
A BILL FOR AN ACT

RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the Emergency Management Assistance Compact, currently codified under chapter 128F, Hawaii Revised Statutes, should be moved into the emergency management series of the Hawaii Revised Statutes to provide concise, logical organization to the emergency management laws of the State.

The purpose of this Act is to adopt the Emergency Management Assistance Compact in a new chapter of the Hawaii Revised Statutes.

SECTION 2. Title 10, Hawaii Revised Statutes, is amended by adding a new chapter to be designated Chapter 127B and to read as follows:

"CHAPTER 127B

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

§127B-1 Short title. This chapter may be cited as the Emergency Management Assistance Compact.



1 **§127B-2 Terms and provisions of compact.** The legislature
2 hereby authorizes the governor to enter into a compact on behalf
3 of the State with any other state legally joining therein, in
4 the form substantially as follows:

5 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

6 **Article I. Purpose and Authorities**

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

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

20 This compact shall also provide for mutual cooperation in
21 emergency- or disaster-related exercises, testing, or other



1 training activities using equipment and personnel simulating
2 performance of any aspect of the giving and receiving of aid by
3 party states or subdivisions of party states during emergencies
4 or disasters, those actions occurring outside actual declared
5 emergency or disaster periods. Mutual assistance in this
6 compact may include the use of the party states' national guard
7 forces, either in accordance with the National Guard Mutual
8 Assistance Compact or by mutual agreement between party states.

9 **Article II. General Implementation**

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



1 The prompt, full, and effective utilization of resources of
2 the participating party states, including any resources on hand
3 or available from the federal government or any other source,
4 that are essential to the safety, care, and welfare of the
5 people in the event of any emergency or disaster declared by a
6 party state, shall be the underlying principle upon which all
7 articles of this compact shall be understood.

8 On behalf of the governor of each party state, the legally
9 designated state official who is assigned responsibility for
10 emergency management shall be responsible for formulation of the
11 appropriate interstate mutual aid plans and procedures necessary
12 to implement this compact.

13 **Article III. Party State Responsibilities**

14 (a) It shall be the responsibility of each party state to
15 formulate procedural plans and programs for interstate
16 cooperation in the performance of the responsibilities listed in
17 this article. In formulating these plans, and in carrying them
18 out, the party states, insofar as practical, shall:

- 19 (1) Review individual party state hazards analyses and, to
20 the extent reasonably possible, determine all those
21 potential emergencies or disasters the party states



1 might jointly suffer, whether due to natural disaster,
2 technological hazard, manmade disaster, civil
3 emergency aspects of resources shortages, community
4 disorders, insurgency, or enemy attack;

5 (2) Review party states' individual emergency or disaster
6 plans and develop a plan that will determine the
7 mechanism for the interstate management and provision
8 of assistance concerning any potential emergency or
9 disaster;

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

13 (4) Assist in warning communities adjacent to or crossing
14 the party state boundaries;

15 (5) Protect and assure uninterrupted delivery of services;
16 medicines; water; food; energy and fuel; search and
17 rescue; and critical lifeline equipment, services, and
18 resources, both human and material;

19 (6) Inventory and set procedures for the interstate loan
20 and delivery of human and material resources, together
21 with procedures for reimbursement or forgiveness; and



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

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

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

(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable



1 estimate of the length of time they will be needed;

2 and

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

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

12 **Article IV. Limitations**

13 Any party state requested to render mutual aid or conduct
14 exercises and training for mutual aid shall take action as is
15 necessary to provide and make available the resources covered by
16 this compact in accordance with the terms hereof; provided that
17 it is understood that the party state rendering aid may withhold
18 resources to the extent necessary to provide reasonable
19 protection for that party state.

20 Each party state shall afford to the emergency forces of
21 any party state, while operating within its state limits under



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

17 **Article V. Licenses and Permits**

18 Whenever any person holds a license, certificate, or other
19 permit issued by any party state evidencing the meeting of
20 qualifications for professional, mechanical, or other skills,
21 and when applicable assistance is requested by the receiving



1 party state, that person shall be deemed licensed, certified, or
2 permitted by the party state requesting assistance to render aid
3 involving that skill to meet a declared emergency or disaster,
4 subject to limitations and conditions as the governor of the
5 requesting party state may prescribe by executive order or
6 otherwise.

7 **Article VI. Liability**

8 Officers or employees of a party state rendering aid in
9 another party state pursuant to this compact shall be considered
10 agents of the requesting party state for tort liability and
11 immunity purposes. No party state or its officers or employees
12 rendering aid in another party state pursuant to this compact
13 shall be liable on account of any act or omission in good faith
14 on the part of those forces while so engaged or on account of
15 the maintenance or use of any equipment or supplies in
16 connection therewith. Good faith in this article shall not
17 include wilful misconduct, gross negligence, or recklessness.

18 **Article VII. Supplementary Agreements**

19 Inasmuch as it is probable that the pattern and detail of
20 the machinery for mutual aid among two or more states may differ
21 from that among the states that are party hereto, this compact



1 contains elements of a broad base common to all states, and
2 nothing contained in this compact shall preclude any state from
3 entering into supplementary agreements with another state or
4 affect any other agreements already in force between states.
5 Supplementary agreements may comprehend, but shall not be
6 limited to, provisions for evacuation and reception of injured
7 and other persons and the exchange of medical, fire, police,
8 public utility, reconnaissance, welfare, transportation, and
9 communications personnel, and equipment and supplies.

10 **Article VIII. Compensation**

11 Each party state shall provide for the payment of
12 compensation and death benefits to injured members of the
13 emergency forces of that state and representatives of deceased
14 members of those forces in case members sustain injuries or are
15 killed while rendering aid pursuant to this compact, in the same
16 manner and on the same terms as if the injury or death was
17 sustained within its own state.

18 **Article IX. Reimbursement**

19 Any party state rendering aid in another party state
20 pursuant to this compact shall be reimbursed by the party state
21 receiving aid for any loss or damage to or expense incurred in



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

11 **Article X. Evacuation**

12 Plans for the orderly evacuation and interstate reception
13 of portions of the civilian population as the result of any
14 emergency or disaster of sufficient proportions to so warrant,
15 shall be worked out and maintained between the party states and
16 the emergency management or services directors of the various
17 jurisdictions where any type of incident requiring evacuations
18 might occur. Those plans shall be put into effect by request of
19 the party state from which evacuees come and shall include the
20 manner of transporting the evacuees; the number of evacuees to
21 be received in different areas; the manner in which food,



1 clothing, housing, and medical care will be provided; the
2 registration of the evacuees; the providing of facilities for
3 the notification of relatives or friends; and the forwarding of
4 the evacuees to other areas or the bringing in of additional
5 materials, supplies, and all other relevant factors. The plans
6 shall provide that the party state receiving evacuees and the
7 party state from which the evacuees come shall mutually agree as
8 to reimbursement of out-of-pocket expenses incurred in receiving
9 and caring for the evacuees, for expenditures for
10 transportation, food, clothing, medicines, and medical care, and
11 like items. The expenditures shall be reimbursed as agreed by
12 the party state from which the evacuees come.

13 After the termination of the emergency or disaster, the
14 party state from which the evacuees come shall assume the
15 responsibility for the ultimate support of repatriation of the
16 evacuees.

17 **Article XI. Implementation**

18 (a) This compact shall become effective immediately upon
19 its enactment into law by any two states. Thereafter, this
20 compact shall become effective as to any other state upon its
21 enactment by the state.



1 (b) Any party state may withdraw from this compact by
2 enacting a statute repealing the same, but no withdrawal shall
3 take effect until thirty days after the governor of the
4 withdrawing party state has given notice in writing of the
5 withdrawal to the governors of all other party states. This
6 action shall not relieve the withdrawing party state from
7 obligations assumed hereunder before the effective date of
8 withdrawal.

9 (c) Duly authenticated copies of this compact and of
10 supplementary agreements as may be entered into shall, at the
11 time of their approval, be deposited with each of the party
12 states and with the Federal Emergency Management Agency and
13 other appropriate agencies of the United States government.

14 **Article XII. Validity**

15 This compact shall be construed to effectuate the purposes
16 stated in Article I. If any provision of this compact is
17 declared unconstitutional, or the applicability thereof to any
18 person or circumstances is held invalid, the constitutionality
19 of the remainder of this compact and the applicability thereof
20 to other persons and circumstances shall not be affected.

21 **Article XIII. Additional Provisions**



1 Nothing in this compact shall authorize or permit the use
2 of military force by the national guard of a state at any place
3 outside that state in any emergency for which the President of
4 the United States is authorized by law to call into federal
5 service the militia, or for any purpose for which the use of the
6 Army or the Air Force would in the absence of express statutory
7 authorization be prohibited under title 18 United States Code
8 section 1385.

9 **§127B-3 Adjutant general.** The adjutant general shall be
10 the State's:

- 11 (1) Legally designated state official who is assigned
12 responsibility for emergency management, pursuant to
13 Article II of section 127B-2; and
14 (2) Authorized representative who may request assistance
15 of another party state, pursuant to Article III(b) of
16 section 127B-2."

17 SECTION 3. Section 121-30, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§121-30 Order to active service.** In case of war,
20 insurrection, invasion, riot, or imminent danger thereof; an
21 emergency or disaster; or danger from flood, fire, storm,



1 earthquake, civil disturbances, or terrorist events; any
2 forcible obstruction to the execution of the laws, or reasonable
3 apprehension thereof; or for assistance to civil authorities in
4 disaster relief or emergency management, the governor may order
5 the national guard or other component of the militia or any part
6 thereof into active service. The governor or the governor's
7 designated representative may also order the national guard into
8 active service:

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

12 (2) To provide support to other states in response to a
13 request for assistance under the Emergency Management
14 Assistance Compact under chapter [~~128F~~] 127B; and

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

18 SECTION 4. Chapter 128F, Hawaii Revised Statutes, is
19 repealed.

20 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Emergency Management Assistance Compact; HI-EMA

Description:

Reincorporates the Emergency Management Assistance Compact under a new chapter. Repeals the existing Emergency Management Assistance Compact chapter. Effective 7/1/2050. (HD2)

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