

1 District of Columbia, and all U.S. territorial possessions. The
2 purpose of this compact is to provide for mutual assistance
3 between the states entering into this compact in managing any
4 emergency or disaster that is duly declared by the governor of
5 the affected state(s), whether arising from natural disaster,
6 technological hazard, man-made disaster, civil emergency aspects
7 of resources shortages, community disorders, insurgency, or
8 enemy attack. This compact shall also provide for mutual
9 cooperation in emergency-related exercises, testing, or other
10 training activities using equipment and personnel simulating
11 performance of any aspect of the giving and receiving of aid by
12 party states or subdivisions of party states during emergencies,
13 such actions occurring outside actual declared emergency
14 periods. Mutual assistance in this compact may include the use
15 of the states' National Guard forces, either in accordance with
16 the National Guard Mutual Assistance Compact or by mutual
17 agreement between states.

18 (B) 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 (C) Party State Responsibilities.

20 i. It shall be the responsibility of each party
21 state to formulate procedural plans and programs
22 for interstate cooperation in the performance of

1 the responsibilities listed in this article. In
2 formulating such plans, and in carrying them out,
3 the party states, insofar as practical, shall:

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

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

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

- 1 (d) Assist in warning communities adjacent to or
- 2 crossing the state boundaries;
- 3 (e) Protect and assure uninterrupted delivery of
- 4 services, medicines, water, food, energy and
- 5 fuel, search and rescue, and critical
- 6 lifeline equipment, services, and resources,
- 7 both human and material;
- 8 (f) Inventory and set procedures for the
- 9 interstate loan and delivery of human and
- 10 material resources, together with procedures
- 11 for reimbursement or forgiveness; and
- 12 (g) Provide, to the extent authorized by law,
- 13 for temporary suspension of any statutes.
- 14 ii. The authorized representative of a party state
- 15 may request assistance of another party state by
- 16 contacting the authorized representative of that
- 17 state. The provisions of this agreement shall
- 18 only apply to requests for assistance made by and
- 19 to authorized representatives. Requests may be
- 20 verbal or in writing. If verbal, the request
- 21 shall be confirmed in writing within 30 days of

1 the verbal request. Requests shall provide the
2 following information:

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

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

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

19 iii. There shall be frequent consultation between
20 state officials who have assigned emergency
21 management responsibilities and other appropriate
22 representatives of the party states with affected

1 jurisdictions and the United States Government,
2 with free exchange of information, plans, and
3 resource records relating to emergency
4 capabilities.

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

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

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

17 (F) Liability. Officers or employees of a party state
18 rendering aid in another state pursuant to this compact shall be
19 considered agents of the requesting state for tort liability and
20 immunity purposes; and no party state or its officers or
21 employees rendering aid in another state pursuant to this
22 compact shall be liable on account of any act or omission in

1 good faith on the part of such forces while so engaged or on
2 account of the maintenance or use of any equipment or supplies
3 in connection therewith. Good faith in this article shall not
4 include willful misconduct, gross negligence, or recklessness.

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

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

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

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

16 (J) Evacuation. Plans for the orderly evacuation and
17 interstate reception of portions of the civilian population as
18 the result of any emergency or disaster of sufficient
19 proportions to so warrant, shall be worked out and maintained
20 between the party states and the emergency management/services
21 directors of the various jurisdictions where any type of
22 incident requiring evacuations might occur. Such plans shall be

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

19 (K) Implementation.

20 (i) The compact shall become operative immediately
21 upon its enactment into law by any two (2)
22 states; thereafter, this compact shall become

1 effective as to any other state upon its
2 enactment by such state.

3 (ii) Any party state may withdraw from this Compact by
4 enacting a statute repealing the same, but no
5 such withdrawal shall take effect until 30 days
6 after the governor of the withdrawing state has
7 given notice in writing of such withdrawal to the
8 governors of all other party states. Such action
9 shall not relieve the withdrawing state from
10 obligations assumed hereunder prior to the
11 effective date of withdrawal.

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

19 L. Validity. If any provision of the compact is declared
20 unconstitutional, or the applicability thereof to any person or
21 circumstances is held invalid, the constitutionality of the

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

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

11 SECTION 3. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 4. This Act shall take effect upon its approval.

16
17 INTRODUCED BY: Calvin K. H. Boy
18

BY REQUEST

JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Defense

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

PURPOSE: To enact and join the Emergency Management
Assistance Compact.

MEANS: Add a new chapter to Hawaii Revised Statutes.

JUSTIFICATION: The Emergency Management Assistance Compact
(EMAC) was ratified by Congress in 1996 as
Public Law 104-321. The purpose of this
compact is to provide mutual assistance
between the states in managing any emergency
or disaster that is declared by the Governor
of the affected state(s), whether arising
from a natural or man-made disaster,
technological hazard, community disorder,
insurgency or enemy attack.

EMAC is administered by the National
Emergency Management Association (NEMA) and
Hawaii is the only state that has not enacted
and joined the Compact.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.