

Honolulu, Hawaii

February 7, 2014

RE: H.B. No. 849
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 849, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to update and recodify Hawaii's emergency management laws to conform with nationwide emergency management practices. Among other things, this measure:

- (1) Establishes a Hawaii Emergency Management Agency in the state Department of Defense with the functions and authority currently held by the state Civil Defense Agency;
- (2) Establishes the power and authority of the Director of Hawaii Emergency Management, who will be the Adjutant General, with the functions and authority currently held by the Director of Civil Defense;
- (3) Establishes the Hawaii Advisory Council on Emergency Management to confer with and advise the Governor in emergency management matters, with responsibilities currently held by the Civil Defense Advisory Council;



- (4) Establishes an Emergency Reserve Corps, to be made up of trained specialists to support state and county emergency requirements;
- (5) Codifies the existing State Warning Point, which is a physical location where warning systems are continually monitored;
- (6) Codifies and clarifies the mayors' authority for emergency management in their respective counties;
- (7) Establishes county emergency management agencies that are each to be under the respective county mayor's direction, with the functions and authority currently held by the local organizations for civil defense;
- (8) Codifies the existing practice that all state and county officials, officers, and employees are considered "emergency workers" subject to the direction of their respective state or county department director during emergencies or disasters;
- (9) Clarifies the Governor's authority for emergency management, and specifies that the Governor may "assume direct operational control" over local emergencies and disasters only during an "emergency period" when a state of emergency has already been declared by the Governor or a mayor;
- (10) Authorizes the Governor and mayors to delegate their emergency management powers consistent with current civil defense authority and practice;
- (11) Establishes how proclamations are promulgated and terminated consistent with current authority for civil defense proclamations;
- (12) Provides definitions of key emergency management terms, such as "critical infrastructure," "emergency," "emergency management," "emergency management functions," and "emergency period"; and



- (13) Repeals chapters on Disaster Relief and the Civil Defense Emergency Act which have been determined to be obsolete with the creation of the Hawaii Emergency Management Agency.

For the purposes of a public hearing on this bill, your Committee circulated a Proposed H.B. No. 849, H.D. 2 (Proposed Draft), and notified the public that it would be accepting testimony on the Proposed Draft, which among other things:

- (1) Provides further clarification to the Governor's ability to "assume direct operational control" over local emergencies and disasters, so that the Governor alone must have already declared a state of emergency;
- (2) Requires that the proclamations be posted on the applicable state or county emergency management agency website in addition to other means of promulgation, and that they remain posted until terminated;
- (3) Changes the effective date to July 1, 2014, and delays the application of Chapter 76, Hawaii Revised Statutes, to the county administrators or directors of emergency management by one year; and
- (4) Makes technical, nonsubstantive amendments for clarity, consistency, and style.

The Chair of the County Council of Maui, Healthcare Association of Hawaii, and two concerned individuals testified in support of the measure as received by your Committee. The Mayor of Kauai County testified in support of the measure as received by your Committee with comments. One concerned individual testified in opposition to the measure as received by your Committee.

The State of Hawaii Department of Defense; Department of Education; Department of Business, Economic Development & Tourism; Department of Transportation; Mayor of Hawaii County; Mayor of Maui County; Adjutant General and Director of State Civil Defense; Vice Director of the State Civil Defense; Department of Emergency Management of the City and County of Honolulu; Honolulu Police Department; Civil Defense Agency of the County of Hawaii; Hawaii Wing of the Civil Air Patrol; and several members of the State Civil Defense Advisory Council testified in support of the



Proposed Draft. One concerned individual testified in opposition to the Proposed Draft.

Your Committee believes that a recodification of our State's civil defense laws is long past due.

Your Committee considered the merits of both H.B. No. 849, H.D. 1, as received by your Committee, and the Proposed Draft, and upon careful consideration, adopted the Proposed Draft with the following amendments:

- (1) Clarifying that Maui County includes the County of Kalawao for emergency management purposes and thus continues to be responsible for its emergency management; and
- (2) Further deferring the application of Chapter 76, Hawaii Revised Statutes, related to public officers and employees, to county administrators or directors of emergency management until July 1, 2016.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 849, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 849, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



