

STAND. COM. REP. NO. **3022**

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 849
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor, to which was referred H.B. No. 849, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to recodify the State's emergency management laws to conform to nationwide emergency management practices by instituting several updates, including:

- (1) Establishing the Hawaii Emergency Management Agency in the State Department of Defense with the functions and authority currently held by the State Civil Defense Agency;
- (2) Establishing the power and authority of the Director of the Hawaii Emergency Management Agency, who will be the Adjutant General, with the functions and authority currently held by the Director of Civil Defense;
- (3) Establishing 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) Establishing county emergency management agencies under each county's respective mayor's direction, with the function and authority currently held by the local organizations for civil defense;
- (5) Codifying and clarifying the mayors' authority for emergency management in their respective counties;
- (6) Establishing an Emergency Reserve Corps that shall be composed of trained specialists to support state and county emergency requirements;
- (7) Codifying the existing State Warning Point;
- (8) Codifying 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) Clarifying the Governor's authority for emergency management and authorizing the Governor to assume direct operational control over local emergency management functions when a state of emergency has been declared by the Governor;
- (10) Authorizing the Governor and mayors to delegate their emergency management powers consistent with current civil defense authority and practice;
- (11) Establishing how proclamations are promulgated and terminated;
- (12) Defining key emergency management terms, including "critical infrastructure", "emergency", "emergency management", "emergency management functions", and "emergency period"; and
- (13) Repealing chapters 127 and 128, Hawaii Revised Statutes, which will be obsolete with the creation of the Hawaii Emergency Management Agency.

Your Committees received testimony in support of this measure from the State Department of Defense Civil Defense Division; Department of Public Safety; Judiciary, State of Hawaii;



Department of Education; Department of Business, Economic Development and Tourism; Department of Labor and Industrial Relations; Department of Transportation; Honolulu Police Department; Civil Air Patrol; American Red Cross, Hawaii State Chapter; Healthcare Association of Hawaii; and six individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committees find that the State's existing civil defense and emergency management laws were written in the 1940s and few updates have been made since then, despite the fact that conditions in Hawaii have changed dramatically and the field of emergency management has changed significantly. The State's civil defense and emergency management laws need to be updated to establish a framework for the State's emergency management partners to work together as a unified emergency management unit for emergencies and disasters. The new emergency management chapter proposed by this measure clarifies the relationship between the State and the county emergency management agencies and delineates the emergency management functions and power of the Governor and the mayors, allowing the State and counties to better prepare for and respond to emergencies and disasters.

Your Committees note the importance of the tourism industry and businesses working in collaboration with the State and counties in order to effectively prepare for, protect against, respond to, recover from, and mitigate hazards and threats posed by emergencies or disasters.

Your Committees have amended this measure by:

- (1) Adding language to clarify that an emergency reserve corps employee hired for staffing during an emergency period may receive civil service, public service, and pension and retirement compensation and benefits if statutory requirements are satisfied; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B.

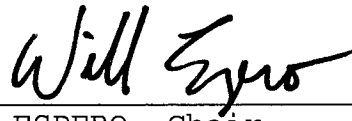


No. 849, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 849, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor,



CLAYTON HEE, Chair



WILL ESPERO, Chair



