
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 was ratified during the 2nd
3 session of the 104th Congress and became Public Law 104-321 in
4 October 1996. Since that time, forty-nine states, the District
5 of Columbia, Puerto Rico, and the Virgin Islands have enacted
6 legislation to become members.

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



1 unavailable. Most importantly, the Emergency Management
2 Assistance Compact allows for a quick response to disasters
3 using the unique resources and expertise possessed by member
4 states.

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

18 The legislature also finds that the Emergency Management
19 Assistance Compact also offers the following benefits:

- 20 (1) Assistance may be more readily available than other
21 resources;



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



- 1 (5) The compact provides fast and flexible assistance. It
- 2 allows states to ask for whatever assistance they need
- 3 for any type of emergency, from earthquakes to acts of
- 4 terrorism. The compact's simple procedures help
- 5 states dispense with bureaucratic wrangling; and
- 6 (6) The compact can move resources such as medical
- 7 resources, that other compacts cannot.

8 Membership in the Emergency Management Assistance Compact
 9 is free and the only requirement to become a member is for a
 10 state's legislature to enact legislation to approve the compact.

11 The purpose of this Act is to approve the Emergency
 12 Management Assistance Compact and to become a member of the
 13 Emergency Management Assistance Compact.

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

17 **"CHAPTER**

18 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

19 § -1 **Name.** This chapter may be cited as the Emergency
 20 Management Assistance Compact.

21 § -2 **Terms and provisions of compact.** The legislature
 22 of the State of Hawaii hereby authorizes the governor of the



1 State of Hawaii to enter into a compact on behalf of the State
2 of Hawaii with any other state legally joining therein, in the
3 form substantially as follows:

4 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

5 **Article I. Purpose and Authorities**

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

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

19 This compact shall also provide for mutual cooperation in
20 emergency-related exercises, testing, or other training
21 activities using equipment and personnel simulating performance
22 of any aspect of the giving and receiving of aid by party states



1 or subdivisions of party states during emergencies, such actions
2 occurring outside actual declared emergency periods. Mutual
3 assistance in this compact may include the use of the states'
4 National Guard forces, either in accordance with the National
5 Guard Mutual Assistance Compact or by mutual agreement between
6 states.

7 **Article II. General Implementation**

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

19 The prompt, full, and effective utilization of resources of
20 the participating states, including any resources on hand or
21 available from the federal government or any other source, that
22 are essential to the safety, care, and welfare of the people in



1 the event of any emergency or disaster declared by a party
2 state, shall be the underlying principle on which all articles
3 of this compact shall be understood.

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

9 **Article III. Party State Responsibilities**

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

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



- 1 (2) Review party states' individual emergency plans and
2 develop a plan which will determine the mechanism for
3 the interstate management and provision of assistance
4 concerning any potential emergency;
- 5 (3) Develop interstate procedures to fill any identified
6 gaps and to resolve any identified inconsistencies or
7 overlaps in existing or developed plans;
- 8 (4) Assist in warning communities adjacent to or crossing
9 the state boundaries;
- 10 (5) Protect and assure uninterrupted delivery of services,
11 medicines, water, food, energy and fuel, search and
12 rescue, and critical lifeline equipment, services, and
13 resources, both human and material;
- 14 (6) Inventory and set procedures for the interstate loan
15 and delivery of human and material resources, together
16 with procedures for reimbursement or forgiveness; and
- 17 (7) Provide, to the extent authorized by law, for
18 temporary suspension of any statutes or ordinances
19 that restrict the implementation of the
20 responsibilities enumerated above.
- 21 B. The authorized representative of a party state may
22 request assistance of another party state by contacting the



1 authorized representative of that state. The provisions of this
2 compact shall only apply to requests for assistance made by and
3 to authorized representatives. Requests may be verbal or in
4 writing. If verbal, the request shall be confirmed in writing
5 within thirty days of the verbal request. Requests shall
6 provide the following information:

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

20 C. There shall be frequent consultation between state
21 officials who have assigned emergency management
22 responsibilities and other appropriate representatives of the



1 party states with affected jurisdictions and the United States
2 government, with free exchange of information, plans, and
3 resource records relating to emergency capabilities.

4 **Article IV. Limitations**

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

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

19 **Article VI. Liability**

20 Officers or employees of a party state rendering aid in
 21 another state pursuant to this compact shall be considered
 22 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, and 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 such 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 such equipment or donate such
18 services to the receiving party state without charge or cost;
19 and provided further, that any two or more party states may
20 enter into supplementary agreements establishing a different
21 allocation of costs among those states. Article VIII expenses
22 shall not be reimbursable under this article.



1 the party state from which the evacuees come. After the
2 termination of the emergency or disaster, the party state from
3 which the evacuees come shall assume the responsibility for the
4 ultimate support of repatriation of such evacuees.

Article XI. Implementation

6 A. This compact shall become operative immediately upon
7 its enactment into law by any two states; thereafter, this
8 compact shall become effective as to any other state upon its
9 enactment by such state.

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

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



1 **Article XII. Validity**

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

9 **Article XIII. Additional Provisions**

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

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

Report Title:

Emergency Management Assistance Compact; Hawaii Membership

Description:

Ratifies the Emergency Management Assistance Compact and allows Hawaii to become a member. (SD1)

