to the receiving party state without charge  
 51 or cost; **and provided further, that** any two or more party states may enter  
 52 into supplementary agreements establishing a different allocation of costs as  
 53 among those states. ~~The United States government may relieve the party state~~  
 54 ~~receiving aid from any liability and reimburse the party state supplying~~  
 55 ~~forces for the compensation paid to and the transportation, subsistence, and~~  
 56 ~~maintenance expense of such forces during the time of the rendition of such~~  
 57 ~~aid or assistance outside the state and may also pay fair and reasonable~~  
 58 ~~compensation for the use or utilization of the supplies, materials, equipment,~~  
 59 ~~or facilities so utilized or consumed.~~

1            ~~Article 9~~ **Article 10.** Plans for the orderly evacuation and **interstate**  
 2 reception **of portions** of the civilian population as the result of an emergency  
 3 or disaster **of sufficient proportions to so warrant**, shall be worked out  
 4 ~~from time to time between representatives of the party states and the various~~  
 5 ~~local areas thereof~~ **and maintained between the party states and the**  
 6 **emergency management services directors of the various jurisdictions**  
 7 **where any type of incident requiring evacuations might occur.** Such plans  
 8 shall **be put into effect by request of the state from which evacuees come**  
 9 **and shall** include the manner of transporting such evacuees, the number of  
 10 evacuees to be received in different areas, the manner in which food,  
 11 clothing, housing, and medical care will be provided, the registration of the  
 12 evacuees, the providing of facilities for the notification of relatives or friends,  
 13 and the forwarding of such evacuees to other areas or the bringing in of  
 14 additional materials, ~~and~~ supplies, and all other relevant factors. Such plans  
 15 shall provide that the party state receiving evacuees **and the party state**  
 16 **from which evacuees come** shall be reimbursed generally for the **mutually**  
 17 **agree as to reimbursement of** out-of-pocket expenses incurred in receiving  
 18 and caring for such evacuees for expenditures for transportation, food,  
 19 clothing, medicines, and medical care, and like items. Such expenditures  
 20 shall be reimbursed **as agreed** by the party state ~~of~~ **from** which the evacuees  
 21 are residents, or by the United States government under plans approved by  
 22 it **come**. After the termination of the emergency or disaster, the party state  
 23 ~~of~~ **from** which the evacuees ~~are residents~~ **come** shall assume the  
 24 responsibility for the ultimate support ~~or~~ **of** repatriation of such evacuees.

25            ~~Article 10.~~ This compact shall be available to any state, territory, or  
 26 possession of the United States, and the District of Columbia. ~~The term~~  
 27 ~~"state" may also include any neighboring foreign country or province or state~~  
 28 ~~thereof.~~

29            ~~Article 11.~~ The committee established pursuant to Article 1 of this  
 30 compact may request the Federal Emergency Management Agency to act as  
 31 ~~an informational and coordinating body under this compact, and~~  
 32 ~~representatives of such agency of the United States government may attend~~  
 33 ~~meetings of such committee.~~

34            ~~Article 12~~ **Article 11.A.** This compact **Compact** shall become  
 35 operative **effective** immediately upon its ratification by any state as between  
 36 it and any other state or states so ratifying and shall be subject to approval by  
 37 congress ~~unless prior congressional approval has been given.~~ Duly  
 38 authenticated copies of this compact and of such supplementary agreements  
 39 as may be entered into shall, at the time of their approval, be deposited with  
 40 each of the party states and emergency preparedness agency and other  
 41 appropriate agencies of the United States government **signature of the**  
 42 **governor or lapse of time for gubernatorial action. Thereafter, this**  
 43 **Compact shall become effective as to any other state upon enactment by**  
 44 **such state.**

45            **B. Any party state may withdraw from this Compact by enacting**  
 46 **a statute repealing the same, but no such withdrawal shall take effect**  
 47 **until thirty days after the governor of the withdrawing state has given**  
 48 **notice in writing of such withdrawal to the governors of all other party**  
 49 **states. Such action shall not relieve the withdrawing state from**  
 50 **obligations assumed hereunder prior to the effective date of withdrawal.**

51            **C. Duly authenticated copies of this Compact and of such**  
 52 **supplementary agreements as may be entered into shall, at the time of**  
 53 **their approval, be deposited with each of the party states and with the**  
 54 **Federal Emergency Management Agency and other appropriate**  
 55 **agencies of the government of the United States of America.**

56            ~~Article 13.~~ This compact shall continue in force and remain binding  
 57 on each party state until the legislature or the governor of such party state  
 58 takes action to withdraw therefrom. Such action shall not be effective until

1 thirty days after notice thereof has been sent by the governor of the party  
2 state desiring to withdraw to the governors of all other party states.

3 Article 14. This compact shall be constructed to effectuate the  
4 purposes stated in Article 1 hereof. If any provision of this compact is  
5 declared unconstitutional, or the applicability thereof to any person or  
6 circumstance is held invalid, the constitutionality of the remainder of this  
7 compact and the applicability of other persons and circumstances shall not  
8 be affected thereby.

9 Article 15.(a) This Article shall be in effect only as among those  
10 states which have enacted it into law or in which the governors have adopted  
11 it pursuant to constitutional or statutory authority sufficient to give it the  
12 force of law as part of this compact\* or any obligation undertaken by a state  
13 pursuant thereto, except that if its terms so provide, a supplementary  
14 agreement in implementation of this Article may modify, expand, or add to  
15 any such obligation as among the parties to the supplementary agreement.

16 (b) In addition to the occurrences, circumstances, and subject matter  
17 to which preceding Articles of this compact make it applicable, this compact  
18 and the authorizations, entitlement, and procedures thereof shall apply to:

19 (i) Searches for and rescue of persons who are lost, marooned, or  
20 otherwise in danger.

21 (ii) Action useful in coping with emergencies or disasters arising  
22 from any cause or designed to increase the capacity to cope with any such  
23 emergencies or disasters.

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

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

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

32 (c) Except as expressly limited by this compact or a supplementary  
33 agreement in force pursuant thereto, any aid authorized by this compact or  
34 such supplementary agreement may be furnished by any agency of a party  
35 state, a subdivision of such state, or by a joint agency providing such aid  
36 shall be entitled to reimbursement therefor to the same extent and in the same  
37 manner as a state. The personnel of such joint agency, when rendering aid  
38 pursuant to this compact shall have the same rights, authority, and immunity  
39 as personnel of party states.

40 (d) Nothing in this Article shall be construed to exclude from the  
41 coverage of Articles 1-14 of this compact any matter which, in the absence  
42 of this Article, could reasonably be construed to be covered thereby.

43 **Article 12. This Compact shall be construed to effectuate the**  
44 **purposes stated in Article 1. If any provision of this Compact is declared**  
45 **unconstitutional, or the applicability thereof to any person or**  
46 **circumstances is held invalid, the constitutionality of the remainder of**  
47 **this Compact and the applicability thereof to other persons and**  
48 **circumstances shall not be affected.**

49 **Article 13. Nothing in this Compact shall authorize or permit the**  
50 **use of military force by the national guard of a state at any place outside**  
51 **that state in any emergency for which the president of the United States**  
52 **of America is authorized by law to call into federal service the militia, or**  
53 **for any purpose for which the use of the United States Army or the**  
54 **United States Air Force would, in the absence of express statutory**  
55 **authorization, be prohibited under Section 1385 of Title 18 of the United**  
56 **States Code. Nothing in this Compact shall be construed as**  
57 **understanding that Article 13 does not affect the authority of the**

1 president of the United States of America over the national guard  
2 provided by Article I of the United States Constitution and Title 10 of  
3 the United States Code."

4 AMENDMENT NO. 6

5 On page 9, delete line 1, and insert the following:

6 "Section 2. R.S. 40:1379.1(F) is hereby amended and reenacted to  
7 read as follows:

8 §1379.1. Special officers; powers and duties; concealed handgun permit

9 \* \* \*

10 F. During a declared state of emergency or disaster by the governor,  
11 the deputy secretary of the Department of Public Safety and Corrections,  
12 public safety services, office of state police may issue a special officer's  
13 commission to a commissioned law enforcement officer who responds to a  
14 request for assistance pursuant to the ~~Southern Regional Homeland Security~~  
15 ~~and Emergency Preparedness Management Assistance Compact~~ **Emergency**  
16 **Management Assistance Compact**, as found in R.S. ~~29:751~~ **29:733** and is  
17 determined by the deputy secretary to need statewide police power and  
18 power to arrest. Any person who receives a special officer's commission  
19 under this Subsection shall not be required to be bonded and shall adhere to  
20 all restrictive stipulations as set forth in the special officer's commission and  
21 regulations promulgated and adopted pursuant to Subsection C of this  
22 Section. Such person shall have the powers and duties of a peace officer,  
23 provided, that when he is not performing tasks directly related to the special  
24 officer's commission, he shall be regarded as a private citizen and his  
25 commission shall not be in effect.

26 \* \* \*"

27