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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

HOUSE BILL No. 719

(By Mr. Koeps 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 quali-
76 fications 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. Christensen
Chairman House Committee

Originated in the House.

Takes effect July 1, 1975.

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

C. Blankenship
Clerk of the House of Delegates

W. T. Brockett, Jr.
President of the Senate

Lewis H. M. Mann
Speaker House of Delegates

The within *approved* this the *13th*
March
day of _____, 1975.

Acad Stange, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/8/75

Time 4:30 p.m.