





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       §   -3 **Party state responsibilities.** (a) It shall be the  
20 responsibility of each party state to formulate procedural plans  
21 and programs for interstate cooperation in the performance of  
22 the responsibilities listed in this article. In formulating such



1 plans, and in carrying them out, the party states, insofar as  
2 practical, shall:

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

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

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

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

19 (5) Protect and assure uninterrupted delivery of services,  
20 medicines, water, food, energy and fuel, search and  
21 rescue, and critical lifeline equipment, services, and  
22 resources, both human and material;

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

4 (7) Provide, to the extent authorized by law, for  
5 temporary suspension of any statutes.

6 (b) The authorized representative of a party state may  
7 request assistance of another party state by contacting the  
8 authorized representative of that state. The provisions of this  
9 agreement shall only apply to requests for assistance made by  
10 and to authorized representatives. Requests may be verbal or in  
11 writing. If verbal, the request shall be confirmed in writing  
12 within thirty days of the verbal request. Requests shall  
13 provide the following information:

14 (1) A description of the emergency service function for  
15 which assistance is needed, such as but not limited to  
16 fire services, law enforcement, emergency medical,  
17 transportation, communications, public works and  
18 engineering, building inspection, planning and  
19 information assistance, mass care, resource support,  
20 health and medical services, and search and rescue;



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

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

7           (c) There shall be frequent consultation between state  
8 officials who have assigned emergency management  
9 responsibilities and other appropriate representatives of the  
10 party states with affected jurisdictions and the United States  
11 Government, with free exchange of information, plans, and  
12 resource records relating to emergency capabilities.

13           **§ -4 Limitations.** Any party state requested to render  
14 mutual aid or conduct exercises and training for mutual aid  
15 shall take such action as is necessary to provide and make  
16 available the resources covered by this compact in accordance  
17 with the terms hereof; provided that it is understood that the  
18 state rendering aid may withhold resources to the extent  
19 necessary to provide reasonable protection for such state. Each  
20 party state shall afford to the emergency forces of any party  
21 state, while operating within its state limits under the terms  
22 and conditions of this compact, the same powers (except that of



1 arrest unless specifically authorized by the receiving state),  
2 duties, rights, and privileges as are afforded forces of the  
3 state in which they are performing emergency services.  
4 Emergency forces will continue under the command and control of  
5 their regular leaders, but the organizational units will come  
6 under the operational control of the emergency services  
7 authorities of the state receiving assistance. These conditions  
8 may be activated, as needed, only subsequent to a declaration of  
9 a state of emergency or disaster by the governor of the party  
10 state that is to receive assistance or commencement of exercises  
11 or training for mutual aid and shall continue so long as the  
12 exercises or training for mutual aid are in progress, the state  
13 of emergency or disaster remains in effect or loaned resources  
14 remain in the receiving states, whichever is longer.

15       §   **-5 Licenses and permits.** Whenever any person holds a  
16 license, certificate, or other permit issued by any state party  
17 to the compact evidencing the meeting of qualifications for  
18 professional, mechanical, or other skills, and when such  
19 assistance is requested by the receiving party state, such  
20 person shall be deemed licensed, certified, or permitted by the  
21 state requesting assistance to render aid involving such skill  
22 to meet a declared emergency or disaster, subject to such





1 persons and the exchange of medical, fire, police, public  
2 utility, reconnaissance, welfare, transportation and  
3 communications personnel, and equipment and supplies.

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

12       **§ -9 Reimbursement.** Any party state rendering aid in  
13 another state pursuant to this compact shall be reimbursed by  
14 the party state receiving such aid for any loss or damage to or  
15 expense incurred in the operation of any equipment and the  
16 provision of any service in answering a request for aid and for  
17 the costs incurred in connection with such requests; provided,  
18 that any aiding party state may assume in whole or in part such  
19 loss, damage, expense, or other cost, or may loan such equipment  
20 or donate such services to the receiving party state without  
21 charge or cost; and provided further, that any two or more party  
22 states may enter into supplementary agreements establishing a

1 different allocation of costs among those states. Section -8  
2 expenses shall not be reimbursable under this provision.

3       **§ -10 Evacuation.** Plans for the orderly evacuation and  
4 interstate reception of portions of the civilian population as  
5 the result of any emergency or disaster of sufficient  
6 proportions to so warrant, shall be worked out and maintained  
7 between the party states and the emergency management services  
8 directors of the various jurisdictions where any type of  
9 incident requiring evacuations might occur. Such plans shall be  
10 put into effect by request of the state from which evacuees come  
11 and shall include the manner of transporting such evacuees, the  
12 number of evacuees to be received in different areas, the manner  
13 in which food, clothing, housing, and medical care will be  
14 provided, the registration of the evacuees, the providing of  
15 facilities for the notification of relatives or friends, and the  
16 forwarding of such evacuees to other areas or the bringing in of  
17 additional materials, supplies, and all other relevant factors.  
18 Such plans shall provide that the party state receiving evacuees  
19 and the party state from which the evacuees come shall mutually  
20 agree as to reimbursement of out-of-pocket expenses incurred in  
21 receiving and caring for such evacuees, for expenditures for  
22 transportation, food, clothing, medicines and medical care, and





1           §   **-12 Validity.** If any provision of the compact is  
2 declared unconstitutional, or the applicability thereof to any  
3 person or circumstances is held invalid, the constitutionality  
4 of the remainder of this Act and the applicability thereof to  
5 other persons and circumstances shall not be affected thereby.

6           §   **-13 Additional provisions.** Nothing in the compact  
7 shall authorize or permit the use of military force by the  
8 national guard of a state at any place outside that state in any  
9 emergency for which the President is authorized by law to call  
10 into federal service the militia, or for any purpose for which  
11 the use of the Army or the Air Force would in the absence of  
12 express statutory authorization be prohibited under Section 1385  
13 of title 18, United States Code."

14           SECTION 3. In codifying the new sections added by section  
15 2 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

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



SB2307, SD1

**Report Title:**

Civil Defense; Emergency Compact

**Description:**

Allows Hawaii to join the emergency management assistance compact. (SD1)

