

JAN 26 2022

A BILL FOR AN ACT

RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by adding
2 a new chapter to be appropriately designated and to read as
3 follows:

4 **"CHAPTER**

5 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

6 § -1 **Name.** This chapter may be cited as the Emergency
7 Management Assistance Compact.

8 § -2 **Terms and provisions of compact.** The legislature
9 of the State of Hawaii hereby authorizes the governor of the
10 State of Hawaii to enter into a compact on behalf of the State
11 of Hawaii with any other state legally joining therein, in the
12 form substantially as follows:

13 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

14 **Article I. Purpose and Authorities**

15 This compact is made and entered into by and between the
16 participating member states which enact this compact,
17 hereinafter called party states. For the purposes of this
18 compact, the term "states" is taken to mean the several states,

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1 the Commonwealth of Puerto Rico, the District of Columbia, and
2 all United States territorial possessions.

3 The purpose of this compact is to provide for mutual
4 assistance between the states entering into this compact in
5 managing any emergency or disaster that is duly declared by the
6 governor of the affected state, whether arising from natural
7 disaster, technological hazard, manmade disaster, civil
8 emergency aspects of resources shortages, community disorders,
9 insurgency, or enemy attack.

10 This compact shall also provide for mutual cooperation in
11 emergency-related exercises, testing, or other training
12 activities using equipment and personnel simulating performance
13 of any aspect of the giving and receiving of aid by party states
14 or subdivisions of party states during emergencies, such actions
15 occurring outside actual declared emergency periods. Mutual
16 assistance in this compact may include the use of the states'
17 National Guard forces, either in accordance with the National
18 Guard Mutual Assistance Compact or by mutual agreement between
19 states.

20 **Article II. General Implementation**

21 Each party state entering into this compact recognizes that
22 many emergencies transcend political jurisdictional boundaries

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1 and that intergovernmental coordination is essential in managing
2 these and other emergencies under this compact. Each state
3 further recognizes that there will be emergencies which require
4 immediate access and present procedures to apply outside
5 resources to make a prompt and effective response to such an
6 emergency. This is because few, if any, individual states have
7 all the resources they may need in all types of emergencies or
8 the capability of delivering resources to areas where
9 emergencies exist.

10 The prompt, full, and effective utilization of resources of
11 the participating states, including any resources on hand or
12 available from the federal government or any other source, that
13 are essential to the safety, care, and welfare of the people in
14 the event of any emergency or disaster declared by a party
15 state, shall be the underlying principle on which all articles
16 of this compact shall be understood.

17 On behalf of the governor of each state participating in
18 the compact, the legally designated state official who is
19 assigned responsibility for emergency management will be
20 responsible for formulation of the appropriate interstate mutual
21 aid plans and procedures necessary to implement this compact.

22 **Article III. Party State Responsibilities**

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1 A. It shall be the responsibility of each party state to
2 formulate procedural plans and programs for interstate
3 cooperation in the performance of the responsibilities listed in
4 this article. In formulating such plans, and in carrying them
5 out, the party states, insofar as practical, shall:

6 (1) Review individual state hazards analyses and, to the
7 extent reasonably possible, determine all those
8 potential emergencies the party states might jointly
9 suffer, whether due to natural disaster, technological
10 hazard, man-made disaster, emergency aspects of
11 resource shortages, civil disorders, insurgency, or
12 enemy attack;

13 (2) Review party states' individual emergency plans and
14 develop a plan which will determine the mechanism for
15 the interstate management and provision of assistance
16 concerning any potential emergency;

17 (3) Develop interstate procedures to fill any identified
18 gaps and to resolve any identified inconsistencies or
19 overlaps in existing or developed plans;

20 (4) Assist in warning communities adjacent to or crossing
21 the state boundaries;

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1 (5) Protect and assure uninterrupted delivery of services,
2 medicines, water, food, energy and fuel, search and
3 rescue, and critical lifeline equipment, services, and
4 resources, both human and material;

5 (6) Inventory and set procedures for the interstate loan
6 and delivery of human and material resources, together
7 with procedures for reimbursement or forgiveness; and

8 (7) Provide, to the extent authorized by law, for
9 temporary suspension of any statutes or ordinances
10 that restrict the implementation of the
11 responsibilities enumerated above.

12 B. The authorized representative of a party state may
13 request assistance of another party state by contacting the
14 authorized representative of that state. The provisions of this
15 compact shall only apply to requests for assistance made by and
16 to authorized representatives. Requests may be verbal or in
17 writing. If verbal, the request shall be confirmed in writing
18 within thirty days of the verbal request. Requests shall
19 provide the following information:

20 (1) A description of the emergency service function for
21 which assistance is needed, including but not limited
22 to fire services, law enforcement, emergency medical,

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1 transportation, communications, public works and
2 engineering, building inspection, planning and
3 information assistance, mass care, resource support,
4 health and medical services, and search and rescue;

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

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

11 C. There shall be frequent consultation between state
12 officials who have assigned emergency management
13 responsibilities and other appropriate representatives of the
14 party states with affected jurisdictions and the United States
15 government, with free exchange of information, plans, and
16 resource records relating to emergency capabilities.

Article IV. Limitations

18 Any party state requested to render mutual aid or conduct
19 exercises and training for mutual aid shall take such action as
20 is necessary to provide and make available the resources covered
21 by this compact in accordance with the terms hereof; provided
22 that it is understood that the state rendering aid may withhold

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1 resources to the extent necessary to provide reasonable
2 protection for such state.

3 Each party state shall afford to the emergency forces of
4 any party state, while operating within its state limits under
5 the terms and conditions of this compact, the same powers
6 (except that of arrest unless specifically authorized by the
7 receiving state), duties, rights, and privileges as are afforded
8 forces of the state in which they are performing emergency
9 services. Emergency forces will continue under the command and
10 control of their regular leaders, but the organizational units
11 will come under the operational control of the emergency
12 services authorities of the state receiving assistance. These
13 conditions may be activated, as needed, only subsequent to a
14 declaration of a state of emergency or disaster by the governor
15 of the party state that is to receive assistance or upon
16 commencement of exercises or training for mutual aid and shall
17 continue so long as the exercises or training for mutual aid are
18 in progress, the state of emergency or disaster remains in
19 effect or loaned resources remain in the receiving states,
20 whichever is longer.

Article V. Licenses and Permits

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1 Whenever any person holds a license, certificate, or other
2 permit issued by any state party to the compact evidencing the
3 meeting of qualifications for professional, mechanical, or other
4 skills, and when such assistance is requested by the receiving
5 party state, such person shall be deemed licensed, certified, or
6 permitted by the state requesting assistance to render aid
7 involving such skill to meet a declared emergency or disaster,
8 subject to such limitations and conditions as the governor of
9 the requesting state may prescribe by executive order or
10 otherwise.

11 **Article VI. Liability**

12 Officers or employees of a party state rendering aid in
13 another state pursuant to this compact shall be considered
14 agents of the requesting state for tort liability and immunity
15 purposes. No party state or its officers or employees rendering
16 aid in another state pursuant to this compact shall be liable on
17 account of any act or omission in good faith on the part of such
18 forces while so engaged or on account of the maintenance or use
19 of any equipment or supplies in connection therewith. Good
20 faith in this article shall not include willful misconduct,
21 gross negligence, or recklessness.

22 **Article VII. Supplementary Agreements**

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1 Inasmuch as it is probable that the pattern and detail of
2 the machinery for mutual aid among two or more states may differ
3 from that among the states that are party hereto, this compact
4 contains elements of a broad base common to all states, and
5 nothing contained in this compact shall preclude any state from
6 entering into supplementary agreements with another state or
7 affect any other agreements already in force between states.
8 Supplementary agreements may comprehend, but shall not be
9 limited to, provisions for evacuation and reception of injured
10 and other persons and the exchange of medical, fire, police,
11 public utility, reconnaissance, welfare, transportation and
12 communications personnel, and equipment and supplies.

Article VIII. Compensation

14 Each party state shall provide for the payment of
15 compensation and death benefits to injured members of the
16 emergency forces of that state and representatives of deceased
17 members of such forces in case such members sustain injuries or
18 are killed while rendering aid pursuant to this compact, in the
19 same manner and on the same terms as if the injury or death were
20 sustained within their own state.

Article IX. Reimbursement

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1 Any party state rendering aid in another state pursuant to
2 this compact shall be reimbursed by the party state receiving
3 such aid for any loss or damage to or expense incurred in the
4 operation of any equipment and the provision of any service in
5 answering a request for aid and for the costs incurred in
6 connection with such requests; provided, that any aiding party
7 state may assume in whole or in part such loss, damage, expense,
8 or other cost, or may loan such equipment or donate such
9 services to the receiving party state without charge or cost;
10 and provided further, that any two or more party states may
11 enter into supplementary agreements establishing a different
12 allocation of costs among those states. Article VIII expenses
13 shall not be reimbursable under this article.

14 **Article X. Evacuation**

15 Plans for the orderly evacuation and interstate reception
16 of portions of the civilian population as the result of any
17 emergency or disaster of sufficient proportions to so warrant,
18 shall be worked out and maintained between the party states and
19 the emergency management/services directors of the various
20 jurisdictions where any type of incident requiring evacuations
21 might occur. Such plans shall be put into effect by request of
22 the state from which evacuees come and shall include the manner

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1 of transporting such evacuees, the number of evacuees to be
2 received in different areas, the manner in which food, clothing,
3 housing, and medical care will be provided, the registration of
4 the evacuees, the providing of facilities for the notification
5 of relatives or friends, and the forwarding of such evacuees to
6 other areas or the bringing in of additional materials,
7 supplies, and all other relevant factors. Such plans shall
8 provide that the party state receiving evacuees and the party
9 state from which the evacuees come shall mutually agree as to
10 reimbursement of out-of-pocket expenses incurred in receiving
11 and caring for such evacuees, for expenditures for
12 transportation, food, clothing, medicines and medical care, and
13 like items. Such expenditures shall be reimbursed as agreed by
14 the party state from which the evacuees come. After the
15 termination of the emergency or disaster, the party state from
16 which the evacuees come shall assume the responsibility for the
17 ultimate support of repatriation of such evacuees.

Article XI. Implementation

18
19 A. This compact shall become operative immediately upon
20 its enactment into law by any two states; thereafter, this
21 compact shall become effective as to any other state upon its
22 enactment by such state.

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1 B. Any party state may withdraw from this compact by
2 enacting a statute repealing the same, but no such withdrawal
3 shall take effect until thirty days after the governor of the
4 withdrawing state has given notice in writing of such withdrawal
5 to the governors of all other party states. Such action shall
6 not relieve the withdrawing state from obligations assumed
7 hereunder prior to the effective date of withdrawal.

8 C. Duly authenticated copies of this compact and of such
9 supplementary agreements as may be entered into shall, at the
10 time of their approval, be deposited with each of the party
11 states and with the Federal Emergency Management Agency and
12 other appropriate agencies of the United States government.

13 **Article XII. Validity**

14 This compact shall be construed to effectuate the purposes
15 stated in Article I hereof. If any provision of this compact is
16 declared unconstitutional, or the applicability thereof to any
17 person or circumstances is held invalid, the constitutionality
18 of the remainder of this compact and the applicability thereof
19 to other persons and circumstances shall not be affected
20 thereby.

21 **Article XIII. Additional Provisions**


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1 Nothing in this compact shall authorize or permit the use
2 of military force by the National Guard of a state at any place
3 outside that state in any emergency for which the President is
4 authorized by law to call into federal service the militia, or
5 for any purpose for which the use of the Army or the Air Force
6 would in the absence of express statutory authorization be
7 prohibited under Section 1385 of Title 18, United States Code."

8 SECTION 2. Chapter 128F, Hawaii Revised Statutes, is
9 repealed.

10 SECTION 3. This Act shall take effect upon its approval.

11
12 INTRODUCED BY:



13 BY REQUEST

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Report Title:

Emergency Management Assistant Compact; Hawaii Emergency Management Agency

Description:

Repeals chapter 128F, Hawaii Revised Statutes (HRS). Creates a new, appropriately designated chapter in the 127A series of HRS chapters to reincorporate the Emergency Management Assistance Compact.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

PURPOSE: To repeal chapter 128F, Hawaii Revised Statutes (HRS) and reincorporate the Emergency Management Assistance Compact (EMAC) into the 127 series of HRS chapters to create a new chapter to be appropriately designated.

MEANS: Repeal chapter 128F, HRS, and create a new, appropriately designated chapter in the 127 series of HRS chapters to reincorporate the EMAC.

JUSTIFICATION: Through the authority of the Governor, the EMAC is implemented by the Hawaii Emergency Management Agency, which is governed by chapter 127A, HRS. Having the EMAC terms and provisions moved into the emergency management series of HRS chapters provides concise, logical organization to the emergency management laws of Hawaii.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: DEF 118.

OTHER AFFECTED AGENCIES: Other state agencies that rely on the EMAC. Office of Homeland Security.

EFFECTIVE DATE: Upon Approval.