

TN - Tennessee Code Annotated

Title 58 Military Affairs, Emergencies and Civil Defense

Chapter 2 Disasters, Emergencies and Civil Defense

Part 1 General Emergency Provisions

58-2-101. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1)** “Agency” means the Tennessee emergency management agency (TEMA);
- (2)** “Broadcaster” means a radio broadcasting station or a television broadcasting station primarily engaged in the business of facilitating or originating speech, pictures or both through over the air communications, both as to pure speech and commercial speech and for all purposes operating under licenses provided by the federal communications commission and which station has been selected by the federal emergency management agency as a primary entry point;
- (3)** “CLEO” means the chief local elected official;
- (4)** “Compacts” means the emergency management compacts included in parts 4 and 7 of this chapter;
- (5)** “Disaster” means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state emergency by a county, the governor, or the president of the United States. “Disaster” is identifiable by the severity of resulting damage, as follows:
 - (A)** “Catastrophic disaster” means a disaster that will require massive state and federal assistance, including immediate military involvement;
 - (B)** “Major disaster” means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance; and
 - (C)** “Minor disaster” means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance;
- (6)** “EMA” means a local emergency management agency of a political subdivision;
- (7)** “Emergency” means an occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, that results or may result in substantial injury or harm to the population, or substantial damage to or loss of property; provided, that natural threats may include disease outbreaks and epidemics;
- (8)** “Emergency management” means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

- (A)** Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action;
- (B)** Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies;
- (C)** Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency;
- (D)** Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies;
- (E)** Provision of an emergency management system embodying all aspects of pre-emergency preparedness and post emergency response, recovery, and mitigation; and
- (F)** Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use;
- (9)** “Emergency management preparedness and assistance trust fund” means a trust fund to be administered solely by TEMA. All funds collected by the state and placed in this trust fund shall be designated for emergency management purposes only;
- (10)** “Emergency response broadcaster” means a person certified pursuant to § 58-2-128 as an emergency response broadcaster;
- (11)** “Emergency services coordinator” or “ESC” means the person or persons selected by the head of each executive branch agency or commissioner designated by the governor and includes alternates. The ESC and an alternate will be responsible for coordinating with the agency on emergency preparedness issues, preparing and maintaining emergency preparedness and post disaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel;
- (12)** “Energy emergency” means a condition of danger to the health, safety, welfare, or economic well being of the citizens of this state arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of this state resulting from the operation of any electrical power generating facility, the transport of any energy resource by any means whatsoever, or the production, use or disposal of any source material, special nuclear material, or by-product material as defined by the Atomic Energy Act of 1954, 68 Stat. 919 (42 U.S.C. §§ 2011-2394); also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring in or outside this state, substantially affecting the health, safety, or welfare of the citizens of this state;

(13) “Energy resources” includes all forms of energy or power, including without limitation, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels of any description;

(14) “Entity” includes a firm, business, for profit and not-for-profit corporation, profit and not-for-profit unincorporated association, partnership, and two (2) or more persons having a joint or common economic interest;

(15) “GAR” means the governor's authorized representative;

(16) “Local emergency management agency” means an organization created in accordance with this chapter to discharge the emergency management responsibilities and functions of a political subdivision;

(17) “Manmade emergency” means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government;

(18) “Mobile reserve unit” means an organization for emergency management created in accordance with this chapter by state or local authority to be dispatched by the governor to supplement local organizations for emergency management in a stricken area;

(19) “Natural emergency” means any emergency caused by a natural event, including, but not limited to, a storm, a flood, a drought, or an earthquake;

(20) “Person” includes a natural person or entity organized under the laws of this state or any other state or territory of the United States or the federal government, as the case may be, and includes both the singular and plural;

(21) “Political subdivision” means any municipality or county, including any county having metropolitan form of government, created pursuant to law;

(22) “Public official” means an elected or appointed person in the executive, legislative or judicial branch of the state or any political subdivision of the state;

(23) “SCO” means state coordinating officer;

(24) “Technological emergency” means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident; and

(25) “TEMP” means Tennessee emergency management plan.

58-2-102. Legislative intent.

(a) The general assembly finds and declares that the state is vulnerable to a wide range of emergencies, including natural, technological, terrorist acts, and manmade disasters, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development. The general assembly further finds that this vulnerability is exacerbated by the growth in the state's population, in the elderly population, in the number of seasonal vacationers, and in the number of persons with special needs. This growth has greatly complicated the state's ability to coordinate its emergency management resources and activities.

(b) It is the intent of the general assembly to reduce the vulnerability of the people and property of this state; to prepare for efficient evacuation or shelter-in-place of threatened or affected persons; to provide for the rapid and orderly provision of relief to persons and for the restoration of services and property; and to provide for the coordination of activities relating to emergency preparedness, response, recovery, and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector.

(c) It is further the intent of the general assembly to promote the state's emergency preparedness, response, recovery, and mitigation capabilities through enhanced coordination, long-term planning, and adequate funding. State policy for responding to disasters is to support local emergency response efforts. In the case of a major or catastrophic disaster, however, the needs of residents and communities will likely be greater than local resources. In these situations, the state must be capable of providing effective, coordinated, and timely support to communities and the public. Therefore, the general assembly hereby determines and declares that this chapter fulfills a compelling state interest.

58-2-103. Policy and purpose.

(a) Because of the existing and continuing possibility of the occurrence of emergencies and disasters resulting from natural, technological, or manmade causes, including acts of terrorism and the recovery therefrom; in order to ensure that preparations of this state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary to:

(1) Create a state emergency management agency to be known as the "Tennessee emergency management agency" (TEMA), to authorize the creation of local organizations for emergency management in the political subdivisions of the state, and to authorize cooperation with the federal government and the governments of other states;

(2) Confer upon the governor, TEMA, and the governing body of each political subdivision of the state the emergency powers provided herein;

(3) Provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government with respect to carrying out all emergency management functions and responsibilities;

(4) Authorize the establishment of such organizations and the development and employment of such measures as are necessary and appropriate to carry out this chapter; and

(5) Provide the means to assist in the prevention or mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use, not to exclude flood plain management.

(b) It is further declared to be the purpose of this chapter and the policy of the state that all emergency management functions of the state be coordinated to the maximum extent with comparable functions of the federal government, including its various departments, agencies of other states and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of the manpower, resources, and facilities of the nation for dealing with any emergency that may occur.

58-2-104. Creation of agency — Director and deputies.

(a) The governor is hereby authorized and directed to create a state agency to be known as the “Tennessee emergency management agency” (TEMA) under the adjutant general for day-to-day administrative purposes and, upon the recommendation of the adjutant general, to appoint a director of TEMA, who shall be the administrator thereof. The director shall hold office at the pleasure of the governor, and shall receive such salary as is fixed by the adjutant general and approved by the governor. The agency shall authorize the creation of local organizations for emergency management in the political subdivisions of the state, and authorize cooperation with the federal government and the governments of other states.

(b) The governor is hereby authorized to appoint such deputy directors of the agency as the governor may in the exercise of the governor's sound discretion deem necessary, and such directors, in the discretion of the governor and upon the recommendation of the adjutant general, may be state employees who shall serve in such capacity without additional compensation.

(c) The director, subject to the direction and control of the governor, acting through the adjutant general, shall be the executive head of the agency and shall be responsible to the governor for carrying out the program for TEMA for this state. The director shall coordinate the activities of all organizations for the agency within the state and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government. For normal day-to-day administrative functions, the director shall report to the adjutant general. During emergency conditions, the agency and director shall report to the governor or the governor's designee. General coordination with the adjutant general shall be maintained. The department of the military shall become a resource for the state as with all other departments and agencies; further, the director shall make recommendations to the governor for the use of the national guard and other state resources as disaster conditions mandate, including, but not limited to, the assistance of local and private agencies.

The director shall coordinate with the governor's office on the activation or the potential activation of any mutual aid agreement or compact.

(d) The adjutant general, upon the recommendation of the director, may employ such area directors, professional, technical, clerical, stenographic, and other personnel, and the adjutant general shall fix their compensation and may make expenditures from available funds appropriated for the military department or from funds made available to the adjutant general for purposes of emergency management, as may be necessary to carry out the purposes of this chapter. The director shall be provided with necessary, and appropriate office space, furniture, supplies, stationery, printing and equipment, including but not limited to, radio, radiological and any and all other proper equipment necessary to carry out the emergency management program for the state. The necessary mileage, office expenses, salaries of personnel, postage, telephone and expressage shall be chargeable to any funds available for emergency management.

58-2-105. Limitations.

Nothing in this chapter shall be construed to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(2) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including, but not limited to, radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with an emergency;

(3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or any personnel thereof, when on active duty; state, local, and interjurisdictional emergency plans shall place reliance upon the forces available for performance of functions related to emergencies; and

(4) Limit, modify, or abridge the authority of the governor to proclaim martial rule or exercise any other powers vested in the governor under the constitution, statutes or common law of this state independent of or in conjunction with this chapter; provided, that the authority shall be limited to the extent provided under § 58-2-107(m) and as otherwise specifically provided by statute.

58-2-106. Emergency management responsibilities and powers.

(a) The agency is responsible for maintaining a comprehensive statewide program of emergency management. The agency is responsible for coordination with efforts of the federal government with other departments and agencies of state government, county governments, municipal governments and school boards, and private agencies that have a role in emergency management. The director of the agency shall be the state coordinating officer (SCO) and the governor's authorized representative (GAR).

(b) The agency is responsible for carrying out this chapter. In performing its duties under this chapter, the agency shall:

(1) Prepare a TEMP and maintain an accountable ESC program, which shall be integrated into and coordinated with the emergency management plans and programs of the federal government. The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the agency shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The TEMP shall be planning, response, recovery and mitigation oriented and shall include the following:

(A) An evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities;

(B) A shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors;

(C) A postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum:

(i) Establish the structure of the state's postdisaster response and recovery organization;

(ii) Establish procedures for activating the state's plan;

(iii) Set forth policies used to guide postdisaster response and recovery activities;

(iv) Describe the chain of command during the postdisaster response and recovery period;

(v) Describe initial and continuous postdisaster response and recovery actions;

(vi) Identify the roles and responsibilities of each involved agency and organization;

(vii) Provide for a comprehensive communications plan, including, but not limited to, a computerized telephone emergency warning system;

(viii) Establish procedures for monitoring mutual aid agreements;

(ix) Provide for assessment teams;

(x) Ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services;

(xi) Ensure the existence of a comprehensive statewide medical care plan; and

(xii) Establish systems for coordinating volunteers and accepting and distributing donated funds and goods;

(D) Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the agency;

(E) Address the need for coordinated and expeditious deployment of state resources, including the Tennessee national guard and requesting of federal assets;

(F) Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions;

(G) Establish guidelines and schedules for exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the federal government; and

(H) Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities;

(2) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the TEMP. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans;

(3) Assist political subdivisions in preparing and maintaining emergency management plans;

(4) Periodically review political subdivision emergency management plans for consistency with the TEMP and standards and requirements adopted under this section;

(5) Cooperate with the president of the United States, the heads of the armed forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the president and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

(A) Emergency management drills, tests, or exercises of whatever nature; and

(B) Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals;

(6) Make recommendations to the general assembly for preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;

- (7)** In accordance with the TEMP and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with this chapter;
- (8)** Anticipate trends and promote innovations that will enhance the emergency management system;
- (9)** Institute statewide public awareness programs. This includes an intensive public educational campaign on emergency preparedness issues;
- (10)** Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs;
- (11)** Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (12)** Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This includes a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures;
- (13)** Periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the TEMP and program;
- (14)** Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of this chapter;
- (15)** Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters;
- (16)** Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for mitigation, preparation, response, and recovery;
- (17)** Delegate, as necessary and appropriate, authority vested in it under this chapter and provide for the subdelegation of such authority;
- (18)** Create, implement, administer, promulgate, amend, and rescind rules, programs, and plans needed to carry out this chapter with due consideration for, and in cooperation with, the plans and programs of the federal government; and

(19) Do other things necessary, incidental, or appropriate for the implementation of this chapter.

58-2-107. Emergency management powers of the governor.

(a)

(1) The governor is responsible for addressing the dangers presented to this state and its people by emergencies. In the event of an emergency beyond local control, the governor, or, in the governor's absence, the governor's successor as provided by law, may assume direct operational control over all or any part of the emergency management functions within this state, and such person has the power through proper process of law to carry out this chapter. The governor is authorized to delegate such powers as the governor may deem prudent.

(2) Pursuant to the authority vested in the governor under subdivision (a) (1), the governor may issue executive orders, proclamations, and rules and may amend or rescind them. Such executive orders, proclamations, and rules have the force and effect of law.

(b)

(1) The governor or the governor's designee, shall declare a state of emergency or a disaster declaration in one (1) of two (2) ways:

(A) By executive order or proclamation; or

(B) By the activation of the TEMP.

(2) These two (2) types of threats may be declared by the governor if the governor finds an emergency has occurred or the occurrence of threat thereof is imminent. The state of emergency shall continue until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and the governor terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than sixty (60) days unless renewed by the governor. All executive orders or proclamations issued under this section shall indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation shall be promptly disseminated by means calculated to bring its contents to the attention of the general public; and, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation shall be filed promptly with the department of state and in the office of the chief executive officer in each county to which the order or proclamation applies.

(c) An executive order or proclamation of a state of emergency shall:

(1) Activate the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question;

(2) Be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other law relating to emergencies; and

(3) Identify whether the state of emergency is due to a minor, major, or catastrophic disaster.

(d) During the continuance of a state emergency, the governor is commander in chief of the Tennessee national guard and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or rules, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the emergency.

(e) In addition to any other powers conferred upon the governor by law, the governor may:

(1) Suspend any law, order, rule or regulation prescribing the procedures for conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(2) Utilize all available resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency;

(3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property, which term shall not be construed to include firearms, ammunition, or firearm or ammunition components, if the governor finds this necessary to cope with the emergency;

(5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery;

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(7) Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises therein;

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, or combustibles, which terms shall not be construed to include firearms, ammunition, or firearm or ammunition components;

(9) Make provision for the availability and use of temporary emergency housing;

(10) Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest;

(11) Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of civilian population, as provided in the TEMP and political subdivisions thereof; and

(12) Authorize the use of forces already mobilized as the result of an executive order, rule, or proclamation to assist the private citizens of the state in clean up and recovery operations during emergencies when proper permission to enter onto or into private property has been obtained from the property owner.

(f) The governor shall take such action and give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with this chapter and with the orders and rules made pursuant thereto.

(g) The governor shall employ such measures and give such directions to the department of health and department of human services, division of vocational rehabilitation, as may be reasonable and necessary for the purpose of securing compliance with this chapter or with the findings or recommendations of such agency by reason of conditions arising from emergencies or threats of emergency.

(h) The governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency, and shall utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the agency, as it may require.

(i) The governor and the agency shall establish agencies and offices and appoint executive, professional, technical, clerical and other personnel as may be necessary to carry out this chapter.

(j) The governor shall formulate and execute plans and rules for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will effectuate such plans.

(k) The governor may delegate to the director of TEMA the authority to declare a state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. Pursuant to the delegation of authority granted by this subsection (k), the director of TEMA may declare a state of emergency prospectively in anticipation of an emergency.

(l)

(1) If the governor of Tennessee declares an emergency in response to a catastrophic or major disaster, voluntary health care providers, including hospitals and community mental health care centers, participating in the Emergency Management Assistance Compact or Southern Regional Emergency Management Assistance Compact are immune from liability in providing the health care to victims or evacuees of the catastrophic or major disaster, as long as the services are provided within the limits of the provider's license, certification or authorization, unless an act or omission was the result of gross negligence or willful misconduct.

(2) If additional medical resources are required, the governor, by executive order, may provide limited liability protection to health care providers, including hospitals and community mental health care centers and those licensed, certified or authorized under titles 33, 63 or 68, and who render services within the limits of their license, certification or authorization to victims or evacuees of such emergencies; provided, however, that this protection may not include any act or omission caused by gross negligence or willful misconduct.

(3) The duration of the protection provided by this subsection (1) shall not exceed thirty (30) days, but may be extended by the governor by executive order for an additional thirty (30) days, if required to ensure the provision of emergency medical services in response to the catastrophic or major disaster.

(m) During any state of emergency, major disaster or natural disaster, the state, a political subdivision or a public official shall not prohibit nor impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display or use of firearms and ammunition or firearm and ammunition components.

58-2-108. Designation of emergency services coordinators.

(a) At the direction of the governor, the head of each executive department and independent agency shall select from within such department or agency a person to be designated as the emergency services coordinator (ESC) for the department or agency together with an alternate ESC.

(b) The ESC is responsible for coordinating with TEMA and reporting to that agency on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.

(c) These individuals shall be responsible for ensuring that each state facility, such as a prison, office building, or university, has a disaster preparedness plan that is reviewed by the applicable local emergency management agency and approved by TEMA.

(d) The head of each department or agency shall notify TEMA, in writing, of the person initially designated as the ESC for such agency and the ESC's alternate, and of any changes in persons so designated thereafter.

(e) Upon the designation of the ESC, the department or agency shall provide the necessary equipment to the ESC as prescribed by TEMA for the performance of the duties of the ESC.

(f) TEMA shall, in consultation with the department of human resources, develop a mechanism to provide for a salary supplement for the appointed ESC, subject to available funding.

(g) TEMA shall notify the governor of compliance with this section.

58-2-109. Financing — Acceptance of gifts.

(a) It is the intent of the general assembly and declared to be the policy of this state that funds to prepare for and meet emergencies shall always be available.

(b) It is the intent of the general assembly that the first recourse shall be to annually fund a state emergency management agency. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, as otherwise provided by law, make funds available by transferring and expending moneys appropriated for other purposes or out of any unappropriated surplus funds.

(c) Nothing contained in this section shall be construed to limit the authority of the governor to apply for, administer, and expend any grants, gifts, or payments in aid of emergency prevention, mitigation, preparedness, response, or recovery.

(d) Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, loan or other agreement for the purpose of emergency management, the state, acting through the agency, or such political subdivision, acting through its governing body or a local emergency management agency, may accept such offer. Upon such acceptance, the agency or the presiding officer of the governing body of the political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer.

58-2-110. Emergency management powers of political subdivisions.

Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) Counties.

(A) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of this chapter, each county within this state shall be within the jurisdiction of and served by TEMA. Except as otherwise provided in this chapter, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to subdivision (3)(b) which is recognized by the governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the TEMP and program.

(B) Each county emergency management agency created and established pursuant to this chapter shall have a director who shall be appointed by the CLEO and, if required, approved by the governing body of the county. The director must meet the minimum training and education qualifications established in a job description developed by the CLEO and that meets the requirements of § 58-2-127. The job description for a directorship must be approved by the governing body of the county. The director's annual salary shall be fixed by the governing body of the county. Each CLEO shall promptly inform TEMA of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency, subject only to the direction and control of the CLEO and shall serve as liaison to TEMA and other local emergency management agencies and organizations.

(C) Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits of the county within which it is organized as are required pursuant to this chapter and in accordance with state and county emergency management plans and mutual aid agreements. A county shall serve as liaison for and coordinate the requests of municipalities located within such county for state and federal assistance during postdisaster emergency operations.

(2) Municipalities. Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and regulations applicable to county emergency management agencies. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

(3) Emergency management powers; political subdivisions.

(A) In carrying out this chapter, each political subdivision has the power and authority to:

(i) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(ii) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(iii) Establish, as necessary, a primary and one (1) or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;

(iv) Assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision;

(v) Request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one (1) political subdivision. The duration of each state of emergency declared locally is limited to seven (7) days; it may be extended, as necessary, in seven-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

(a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(b) Entering into contracts;

(c) Incurring obligations;

(d) Employment of permanent and temporary workers;

(e) Utilization of volunteer workers;

(f) Rental of equipment;

(g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(h) Appropriation and expenditure of public funds; and

(vi) Declare a local state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. The CLEO may declare a local state of emergency prospectively in anticipation of an emergency.

(B) Upon the request of two (2) or more adjoining counties, or if the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate emergency management agencies and service, the governor may delineate by executive order or rule an interjurisdictional area adequate to plan for, prevent, mitigate, or respond to emergencies in such area and may direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency plan, a provision for mutual aid, or an area organization for emergency planning and services. A finding of the governor pursuant to this subdivision (3)(B) shall be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective emergency

prevention, mitigation, preparedness, response, and recovery system on a nonjurisdictional basis, such as:

(i) Small or sparse population;

(ii) Limitations on public financial resources severe enough to make maintenance of a separate emergency management agency and services unreasonably burdensome;

(iii) Unusual vulnerability to emergencies as evidenced by a past history of emergencies, topographical features, drainage characteristics, emergency potential, and presence of emergency-prone facilities or operations;

(iv) The interrelated character of the counties in a multicounty area; and

(v) Other relevant conditions or circumstances.

(4) Local emergency planning committees.

(A) Each local emergency planning committee (LEPC) is authorized to assess and collect an annual fee of one hundred dollars (\$100) from member facilities and industries within its emergency planning district required to submit tier II reports in accordance with federal law, 42 U.S.C. § 11001 et seq. Such fee shall be assessed and collected in the manner authorized by each such LEPC.

(B) The revenue derived from such fee shall be used solely by the LEPC for conducting annual event exercises, educating the public, and printing the Hazardous Materials Emergency Response Plan.

(C) This subdivision (4) applies to LEPCs in any county having a population of not less than seventy-one thousand, three hundred (71,300) nor more than seventy-one thousand, four hundred (71,400), according to the 2000 federal census or any subsequent federal census, upon the adoption of a resolution by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of such county.

58-2-111. Possession of mobile telephone by person being housed in camp or shelter.

Notwithstanding any law to the contrary, a person being housed in a camp or shelter organized or maintained by the federal or Tennessee emergency management agency or a local emergency management agency, or pursuant to an action taken by such agency, is authorized to possess a mobile telephone.

58-2-112. [Reserved.]

58-2-113. Emergency management support forces or mobile reserve unit.

(a) TEMA is authorized to provide, within or out of the state, such support from available personnel, equipment, and other resources of state agencies and the political subdivisions of the state as may be necessary to reinforce emergency management agencies in areas stricken by emergency. Such support shall be rendered with due consideration of the plans of the federal government, this state, the other states, and of the criticalness of the existing situation. Emergency management support forces shall be

called to duty upon order of TEMA and shall perform functions in any part of the state or, upon the conditions specified in this section, in other states.

(b) Personnel of emergency management support forces while on duty, whether inside or outside of this state, shall:

(1) If they are employees of the state, have the powers, duties, rights, privileges, and immunities, and receive the compensation incidental to their employment;

(2) If they are employees of a political subdivision of the state, whether serving inside or outside of the political subdivision, have the powers, duties, rights, privileges, and immunities, and receive the compensation, incidental to their employment. The compensation shall be provided by and through the providing political subdivision; and

(3) If they are not employees of the state or a political subdivision thereof, they shall be entitled to the same rights and immunities as are provided by law for the employees of this state and to such compensation as may be fixed by TEMA. All personnel of emergency management support forces shall, while on duty, be subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving and shall be reimbursed for all actual and necessary travel and subsistence expenses to the extent of funds available.

58-2-114. Government equipment, services, and facilities.

In carrying out this chapter, the governor, the director of TEMA and the executive officers, or governing bodies of the political subdivisions of the state establishing local emergency management agencies, are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the governor or to the director and to the local emergency management agencies throughout the state upon request.

58-2-115. Compensation.

(a) Compensation for services or for the taking or use of property shall be owed only to the extent that a claimant may not be deemed to have volunteered the claimant's services or property without compensation and only to the extent that such taking exceeds the legal responsibility of a claimant to render such services or make such property so available.

(b) Compensation owed for personal services shall be only such as may be fixed by TEMA.

(c) Compensation for property shall be owed only if the property was commandeered or otherwise used in coping with an emergency and its use or destruction was ordered by the governor or a member of the emergency forces of this state.

(d) Any person claiming compensation for the use, damage, loss, or destruction of property under this chapter shall file a claim therefor with the agency in the form and manner that the agency provides.

(e) Unless the amount of compensation owed on account of property damaged, lost, or destroyed is agreed between the claimant and TEMA, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property pursuant to the condemnation laws of this state.

(f) Nothing in this section applies to or authorizes compensation:

(1) For the destruction or damaging of standing timber or other property in order to provide a firebreak;

(2) For damage resulting from the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood; or

(3) Beyond the extent of funds available for such compensation.

58-2-116. Emergency management.

(a) In addition to prevention measures included in the state and local comprehensive emergency management plans, the governor shall consider, on a continuing basis, steps that could be taken to mitigate the harmful consequences of emergencies. At the governor's direction, state agencies, including, but not limited to, those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of emergency mitigation-related matters. The governor, from time to time, shall make such recommendations to the general assembly, local governments, and other appropriate public and private entities as may facilitate measures for mitigation of the harmful consequences of emergencies.

(b) The appropriate state departments or agencies, in conjunction with TEMA, shall continually study the plans, uses and construction of structures and other facilities and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence, manmade or natural. The studies under this subsection (b) shall concentrate on means of reducing or avoiding the dangers caused by these occurrences or the consequences thereof.

(c) If TEMA believes, on the basis of the studies or other competent evidence, that:

(1) An area is susceptible to an emergency of catastrophic proportions without adequate warning;

(2) Existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the emergency; and

(3) Changes in zoning regulations, other land use regulations, or building requirements are essential in order to further the purposes of this section, the agency shall specify the essential changes to the governor. If the governor, upon review of the recommendation, finds, after public hearing that changes are essential, the governor shall so recommend to the agencies or political subdivision with jurisdiction over the area and subject matter. If no action, or insufficient action, pursuant to the governor's

recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of such an emergency.

58-2-117. Lease or loan of state property; transfer of state personnel.

Notwithstanding any inconsistent provision of law:

(1) Whenever the governor deems it to be in the public interest, the governor may:

(A) Authorize any department or agency of the state to lease or lend, on such terms and conditions as it may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government, to the president of the United States, the heads of the armed forces of the United States, or the various federal emergency management agencies of the United States; and

(B) Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state, on such terms and conditions as the governor may deem necessary to promote the public welfare and protect the interests of this state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state;

(2) The governing body of each political subdivision of the state may:

(A) Enter into such contract or lease with this state, accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed; and

(B) Do all things and perform any and all acts which it may deem necessary to effectuate the purpose for which such contract was entered into.

58-2-118. Orders and rules.

(a) Upon being authorized by the governor, TEMA, or other state department or agency, the political subdivisions of the state and other agencies designated or appointed by the governor, or in the TEMP, are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of this chapter, but which are not inconsistent with any orders or rules adopted by an EMA or by any state agency exercising a power delegated to it by the governor or the agency.

(b) In order to attain uniformity so far as practicable throughout the country in measures taken to aid emergency management, all action taken under this chapter and all orders and rules made pursuant to such sections shall be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, actions, recommendations, and requests.

58-2-119. Enforcement.

It is the duty of every EMA established pursuant to this chapter and the officers and personnel thereof, to execute and enforce such orders, rules and regulations as may be made by the governor under authority of this chapter. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the governor, or under the governor's authority.

58-2-120. Penalties.

In the event of an emergency declared pursuant to this chapter, any person or representative thereof violating any order, rule or regulation promulgated pursuant to this chapter commits a Class A misdemeanor.

58-2-121. Liability.

Any person, public or private, owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege or otherwise permits the designation by TEMA or EMA for the use of the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice emergency, together with such person's successor in interest, if any, shall not be liable for:

- (1)** The death of, or injury to, any person on or about such real estate or premises during the actual, impending, mock, or practice emergency; or
- (2)** Loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or such person's successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period.

58-2-122. Liberality of construction.

This part shall be construed liberally in order to effectuate the part's purposes.

58-2-123. Radiological emergency preparedness.

(a) Purpose and intent. It is the purpose of this section to establish the means by which certain radiological emergency response plans and preparedness requirements of the United States nuclear regulatory commission and the federal emergency management agency can be developed and tested by the state, the appropriate counties, and each operator licensed by the United States nuclear regulatory commission to operate a commercial nuclear electric generating facility. It is the express intent of the general assembly that no department, commission, agency, or political subdivision of the state be considered to have assumed or be responsible for the funding of any activity or program required by this section from any sources of funds other than those specifically identified in this section.

(b) Definitions. For the purposes of this section, the following terms have the meanings indicated:

(1) “Appropriate county” means a county which is required by the United States nuclear regulatory commission or the federal emergency management agency to be designated a risk or a host county;

(2) “Facility” means a commercial nuclear electric generating reactor operated for the purpose of providing heat to produce electricity for sale to persons other than the owner of the facility;

(3) “Operator” means that person who has applied for or who has been granted a license by the United States nuclear regulatory commission for the operation of a facility; and

(4) “Plans” means the radiological emergency response plans and preparedness in support of nuclear power plants requirements, including facilities and equipment, currently contained in nuclear regulatory commission regulation 0654 (NUREG-0654) and FEMA-radiological emergency plan 1 (FEMA-REP-1) or as may be required by cognizant federal agencies in the future.

(c) Emergency response plans. In addition to the other plans required by this chapter, TEMA shall develop, prepare, test, and implement as needed, in conjunction with the appropriate counties and the affected operator, such radiological emergency response plans and preparedness requirements as may be imposed by the United States nuclear regulatory commission or the federal emergency management agency as a requirement for obtaining or continuing the appropriate licenses for a commercial nuclear electric generating facility.

(d) Powers and duties. In implementing the requirements of this section, the director of the agency or the director's designated representative, shall:

(1) Negotiate and enter into such additional contracts and arrangements among the agency, appropriate counties, and each operator to provide for the level of funding and the respective roles of each in the development, preparation, testing, and implementation of the plans;

(2) Evaluate and determine the adequacy of the plans based upon consultations with the United States nuclear regulatory commission and other agencies, as appropriate, and upon the results of such tests as may be conducted;

(3) Limited to such funding as is available based upon the requirements of subdivision (d)(5), require the participation of appropriate counties and operators in the development, preparation, testing, or implementation of the LANs as needed;

(4) Determine the reasonableness and adequacy of the provisions, terms, and conditions of the plans and, in the event the appropriate counties and the operators cannot agree, resolve such differences and require compliance by the appropriate counties and the operators with the plans. In resolving such differences, the director shall consider:

(A) The requirements and parameters placed on the operators by federal law and agencies;

(B) The reasonableness and adequacy of the funding for appropriate counties from any sources of funds other than local revenue sources; and

(C) The reasonableness and appropriateness of the costs to the appropriate counties likely to be incurred in complying with the provisions, terms and conditions of the plans;

(5) Receive, expend, and disburse such funds as are made available by each licensee pursuant to this section; and

(6) Limited to such funding as is available based upon the requirements of subsection (e), coordinate all activities undertaken pursuant to this section or required of appropriate counties and operators by any federal or state agency.

(e) Funding. All funds for the implementation of this section shall be provided by the operators as required by subsection (d), except that operators may enter into bilateral agreements with other state agencies or appropriate counties when necessary. No political subdivision of the state shall be considered to have obligated or consented to have obligated any funds from any local revenue source whatsoever by complying with this section.

58-2-124. Suspension letter — Contents.

The Tennessee emergency management agency shall deliver a copy of any suspension letter to the member of the senate and the member of the house of representatives who represents such area, and to the principal officer of the local legislative body of the county and municipality, if applicable. Such notice shall contain the date of suspension, the amount of suspension, reasons for the suspension, and the length of suspension. For the purposes of this section, “suspension” includes the suspension of any federal funds or state funds that are related to the emergency management program. A suspension letter shall include a synopsis of the following:

- (1)** Task forecast agreement;
- (2)** Quarterly activity reports;
- (3)** Plans;
- (4)** Training;
- (5)** Exercises;
- (6)** Public awareness;
- (7)** RADEF equipment checked;
- (8)** Emergency and missions;
- (9)** Administrative;
- (10)** Mitigation programs;
- (11)** Personnel and facilities; and

(12) Effectiveness.

58-2-125. Acceptance of gifts.

The governor, on behalf of the state, may accept a gift of funds from any person, firm, or corporation for the purpose of providing funding for emergency relief services. Gifted funds shall be deposited in the emergency and contingency fund. The emergency and contingency fund may be used for any purpose authorized by law to be allowed on executive order of the governor.

58-2-126. First responders from local emergency management agencies — Death benefit.

(a) As used in this section:

(1) “First responders from local emergency management agencies” means emergency management agency personnel, including but not limited to, emergency managers who, as first responders:

(A) Go directly to the scene of an emergency; or

(B) Provide direct logistical support during the emergency and may go to and from a disaster or emergency area; and

(2) “Local emergency management agency” means an organization created in accordance with this chapter to discharge the emergency management responsibilities and functions of a political subdivision.

(b) All local emergency management agency personnel are considered first responders from local emergency management agencies with all the rights, benefits, privileges, and protections available to them pursuant to state and local laws.

(c) The estate of any first responder from a local emergency management agency who is killed in the line of duty is entitled to receive the sum of twenty-five thousand dollars (\$25,000), with payment to be made from the general fund after receipt by the department of finance and administration of a certified death certificate and an affidavit from the decedent’s employer that the decedent was killed in the line of duty.

58-2-127. Prerequisites for employment as a director of a local emergency management agency.

(a) As a prerequisite to receiving an offer of employment as the director of a local emergency management agency, the candidate shall provide evidence satisfactory to the CLEO that the applicant:

(1) Is at least eighteen (18) years of age;

(2) Is a citizen of the United States and of this state;

(3) Is a high school graduate or possesses equivalency;

(4) Has not been convicted or pled guilty to or entered a plea of nolo contendere to any felony charge;

(5) Has a valid Tennessee driver license; and

(6)

(A) Has graduated and received a baccalaureate degree;

(B) Has graduated and received an associate's degree and possesses at least two (2) years experience in an emergency management or related field;

(C) Possesses at least four (4) years experience in an emergency management or related field; or

(D) Is serving as director of a local emergency management agency on July 1, 2011.

(b) In addition to the requirements of subsection (a), any director of a local emergency management agency shall possess knowledge of the following subjects:

(1) The principles and practices of emergency management;

(2) Emergency management planning concepts;

(3) Disaster response and the functions of government and private organizations;

(4) Laws and regulations related to emergency operations; and

(5) Working knowledge of computer operations and the operation of other basic office equipment.

(c) In addition to the requirements of subsections (a) and (b), any director of a local emergency management agency shall possess the skill and ability to perform tasks as defined by the county mayor, including, but not limited to, the following tasks:

(1) Plan, organize, assign, inspect, and direct the work of others;

(2) Evaluate situations and make coherent decisions;

(3) Express ideas clearly, concisely, and convincingly, both orally and in writing. This requirement includes the ability to communicate effectively under stressful conditions during emergency situations;

(4) Establish and maintain an effective working relationship with the public, businesses, industries, volunteers, and employees;

(5) Operate an emergency management response vehicle and communications equipment;

(6) Work from a mobile unit and outdoors in all types of weather conditions during emergency and simulated situations; and

(7) Direct the activities of a twenty-four-hour, seven-day-a-week operation.

(d) A local emergency management agency director is under executive direction.

(e) A local emergency management agency director's responsibilities include, but are not limited to, the following:

(1) Coordinate and assist in the revision and update of the local emergency operations plan and field operating guides in conjunction with elected and appointed local government officials and private, volunteer, and civic organizations;

(2) Develop and manage the local agency's annual budget in accordance with local guidelines;

(3) Collect initial disaster intelligence information, extract essential elements of information, and prioritize use of critical resources;

(4) Prepare and transmit situation reports to TEMA as directed by state procedures;

(5) Assess the impact of major emergencies and initiate requests for declaration of emergency for the CLEO's signature;

(6) Serve as the focal point for damage assessment information and coordinate all relief activities through the CLEO and the regional and state emergency operations center;

(7) Promote and supervise the development of various emergency management related public education and information services, such as training programs, brochures, speaking opportunities, and media programs;

(8) Develop and maintain an emergency operations center to ensure direction, control, and continuity of local government during emergencies and disasters;

(9) Conduct hazardous analysis, capability assessment and vulnerability analysis, and make periodic updates to same. The director is "on call" for response to any type of disaster or major emergency: natural, manmade, or technological;

(10) Provide assistance to private sector organizations on issues pertaining to emergency management and homeland security;

(11) Provide resource coordination and technical assistance during major emergencies and disasters;

(12) Prepare after-action reports as required;

(13) Development and implementation of all activities relative to emergency management within the territorial limits of the emergency management area for which the director serves as director;

(14) Establish emergency management standards within the territorial limits of the emergency management area for which the director serves as director. This responsibility includes the development and implementation of activities which support the national incident management system (NIMS) to mitigate, prepare for, respond to, and recover from major emergencies, terrorist events, and disasters; and

(15) Perform other duties as directed by the CLEO.

(f) In addition to the duties and responsibilities enumerated in subsection (e), a local emergency management agency director shall:

(1) Complete FEMA independent study (IS) courses in a timely manner as required by TEMA and local guidelines;

(2) Within the first twenty-four (24) months of employment, or, in the case of a person who is serving as director of a local emergency management agency on July 1, 2011, by June 30, 2013, complete the TEMA hazardous materials operations level, damage assessment workshop, and any NIMS courses that are offered during that twenty-four-month period. If the TEMA hazardous materials operations level or damage assessment workshop is not offered during the first twenty-four (24) months of a director's term of employment, or, in the case of a person who is serving as director of a local emergency management agency on July 1, 2011, during the period of July 1, 2011 through June 30, 2013, the director shall take those courses at the earliest opportunity after the expiration of such time period. A director shall attend additional courses that are offered by TEMA as the director's time and schedule permit;

(3) Apply for emergency management professional certifications in a timely manner; and

(4) Independently maintain current knowledge of new technologies related to emergency management.

58-2-128. Development of plan for broadcasters to respond to emergency — Training program for emergency response broadcasters — Access to areas affected by emergency.

(a) A state organization representing the majority of broadcasters in this state, in cooperation with the state and local emergency management agencies, may develop plans for preparing for and responding appropriately to an emergency or disaster.

(b) Any state organization that represents the majority of the state's broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as emergency response broadcasters. Any such program established pursuant to this subsection (b) shall:

(1) Be consistent with the federal law and guidelines;

(2) Provide training and education concerning restoring, repairing, and resupplying any facilities and equipment of a broadcaster in an area affected by an emergency; and

(3) Provide training and education concerning the personal safety of an emergency broadcaster in an area affected by an emergency.

(c) To the extent practical and consistent with not endangering public safety or inhibiting recovery efforts, state and local officers and workers and government agencies shall allow emergency response broadcasters access to an area affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, and

transmit essential public information programming, including, without limitation, repairing and maintaining transmitters and generators and transporting fuel for generators.

(d) No emergency response broadcaster shall access an area affected by an emergency for the purpose of creating audio or video program content or transmitting information to the public.

Part 2 Facilitating Business Rapid Response to State-Declared Disaster Act

58-2-201. Short title.

This part shall be known and may be cited as the “Facilitating Business Rapid Response to State-Declared Disaster Act.”

58-2-202. Part definitions.

As used in this part:

(1) “Critical infrastructure” means real and personal property and equipment, including, but not limited to, buildings, offices, lines, poles, pipes, structures, and equipment that:

(A) Is owned or used by or for telecommunications service networks, mobile telecommunications service networks, internet access service networks, video programming service networks, direct-to-home satellite television programming service facilities, electric generation, transmission and distribution systems, gas distribution systems, fuel supply systems, including such systems for gasoline, diesel, biodiesel, heating fuel, jet fuel, and propane, water pipelines, and related support facilities; and

(B) Services multiple customers or citizens;

(2) “Disaster” has the same meaning as defined in § 58-2-101;

(3) “Disaster or emergency related work” means:

(A) Repairing, renovating, installing, building, and rendering services or other business activities that relate to critical infrastructure that has been damaged, impaired, or destroyed during a disaster or emergency; and

(B) Any activities conducted in good faith before a potential disaster or emergency to prepare for the provision of the work described in subdivision (3)(A);

(4) “Disaster response period” means the period that begins ten (10) days before the date of the earliest event establishing a disaster or emergency and that ends one hundred twenty (120) days thereafter, or such later date as may be set by the governor or president of the United States;

(5) “Emergency” has the same meaning as defined in § 58-2-101;

(6) “Licensed business” means a business entity that is currently licensed to do business in this state;

(7) “Responding out-of-state business” means a business entity that, except for work related to a disaster or emergency, has no presence in this state, conducts no business in this state, and whose services are requested by a licensed business or by this state or a local government for purposes of performing disaster or emergency related work in this state, including, but not limited to, a business entity that is affiliated with a licensed business solely through common ownership and otherwise meets this definition of a responding out-of-state business; and

(8) “Responding out-of-state employee” means an employee of a responding out-of-state business or licensed business who does not work in this state, except for disaster or emergency related work.

58-2-203. Payment of taxes and fees by responding out-of-state businesses and employees — Jurisdiction.

(a) Notwithstanding any law to the contrary, responding out-of-state businesses and responding out-of-state employees shall pay the following transaction taxes and fees, when the tax or fee is determined, collected, remitted, and reported by others duly registered and required to collect such taxes and fees:

(1) Fuel excise taxes imposed under title 67, chapter 3;

(2) State and local sales and use taxes imposed under title 67, chapter 6;

(3) Local hotel occupancy taxes imposed under title 67, chapter 4, part 14;

(4) Taxes imposed on the purchase or consumption of alcoholic beverages and beer under title 57; and

(5) Any other transaction tax or fee assessed, collected, or imposed on specific transactions or activities in the usual course of business without imposing any obligation on a responding out-of-state business or responding out-of-state employee to register, file a return, or otherwise self-report and remit the tax or fee due.

(b) Notwithstanding any law to the contrary, tangible personal property of a responding out-of-state business, upon being installed or affixed to real property within this state, sold or transferred to in-state persons, or otherwise coming to rest and acquiring situs within this state, is subject to use tax, ad valorem tax, and any other tax imposed directly or indirectly on such property.

(c) This part does not limit or otherwise alter or amend the power of a court to exercise personal or in rem jurisdiction over responding out-of-state businesses, responding out-of-state employees, or their property; provided, that such jurisdiction must not be used as a basis to impose a tax, fee, or other obligation contrary to this part.

(d) This part does not confer immunity from criminal prosecution in a court of this state.

58-2-204. Residency or presence in state not established — Broad interpretation of protections.

(a) A responding out-of-state employee:

(1) Must not be considered to have established residency or a presence in this state that would require the employee or the employee's employer to administer, file, or pay taxes or fees or to be subjected to pay any other state or local tax or fee, except as expressly provided for in this part; and

(2) When holding a license, certificate, or other permit issued by the state of the employee's permanent residence or any other state as evidence that the employee is qualified to perform professional, mechanical, or other services, must be deemed licensed, certified, or permitted by this state to render disaster or emergency related work involving such professional, mechanical, or other services and must not be required to register, report, or pay any tax or fee related to such licensure, certification, or permitting in this state.

(b) A responding out-of-state business does not establish a level of presence during a disaster response period that would require the business to register, file, or remit state or local taxes or that would subject that business to any state licensing or registration requirements.

(c) Except as otherwise provided in this part, the protections afforded by this section must be interpreted broadly to relieve a responding out-of-state business and a responding out-of-state employee from any obligation to provide, require, or remit documentation, registration, taxes, fees, or other submissions or filings with this state or its political subdivisions, including, but not limited to, the following:

(1) Unemployment insurance;

(2) State and local occupational licensing fees;

(3) Registration for state and local sales and use tax, imposed by title 67, chapter 6, or any requirement to collect tax, file returns, or otherwise self-report or remit any sales or use tax to this state as a result of or in relation to any disaster or emergency related work;

(4) Any registration or regulation of businesses or public utilities by the secretary of state, public utilities commission, or any other agency or instrumentality of this state; and

(5) The franchise and excise tax imposed by title 67, chapter 4, parts 20 and 21, the business tax imposed by title 67, chapter 4, part 7, and any other state or local tax on or measured by, in whole or in part, net or gross income or receipts, so that all disaster or emergency related work of the responding out-of-state business that is conducted in this state must be disregarded with respect to any filing requirements for such tax, including the filing required for a unitary or combined group of which the responding out-of-state business may be a part. If an affiliate of a responding out-of-state business is required to file a combined or consolidated return, the responding out-of-state business's income, revenue, or receipts from disaster or emergency related work in this state must not be sourced to this state and must not otherwise impact or increase the amount of income, revenue, or receipts apportioned to this state.

58-2-205. Effect of remaining in state after disaster response period.

After a disaster response period, if a responding out-of-state business or a responding out-of-state employee remains in this state:

- (1) Such business or individual loses the protections of this part; and
- (2) For purposes of computing franchise and excise tax imposed by title 67, chapter 4, parts 20 and 21, and the business tax imposed by title 67, chapter 4, part 7, the computation must include in the tax base net or gross income or receipts from activities transacted during the disaster response period.

Part 4 Civil Defense Compacts

58-2-401. Authority for compact.

The governor is hereby authorized in the name of the state of Tennessee to enter into civil defense and disaster compacts with the several states, and to enter into an emergency management assistance compact by and between participating states, in order to provide mutual aid among the contracting states in meeting any emergency or disaster from enemy attack, sabotage or other hostile action.

58-2-402. Text of compact.

The civil defense and disaster compact referred to in § 58-2-401 which the governor of this state is authorized to execute on behalf of the state of Tennessee is as follows:

CIVIL DEFENSE AND DISASTER COMPACT

The contracting states solemnly agree:

Article 1.

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack, 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 attack 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 civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2.

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense

plans and programs, the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations, including:

(a) Insignia, armbands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air-raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drill or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense 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;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support, or mobile reserve units.

Article 3.

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that 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 civil defense forces of any other 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. Civil defense forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

Article 4.

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 person may render aid

involving such skill in any party state to meet an emergency or disaster 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 5.

No party state or its officers or 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 therewith.

Article 6.

Inasmuch as 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 states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be 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 7.

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

Article 8.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such 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 such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and, provided further, that 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 states receiving aid from any liability and reimburse the party state supplying civil defense 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 9.

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 civil defense 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. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such 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 resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10.

The committee established pursuant to article 1 of this compact may request the civil defense agency of the United States government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

Article 11.

This compact shall become binding between this state and any contiguous state upon the specific ratification hereof by this state, and such contiguous state as between themselves 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 civil defense agency and other appropriate agencies of the United States government.

Article 12.

This compact shall continue in force and remain binding on each party state until the general assembly 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 13.

This compact shall be construed to effectuate the purposes stated in article 1. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

58-2-403. Text of Emergency Management Assistance Compact.

The emergency management assistance compact referred to in § 58-2-401 which the governor is authorized to execute on behalf of the state is as follows:

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

ARTICLE I — PURPOSE AND AUTHORITIES

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term “states” is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

ARTICLE II — GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and the intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

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

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

ARTICLE III — PARTY STATE RESPONSIBILITIES

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

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

ii. Review party state's individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

iii. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

iv. Assist in warning communities adjacent to or crossing the state boundaries.

v. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

vi. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

vii. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

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

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

ii. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

iii. The specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected

jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV — LIMITATIONS

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that 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 afford to the emergency forces of any 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, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency 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 services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state(s), whichever is longer.

ARTICLE V — LICENSES AND PERMITS

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

ARTICLE VI — LIABILITY

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or 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 therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII — SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state

from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be 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, and equipment and supplies.

ARTICLE VIII — COMPENSATION

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

ARTICLE IX — REIMBURSEMENT

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

ARTICLE X — EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and 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. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation or such evacuees.

ARTICLE XI — IMPLEMENTATION

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

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

C. 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 Federal Emergency Management Agency and other appropriate agencies of the United States Government.

ARTICLE XII — VALIDITY

Chapter 247 of the Public Acts of 1995 shall be construed to effectuate the purposes stated in Article I hereof. 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 Chapter 247 of the Public Acts of 1995 and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XIII — ADDITIONAL PROVISIONS

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

Part 5 Emergency Severe Weather Information

58-2-501. Emergency severe weather information system.

(a) This part shall be known and cited as the “Tennessee Emergency Severe Weather Information Act.”

(b) The director of the Tennessee emergency management agency may make agreements with the national oceanic and atmospheric administration of the United States department of commerce for the purpose of creating, developing and maintaining a statewide weather radio system for the communication of weather warnings and emergency information to the citizens of Tennessee.

(c) It is the intent of the general assembly that the extent of such agreements and the cost of implementing and operating such weather radio system shall be within the appropriations of the general assembly for such purpose.

Part 6 Accidents Involving Hazardous Materials

58-2-601. Report to the Tennessee emergency management agency of accidents involving hazardous materials.

Notwithstanding any law to the contrary, in addition to any reports required by law, any person who is transporting hazardous materials and placarded as carrying such materials as required by regulations of the department of safety and/or department of transportation shall report any accident or incident in which such materials are released from the container in which such materials are being transported to the Tennessee emergency management agency as soon as practicable after such accident or incident. Any other person having knowledge of such accident or incident shall also report such accident or incident to the Tennessee emergency management agency.

58-2-602. Notification of community officials.

As soon as practicable after receiving any such accident or incident report, such agency shall notify the appropriate officials in the community in which such accident or incident occurred.

58-2-603. Records and reports of accidents maintained.

The Tennessee emergency management agency shall maintain records of all such accident or incident reports, together with reports from other agencies of state and local governments which respond to such accident or incident.

58-2-604. Removal or abatement of hazardous substances discharge.

(a) The county legislative body or the county emergency management agency (or other body authorized by the county legislative body) is authorized to take such steps as necessary to remove or abate any discharge of hazardous substances associated with a transportation incident or an emergency spill within the county, or to contract with a private entity for removal of the same; and, further, have the authority to recover costs from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action. This section does not apply to a person, as defined in § 68-212-104, or a liable party, as defined in § 68-212-202, operating under a permit or an order issued by the department of environment and conservation.

(b) For the purposes of this section:

(1)

(A) "Costs" means those necessary and reasonable costs incurred by the county legislative body or emergency management agency or its authorized agents in connection with removing or abating hazardous substance discharges; provided, that to the extent criteria and methods for response actions prescribed under 40 CFR 300, as amended, may be applied to the type of material involved and the

conditions of the spill, release or discharge, such costs shall only apply if those criteria were employed in the county's response;

(B) "Costs" also includes reasonable attorney's fees if the county legislative body, the county emergency management agency, or other body authorized by the county legislative body prevails in an action to recover its expenses from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action; and

(2) "Hazardous substance" means any substance as defined in § 68-131-102.

Part 7 Earthquakes

58-2-701. Interstate Earthquake Compact of 1988.

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

ARTICLE I. PURPOSE

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster caused by earthquakes or other seismic disturbances. The full, immediate, 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, is necessary to provide needed short-term earthquake disaster assistance to states requesting aid. These resources shall be incorporated into a plan or plans of mutual aid to be developed among the appropriate agencies of states that are parties to this compact. These agencies shall develop and follow procedures designed to assure the maintenance of resource inventories and the exchange of information about earthquakes and disaster response. It is the policy of the party states to carry out this compact in a spirit of cooperation to provide the most effective earthquake disaster assistance to the residents of the states and to provide an equitable division of any necessary earthquake relief efforts in order to avoid a disproportionate allocation of contributed resources.

ARTICLE II. INTRASTATE PLANNING

Each party state shall have the duty to formulate earthquake relief 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 relief plans and information, including inventories of any materials and equipment available for response to earthquake emergencies. To this end, each state will maintain a bank of standardized data which will establish a comprehensive listing of all resources within the seven-state region that might be needed during an earthquake disaster. The inventory will be shared equitably among the party states in the event of an earthquake or other emergency, recognizing each state's primary responsibility to assist and protect its residents. Each party state shall also share any available information on earthquake forecasts and reports of seismic activity.

ARTICLE III. RESPONSIBILITIES OF STATES

Whenever the governor of a party state requests aid from the governor of another party state pursuant to this compact in coping with an earthquake emergency, the requested state shall make available all possible aid to the requesting state consonant with the maintenance of protection for its residents and the policies stated in Article I.

ARTICLE IV. RECIPROCITY

Whenever the officers or employees of any party state are rendering aid in another state pursuant to the request of another party state under this compact, those officers or employees shall, while under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges, and immunities as comparable officers and employees of the state to which they are rendering aid. Any person holding a license, certificate or other permit issued by any state, demonstrating the meeting of qualifications for professional, mechanical, or other skills may render aid involving such skill in any party state to meet an earthquake emergency, and the state in which aid is rendered shall give due recognition to such license, certificate, or other permit as if issued in the state in which aid is rendered.

ARTICLE V. IMMUNITY

No party state or its officers, employees or other persons, certified by party states pursuant to agreed upon criteria and procedures for certification, rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on their part while so engaged, or on account of maintenance or use of any equipment or supplies in connection therewith.

ARTICLE VI. SUPPLEMENTARY AGREEMENTS

Nothing in this agreement precludes any state from entering into supplementary agreements with another state or states for the undertaking of mutual aid and exchange of information in the event of an earthquake emergency. 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. COMPENSATION

Each party state shall provide compensation and death benefits to its injured officers, employees or other persons certified by party states, pursuant to agreed upon criteria and procedures for certification, and the representatives of deceased officers, employees and other certified persons in case officers, employees or certified persons sustain injuries or death while rendering aid in another state pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer, employee or certified person was regularly employed.

ARTICLE VIII. REIMBURSEMENT

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such 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 of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such request, including amounts paid under Article VII; provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such 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 rendering aid for loss, damage or expense incurred within the terms of this article.

ARTICLE IX. EVACUATION PLANS

Plans for the orderly evacuation and reception of the civilian population as the result of an earthquake emergency shall be worked out from time to time between representatives of the party states. 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 the expenditures and transportation, food, clothing, medicines and 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. The party state of which the evacuees are residents shall assume the responsibility for the ultimate support or repatriation of such evacuees.

ARTICLE X. AVAILABILITY

Any state of the United States shall be eligible to become party to this compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted it into law; provided, that it shall not become initially effective until enacted into law by two (2) party states.

ARTICLE XI. WITHDRAWAL

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until ninety (90) days after the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing the governors of the action of the legislature in repealing the compact and declaring an intention to withdraw. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal it shall remain liable to the extent of such obligation.

ARTICLE XII. SEVERABILITY

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.

Part 8 Uniform Emergency Volunteer Health Practitioners Act of 2007

58-2-801. Short title.

This part shall be known and may be cited as the “Tennessee Uniform Emergency Volunteer Health Practitioners Act of 2007.”

58-2-802. Part definitions.

(a) As used in this part, unless the context otherwise requires:

(1) “Coordinating entity” means an entity that acts as a liaison to facilitate communication and cooperation between source and host entities but does not provide health services in the ordinary course of its activities as liaison;

(2) “Credentialing” means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care or services in or for a health facility;

(3) “Department” means the department of health;

(4) “Disaster relief organization” means an entity that provides emergency or disaster relief services that include health services provided by volunteer health practitioners and that:

(A) Is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government, the department or TEMA; or

(B) Regularly plans and conducts its activities in coordination with an agency of the federal government, the department or TEMA;

(5) “Emergency” has the same meaning as used in § 58-2-101;

(6) “Emergency declaration” has the same meaning as “declare a state of emergency” as used in § 58-2-107;

(7) “Emergency management assistance compacts” means the interstate compacts established under parts 4 and 7 of this chapter;

(8) “Entity” means a person other than an individual;

(9) “Health facility” has the same meaning as “facility” as defined in § 68-11-201 and “veterinary facility” as defined in § 63-12-103 licensed under the laws of this or another state to provide health services;

(10) “Health practitioner” means an individual licensed under any chapter of titles 62, 63 or 68, or their counterparts in another state, to provide health services;

(11) “Health services” means:

(A) The provision of treatment, care, advice or guidance, other services, or supplies related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including:

(i) The following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(b) Counseling, assessment, procedures, or other services;

(ii) Sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(iii) Funeral, cremation, cemetery, or other mortuary services; or

(B) The provision of treatment, care, advice or guidance, other services, or supplies related to the health or death of an animal or to animal populations, to the extent necessary to respond to an emergency, including:

(i) Diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;

(ii) Use of a procedure for reproductive management; and

(iii) Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans;

(12) “Host entity” means an entity operating in this state that uses volunteer health practitioners to respond to an emergency;

(13) “License” means authorization by a state to engage in health services that are unlawful without the authorization. “License” includes authorization under the laws of this state to an individual to provide health services based upon a national certification issued by a public or private entity;

(14) “Person” means an individual, corporation, business trust, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

(15) “Privileging” means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill;

(16) “Scope of practice” means the extent of the authorization to provide health services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority;

(17) “Source entity” means a person located in this or another state that employs or uses the services of health practitioners authorized to provide health services pursuant to this part;

(18) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(19) “TEMA” means the Tennessee emergency management agency; and

(20) “Voluntary health practitioner” means a health practitioner who provides health services, whether or not the practitioner receives compensation for those services. “Voluntary health practitioner” does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state while an emergency declaration is in effect.

58-2-803. Application of part.

This part shall apply to volunteer health practitioners registered with a registration system that meets the requirements of § 58-2-805 and who provide health services in this state for a host entity while an emergency declaration is in effect.

58-2-804. Limitations, restrictions and regulation — Immediate effect of orders — Requirements of host entities.

(a) While an emergency declaration is in effect, TEMA may limit, restrict, or otherwise regulate:

(1) The duration and scope of practice by volunteer health practitioners;

(2) The geographical areas in which volunteer health practitioners may practice;

(3) The types of volunteer health practitioners who may practice; and

(4) Any other matters necessary to coordinate effectively the provision of health services during the emergency.

(b) An order issued pursuant to subsection (a) may take effect immediately, without prior notice or comment and is not a rule within the meaning of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) A host entity that uses volunteer health practitioners to provide health services in this state shall:

(1) Consult and coordinate its activities with TEMA to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and

(2) Comply with any laws relating to the management of emergency health services.

58-2-805. Qualification as a volunteer health practitioner registration system.

(a) To qualify as a volunteer health practitioner registration system, a system must:

(1) Accept applications for the registration of volunteer health practitioners before or during an emergency;

(2) Include information about the licensure and good standing of health practitioners that is accessible by authorized persons;

(3) Be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services are provided under this part; and

(4) Meet one (1) of the following conditions:

(A) Be an emergency system for advance registration of volunteer healthcare practitioners established by a state and funded through the health resources services administration under § 319I of the Public Health Services Act (42 U.S.C. § 247d-7b);

(B) Be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed pursuant to § 2801 of the Public Health Services Act (42 U.S.C. § 300hh);

(C) Be operated by a:

(i) Disaster relief organization;

(ii) Licensing board;

(iii) National or regional association of licensing boards of health practitioners;

(iv) Health facility that provides comprehensive inpatient and outpatient health-care services, including a tertiary care, acute care and/or teaching hospital; or

(v) Governmental entity; or

(D) Be designated by TEMA as a registration system for purposes of this part.

(b) While an emergency declaration is in effect, representatives of TEMA, a person authorized to act on behalf of TEMA, or a host entity may confirm whether volunteer health practitioners utilized in this state

are registered with a registration system that complies with subsection (a). Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

(c) Upon request of a person in this state authorized under subsection (b), or a similarly authorized person in another state, a registration system located in this state shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

(d) A host entity is not required to use the services of a volunteer health practitioner, even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

58-2-806. Practice of volunteer health practitioners in this state while emergency declaration in effect — Limitations on protections while practicing in state.

(a) While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with § 58-2-805 and licensed and in good standing in the state upon which the practitioner's registration is based, may practice and use the titles appropriate thereto in this state to the extent authorized by this part as if the practitioner were licensed in this state.

(b) A volunteer health practitioner qualified under subsection (a) is not entitled to the protections of this part if the practitioner is licensed in more than one (1) state and any license of the practitioner is disciplinarily suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction.

58-2-807. Effect on credentialing and privileging standards — Waiver or modification of standards.

This part does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

58-2-808. Scope of practice — Sanctions and penalties.

(a) Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

(b) Except as otherwise provided in subsection (c), this part does not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in this state would be permitted to provide the services.

(c) TEMA may modify or restrict the health services that volunteer health practitioners may provide pursuant to this part. An order under this subsection (c) may take effect immediately, without prior notice or comment, and is not a rule within the meaning of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) A host entity may restrict the health services that a volunteer health practitioner may provide pursuant to this part.

(e) A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of any limitation, modification, or restriction under this section or that a similarly licensed practitioner in this state would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or restriction or that a similarly licensed practitioner in this state would not be permitted to provide a service if:

(1) The practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service; or

(2) From all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service.

(f) In addition to the authority granted by law of this state other than this part to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this state:

(1) May impose administrative disciplinary sanctions upon a health practitioner licensed in this state for conduct outside of this state in response to an out-of-state emergency;

(2) May impose civil penalties pursuant to § 63-1-134 upon a practitioner not licensed in this state for conduct in this state in response to an in-state emergency; and

(3) Shall report any civil penalty imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

(g) In determining whether to impose administrative disciplinary sanctions or civil penalties under subsection (f), a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner's scope of practice, education, training, experience, and specialized skill.

58-2-809. Limitations on rights, privileges or immunities provided to volunteer health practitioners — Incorporation of volunteers into emergency forces.

(a) This part does not limit rights, privileges, or immunities provided to volunteer health practitioners by laws other than this part. Except as otherwise provided in subsection (b), this part does not affect requirements for the use of health practitioners pursuant to the emergency management assistance compacts.

(b) TEMA, pursuant to the emergency management assistance compacts, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state.

58-2-810. Emergency rules.

TEMA may promulgate emergency rules to implement this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In doing so, TEMA shall consult with the department and shall consult with and consider the recommendations of any other entity established to coordinate the implementation of the emergency management assistance compacts and shall also consult with and consider rules promulgated by similarly empowered agencies in other states to promote uniformity of application of this part and make the emergency response systems in the various states reasonably compatible.

58-2-811. Acts or omissions — Vicarious liability — Recovery of damages — Participation in retirement system.

(a) Subject to subsection (b), volunteer health practitioners authorized to provide health services pursuant to this part are not liable for the payment of a judgment based on their acts or omissions in providing services, nor shall they be named as defendants in an action based on their acts or omissions.

(b) Notwithstanding subsection (a), this section does not apply to:

(1) Willful, wanton, grossly negligent, reckless, or criminal conduct of, or an intentional tort committed by, a volunteer health practitioner; or

(2) An action brought against a volunteer health practitioner:

(A) For damages for breach of contract, other than for contracts related to the provision of health or veterinary services;

(B) By a source or host entity; or

(C) Relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle by a volunteer health practitioner for which this state requires the operator to have a valid operator's license or to maintain liability insurance, other than an ambulance or other emergency response vehicle, vessel, or aircraft operated by a volunteer health practitioner responding to a request for health services or transporting a patient.

(c) Source, coordinating, and host entities are not vicariously liable for the acts or omissions of volunteer health practitioners in providing health services authorized pursuant to this part.

(d) Source, coordinating, and host entities are not liable for civil damages for the operation of, or reliance upon information provided by a registration system, unless the acts or omissions constitute an intentional tort or are willful, wanton, grossly negligent, reckless, or criminal in nature.

(e) Notwithstanding subsection (a), for purposes of recovering damages from the state, volunteer health practitioners shall be considered volunteer state employees under § 8-42-101(3)(B) for purposes of § 9-8-112, for the purposes of recovering damages from the states based on their acts or omissions in providing health services pursuant to this part. The registration of individual volunteer health

practitioners with the board of claims required under § 8-42-101(3)(B) shall be made by the registration system under which the volunteer health practitioner was registered; provided, however, that nothing in this part shall authorize any volunteer health practitioner's participation as a member of the Tennessee consolidated retirement system, unless the practitioner was a member at the time the emergency was declared.

58-2-812. Workers' compensation benefits.

Notwithstanding § 8-42-101(3)(B) concerning workers' compensation coverage of certain state employees, a volunteer health practitioner who is providing health services in this state pursuant to this part, or who is traveling to or from this state to provide such services, and who is not covered by workers' compensation insurance, shall be considered an employee of this state for purposes of any medical workers' compensation benefits concerning any injury incurred in traveling or providing the services. Benefits for volunteer health practitioners are limited to those medical benefits provided to state employees under the laws of this state.

58-2-813. Uniformity of law among states.

In applying and construing this part, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.