## A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The Emergency Management Assistance Compact was
2	ratified by Congress in 1996 as Public Law 104-321. To date,
3	forty-nine states, two territories, and the District of Columbia
4	have ratified the Emergency Management Assistance Compact. The
5	only state that has not implemented the required legislation to
6	join the Emergency Management Assistance Compact is Hawaii. The
7	only requirement for joining is for the legislature to ratify
8	the language of the compact. The purpose of this Act is to
9	enact the Emergency Management Assistance Compact.
10	SECTION 2. The Hawaii Revised Statutes is amended by
11	adding a new chapter to read as follows:
12	"CHAPTER
13	EMERGENCY MANAGEMENT ASSISTANCE COMPACT
14	§ -1 Purposes and authorities. This compact is made and
15	entered into by and between the participating member states
16	which enact this compact, hereinafter called party states. For
17	the purposes of this agreement, the term "states" means the

several states, the Commonwealth of Puerto Rico, the District of

- ${f 1}$  Columbia, and all U.S. territorial possessions. The purpose of
- 2 this compact is to provide for mutual assistance between the
- 3 states entering into this compact in managing any emergency or
- 4 disaster that is duly declared by the governor of an affected
- 5 state, whether arising from natural disaster, technological
- 6 hazard, man-made disaster, civil emergency aspects of resources
- 7 shortages, community disorders, insurgency, or enemy attack.
- 8 This compact shall also provide for mutual cooperation in
- 9 emergency-related exercises, testing, or other training
- 10 activities using equipment and personnel simulating performance
- 11 of any aspect of the giving and receiving of aid by party states
- 12 or subdivisions of party states during emergencies, such actions
- 13 occurring outside actual declared emergency periods. Mutual
- 14 assistance in this compact may include the use of the states'
- 15 national guard forces, either in accordance with the National
- 16 Guard Mutual Assistance Compact or by mutual agreement between
- 17 states.
- 18 S -2 General implementation. Each party state entering
- 19 into this compact recognizes many emergencies transcend
- 20 political jurisdictional boundaries and that intergovernmental
- 21 coordination is essential in managing these and other
- 22 emergencies under this compact. Each state further recognizes

- 1 that there will be emergencies which require immediate access
- 2 and present procedures to apply outside resources to make a
- 3 prompt and effective response to such an emergency. This is
- 4 because few, if any, individual states have all the resources
- 5 they may need in all types of emergencies or the capability of
- 6 delivering resources to areas where emergencies exist. The
- 7 prompt, full, and effective utilization of resources of the
- 8 participating states, including any resources on hand or
- 9 available from the federal government or any other source, that
- 10 are essential to the safety, care, and welfare of the people in
- 11 the event of any emergency or disaster declared by a party
- 12 state, shall be the underlying principle on which all articles
- 13 of this compact shall be understood. On behalf of the governor
- 14 of each state participating in the compact, the legally
- 15 designated state official who is assigned responsibility for
- 16 emergency management will be responsible for formulation of the
- 17 appropriate interstate mutual aid plans and procedures necessary
- 18 to implement this compact.
- 19 § -3 Party state responsibilities. (a) It shall be the
- 20 responsibility of each party state to formulate procedural plans
- 21 and programs for interstate cooperation in the performance of
- 22 the responsibilities listed in this article. In formulating such

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- extent reasonably possible, determine all those

  potential emergencies the party states might jointly

  suffer, whether due to natural disaster, technological

  hazard, man-made disaster, emergency aspects of

  resource shortages, civil disorders, insurgency, or

  enemy attack;
  - (2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;
    - (3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;
  - (4) Assist in warning communities adjacent to or crossing the state boundaries;
  - (5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;

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2		and delivery of human and material resources, together
3		with procedures for reimbursement or forgiveness; and
4	(7)	Provide, to the extent authorized by law, for
5		temporary suspension of any statutes.
6	(b)	The authorized representative of a party state may
7	request a	ssistance of another party state by contacting the
8	authorize	d representative of that state. The provisions of this
9	agreement	shall only apply to requests for assistance made by
10	and to au	thorized representatives. Requests may be verbal or in
11	writing.	If verbal, the request shall be confirmed in writing

(6) Inventory and set procedures for the interstate loan

14 (1) A description of the emergency service function for
15 which assistance is needed, such as but not limited to
16 fire services, law enforcement, emergency medical,
17 transportation, communications, public works and
18 engineering, building inspection, planning and
19 information assistance, mass care, resource support,
20 health and medical services, and search and rescue;

within thirty days of the verbal request. Requests shall

provide the following information:

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1	(2)	The amount and type of personnel, equipment, materials
2		and supplies needed, and a reasonable estimate of the
3		length of time they will be needed; and

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

There shall be frequent consultation between state

8 officials who have assigned emergency management
9 responsibilities and other appropriate representatives of the
10 party states with affected jurisdictions and the United States
11 Government, with free exchange of information, plans, and

resource records relating to emergency capabilities.

mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of

- 1 arrest unless specifically authorized by the receiving state),
- 2 duties, rights, and privileges as are afforded forces of the
- 3 state in which they are performing emergency services.
- 4 Emergency forces will continue under the command and control of
- 5 their regular leaders, but the organizational units will come
- 6 under the operational control of the emergency services
- 7 authorities of the state receiving assistance. These conditions
- 8 may be activated, as needed, only subsequent to a declaration of
- 9 a state of emergency or disaster by the governor of the party
- 10 state that is to receive assistance or commencement of exercises
- 11 or training for mutual aid and shall continue so long as the
- 12 exercises or training for mutual aid are in progress, the state
- 13 of emergency or disaster remains in effect or loaned resources
- 14 remain in the receiving states, whichever is longer.
- 15 § -5 Licenses and permits. Whenever any person holds a
- 16 license, certificate, or other permit issued by any state party
- 17 to the compact evidencing the meeting of qualifications for
- 18 professional, mechanical, or other skills, and when such
- 19 assistance is requested by the receiving party state, such
- 20 person shall be deemed licensed, certified, or permitted by the
- 21 state requesting assistance to render aid involving such skill
- 22 to meet a declared emergency or disaster, subject to such

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    limitations and conditions as the governor of the requesting
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    state may prescribe by executive order or otherwise.
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             -6 Liability. Officers or employees of a party state
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    rendering aid in another state pursuant to this compact shall be
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    considered agents of the requesting state for tort liability and
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    immunity purposes; and no party state or its officers or
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    employees rendering aid in another state pursuant to this
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    compact shall be liable on account of any act or omission in
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    good faith on the part of such forces while so engaged or on
    account of the maintenance or use of any equipment or supplies
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    in connection therewith. Good faith in this article shall not
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    include willful misconduct, gross negligence, or recklessness.
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                 Supplementary agreements. Inasmuch as it is
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    probable that the pattern and detail of the machinery for mutual
    aid among two or more states may differ from that among the
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    states that are party hereto, this instrument contains elements
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    of a broad base common to all states, and nothing herein
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    contained shall preclude any state from entering into
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    supplementary agreements with another state or affect any other
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    agreements already in force between states. Supplementary
    agreements may comprehend, but shall not be limited to,
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provisions for evacuation and reception of injured and other

- 1 persons and the exchange of medical, fire, police, public
- 2 utility, reconnaissance, welfare, transportation and
- 3 communications personnel, and equipment and supplies.
- 4 § -8 Compensation. Each party state shall provide for
- 5 the payment of compensation and death benefits to injured
- 6 members of the emergency forces of that state and
- 7 representatives of deceased members of such forces in case such
- 8 members sustain injuries or are killed while rendering aid
- 9 pursuant to this compact, in the same manner and on the same
- 10 terms as if the injury or death were sustained within their own
- 11 state.
- 12 § -9 Reimbursement. Any party state rendering aid in
- 13 another state pursuant to this compact shall be reimbursed by
- 14 the party state receiving such aid for any loss or damage to or
- 15 expense incurred in the operation of any equipment and the
- 16 provision of any service in answering a request for aid and for
- 17 the costs incurred in connection with such requests; provided,
- 18 that any aiding party state may assume in whole or in part such
- 19 loss, damage, expense, or other cost, or may loan such equipment
- 20 or donate such services to the receiving party state without
- 21 charge or cost; and provided further, that any two or more party
- 22 states may enter into supplementary agreements establishing a

different allocation of costs among those states. Section 1 expenses shall not be reimbursable under this provision. 2 -10 Evacuation. Plans for the orderly evacuation and 3 interstate reception of portions of the civilian population as 4 the result of any emergency or disaster of sufficient 5 proportions to so warrant, shall be worked out and maintained 6 between the party states and the emergency management services 7 directors of the various jurisdictions where any type of 8 incident requiring evacuations might occur. Such plans shall be 9 put into effect by request of the state from which evacuees come 10 and shall include the manner of transporting such evacuees, the 11 number of evacuees to be received in different areas, the manner 12 in which food, clothing, housing, and medical care will be 13 provided, the registration of the evacuees, the providing of 14 facilities for the notification of relatives or friends, and the 15 forwarding of such evacuees to other areas or the bringing in of 16 additional materials, supplies, and all other relevant factors. 17 Such plans shall provide that the party state receiving evacuees 18 and the party state from which the evacuees come shall mutually 19 20 agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for 21

transportation, food, clothing, medicines and medical care, and

- 1 like items. Such expenditures shall be reimbursed as agreed by
- 2 the party state from which the evacuees come. After the
- 3 termination of the emergency or disaster, the party state from
- 4 which the evacuees come shall assume the responsibility for the
- 5 ultimate support of repatriation of such evacuees.
- 6 § -11 Implementation. (a) The compact shall become
- 7 operative immediately upon its enactment into law by any two
- 8 states; thereafter, this compact shall become effective as to
- 9 any other state upon its enactment by such state.
- 10 (b) Any party state may withdraw from this Compact by
- 11 enacting a statute repealing the same, but no such withdrawal
- 12 shall take effect until thirty days after the governor of the
- 13 withdrawing state has given notice in writing of such withdrawal
- 14 to the governors of all other party states. Such action shall
- 15 not relieve the withdrawing state from obligations assumed
- 16 hereunder prior to the effective date of withdrawal.
- 17 (c) Duly authenticated copies of the compact and of such
- 18 supplementary agreements as may be entered into shall be
- 19 deposited, at the time of their approval, with each of the party
- 20 states and with the Federal Emergency Management Agency and
- 21 other appropriate agencies of the United States government.

- 3 person or circumstances is held invalid, the constitutionality
- 4 of the remainder of this Act and the applicability thereof to
- 5 other persons and circumstances shall not be affected thereby.
- 6 § -13 Additional provisions. Nothing in the compact
- 7 shall authorize or permit the use of military force by the
- 8 national guard of a state at any place outside that state in any
- 9 emergency for which the President is authorized by law to call
- 10 into federal service the militia, or for any purpose for which
- 11 the use of the Army or the Air Force would in the absence of
- 12 express statutory authorization be prohibited under Section 1385
- 13 of title 18, United States Code."
- 14 SECTION 3. In codifying the new sections added by section
- 15 2 of this Act, the revisor of statutes shall substitute
- 16 appropriate section numbers for the letters used in designating
- 17 the new sections in this Act.
- 18 SECTION 4. This Act shall take effect upon its approval.

## Report Title:

Civil Defense; Emergency Compact

## Description:

Allows Hawaii to join the emergency management assistance compact. (SD1)