

NEMA Model Intrastate Mutual Aid Legislation/Agreement

[accessible at www.emacweb.org/?150]

Checklist of Best Practices

- Closely tie legislation/agreement to EMAC member states' legislation and standard operating procedures for seamless escalation of disaster response and execution of mutual aid.
- Encourage participation by a broad range of emergency responders. Include other definitions as appropriate. Consider global perspective, e.g., public works, private entities, medical personnel, public transportation and others.
- Make legislation opt-out. Most states have several hundred municipalities and other jurisdictions within their borders. To attempt to get everyone on board on an opt-in agreement could take years and never achieve a plurality of participation. By making legislation opt-out, everyone is a part of the system the day it becomes law.
- To the extent permitted by applicable law, include automatic renewal language if agreement instead of legislation.
- Agreements/legislation should mandate joint planning, training and exercise with liability immunity as if it were an actual emergency.
- Develop forms to facilitate requests for aid, record-keeping regarding movement of equipment and personnel and reimbursement.
- Require use of a standardized incident command/management system consistent with that used by the state.
- In addition to not affecting any existing agreements, should also allow for supplemental agreements between participants.
- Have a liability/immunity article.
- Consider arbitration of disputes concerning reimbursement.
- Be as concise as possible. Guidelines and procedures should be developed separately, but become part of the legislations/agreement when adopted.
- Establishment of a committee representative of all emergency preparedness and response disciplines and other stakeholders to examine continual changes in emergency preparedness and insure legislation/agreements meet the needs of disciplines/stakeholders. Committee may have standing and authority to refer needs to legislature for rectification. Consider existing committees representative of all stakeholders to determine if they may perform this function.
- A reimbursement provision. This provision may include an off-set for any insurance proceeds applicable to the costs claimed by the responding political subdivision. The insurance claims process should not delay reimbursement. Reimbursement shall not duplicate any state or federal assistance available for the costs.

