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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

## WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

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# ENROLLED

HOUSE BILL No. 719

(By Mr. Kopp and Mr. Harmon)

— ● —

PASSED March 5, 1975

In Effect July 1, 1975 ~~Passage~~

**ENROLLED**

**H. B. 719**

(By MR. KOPP and MR. HARMAN)

[Passed March 5, 1975; in effect July 1, 1975.]

AN ACT to amend and reenact section twenty-two, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the interstate civil defense and disaster compact; amending such compact so as to make the same and the authorizations, entitlements and procedures thereof applicable to searches for and rescue of persons who are lost, marooned or otherwise in danger, action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters, incidents or the imminence thereof which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available, the giving and receiving of aid by subdivisions of party states, and exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any such disaster or other emergency; relating to adoption of amendment; authorizing any agency of a party state, a subdivision of a party state or a joint agency to render aid under such compact or any supplementary agreement and reimbursement for such aid; relating to the rights, authority and immunity of the personnel of a joint agency; and relating to other articles or provisions of compact or supplementary agreements and obligations thereunder.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-two, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. EMERGENCY SERVICES.****§15-5-22. Interstate civil defense and disaster compact.**

1 (a) The "Interstate Civil Defense and Disaster Compact"  
2 is hereby approved, ratified, adopted, enacted into law and  
3 entered into by the state of West Virginia with all other  
4 jurisdictions legally joining therein in accordance with its  
5 terms, in a form substantially as follows:

6 INTERSTATE CIVIL DEFENSE AND  
7 DISASTER COMPACT

8 Article I.

9 The purpose of this compact is to provide mutual aid  
10 among the states in meeting any emergency or disaster from  
11 enemy attack or other cause (natural or otherwise) including  
12 sabotage and subversive acts and direct attacks by bombs,  
13 shellfire and atomic, radiological, chemical, bacteriological  
14 means and other weapons. The prompt, full and effective  
15 utilization of the resources of the respective states, including  
16 such resources as may be available from the United States  
17 government or any other source, are essential to the safety,  
18 care and welfare of the people thereof in the event of enemy  
19 action or other emergency and any other resources, including  
20 personnel, equipment or supplies, shall be incorporated into  
21 a plan or plans of mutual aid to be developed among the civil  
22 defense agencies or similar bodies of the states that are par-  
23 ties hereto. The directors of civil defense of all party states  
24 shall constitute a committee to formulate plans and take all  
25 necessary steps for the implementation of this compact.

26 Article II.

27 It shall be the duty of each party state to formulate civil  
28 defense plans and programs for application within such  
29 state. There shall be frequent consultation between the  
30 representatives of the states and with the United States  
31 government and the free exchange of information and plans,  
32 including inventories of any materials and equipment avail-  
33 able for civil defense. In carrying out such civil defense  
34 plans and programs the party states shall so far as possible

35 provide and follow uniform standards, practices and rules  
36 and regulations including:

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

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

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

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

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

47 (f) All materials or equipment used or to be used for  
48 civil defense purposes in order to assure that such materials  
49 and equipment will be easily and freely interchangeable when  
50 used in or by any other party state;

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

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

55 (i) Mobile support units.

56 Article III.

57 Any party state requested to render mutual aid shall  
58 take such action as is necessary to provide and make available  
59 the resources covered by this compact in accordance with  
60 the terms hereof: *Provided*, That it is understood that the  
61 state rendering aid may withhold resources to the extent  
62 necessary to provide reasonable protection for such state.  
63 Each party state shall extend to the civil defense forces of any  
64 other party state, while operating within its state limits under  
65 the terms and conditions of this compact, the same powers  
66 (except that of arrest unless specifically authorized by the  
67 receiving state), duties, rights, privileges and immunities as  
68 are extended to the civil defense forces of such state. Civil  
69 defense forces will continue under the command and control

70 of their regular leaders but the organizational units will  
71 come under the operational control of the civil defense  
72 authorities of the state receiving assistance.

73 Article IV.

74 Whenever any person holds a license, certificate or other  
75 permit issued by any state evidencing the meeting of qualifi-  
76 cations for professional, mechanical or other skills, such  
77 person may render aid involving such skill in any party  
78 state to meet an emergency or disaster and such state shall  
79 give due recognition to such license, certificate or other  
80 permit as if issued in the state in which aid is rendered.

81 Article V.

82 No party state or its officers or employees rendering  
83 aid in another state pursuant to this compact shall be liable  
84 on account of any act or omission in good faith on the  
85 part of such forces while so engaged or on account of  
86 the maintenance or use of any equipment or supplies in  
87 connection therewith.

88 Article VI.

89 Inasmuch as it is probable that the pattern and detail of  
90 the machinery for mutual aid among two or more states may  
91 differ from that appropriate among other states party hereto,  
92 this instrument contains elements of a broad base common  
93 to all states and nothing herein contained shall preclude any  
94 state from entering into supplementary agreements with another  
95 state or states. Such supplementary agreements may compre-  
96 hend, but shall not be limited to, provisions for evacuation and  
97 reception of injured and other persons and the exchange of  
98 medical, fire, police, public utility, reconnaissance, welfare,  
99 transportation and communications personnel, equipment and  
100 supplies.

101 Article VII.

102 Each party state shall provide for the payment of compen-  
103 sation and death benefits to injured members of the civil  
104 defense forces of that state and the representatives of de-  
105 ceased members of such forces in case such members sustain  
106 injuries or are killed while rendering aid pursuant to this

107 compact, in the same manner and on the same terms as if  
108 the injury or death were sustained within such state.

109 Article VIII.

110 Any party state rendering aid in another state pursuant  
111 to this compact shall be reimbursed by the party state re-  
112 ceiving such aid for any loss or damage to or expense in-  
113 curred in the operation of any equipment answering a request  
114 for aid and for the cost incurred in connection with such  
115 requests: *Provided*, That any aiding party state may assume  
116 in whole or in part such loss, damage, expense or other  
117 cost or may loan such equipment or donate such services  
118 to the receiving party state without charge or cost: *And*  
119 *provided further*, That any two or more party states may  
120 enter into supplementary agreements establishing a different  
121 allocation of costs among those states. The United States  
122 government may relieve the party state receiving aid from  
123 any liability and reimburse the party state supplying civil  
124 defense forces for the compensation paid to and the trans-  
125 portation, subsistence and maintenance expenses of such  
126 forces during the time of the rendition of such aid or assistance  
127 outside the state and may also pay fair and reasonable com-  
128 pensation for the use or utilization of the supplies, materials,  
129 equipment or facilities so utilized or consumed.

130 Article IX.

131 Plans for the orderly evacuation and reception of the  
132 civilian population as the result of an emergency or disaster  
133 shall be worked out from time to time between representa-  
134 tives of the party states and the various local civil defense  
135 areas thereof. Such plans shall include the manner of trans-  
136 porting such evacuees, the number of evacuees to be received  
137 in different areas, the manner in which food, clothing, housing  
138 and medical care will be provided, the registration of the  
139 evacuees, the providing of facilities for the notification of  
140 relatives or friends and the forwarding of such evacuees to  
141 other areas or the bringing in of additional materials, supplies  
142 and all other relevant factors. Such plans shall provide that  
143 the party states receiving evacuees shall be reimbursed general-  
144 ly for the out-of-pocket expenses incurred in receiving and  
145 caring for such evacuees, for expenditures for transportation,

146 food, clothing, medicines and medical care and like items.  
147 Such expenditures shall be reimbursed by the party state of  
148 which the evacuees are residents or by the United States  
149 government under plans approved by it. After the termination  
150 of the emergency or disaster the party state of which the  
151 evacuees are resident shall assume the responsibility for  
152 the ultimate support or repatriation of such evacuees.

153 Article X.

154 This compact shall be available to any state, territory or  
155 possession of the United States and the District of Columbia.  
156 The term "state" may also include any neighboring foreign  
157 country or province or state thereof.

158 Article XI.

159 The committee established pursuant to article one of this  
160 compact may request the civil defense agency of the United  
161 States government to act as an informational and coordinating  
162 body under this compact and representatives of such agency  
163 of the United States government may attend meetings of such  
164 committee.

165 Article XII.

166 This compact shall become operative immediately upon  
167 its ratification by any state as between it and any other state  
168 or states so ratifying and shall be subject to approval by  
169 Congress unless prior congressional approval has been given.  
170 Duly authenticated copies of this compact and of such supple-  
171 mentary agreements as may be entered into shall, at the time  
172 of their approval, be deposited with each of the party states  
173 and with the civil defense agency and other appropriate  
174 agencies of the United States government.

175 Article XIII.

176 This compact shall continue in force and remain binding  
177 on each party state until the Legislature or the governor of  
178 such party state takes action to withdraw therefrom. Such  
179 action shall not be effective until thirty days after notice  
180 thereof has been sent by the governor of the party state  
181 desiring to withdraw to the governors of all other party  
182 states.

183

## Article XIV.

184 This compact shall be construed to effectuate the purposes  
185 stated in article one hereof. If any provision of this compact  
186 is declared unconstitutional or the applicability thereof to  
187 any person or circumstance is held invalid, the constitutionality  
188 of the remainder of this compact and the applicability thereof  
189 to other persons and circumstances shall not be effected  
190 thereby.

191

## Article XV.

192 (a) This article shall be in effect only as among those  
193 states which have enacted it into law or in which the governors  
194 have adopted it pursuant to constitutional or statutory authority  
195 sufficient to give it the force of law as part of this compact.  
196 Nothing contained in this article or in any supplementary  
197 agreement made in implementation thereof shall be construed  
198 to abridge, impair or supersede any other provision of this  
199 compact or any obligation undertaken by a state pursuant  
200 thereto, except that if its terms so provide, a supplementary  
201 agreement in implementation of this article may modify, expand  
202 or add to any such obligation as among the parties to the  
203 supplementary agreement.

204 (b) In addition to the occurrences, circumstances and  
205 subject matters to which preceding articles of this compact  
206 make it applicable, this compact and the authorizations, entitle-  
207 ments and procedures thereof shall apply to:

208 (1) Searches for and rescue of persons who are lost,  
209 marooned or otherwise in danger;

210 (2) Action useful in coping with disasters arising from  
211 any cause or designed to increase the capability to cope  
212 with any such disasters;

213 (3) Incidents, or the imminence thereof, which endanger  
214 the health or safety of the public and which require the use  
215 of special equipment, trained personnel or personnel in  
216 larger numbers than are locally available in order to reduce,  
217 counteract or remove the danger;

218 (4) The giving and receiving of aid by subdivisions of  
219 party states; and



220 (5) Exercises, drills or other training or practice activities  
221 designed to aid personnel to prepare for, cope with or prevent  
222 any disaster or other emergency to which this compact  
223 applies.

224 (c) Except as expressly limited by this compact or a  
225 supplementary agreement in force pursuant thereto, any aid  
226 authorized by this compact or such supplementary agreement  
227 may be furnished by any agency of a party state, a subdivision  
228 of such state, or by a joint agency: *Provided*, That such agency,  
229 subdivision or joint agency providing such aid shall be entitled  
230 to reimbursement therefor to the same extent and in the same  
231 manner as a state: *Provided, however*, That the personnel of  
232 such a joint agency, when rendering aid pursuant to this com-  
233 pact, shall have the same rights, authority and immunity as  
234 personnel of party states.

235 (d) Nothing in this article shall be construed to exclude  
236 from the coverage of articles one through fourteen of this com-  
237 pact any matter which, in the absence of this article, could  
238 reasonably be construed to be covered thereby.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Dorland C. Chisholm Jr.  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1975.

J. C. Miller, Jr.  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton Jr.  
President of the Senate

Lewis H. McManis  
Speaker House of Delegates

The within approved this the 13th  
March  
day of \_\_\_\_\_, 1975.

Anna Shaver Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/8/75

Time 4:30 p.m.