
A BILL FOR AN ACT

RELATING TO AN INTRASTATE MUTUAL AID SYSTEM.

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

1 SECTION 1. The legislature finds that some emergencies are
2 so consequential or urgent that they can overwhelm political
3 jurisdictions and their available resources. In such cases,
4 intergovernmental coordination is essential for the protection
5 of lives and property. Systems of mutual assistance allow for
6 political jurisdictions to assist in the prevention of, response
7 to, and recovery from, these types of emergencies.

8 The purpose of this Act is to establish a system of
9 intrastate mutual aid that will allow counties to provide
10 assistance across jurisdictional lines during emergencies.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **INTRASTATE MUTUAL AID ACT**

16 § -1 **Short title.** This chapter shall be known and may
17 be cited as the Intrastate Mutual Aid Act.



1 § -2 **Definitions.** For the purposes of this chapter,
2 unless the context otherwise requires:

3 "Agency" means the Hawaii emergency management agency.

4 "Assistance" means emergency responders and resources
5 provided by a responding member county in response to a request
6 from a requesting member county.

7 "County" means the city and county of Honolulu and the
8 counties of Hawaii, Kauai, and Maui; provided that the county of
9 Maui shall include the county of Kalawao for the purposes of
10 this chapter.

11 "Emergency" means an event or set of circumstances that:

12 (1) Demands immediate action to preserve public health,
13 protect life and public property, or provide relief to
14 any stricken community overtaken by such occurrence;
15 or

16 (2) Reaches such a dimension or degree of destructiveness
17 as to warrant the declaration of a state of emergency
18 or local state of emergency, pursuant to section
19 127A-14.

20 "Emergency responder" means:



1 (1) An employee of a responding member county who is
2 designated in writing by that responding member county
3 as possessing skills, qualifications, training,
4 knowledge, or experience that may be needed, pursuant
5 to a request for assistance under this chapter, for:

6 (A) Response, mitigation, or recovery activities
7 related to an emergency; or

8 (B) Participation in drills or exercises in
9 preparation for an emergency; or

10 (2) Any person with specialized equipment operations
11 skills or training or any other skills needed to
12 provide aid in an emergency, regardless of whether the
13 person possesses a license, certificate, permit, or
14 other official recognition for expertise in a
15 particular field or area of knowledge.

16 "Emergency responder" includes but is not limited to law
17 enforcement officers, fire fighters, emergency medical services
18 personnel, physicians, nurses, other public health personnel,
19 emergency management personnel, and public works personnel.



1 "Operational control" means the limited authority to direct
2 tasks, assignments, and use of assistance provided pursuant to a
3 request for assistance under this chapter to address:

4 (1) Response, mitigation, or recovery activities related
5 to an emergency; or

6 (2) Participation in drills or exercises in preparation
7 for an emergency.

8 "Operational control" does not include any right, privilege, or
9 benefit of ownership or employment such as disposition,
10 compensation, wages, salary, pensions, health benefits, leave,
11 seniority, discipline, promotion, hiring, or firing.

12 "Requesting member county" means a member county that
13 requests assistance from another member county under this
14 chapter.

15 "Resources" includes supplies, materials, equipment,
16 facilities, energy, services, information, systems, and other
17 assets except for emergency responders that may be needed,
18 pursuant to a request for assistance under this chapter, for:

19 (1) Response, mitigation, or recovery activities related
20 to an emergency; or



(2) Participation in drills or exercises in preparation for an emergency.

"Responding member county" means a member county providing or intending to provide assistance to a requesting member county under this chapter.

§ -3 Intrastate mutual aid system; established. (a)

The intrastate mutual aid system is established to provide for mutual assistance in an emergency among counties that choose to participate as member counties. All counties shall be considered member counties unless the county is released in accordance with subsection (b).

(b) A member county shall be released from membership in the intrastate mutual aid system established under this chapter upon receipt by the agency of a resolution or ordinance declaring that the member county elects not to participate in the system.

(c) Nothing in this chapter may be construed to affect other mutual aid plans or agreements otherwise authorized by law, including under chapter 127A, or preclude a county from entering or participating in those mutual aid plans or agreements.



(d) Mutual assistance may be requested by, and provided to, member counties under this chapter for:

(1) Response, mitigation, or recovery activities related to an emergency; or

(2) Participation in drills or exercises in preparation for an emergency.

(e) The agency shall develop comprehensive guidelines and procedures that address at least the following:

(1) Projected or anticipated costs;

(2) Checklists for requesting and providing assistance;

(3) Recordkeeping for all member counties;

(4) Reimbursement procedures; and

(5) Other necessary implementation elements, including necessary forms for requests and other records documenting deployment and return of assets.

§ -4 Responsibilities of member counties. It shall be the responsibility of each member county to do the following:

(1) Identify potential hazards that could affect the member county using an identification system common to all member counties;



(2) Conduct joint planning, intelligence sharing, and threat assessment development with other member counties; and

(3) Identify and inventory the current services, equipment, supplies, personnel, and other resources related to planning, prevention, mitigation, response, and recovery activities of the member counties.

§ -5 **Requesting assistance.** A member county may request assistance from other member counties under the intrastate mutual aid system for response, mitigation, or recovery activities related to an emergency, or to participate in drills or exercises in preparation for an emergency, subject to each of the following provisions:

(1) Prior to requesting assistance, a requesting member county shall:

(A) Have determined an emergency exists within its territorial limits pursuant to chapter 127A; or

(B) Anticipate undertaking drills or exercises in preparation for an emergency;

(2) The mayor of a requesting member county, or authorized designee, shall request assistance directly from the



1 mayor, or authorized designee, of another member
2 county. If this request is verbal, it shall be
3 confirmed in writing within thirty days after the date
4 of the request;

5 (3) A responding member county may withhold or withdraw
6 requested assistance at any time and for any reason,
7 in its sole discretion;

8 (4) A responding member county shall designate in writing
9 all assistance it provides to a requesting member
10 county at the time provided, consistent with the
11 guidelines and procedures developed by the agency, and
12 deliver copies of this documentation to the requesting
13 member county within thirty days after the assistance
14 is provided; and

15 (5) The requesting member county shall only have
16 operational control of assistance provided under this
17 chapter, which shall not interfere with a responding
18 member county's right to withdraw assistance.

19 **§ -6 Qualifications of emergency responders for the**
20 **purposes of the requesting member county.** An emergency
21 responder holding a license, certificate, or other permit



1 evidencing qualification in a professional, mechanical, or other
2 skill, issued by the State or a county, is deemed to be
3 licensed, certified, or permitted in the requesting member
4 county for the duration of the emergency, drill, or exercise,
5 subject to any limitations and conditions the mayor of the
6 requesting member county may prescribe in writing.

7 **§ -7 Emergency responder status and rights.** (a) An
8 emergency responder shall not be considered an employee of the
9 requesting member county and shall not be entitled to any right,
10 privilege, or benefit of employment from the requesting member
11 county, including but not limited to compensation, wages,
12 salary, leave, pensions, health benefits, or other advantages.

13 (b) If any state or county official, officer, or employee
14 is engaged in carrying out this chapter in lieu of the official,
15 officer, or employee's regular office or employment, the amount
16 of the official, officer, or employee's compensation shall not
17 be adversely affected, and the official, officer, or employee's
18 rights in or under the laws relating to vacation and leave, the
19 retirement system, civil service, or the like shall not be
20 adversely affected.



1 (c) All persons, including volunteers whose services have
2 been accepted by authorized persons, while engaged in the
3 performance of duty pursuant to this chapter, including duty
4 performed during exercises and training, shall be deemed
5 employees of the responding county and shall have the powers,
6 duties, rights, and privileges of such in the performance of
7 their duties, except as may be prescribed by or under the
8 authority of the mayor pursuant to this chapter.

9 (d) In case of injury or death arising out of and in the
10 performance of duty pursuant to this chapter, including duty
11 performed during periods of training, all persons having the
12 status of official, officer, or employee of the responding
13 county, pursuant to this section, and their dependents, shall be
14 entitled to all of the benefits provided in chapter 386,
15 including medical services and supplies, and in case of injury
16 or death, no public official shall be excluded from the coverage
17 of chapter 386 by reason of being an elected official. For the
18 purposes of the benefits, average weekly wages shall be computed
19 upon the basis set forth in section 386-51, or upon the basis of
20 earnings from the usual employment of the person, or upon the
21 basis of earnings at the rate of \$20 per week, whichever is most



1 favorable to the claimant or claimants. The costs thereof shall
2 be a charge upon the county insurance fund of the responding
3 county; provided that the mayor may effect such insurance in
4 respect of the obligations assumed pursuant to this section and
5 as may be available under any mutual aid agreement or act of
6 Congress. Nothing in this section shall adversely affect the
7 right of any person to receive any benefits or compensation
8 under any act of Congress. Any benefits provided by a
9 responding county to an emergency responder shall be included in
10 the true and full value of assistance provided for purposes of
11 reimbursement under section -8.

12 **§ -8 Reimbursement for assistance provided.** (a) A
13 requesting member county shall reimburse a responding member
14 county for the true and full value of all assistance provided
15 under this chapter; provided that a responding member county may
16 donate assistance provided under this chapter to a requesting
17 member county.

18 (b) If a dispute regarding reimbursement arises between
19 member counties, the member county asserting the dispute shall
20 provide written notice to the other identifying the
21 reimbursement issues in dispute. If the dispute is not resolved



1 within ninety days after receipt of the dispute notice by the
2 other party, either party to the dispute may invoke binding
3 arbitration to resolve the reimbursement dispute by giving
4 written notice to the other party. Within thirty days after
5 receipt of the notice invoking binding arbitration, each party
6 shall furnish the other a list of acceptable arbitrators. The
7 parties shall select an arbitrator. If both parties fail to
8 agree on an arbitrator, each party shall select one arbitrator
9 and the two arbitrators shall select a third arbitrator for an
10 arbitration panel. Costs of the arbitration, including
11 compensation for the arbitrator's services, shall be borne
12 equally by the parties participating in the arbitration, and
13 each party shall bear its own costs and expenses, including
14 legal fees and witness expenses, in connection with the
15 arbitration proceeding.

16 **§ -9 Immunity of emergency responders.** For purposes of
17 tort liability or immunity, an emergency responder of a
18 responding member county shall be considered an agent of the
19 requesting member county. Except in cases of wilful misconduct,
20 gross negligence, or recklessness, no emergency responder shall
21 be civilly liable for the death or injury to persons, or



1 property damage, as a result of any act or omission in the
2 course of providing or attempting to provide assistance under
3 this chapter.

4 **§ -10 Severability.** If any provision of this chapter or
5 the application thereof to any person or circumstance is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the chapter which can be given effect without
8 the invalid provision or application, and to this end the
9 provisions of this chapter are severable."

10 SECTION 3. This Act shall take effect on July 1, 2050.

11



Report Title:

Intrastate Mutual Aid System; Emergencies; Counties

Description:

Establishes the intrastate mutual aid system to allow counties to share resources in times of emergency or in preparation for emergencies. Effective 7/1/2050. (HD1)

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