
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
2 adding a new chapter to be appropriately designated and to read
3 as 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 hereby authorizes the governor to enter into a compact on behalf
10 of the State of Hawaii with any other state legally joining
11 therein, in the form substantially as follows:

12 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

13 Article I. Purpose and Authorities

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



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.



1 Article II. General Implementation

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

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

20 On behalf of the governor of each state participating in
21 the compact, the legally designated state official who is



1 assigned responsibility for emergency management will be
2 responsible for formulation of the appropriate interstate mutual
3 aid plans and procedures necessary to implement this compact.

4 **Article III. Party State Responsibilities**

5 (a) It shall be the responsibility of each party state to
6 formulate procedural plans and programs for interstate
7 cooperation in the performance of the responsibilities listed in
8 this article. In formulating such plans, and in carrying them
9 out, the party states, insofar as practical, shall:

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

17 (2) Review party states' individual emergency plans and
18 develop a plan that will determine the mechanism for
19 the interstate management and provision of assistance
20 concerning any potential emergency;



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

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

6 (5) Protect and assure uninterrupted delivery of services;
7 medicines; water; food; energy and fuel; search and
8 rescue; and critical lifeline equipment, services, and
9 resources, both human and material;

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

13 (7) Provide, to the extent authorized by law, for
14 temporary suspension of any statutes or ordinances
15 that restrict the implementation of the
16 responsibilities enumerated above.

17 (b) The authorized representative of a party state may
18 request assistance of another party state by contacting the
19 authorized representative of that state. The provisions of this
20 compact shall only apply to requests for assistance made by and
21 to authorized representatives. Requests may be verbal or in



1 writing. If verbal, the request shall be confirmed in writing
2 within thirty days of the verbal request. Requests shall
3 provide the following information:

4 (1) A description of the emergency service function for
5 which assistance is needed, including but not limited
6 to fire services, law enforcement, emergency medical,
7 transportation, communications, public works and
8 engineering, building inspection, planning and
9 information assistance, mass care, resource support,
10 health and medical services, and search and rescue;

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

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

17 (c) There shall be frequent consultation between state
18 officials who have assigned emergency management
19 responsibilities and other appropriate representatives of the
20 party states with affected jurisdictions and the United States



1 government, with free exchange of information, plans, and
2 resource records relating to emergency capabilities.

3 **Article IV. Limitations**

4 Any party state requested to render mutual aid or conduct
5 exercises and training for mutual aid shall take such action as
6 is necessary to provide and make available the resources covered
7 by this compact in accordance with the terms hereof; provided
8 that it is understood that the state rendering aid may withhold
9 resources to the extent necessary to provide reasonable
10 protection for such state.

11 Each party state shall afford to the emergency forces of
12 any party state, while operating within its state limits under
13 the terms and conditions of this compact, the same powers
14 (except that of arrest unless specifically authorized by the
15 receiving state), duties, rights, and privileges as are afforded
16 forces of the state in which they are performing emergency
17 services. Emergency forces will continue under the command and
18 control of their regular leaders, but the organizational units
19 will come under the operational control of the emergency
20 services authorities of the state receiving assistance. These
21 conditions may be activated, as needed, only subsequent to a



1 declaration of a state of emergency or disaster by the governor
2 of the party state that is to receive assistance or upon
3 commencement of exercises or training for mutual aid and shall
4 continue so long as the exercises or training for mutual aid are
5 in progress, the state of emergency or disaster remains in
6 effect or loaned resources remain in the receiving states,
7 whichever is longer.

8 **Article V. Licenses and Permits**

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

18 **Article VI. Liability**

19 Officers or employees of a party state rendering aid in
20 another state pursuant to this compact shall be considered
21 agents of the requesting state for tort liability and immunity



1 purposes. No party state or its officers or employees rendering
2 aid in another state pursuant to this compact shall be liable on
3 account of any act or omission in good faith on the part of such
4 forces while so engaged or on account of the maintenance or use
5 of any equipment or supplies in connection therewith. Good
6 faith in this article shall not include willful misconduct,
7 gross negligence, or recklessness.

8 Article VII. Supplementary Agreements

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



1 **Article VIII. Compensation**

2 Each party state shall provide for the payment of
3 compensation and death benefits to injured members of the
4 emergency forces of that state and representatives of deceased
5 members of such forces in case such members sustain injuries or
6 are killed while rendering aid pursuant to this compact, in the
7 same manner and on the same terms as if the injury or death were
8 sustained within their own state.

9 **Article IX. Reimbursement**

10 Any party state rendering aid in another state pursuant to
11 this compact shall be reimbursed by the party state receiving
12 such aid for any loss or damage to or expense incurred in the
13 operation of any equipment and the provision of any service in
14 answering a request for aid and for the costs incurred in
15 connection with the requests; provided that any aiding party
16 state may assume in whole or in part such loss, damage, expense,
17 or other cost, or may loan equipment or donate services to the
18 receiving party state without charge or cost; provided further
19 that any two or more party states may enter into supplementary
20 agreements establishing a different allocation of costs among



1 those states. Article VIII expenses shall not be reimbursable
2 under this article.

3 **Article X. Evacuation**

4 Plans for the orderly evacuation and interstate reception
5 of portions of the civilian population as the result of any
6 emergency or disaster of sufficient proportions to so warrant,
7 shall be worked out and maintained between the party states and
8 the emergency management or services directors of the various
9 jurisdictions where any type of incident requiring evacuations
10 might occur. Such plans shall be put into effect by request of
11 the state from which evacuees come and shall include the manner
12 of transporting such evacuees, the number of evacuees to be
13 received in different areas, the manner in which food, clothing,
14 housing, and medical care will be provided, the registration of
15 the evacuees, the providing of facilities for the notification
16 of relatives or friends, and the forwarding of the evacuees to
17 other areas or the bringing in of additional materials,
18 supplies, and all other relevant factors. The plans shall
19 provide that the party state receiving evacuees and the party
20 state from which the evacuees come shall mutually agree as to
21 reimbursement of out-of-pocket expenses incurred in receiving



1 and caring for the evacuees, for expenditures for
2 transportation, food, clothing, medicines and medical care, and
3 like items. The expenditures shall be reimbursed as agreed by
4 the party state from which the evacuees come. After the
5 termination of the emergency or disaster, the party state from
6 which the evacuees come shall assume the responsibility for the
7 ultimate support of repatriation of the evacuees.

8 **Article XI. Implementation**

9 (a) This compact shall become operative immediately upon
10 its enactment into law by any two states; thereafter, this
11 compact shall become effective as to any other state upon its
12 enactment by such state.

13 (b) Any party state may withdraw from this compact by
14 enacting a statute repealing the same, but no withdrawal shall
15 take effect until thirty days after the governor of the
16 withdrawing state has given notice in writing of withdrawal to
17 the governors of all other party states. This action shall not
18 relieve the withdrawing state from obligations assumed hereunder
19 prior to the effective date of withdrawal.

20 (c) Duly authenticated copies of this compact and of such
21 supplementary agreements as may be entered into shall, at the



1 time of their approval, be deposited with each of the party
2 states and with the Federal Emergency Management Agency and
3 other appropriate agencies of the United States government.

4 **Article XII. Validity**

5 This compact shall be construed to effectuate the purposes
6 stated in Article I hereof. If any provision of this compact is
7 declared unconstitutional, or the applicability thereof to any
8 person or circumstances is held invalid, the constitutionality
9 of the remainder of this compact and the applicability thereof
10 to other persons and circumstances shall not be affected
11 thereby.

12 **Article XIII. Additional Provisions**

13 Nothing in this compact shall authorize or permit the use
14 of military force by the national guard of a state at any place
15 outside that state in any emergency for which the President of
16 the United States is authorized by law to call into federal
17 service the militia, or for any purpose for which the use of the
18 Army or the Air Force would in the absence of express statutory
19 authorization be prohibited under Section 1385 of Title 18,
20 United States Code."



SECTION 2. Section 121-30, Hawaii Revised Statutes, is amended to read as follows:

"§121-30 Order to active service. In case of war, insurrection, invasion, riot, or imminent danger thereof; an emergency or disaster; or danger from flood, fire, storm, earthquake, civil disturbances, or terrorist events; any forcible obstruction to the execution of the laws, or reasonable apprehension thereof; or for assistance to civil authorities in disaster relief or emergency management, the governor may order the national guard or other component of the militia or any part thereof into active service. The governor, or the governor's designated representative, may also order the national guard into active service:

(1) In nonemergency situations for duty and training in addition to the drill and instruction required by section 121-28;

(2) To provide support to other states in response to a request for assistance under the Emergency Management Assistance Compact under chapter [128F+] _____; and



(3) To detect, prevent, prepare for, investigate, respond
to, or recover from any of the events for which an
order to active service may be made."

SECTION 3. Chapter 128F, Hawaii Revised Statutes, is
repealed.

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.



Report Title:

Emergency Management Assistance Compact; Hawaii Emergency
Management Agency

Description:

Creates a new Emergency Management Assistance Compact. Repeals
the existing Emergency Management Assistance Compact. (CD1)

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not legislation or evidence of legislative intent.*

