



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

25 OCT 2007

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

29-07-1002
Office of the Speaker
MARK FORBES
Date: 10/26/07
Time: 8:35
Rec'd by: [Signature]
Print Name: [Signature]

Dear Mr. Speaker:

Transmitted herewith is Bill No. 133(EC), "AN ACT TO RATIFY THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT, AND FOR OTHER RELATED PURPOSES", which I signed into law on October 24, 2007 as Public Law 29-29.

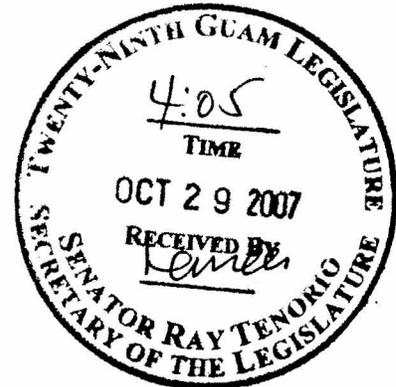
Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Ray Tenorio
Senator and Legislative Secretary

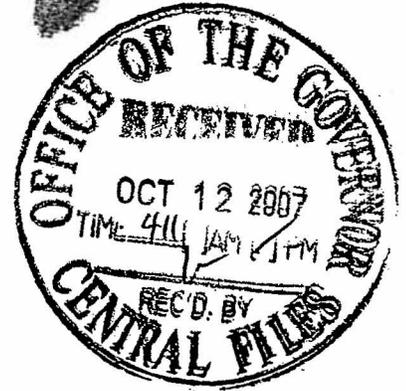


25 OCT 2007 PM 3:10



MINA' BENTE NUEBI NA LIHESLATURAN GUAHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

October 11, 2007



The Honorable Felix P. Camacho
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 34(EC), 59(EC), 133(EC), 165(EC) and Substitute Bill Nos. 110(EC) & 146(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guahan* on October 10, 2007.

Sincerely,

RAY TENORIO
Senator and Secretary of the Legislature

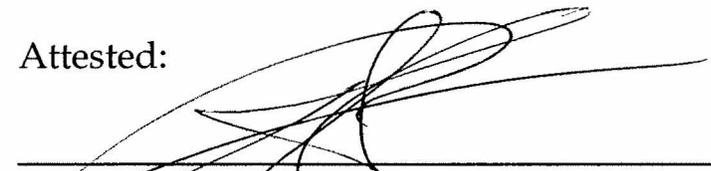
Enclosures (6)

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 133 (EC), "AN ACT TO RATIFY THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT, AND FOR OTHER RELATED PURPOSES,"** was on the 10th day of October 2007, duly and regularly passed.

Attested:

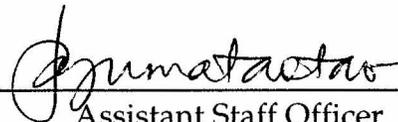


Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

This Act was received by *I Maga'lahaen Guåhan* this 12 day of Oct., 2007, at
4:11 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 24 Oct. 2007

Public Law No. 29-29

1 mutual aid agreement and partnership between states that exists because, from
2 typhoons to earthquakes and from wildfires to toxic waste spills, all jurisdictions share
3 a common enemy: the constant threat of disaster. More importantly, EMAC allows
4 states and territories to assist one another during emergencies. EMAC offers a quick
5 and easy way for jurisdictions to send personnel and equipment to help disaster relief
6 efforts in other areas. There are times when state and local resources are
7 overwhelmed and federal assistance is inadequate or unavailable. Out-of-jurisdiction
8 aid through EMAC helps fill such shortfalls.

9 EMAC also establishes a firm legal foundation. Requests for EMAC assistance
10 are legally binding, contractual arrangements which makes jurisdictions that ask for
11 help responsible for reimbursing all out-of-state costs and liable for out-of-state
12 personnel. States and territories can rest assured that sending aid will not be a
13 financial or legal burden for them. EMAC provides fast and flexible assistance.
14 EMAC allows jurisdictions to ask for whatever assistance they need for any
15 emergency, from earthquakes to acts of terrorism. On the other hand, states and
16 territories are not forced to send any assistance unless they are able to. EMAC's
17 simple procedures also mean states can dispense with bureaucratic wrangling. EMAC
18 states are now joining forces and helping one another when they need it the most:
19 whenever disaster threatens.

20 **Section 2. Title.** This Act may be cited as the “*Guam Emergency*
21 *Management Assistance Compact Act of 2007 (Guam EMAC 2007).*”

22 **Section 3. Authorization and Approval of Emergency Management**
23 **Assistance Compact.** *I Liheslaturan Guåhan*, the Guam Legislature, hereby
24 authorizes *I Maga'lahaen Guåhan*, the Governor of Guam, to enter into a compact on
25 behalf of the Island of Guam with any other state or territory legally joining therein, in

1 the form substantially as follows. The Emergency Management Assistance Compact is
2 attached and labeled as “**Exhibit A,**” and incorporated herein.

3 **Section 4. Effective Date.** This Act, being deemed of immediate
4 importance, *shall* take effect upon its enactment.

5 **Section 5. Severability.** *If* any provision of this Act or its application to
6 any person or circumstance is found to be invalid or contrary to law, such invalidity
7 shall *not* affect other provisions or applications of this Act which can be given effect
8 without the invalid provisions or application, and to this end the provisions of this Act
9 are severable.

“EXHIBIT A.”

Emergency Management Assistance Compact

Article I.	Purposes and Authorities.
Article II.	General Implementation.
Article III.	Party State Responsibilities.
Article IV.	Limitations.
Article V.	Licenses and Permits.
Article VI.	Liability.
Article VII.	Supplementary Agreements.
Article VIII.	Compensation.
Article IX.	Reimbursement.
Article X.	Evacuation.
Article XI.	Implementation.
Article XII.	Validity.
Article XIII.	Additional Provisions.

1 to such an emergency. This is because few, if any, individual states have all the
2 resources they may need in all types of emergencies or the capability of delivering
3 resources to areas where emergencies exist.

4 The prompt, full, and effective utilization of resources of the participating
5 states, including any resources on hand or available from the Federal Government or
6 any other source, that are essential to the safety, care, and welfare of the people in the
7 event of any emergency or disaster declared by a party state, shall be the underlying
8 principle on which all articles of this compact shall be understood.

9 On behalf of the governor of each state participating in the compact, the legally
10 designated state official who is assigned responsibility for emergency management
11 will be responsible for formulation of the appropriate interstate mutual aid plans and
12 procedures necessary to implement this compact.

13 **Article III. Party State Responsibilities.**

14 A. It shall be the responsibility of each party state to formulate procedural
15 plans and programs for interstate cooperation in the performance of the
16 responsibilities listed in this article. In formulating such plans, and in carrying them
17 out, the party states, insofar as practical, shall:

18 (1) Review individual state hazards analyses and, to the extent
19 reasonably possible, determine all those potential emergencies the party
20 states might jointly suffer, whether due to natural disaster, technological
21 hazard, man-made disaster, emergency aspects of resource shortages,
22 civil disorders, insurgency, or enemy attack.

23 (2) Review party states' individual emergency plans and develop
24 a plan which will determine the mechanism for the interstate
25 management and provision of assistance concerning any potential
26 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 and fuel, search and rescue, and critical
8 lifeline 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.

14 **B.** The authorized representative of a party state may request assistance of
15 another party state by contacting the authorized representative of that state. The
16 provisions of this agreement shall only apply to requests for assistance made by and to
17 authorized representatives. Requests may be verbal or in writing. If verbal, the request
18 shall be confirmed in writing within 30 days of the verbal request. Requests shall
19 provide the following information:

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

1 the exercises or training for mutual aid are in progress, the state of emergency or
2 disaster remains in effect or loaned resources remain in the receiving state(s),
3 whichever is longer.

4 **Article V. Licenses and Permits.**

5 Whenever any person holds a license, certificate, or other permit issued by any
6 state party to the compact evidencing the meeting of qualifications for professional,
7 mechanical, or other skills, and when such assistance is requested by the receiving
8 party state, such person shall be deemed licensed, certified, or permitted by the state
9 requesting assistance to render aid involving such skill to meet a declared emergency
10 or disaster, subject to such limitations and conditions as the governor of the requesting
11 state may prescribe by executive order or otherwise.

12 **Article VI. Liability.**

13 Officers or employees of a party state rendering aid in another state pursuant to
14 this compact shall be considered agents of the requesting state for tort liability and
15 immunity purposes; and no party state or its officers or employees rendering aid in
16 another state pursuant to this compact shall be liable on account of any act or omission
17 in good faith on the part of such forces while so engaged or on account of the
18 maintenance or use of any equipment or supplies in connection therewith. Good faith
19 in this article shall not include willful misconduct, gross negligence, or recklessness.

20 **Article VII. Supplementary Agreements.**

21 Inasmuch as it is probable that the pattern and detail of the machinery for
22 mutual aid among two or more states may differ from that among the states that are
23 party hereto, this instrument contains elements of a broad base common to all states,
24 and nothing herein contained shall preclude any state from entering into
25 supplementary agreements with another state or affect any other agreements already in
26 force between states. Supplementary agreements may comprehend, but shall not be

1 limited to, provisions for evacuation and reception of injured and other persons and
2 the exchange of medical, fire, police, public utility, reconnaissance, welfare,
3 transportation and communications personnel, and equipment and supplies.

4 **Article VIII. Compensation.**

5 Each party state shall provide for the payment of compensation and death
6 benefits to injured members of the emergency forces of that state and representatives
7 of deceased members of such forces in case such members sustain injuries or are
8 killed while rendering aid pursuant to this compact, in the same manner and on the
9 same terms as if the injury or death were sustained within their own state.

10 **Article IX. Reimbursement.**

11 Any party state rendering aid in another state pursuant to this compact shall be
12 reimbursed by the party state receiving such aid for any loss or damage to or expense
13 incurred in the operation of any equipment and the provision of any service in
14 answering a request for aid and for the costs incurred in connection with such
15 requests; provided, that any aiding party state may assume in whole or in part such
16 loss, damage, expense, or other cost, or may loan such equipment or donate such
17 services to the receiving party state without charge or cost; and provided further, that
18 any two or more party states may enter into supplementary agreements establishing a
19 different allocation of costs among those states. Article VIII expenses shall not be
20 reimbursable under this provision.

21 **Article X. Evacuation.**

22 Plans for the orderly evacuation and interstate reception of portions of the
23 civilian population as the result of any emergency or disaster of sufficient proportions
24 to so warrant, shall be worked out and maintained between the party states and the
25 emergency management/services directors of the various jurisdictions where any type
26 of incident requiring evacuations might occur. Such plans shall be put into effect by

1 request of the state from which evacuees come and shall include the manner of
2 transporting such evacuees, the number of evacuees to be received in different areas,
3 the manner in which food, clothing, housing, and medical care will be provided, the
4 registration of the evacuees, the providing of facilities for the notification of relatives
5 or friends, and the forwarding of such evacuees to other areas or the bringing in of
6 additional materials, supplies, and all other relevant factors. Such plans shall provide
7 that the party state receiving evacuees and the party state from which the evacuees
8 come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in
9 receiving and caring for such evacuees, for expenditures for transportation, food,
10 clothing, medicines and medical care, and like items. Such expenditures shall be
11 reimbursed as agreed by the party state from which the evacuees come. After the
12 termination of the emergency or disaster, the party state from which the evacuees
13 come shall assume the responsibility for the ultimate support of repatriation of such
14 evacuees.

15 **Article XI. Implementation.**

16 A. This compact shall become operative immediately upon its enactment
17 into law by any two (2) states; thereafter, this compact shall become effective as to
18 any other state upon its enactment by such state.

19 B. Any party state may withdraw from this Compact by enacting a statute
20 repealing the same, but no such withdrawal shall take effect until 30 days after the
21 governor of the withdrawing state has given notice in writing of such withdrawal to
22 the governors of all other party states. Such action shall not relieve the withdrawing
23 state from obligations assumed hereunder prior to the effective date of withdrawal.

24 C. Duly authenticated copies of this compact and of such supplementary
25 agreements as may be entered into shall, at the time of their approval, be deposited

1 with each of the party states and with the Federal Emergency Management Agency
2 and other appropriate agencies of the United States Government.

3 **Article XII. Validity.**

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

9 **Article XIII. Additional Provisions.**

10 Nothing in this compact shall authorize or permit the use of military force by
11 the National Guard of a state at any place outside that state in any emergency for
12 which the President is authorized by law to call into federal service the militia, or for
13 any purpose for which the use of the Army or the Air Force would in the absence of
14 express statutory authorization be prohibited under Section 1385 of title 18, United
15 States Code.