

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 674  
HOUSE BILL 920

1 AN ACT ENACTING AND ENTERING INTO THE "NATIONAL GUARD MUTUAL  
2 ASSISTANCE COMPACT", AND FOR RELATED PURPOSES.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** The National Guard Mutual Assistance Compact is hereby enacted into  
7 law and entered into by this State with all other States legally joining therein, in the form  
8 substantially as follows:

9 Article 14

10 NATIONAL GUARD MUTUAL ASSISTANCE COMPACT

11 **G.S. 127-118. Purposes.** (1) Provide for mutual aid among the party States in the utilization of  
12 the National Guard to cope with emergencies.

13 (2) Permit and encourage a high degree of flexibility in the deployment of National  
14 Guard forces in the interest of efficiency.

15 (3) Maximize the effectiveness of the National Guard in those situations which call for  
16 its utilization under this Compact.

17 (4) Provide protection for the rights of National Guard personnel when serving in other  
18 States on emergency duty.

19 **G.S. 127-119. Entry into Force and Withdrawal.** (a) This Compact shall enter into force  
20 when enacted into law by any two States. Thereafter, this Compact shall become effective as to  
21 any other State upon its enactment thereof.

22 (b) Any party State may withdraw from this Compact by enacting a statute repealing  
23 the same, but no such withdrawal shall take effect until one year after the Governor of the  
24 withdrawing State has given notice in writing of such withdrawal to the Governors of all other  
25 party States.

26 **G.S. 127-120. Mutual Aid.** (a) As used in this Article:

27 (1) "Emergency" means an occurrence or condition, temporary in nature, in  
28 which police and other public safety officials and locally available National  
29 Guard forces are, or may reasonably be expected to be, unable to cope with  
30 substantial and imminent danger to the public safety.

31 (2) "Requesting State" means the State whose Governor requests assistance in  
32 coping with an emergency.

33 (3) "Responding State" means the State furnishing aid, or requested to furnish  
34 aid.

35 (b) Upon request of the Governor of a party State for assistance in an emergency, the  
36 Governor of a responding State shall have authority under this Compact to send without the  
37 borders of his State and place under the temporary command of the appropriate National Guard  
38 or other military authorities of the requesting state all or any part of the National Guard forces  
39 of his State as he may deem necessary, and the exercise of his discretion in this regard shall be  
40 conclusive.

41 (c) The Governor of a party State may withhold the National Guard forces of his State  
42 from such use and recall any forces or part or member thereof previously deployed in a  
43 requesting State.

1 (d) Whenever National Guard forces of any party State are engaged in another State in  
2 carrying out the purposes of this Compact, the members thereof so engaged shall have the same  
3 powers, duties, rights, privileges and immunities as members of National Guard forces in such  
4 other State. The requesting State shall save members of the National Guard forces of  
5 responding States harmless from civil liability for acts or omissions in good faith which occur  
6 in the performance of their duty while engaged in carrying out the purposes of this Compact,  
7 whether the responding forces are serving the requesting State within its borders or are in  
8 transit to or from such service.

9 (e) Subject to the provisions of paragraphs (f), (g) and (h) of this Article, all liability  
10 that may arise under the laws of the requesting State, the responding State, or a third State on  
11 account of or in connection with a request for aid, shall be assumed and borne by the requesting  
12 State.

13 (f) Any responding State rendering aid pursuant to this Compact shall be reimbursed by  
14 the requesting State for any loss or damage to, or expense incurred in the operation of any  
15 equipment answering a request for aid, and for the cost of the materials, transportation and  
16 maintenance of National Guard personnel and equipment incurred in connection with such  
17 request: provided, that nothing herein contained shall prevent any responding State from  
18 assuming such loss, damage, expense or other cost.

19 (g) Each party State shall provide, in the same amounts and manner as if they were on  
20 duty within their State, for the pay and allowances of the personnel of its National Guard units  
21 while engaged without the State pursuant to this Compact and while going to and returning  
22 from such duty pursuant to this Compact. Such pay and allowances shall be deemed items of  
23 expense reimbursable under paragraph (f) by the requesting State.

24 (h) Each party State providing for the payment of compensation and death benefits to  
25 injured members and the representatives of deceased members of its National Guard forces in  
26 case such members sustain injuries or are killed within their own State, shall provide for the  
27 payment of compensation and death benefits in the same manner and on the same terms in case  
28 such members sustain injury or are killed while rendering aid pursuant to this Compact. Such  
29 compensation and death benefits shall be deemed items of expense reimbursable pursuant to  
30 paragraph (f) of this Article.

31 **G.S. 127-121. Delegation.** Nothing in this Compact shall be construed to prevent the Governor  
32 of a party State from delegating any of his responsibilities or authority respecting the National  
33 Guard, provided that such delegation is otherwise in accordance with law. For purposes of this  
34 Compact, however, the Governor shall not delegate the power to request assistance from  
35 another State.

36 **G.S. 127-122. Limitations.** Nothing in this Compact shall:

- 37 (1) Expand or add to the functions of the National Guard, except with respect to  
38 the jurisdictions within which such functions may be performed.
- 39 (2) Authorize or permit National Guard units to be placed under the field  
40 command of any person not having the military or National Guard rank or  
41 status required by law for the field command position in question.

42 **G.S. 127-123. Construction and Severability.** This Compact shall be liberally construed so  
43 as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if  
44 any phrase, clause, sentence or provision of this Compact is declared to be contrary to the  
45 constitution of any State or of the United States or the applicability thereof to any government,  
46 agency, person or circumstance is held invalid, the validity of the remainder of this Compact  
47 and the applicability thereof to any government, agency, person or circumstance shall not be  
48 affected thereby. If this Compact shall be held contrary to the constitution of any State  
49 participating herein, the Compact shall remain in full force and effect as to the remaining party  
50 States and in full force and effect as to the State affected as to all severable matters.

1 **G.S. 127-124.** Upon presentation of a claim therefor by an appropriate authority of a State  
2 whose National Guard forces have aided this State pursuant to the Compact, any liability of this  
3 State pursuant to G.S. 127-120(f) of the Compact shall be paid out of the General Fund.

4 **G.S. 127-125.** In accordance with G.S. 127-120(h) of the Compact, members of the National  
5 Guard forces of this State shall be deemed to be in State service at all times when engaged  
6 pursuant to this Compact, and shall be entitled to all rights and benefits provided pursuant to  
7 the laws of this State.

8 **G.S. 127-126.** All benefits to be paid under 127-120(h) of the foregoing Compact shall include  
9 any injury or death sustained while going to or returning from such duty.

10 **G.S. 127-127.** Nothing in the foregoing Compact shall authorize or permit State officials or  
11 Military officers of the requesting State to relieve from assignment or reassign officers or non-  
12 commissioned officers of National Guard units of the responding State without authorization by  
13 the appropriate authorities of the responding State.

14 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

15 **Sec. 3.** This Act shall be in full force and effect from and after July 1, 1969.

16 In the General Assembly read three times and ratified, this the 2nd day of June,  
17 1969.