
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 legislature finds that the Emergency
2 Management Assistance Compact (Compact) calls for state-to-state
3 and state-to-territory mutual aid during emergencies. The
4 Compact was ratified during the 2nd session of the 104th
5 Congress and became Public Law 104-321 in October 1996. Since
6 that time, forty-nine states, the District of Columbia, Puerto
7 Rico, and the Virgin Islands have enacted legislation to become
8 members.

9 While states are capable of managing most emergencies,
10 there are times when disasters exceed state and local resources
11 and therefore require outside assistance. This is crucial
12 especially for a geographically isolated state such as Hawaii.
13 Normally, assistance comes from federal sources. However, not
14 all disasters are eligible for federal disaster assistance. The
15 Compact provides another way for states to receive interstate
16 aid in a disaster. Even when federal assistance is merited,
17 assistance from the Compact may be more readily available or
18 cheaper. This assistance may supplement federal assistance when



1 the latter is available or replace federal assistance when it is
2 unavailable. Most importantly, the Compact allows for a quick
3 response to disasters using the unique resources and expertise
4 possessed by member states.

5 Member states are guaranteed reimbursement for all eligible
6 assistance provided through the Compact. Under the Compact, it
7 is the responsibility of states requesting assistance to pay
8 back the states that provide it. This legal standard also helps
9 to speed the process and reduce the paperwork required. In
10 addition, under the Compact, requesting states are responsible
11 for the actions of workers from assisting states. Without the
12 Compact, emergency workers from assisting states might be sued
13 in the courts of requesting states, incurring substantial state
14 costs. Under the Compact, however, requesting states assume
15 tort responsibility for out-of-state emergency workers.

16 The legislature finds that the Compact also offers the
17 following benefits:

- 18 (1) Assistance may be more readily available than other
19 resources;
- 20 (2) The Compact allows for a quick response to disasters
21 using the unique human resources and expertise
22 possessed by member states;



- 1 (3) The Compact offers state-to-state assistance during
2 governor-declared states of emergency. The Compact
3 offers a responsive and straightforward system for
4 states to send personnel and equipment to help
5 disaster relief efforts in other states. When
6 resources are overwhelmed, the Compact helps to fill
7 the shortfalls;
- 8 (4) The Compact establishes a firm legal foundation. Once
9 the conditions for providing assistance to a
10 requesting state have been set, the terms constitute a
11 legally binding contractual agreement that make
12 affected states responsible for reimbursement.
13 Responding states can rest assured that sending aid
14 will not be a financial or legal burden, and personnel
15 sent are protected under workers' compensation and
16 liability provisions. The Compact solves the problems
17 of liability and responsibilities for costs and allows
18 for credentials to be honored across state lines;
- 19 (5) The Compact provides fast and flexible assistance. It
20 allows states to ask for whatever assistance they need
21 for any type of emergency, from earthquakes to acts of



1 terrorism. The Compact's simple procedures help
2 states dispense with bureaucratic wrangling; and
3 (6) The Compact can move resources such as medical
4 resources, that other compacts cannot.

5 Membership in the Compact is free, and the only requirement
6 to become a member is for a state's legislature to enact
7 legislation to approve the Compact.

8 The purpose of this Act is to approve the Compact and to
9 become a member of the Compact.

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

13 **"CHAPTER**

14 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

15 § -1 **Name.** This chapter may be cited as the Emergency
16 Management Assistance Compact.

17 § -2 **Terms and provisions of compact.** The legislature
18 of the State of Hawaii hereby authorizes the governor of the
19 State of Hawaii to enter into a compact on behalf of the State
20 of Hawaii with any other state legally joining therein, in the
21 form substantially as follows:



1 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

2 **Article I. Purpose and Authorities**

3 This compact is made and entered into by and between the
4 participating member states which enact this compact,
5 hereinafter called party states. For the purposes of this
6 compact, the term "states" is taken to mean the several states,
7 the Commonwealth of Puerto Rico, the District of Columbia, and
8 all United States territorial possessions.

9 The purpose of this compact is to provide for mutual
10 assistance between the states entering into this compact in
11 managing any emergency or disaster that is duly declared by the
12 governor of the affected state, whether arising from natural
13 disaster, technological hazard, man-made disaster, civil
14 emergency aspects of resources shortages, community disorders,
15 insurgency, or enemy attack.

16 This compact shall also provide for mutual cooperation in
17 emergency-related exercises, testing, or other training
18 activities using equipment and personnel simulating performance
19 of any aspect of the giving and receiving of aid by party states
20 or subdivisions of party states during emergencies, such actions
21 occurring outside actual declared emergency periods. Mutual
22 assistance in this compact may include the use of the states'



1 National Guard forces, either in accordance with the National
2 Guard Mutual Assistance Compact or by mutual agreement between
3 states.

4 **Article II. General Implementation**

5 Each party state entering into this compact recognizes many
6 emergencies transcend political jurisdictional boundaries and
7 that intergovernmental coordination is essential in managing
8 these and other emergencies under this compact. Each state
9 further recognizes that there will be emergencies which require
10 immediate access and present procedures to apply outside
11 resources to make a prompt and effective response to such an
12 emergency. This is because few, if any, individual states have
13 all the resources they may need in all types of emergencies or
14 the capability of delivering resources to areas where
15 emergencies exist. The prompt, full, and effective utilization
16 of resources of the participating states, including any
17 resources on hand or available from the federal government or
18 any other source, that are essential to the safety, care, and
19 welfare of the people in the event of any emergency or disaster
20 declared by a party state, shall be the underlying principle on
21 which all articles of this compact shall be understood.



1 On behalf of the governor of each state participating in
2 the compact, the legally designated state official who is
3 assigned responsibility for emergency management will be
4 responsible for formulation of the appropriate interstate mutual
5 aid plans and procedures necessary to implement this compact.

6 **Article III. Party State Responsibilities**

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

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

19 (2) Review party states' individual emergency plans and
20 develop a plan which will determine the mechanism for
21 the interstate management and provision of assistance
22 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 above
16 responsibilities.

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
22 writing. If verbal, the request shall be confirmed in writing



1 within thirty days of the verbal request. Requests shall
2 provide the following information:

- 3 (1) A description of the emergency service function for
4 which assistance is needed, including but not limited
5 to fire services, law enforcement, emergency medical,
6 transportation, communications, public works and
7 engineering, building inspection, planning and
8 information assistance, mass care, resource support,
9 health and medical services, and search and rescue;
- 10 (2) The amount and type of personnel, equipment, materials
11 and supplies needed, and a reasonable estimate of the
12 length of time they will be needed; and
- 13 (3) The specific place and time for staging of the
14 assisting party's response and a point of contact at
15 that location.

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



Article IV. Limitations

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2 Any party state requested to render mutual aid or conduct
3 exercises and training for mutual aid shall take such action as
4 is necessary to provide and make available the resources covered
5 by this compact in accordance with the terms hereof; provided
6 that it is understood that the state rendering aid may withhold
7 resources to the extent necessary to provide reasonable
8 protection for such state. Each party state shall afford to the
9 emergency forces of any party state, while operating within its
10 state limits under the terms and conditions of this compact, the
11 same powers (except that of arrest unless specifically
12 authorized by the receiving state), duties, rights, and
13 privileges as are afforded forces of the state in which they are
14 performing emergency services. Emergency forces will continue
15 under the command and control of their regular leaders, but the
16 organizational units will come under the operational control of
17 the emergency services authorities of the state receiving
18 assistance. These conditions may be activated, as needed, only
19 subsequent to a declaration of a state of emergency or disaster
20 by the governor of the party state that is to receive assistance
21 or upon commencement of exercises or training for mutual aid and
22 shall continue so long as the exercises or training for mutual



1 aid are in progress, the state of emergency or disaster remains
2 in effect, or loaned resources remain in the receiving state,
3 whichever is longer.

4 **Article V. Licenses and Permits**

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

15 **Article VI. Liability**

16 Officers or employees of a party state rendering aid in
17 another state pursuant to this compact shall be considered
18 agents of the requesting state for tort liability and immunity
19 purposes. No party state or its officers or employees rendering
20 aid in another state pursuant to this compact shall be liable on
21 account of any act or omission in good faith on the part of such
22 forces while so engaged or on account of the maintenance or use



1 of any equipment or supplies in connection therewith. Good
2 faith in this article shall not include willful misconduct,
3 gross negligence, or recklessness.

4 **Article VII. Supplementary Agreements**

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

17 **Article VIII. Compensation**

18 Each party state shall provide for the payment of
19 compensation and death benefits to injured members of the
20 emergency forces of that state and representatives of deceased
21 members of such forces in case the members sustain injuries or
22 are killed while rendering aid pursuant to this compact, in the



1 same manner and on the same terms as if the injury or death were
2 sustained within their own state.

3 **Article IX. Reimbursement**

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

17 **Article X. Evacuation**

18 Plans for the orderly evacuation and interstate reception
19 of portions of the civilian population as the result of any
20 emergency or disaster of sufficient proportions to so warrant,
21 shall be worked out and maintained between the party states and
22 the emergency management/services directors of the various



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



Article XI. Implementation

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2 A. This compact shall become operative immediately upon
3 its enactment into law by any two states; thereafter, this
4 compact shall become effective as to any other state upon its
5 enactment by such state.

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

13 C. Duly authenticated copies of this compact and of such
14 supplementary agreements as may be entered into shall, at the
15 time of their approval, be deposited with each of the party
16 states and with the Federal Emergency Management Agency and
17 other appropriate agencies of the United States government.

Article XII. Validity

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19 This compact shall be construed to effectuate the purposes
20 stated in Article I. If any provision of this compact is
21 declared unconstitutional, or the applicability thereof to any
22 person or circumstances is held invalid, the constitutionality



1 of the remainder of this compact and the applicability thereof
2 to other persons and circumstances shall not be affected
3 thereby.

4 **Article XIII. Additional Provisions**

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

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



HB 2443
HD1

Report Title:

Emergency Management Assistance Compact; Hawaii Membership

Description:

Ratifies the Emergency Management Assistance Compact and allows Hawaii to become a member. (HB2443 HD1)

