

INTRASTATE MUTUAL AID
INFORMATION SHEET

Senate Local Govt. Comm.
Exhibit No. 4
Date 1-11-2005
Bill No. 140

2005 LEGISLATIVE SESSION
DEPARTMENT OF MILITARY AFFAIRS
DISASTER & EMERGENCY SERVICES

RECOMMENDATION

Montana Disaster and Emergency Services (DES) recommends that legislation be adopted creating "Intrastate Mutual Aid" establishing an all-hazard mechanism for local jurisdictions to share resources during exercises, incidents, emergencies or disasters. This initiative is based on model legislation provided by the National Emergency Management Association. The foundation of the model legislation captures the success of the current interstate "Emergency Management Assistance Compact" (EMAC) that Montana and 47 other states are signatory to for sharing resources between states.

The establishment of an intrastate mutual aid mechanism creates several significant benefits:

- Establishes a coordinated system with consistent procedures for requesting and utilizing resources on an all-hazard basis;
- Fulfills a federal declaration requirement allowing local jurisdictions to seek reimbursement for eligible mutual aid expenditures;
- Fulfills the Homeland Security Presidential Directive 5 National Incident Management System compliance requirement for Intrastate Mutual Aid; non-compliance by FFY 2006 will endanger the receipt of federal Homeland Security funds;
- Provides the Native Nations the opportunity to utilize the system;
- Streamlines the current process which is extremely convoluted and cumbersome;
- Reduces the need for multiple mutual aid agreements;
- Creates the flexibility for local jurisdictions to take advantage of the system, not use it or completely opt out by resolution;
- Enhances the ability of the state to track resources preventing prioritization conflicts during events;
- Expands the scope of available resources to the jurisdiction in need;
- Does not preempt the use of existing (per MCA 10-3-209; 10-3-703) or the formation of new agreements;
- Improves the ability to access resources in a more timely fashion;
- Allows jurisdictions to maintain control of their local resources and
- Meets the intent of current state law (7-33-2108, 7-33-2405, 7-33-4112, 7-33-2202, 7-33-2313, 10-3-209 & 10-3-103).

PROPOSERS

This proposal is supported by:

- Montana Leagues of Cities and Towns
 - MT Sheriff's and Peace Officers Association
 - The Montana Association of Counties *
 - The Montana Association of Disaster and Emergency Services Coordinators *
 - The Emergency Medical Services Association *
 - Montana Fire Alliance *
 - MT Department of Natural Resources & Conservation *
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- Expected to Testify

OPPOSERS

None that DES is aware of at this time.

BACKGROUND

Incidents, fires, emergencies, or disasters know no boundaries and often occur across jurisdictional lines. Mutual aid agreements are not consistently in place between jurisdictional authorities for responding to and recovering from events. Some jurisdictional entities have several mutual aid agreements, others have none, a few have agreements they didn't know existed, and a majority of the agreements are not current. Fire and Law Enforcement entities currently have mutual aid agreements in place; however, the Law Enforcement agreement is only for tactical operations. There are no consistent agreements regarding an all-hazards approach which creates major roadblocks for accessing resources in a timely manner and expediting a response to incidents, fires, emergencies, or disasters. It becomes extremely hard for the MT DES, during activations of the State Emergency Coordination Center, to provide quality and timely customer service, track resources, prevent prioritization overlap and process resource requests without an organized and coordinated system or approach.

The current Federal Emergency Management Agency (FEMA) Policy No. 9523.6, "Mutual Aid Agreements for Public Assistance and Fire Management Assistance" encourages local jurisdictions to have written Mutual Aid Agreements in place prior to a declared fire, emergency, or major disaster and identifies eligible costs for reimbursement. If the local jurisdictions do not have a written pre-event Mutual Aid Agreement the eligibility of costs for reimbursement are greatly reduced.

The current Homeland Security Presidential Directive 5 – National Incident Management System compliance requirements list Intrastate Mutual Aid as one of the main components toward achieving compliance. Montana will be required

to be fully compliant with HSPD-5 by the end of Federal Fiscal Year 2006. Non-compliance with HSPD-5 will compromise Montana's ability to secure available Homeland Security Funding supporting state and local emergency initiatives.

By virtue of the disaster funding assistance programs, MT DES coordinates available assistance to the Tribal Nations. The Intrastate Mutual Aid legislation provides a mechanism for the Tribal Nations to participate in the system and fulfill their requirements for FEMA Disaster reimbursement, HSPD-5 and will ensure future Homeland Security Funding will not be comprised.

A coordinated comprehensive system would ensure that Montana Local Jurisdictions are prepared and can capitalize on available federal assistance to buffer the cost of responding to disasters. The Montana Association of Counties and the Montana Association of Disaster and Emergency Services Coordinators support the development of a consistent approach to mutual aid agreements. Some associations, volunteer fire associations, feel that the necessary legislation is already in place. The key is the development of a flexible and accepted all-hazard system that does not preclude jurisdictional authorities from entering into agreements in their regional areas, but enhances their capabilities to access an even wider array of resources from across the state. The model Intrastate Mutual Aid legislation, tailored to fit Montana's needs, will establish a first-class intrastate mutual aid system.

FISCAL IMPACT

None. At this time, we anticipate the responsibilities for administering this system can be incorporated into normal division responsibilities or implemented through the Montana Disaster and Emergency Plan supported by our sister state agencies.