
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that the State is
2 vulnerable to a wide range of natural and man-made hazards which
3 may result in emergencies or disasters that threaten the life,
4 health, and safety of its people; damage and destroy property;
5 disrupt everyday services, business, and recreational
6 activities; and impede economic development. Growth in the
7 State's population -- especially in the number of businesses and
8 persons residing in coastal areas, in the size of the elderly
9 population, in the number of seasonal vacationers, and in the
10 number of persons with functional and access needs -- has
11 greatly complicated the State's ability to coordinate its
12 emergency management resources and activities.

13 The legislature also finds that the statutes pertaining to
14 the civil defense system of the State were enacted at a very
15 different time in the history of Hawaii and our nation. Chapter
16 127, Hawaii Revised Statutes, relating to disaster relief, was
17 enacted in 1949, at a time when Hawaii's population was less
18 than half of what it is today. Chapter 128, Hawaii Revised



1 Statutes, Hawaii's Civil Defense and Emergency Act, is based on
2 the Federal Civil Defense Act of 1950, which was enacted for the
3 purpose of preparing the nation for attack during the cold war
4 era. At the federal level, the civil defense system has since
5 become obsolete and has been replaced by the federal emergency
6 management system.

7 The purpose of this Act is to bring Hawaii's emergency
8 management laws into conformity with nationwide practices in
9 emergency management by establishing a Hawaii emergency
10 management agency within the state department of defense and
11 updating and recodifying the authorizing statutes. In addition,
12 this Act codifies the existing role of the counties in preparing
13 for and responding to emergencies or disasters.

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

19 § -1 Policy and purpose. (a) Because of the existing
20 and increasing possibility of the occurrence of disasters or
21 emergencies of unprecedented size and destructiveness resulting
22 from natural or man-made hazards, and in order to ensure that



1 the preparations of this State will be adequate to deal with
2 such disasters or emergencies; to ensure the administration of
3 state and federal programs providing disaster relief to
4 individuals; and generally to protect the public health, safety,
5 and welfare and to preserve the lives and property of the people
6 of the State, it is hereby found and declared to be necessary:

- 7 (1) To provide for emergency management by the State, and
8 to authorize the creation of local organizations for
9 emergency management in the counties of the State;
- 10 (2) To confer upon the governor and upon the mayors of the
11 counties of the State the emergency powers necessary
12 to prepare for and respond to emergencies or
13 disasters;
- 14 (3) To provide for the rendering of mutual aid among the
15 counties of the State and with other states and in
16 cooperation with the federal government with respect
17 to the carrying out of emergency management functions;
18 and
- 19 (4) To provide programs, in cooperation with other
20 governmental agencies, the private sector, and
21 nonprofit organizations, to educate and train the
22 public to be prepared for emergencies and disasters.



1 (b) It is further declared to be the purpose of this
2 chapter and the policy of the State that all emergency
3 management functions of this State and its counties be
4 coordinated to the maximum extent with the comparable functions
5 of the federal government, including its various departments,
6 and agencies of other states and localities, and with private-
7 sector and nonprofit organizations, to the end that the most
8 effective preparation and use may be made of the nation's
9 personnel, resources, and facilities for dealing with any
10 emergency or disaster that may occur.

11 (c) It is the intent of the legislature to provide for and
12 confer comprehensive powers for the purposes stated herein.
13 This chapter shall be liberally construed to effectuate its
14 purposes; provided that this chapter shall not be construed as
15 conferring any power or permitting any action which is
16 inconsistent with the Constitution and laws of the United
17 States, but, in so construing this chapter, due consideration
18 shall be given to the circumstances as they exist from time to
19 time. This chapter shall not be deemed to have been amended by
20 any act hereafter enacted at the same or any other session of
21 the legislature, unless this chapter is amended by express
22 reference.



1 § -2 **Definitions.** When used in this chapter, unless the
2 context otherwise requires:

3 "Administrator" means the administrator of the Hawaii
4 emergency management agency established by section -3.

5 "Agency" means the Hawaii emergency management agency
6 established by section -3.

7 "Council" means the Hawaii advisory council on emergency
8 management as established by section -4.

9 "County" means the city and county of Honolulu, and the
10 counties of Hawaii, Kauai, and Maui; provided that the county of
11 Maui shall include the county of Kalawao for the purposes of
12 this chapter.

13 "County emergency management agency" means a county-level
14 entity responsible for emergency management within the
15 respective county as established in section -5.

16 "Critical infrastructure" means those systems, facilities,
17 and assets, whether physical or virtual, so vital to a county,
18 the State, or the nation that the incapacity or destruction of
19 such systems, facilities, or assets would have a debilitating
20 impact on national, state, or county security; economic
21 security; public health or safety; or any combination of those
22 matters.



1 "Director" means the director of the Hawaii emergency
2 management agency established by section -3, and who is the
3 same as the adjutant general as provided in section 26-21.

4 "Disaster" means any emergency, or imminent threat thereof,
5 that results or may likely result in loss of life or property
6 and requires, or may require, assistance from other counties or
7 states or from the federal government.

8 "Disaster relief" means any physical or financial
9 assistance provided to individuals or areas in the aftermath of
10 an emergency or disaster.

11 "Emergency" means any occurrence, or imminent threat
12 thereof, that results or may likely result in substantial injury
13 or harm to the population or substantial damage to or loss of
14 property.

15 "Emergency management" means a comprehensive integrated
16 system at all levels of government, and also in the private
17 sector, that develops and maintains an effective capability to
18 prevent, prepare for, respond to, mitigate, and recover from
19 emergencies or disasters.

20 "Emergency management functions" mean those tasks required
21 to prepare for and carry out actions to prevent, prepare for,
22 respond to, mitigate, and recover from emergencies and



1 disasters, and includes management of resources, personnel, and
2 facilities and administration of economic controls as needed to
3 provide relief in anticipation of, during, or after emergencies
4 or disasters.

5 "Emergency period" means the dates covered by a
6 proclamation issued by the governor declaring a state of
7 emergency or by a mayor declaring a local state of emergency.

8 "Evacuation" means the immediate and rapid movement of
9 individuals and animals away from the threat or actual
10 occurrence of any hazard, emergency, or disaster, and includes
11 vertical evacuation, which is moving to a higher floor or higher
12 ground in order to gain safety above the height of expected
13 inundation by water as recommended by the county emergency
14 management agency.

15 "Facilities", except as otherwise provided in this chapter,
16 includes any infrastructure, buildings and other structures,
17 shelters, land, roads, highways, thoroughfares, walks, roadways,
18 bridges, public rights of way, and any appurtenant facilities,
19 structures, and materials.

20 "Hazard" means an event or condition of the physical
21 environment that results or may likely result in damage to



1 property or injuries or death to individuals and which may
2 result in an emergency or disaster.

3 "Laws" includes ordinances, rules, regulations, and orders
4 prescribed under federal, state, or county laws or ordinances
5 and having the force and effect of law.

6 "Local state of emergency" means the occurrence in any part
7 of a county that requires efforts by the county government to
8 save lives, and to protect property, public health, welfare, or
9 safety in the event of an emergency or disaster, or to reduce
10 the threat of an emergency or disaster.

11 "Materials" includes medicines, supplies, products,
12 commodities, articles, equipment, machinery, and component
13 parts.

14 "Necessary" refers to such means, measures, or other
15 actions or determinations as are required to be taken in the
16 opinion of the governor or governor's authorized representative
17 or a mayor or the mayor's authorized representative.

18 "State of emergency" means an occurrence in any part of the
19 State that requires efforts by state government to protect
20 property, public health, welfare, or safety in the event of an
21 emergency or disaster, or to reduce the threat of an emergency
22 or disaster, or to supplement the local efforts of the county.



1 "States" includes the several states, the District of
2 Columbia, and the possessions of the United States, and also
3 includes the State of Hawaii, and to the extent authorized by or
4 under federal law, foreign countries and their provinces and
5 states.

6 "Traffic control" includes plans, regulations, devices, and
7 actions for the control of traffic to provide for the rapid and
8 safe movement or evacuation of individuals, vehicles, and
9 materials for emergency management, and for the movement and
10 cessation of movement of any pedestrians and vehicular traffic
11 during, before, and after emergencies and disasters, emergency
12 management exercises and training, or other emergency management
13 actions or activities.

14 § -3 Hawaii emergency management agency. (a) There is
15 established within the department of defense the Hawaii
16 emergency management agency. The adjutant general shall serve
17 as the director of the Hawaii emergency management agency and,
18 subject to the direction and control of the governor, shall
19 oversee the agency.

20 (b) There shall be an administrator of emergency
21 management who shall be appointed, and may be removed, by the
22 director, and who shall have at least three years of experience



1 leading emergency management efforts at the local, state, or
2 federal level. The administrator shall be the civilian head of
3 and responsible for the day-to-day operations of the agency.
4 The administrator shall report to the director. The
5 administrator shall, in the absence of the director, have all
6 the duties and responsibilities of the director, and shall
7 report directly to the governor. The administrator shall not be
8 subject to chapter 76.

9 (c) The director may, from funds allotted therefor, employ
10 technical, clerical, administrative, and other personnel and
11 make such expenditures as may be necessary.

12 (d) The director shall coordinate the activities of the
13 agency with all county emergency management agencies, other
14 state agencies, other states, or federal agencies involved in
15 emergency management activities, and all organizations for
16 emergency management within the State, whether public or
17 private, and shall maintain liaison and cooperate with all
18 county emergency management agencies, other state agencies,
19 other states, or federal agencies involved in emergency
20 management activities as provided in this chapter.

21 (e) The agency shall perform emergency management
22 functions within the territorial limits of the State; support



1 county emergency management agencies as requested; coordinate
2 all resource support to the counties; ensure that emergency
3 management plans across the State are coordinated with each
4 other and other state, federal, and local organizations; oversee
5 and coordinate the statewide outdoor siren warning system;
6 monitor and issue alerts and warnings; and coordinate emergency
7 and disaster response and recovery activities.

8 **§ -4 Hawaii advisory council on emergency management.**

9 There shall be a Hawaii advisory council on emergency
10 management, which shall be attached to the agency for
11 administrative purposes, and which shall consist of seven
12 members nominated and, by and with the advice and consent of the
13 senate, appointed by the governor. The governor shall designate
14 the chairperson of the council. The council, at the request of
15 the governor, shall confer with and advise the governor in
16 regard to matters pertaining to emergency management. Members
17 of the council shall receive no compensation but shall be
18 reimbursed for travel and other reasonable and necessary
19 expenses incurred in carrying out their duties relating to the
20 council. Persons holding public office or employment in the
21 state government, or any political subdivision thereof, are
22 eligible for appointment to the council.



1 § -5 County emergency management agency. (a) The mayor
2 of each county shall have direct responsibility for emergency
3 management within the county, including the organization,
4 administration, and operation of a county emergency management
5 agency.

6 (b) Each county emergency management agency shall perform
7 emergency management functions within the territorial limits of
8 the county within which it is organized, coordinate all
9 emergency management plans within the county, and cooperate as
10 closely as possible with the agency and emergency management
11 agencies in the other counties in all aspects of emergency
12 management.

13 (c) Each county shall be responsible for the
14 establishment, naming, and operation of a county emergency
15 management agency under the mayor's direction, and shall enact
16 ordinances to establish the county emergency management agency
17 and ensure that the mayor and the county's emergency management
18 agency have the powers necessary to receive state and federal
19 funds and carry out the functions of this chapter at the county
20 level. The ordinances shall comply with powers established
21 under sections -12 and -13.



1 (d) Each county, under the mayor's direction, shall make
2 appropriations and authorize expenditures for the purposes of
3 this chapter, including for use as matching funds for federal
4 aid, out of the normal revenues or fund balances or surpluses of
5 the counties, notwithstanding any legal restrictions upon the
6 purposes for which the funds may be expended, except that
7 pension and retirement funds, funds set aside for the redemption
8 of bonds or the payment of interest thereon, trust funds, loan
9 funds, and funds received from the federal government or from
10 any person for specific purposes shall not be affected.

11 (e) Each county, under the mayor's direction, shall
12 provide an administrator or director of the county emergency
13 management agency, and technical, administrative, and other
14 personnel; office space; furniture; equipment; supplies; and
15 funds necessary to carry out the purposes of this chapter.

16 (f) The administrator or director of the county emergency
17 management agency shall be subject to chapter 76.

18 (g) Each county, under the mayor's direction, shall, in
19 order to ensure continuity of government during an emergency
20 period, establish a procedure for the appointment and
21 designation of stand-by officers for the mayor and the county
22 legislative body during an emergency period, who shall serve in



1 the event of the unavailability of the officers for whom they
2 are standing-by.

3 (h) Each county, under the mayor's direction, shall
4 establish and maintain an emergency operations center, as the
5 place from where emergencies and disasters shall be managed, and
6 staff it appropriately.

7 (i) Each county, under the mayor's direction, shall
8 coordinate, develop, and implement an emergency operations plan
9 for the county.

10 § -6 **Emergency reserve corps.** (a) The director may
11 establish an emergency reserve corps comprising trained
12 specialists to support state and county emergency or disaster
13 requirements. The emergency reserve corps may include:

- 14 (1) Any employee of the State or county;
- 15 (2) Any employee hired specifically for staffing during
16 emergency periods and exercises who shall be hired and
17 compensated, without regard to chapters 76, 78, and
18 88, but may receive any benefits under chapters 76,
19 78, and 88 if the employee satisfies the statutory
20 requirements regarding those benefits; and
- 21 (3) Any volunteer,



1 who shall be detailed in accordance with this chapter.
2 Emergency reserve corps positions shall be authorized and
3 managed by the agency and do not need the approval of the
4 governor.

5 (b) The emergency reserve corps shall support state
6 emergency or disaster requirements and, if requested by a county
7 emergency management agency, supplement the county emergency
8 management agency staff. The emergency reserve corps may be
9 mobilized during, or in advance of, emergencies or disasters, or
10 for emergency management exercises and training events.
11 Emergency reserve corps members shall attend a minimum of four
12 days of paid training per year.

13 § -7 State warning point. (a) The agency shall
14 establish and operate a communications and warning center that
15 shall be known as the state warning point. The state warning
16 point shall be continually staffed by the agency to monitor
17 warning systems and devices and shall have the ability to
18 provide timely warning and notification to government officials,
19 county warning points and emergency operations centers and, when
20 directed, the general public.

21 (b) Each county shall establish and operate a
22 communications and warning center that shall be known as a



1 county warning point. The county warning points shall be
2 continually staffed by the respective counties and shall be
3 capable of communicating with the state warning point at all
4 times. The county warning points shall provide timely warning
5 and notification to government officials and the public, when
6 directed.

7 § -8 Status and rights of personnel. (a) All state and
8 county officials, officers, and employees are considered
9 "emergency workers" and shall perform functions as determined by
10 their respective state or county department director during
11 emergencies or disasters.

12 (b) If any state or county official, officer, or employee
13 is engaged in carrying out this chapter in lieu of the official,
14 officer, or employee's regular office or employment, the amount
15 of the official, officer, or employee's compensation shall not
16 be adversely affected, and the official, officer, or employee's
17 rights in or under the laws relating to vacation and leave, the
18 retirement system, civil service or the like, shall not be
19 adversely affected.

20 (c) All persons, including volunteers whose services have
21 been accepted by authorized persons, while engaged in the
22 performance of duty pursuant to this chapter, including duty



1 performed during exercises and training, shall be deemed state
2 employees if the performance of duty is for the State, or county
3 employees if the performance of duty is for the county, and
4 shall have the powers, duties, rights, and privileges of such in
5 the performance of their duties, except as may be prescribed by
6 or under the authority of the governor or the mayor, pursuant to
7 this chapter.

8 (d) In case of injury or death arising out of and in the
9 performance of duty pursuant to this chapter, including duty
10 performed during periods of training, all persons having the
11 status of official, officer, or employee of the State or county,
12 pursuant to this section, and their dependents, shall be
13 entitled to all of the benefits provided in chapter 386,
14 including medical services and supplies, and in case of injury
15 or death, no public official shall be excluded from the coverage
16 of chapter 386 by reason of being an elected official. For the
17 purposes of the benefits, average weekly wages shall be computed
18 upon the basis set forth in section 386-51, or upon the basis of
19 earnings from the usual employment of the person, or upon the
20 basis of earnings at the rate of \$20 per week, whichever is most
21 favorable to the claimant or claimants. The costs thereof, in
22 cases of state employees, shall be a charge upon the state



1 insurance fund and, in cases of county employees, shall be a
2 charge upon the county insurance fund; provided that the
3 governor or mayor may effect such insurance in respect of the
4 obligations assumed pursuant to this section and as may be
5 available under any mutual aid agreement or act of Congress.
6 Nothing herein shall adversely affect the right of any person to
7 receive any benefits or compensation under any act of Congress.

8 § -9 Immunities; rights. (a) None of the following:

- 9 (1) The State;
- 10 (2) Any county;
- 11 (3) Any owner or operator of a public utility or critical
12 infrastructure facility;
- 13 (4) Private-sector or nonprofit organizations; or
- 14 (5) Except in cases of wilful misconduct, gross
15 negligence, or recklessness, persons engaged in
16 emergency management functions pursuant to this
17 chapter, including volunteers whose services are
18 accepted by any authorized person,
19 shall be civilly liable for the death of or injury to persons,
20 or property damage, as a result of any act or omission in the
21 course of the employment or duties under this chapter.



1 (b) No act or omission shall be imputed to the owner of
2 any vehicle by reason of the owner's ownership thereof; provided
3 that nothing herein shall preclude recovery by any person for
4 injury or damage sustained from the operation of any vehicle
5 that may be insured under section 41D-8 to the extent of the
6 insurance, and, unless specifically provided, insurance effected
7 under section 41D-8 shall not include coverage of such risk
8 during an emergency period. The governor may insure vehicles
9 owned by the State or in the custody and use of the Hawaii
10 emergency management agency; provided that insurance effected
11 under section 41D-8 on vehicles used for purposes other than
12 emergency management shall not be required to include coverage
13 of the insured vehicle against the risk incurred or that would
14 be incurred under this chapter as a result of the use of the
15 insured vehicle for emergency management.

16 (c) Members of the United States Army, Air Force, Navy,
17 Marine Corps, or Coast Guard on any duty or service performed
18 under or in pursuance of an order or call of the President of
19 the United States or any proper authority, and the national
20 guard from any other state ordered into service by any proper
21 authority, to assist civil authorities engaged in emergency
22 functions pursuant to this chapter shall not be liable, civilly



1 or criminally, for any act done or caused by them in pursuance
2 of duty in such service.

3 § -10 **Political activity prohibited.** No organization
4 for emergency management established under the authority of this
5 chapter shall participate in any form of political activity, nor
6 shall it be employed directly or indirectly for political
7 purposes.

8 § -11 **Powers on whom conferred; delegation of powers.**

9 (a) Except as otherwise expressly provided, all of the powers
10 conferred by this chapter are conferred on the governor or
11 mayor, as applicable. The governor or mayor may delegate any of
12 these powers to governmental, private-sector, and nonprofit
13 agencies and organizations, officials, officers, and employees,
14 and other individuals created, appointed, or employed under, or
15 engaged in carrying out this chapter; provided that the
16 following powers shall be retained by the governor or mayor, as
17 applicable:

18 (1) Proclaiming a state of emergency or local state of
19 emergency, proclaiming a state of emergency or local
20 state of emergency terminated, or making any other
21 proclamation provided for by this chapter;



- 1 (2) Prescribing rules having the force and effect of law;
2 and
3 (3) Making allotments of funds appropriated or available
4 for the purposes of this chapter.

5 Unless otherwise directed by the governor or mayor, all of the
6 powers pertaining to emergency management authorized to be
7 delegated by the governor or mayor shall be deemed to have been
8 delegated by the governor to the director of the Hawaii
9 emergency management agency and by the mayor to the
10 administrator or director of the county emergency management
11 agency, as applicable, and the administrator or director of the
12 county emergency management agency, respectively, shall have the
13 authority to further delegate any of these powers to any agency
14 or person to whom the governor or mayor could have directly
15 delegated such powers.

16 (b) The powers conferred upon the governor or mayor by
17 this chapter are in addition to any other powers or authority
18 conferred upon the governor or mayor by the laws of the United
19 States and of the State or county for the same or a like
20 purpose, and shall not be construed as abrogating, limiting, or
21 modifying any such powers or authority.



1 § -12 Emergency management powers, in general. (a) The
2 governor or mayor, as applicable, may exercise the following
3 powers pertaining to emergency management:

- 4 (1) Prepare comprehensive plans and programs for the
5 protection of the State or county against all hazards,
6 which shall be integrated into and coordinated with
7 the emergency management plans of the State, counties,
8 the federal government, other states, and private-
9 sector and nonprofit organizations;
- 10 (2) Identify emergency workers required to report for duty
11 as directed by the department head regardless of the
12 availability of any type of leave;
- 13 (3) Institute training, preparedness, and public-
14 information programs in coordination with the State,
15 counties, federal government, other states, and
16 private-sector and nonprofit organizations;
- 17 (4) Provide or authorize suitable insignia of authority
18 for all authorized emergency management personnel; and
- 19 (5) Direct or control as may be necessary for emergency
20 management:
- 21 (A) Alerts, warnings, notifications, activations,
22 exercises, drills, and tests;



- 1 (B) Warnings and signals for alerts or exercises, and
- 2 any type of warning device, system, or method to
- 3 be used in connection therewith;
- 4 (C) Partial or full mobilization of personnel for
- 5 exercises or training, in advance of, or in
- 6 response to, an actual emergency or disaster; and
- 7 (D) The conduct of civilians and the movement and
- 8 cessation of movement of pedestrians and
- 9 vehicular traffic during, before, and after
- 10 alerts, exercises, training, emergencies, or
- 11 disasters.

12 (b) The governor may exercise the following powers
13 pertaining to emergency management:

- 14 (1) Support requests from a mayor for assistance in
- 15 preparing for, responding to, and recovering from any
- 16 emergency or disaster or threat thereof;
- 17 (2) Lease, lend, or otherwise furnish, on such terms and
- 18 conditions as the governor may consider necessary to
- 19 promote the public welfare and protect the interest of
- 20 the State, any real or personal property of the state
- 21 government, to the President of the United States, the



1 armed forces, or to the emergency management agency of
2 the United States;

3 (3) Enter into, participate in, or carry out mutual aid
4 agreements or compacts for emergency management or
5 emergency management functions with the federal
6 government and with other states;

7 (4) Sponsor and develop mutual aid plans and agreements
8 for emergency management between the State, one or
9 more counties, and other governmental, private-sector,
10 and nonprofit organizations, for the furnishing or
11 exchange of food, clothing, medicine, and other
12 materials; engineering services; emergency housing;
13 police services; health, medical, and related
14 services; firefighting, rescue, transportation, and
15 construction services and facilities; personnel
16 necessary to provide or conduct these services; and
17 such other materials, facilities, personnel, and
18 services as may be needed. The mutual aid plans and
19 agreements may be made with or without provisions for
20 reimbursement of costs and expenses, and on such terms
21 and conditions as are deemed necessary;



- 1 (5) Take possession of, use, manage, control, and
2 reallocate any public property of the State, real or
3 personal, required by the governor for the purposes of
4 this chapter, including airports, parks, playgrounds,
5 schools, and other public buildings. Whenever the
6 property is so taken, the governor may make such
7 provision for the temporary accommodation of the
8 government service affected thereby as the governor
9 may deem advisable;
- 10 (6) Utilize all services, materials, and facilities of
11 nongovernmental agencies, relief organizations,
12 community associations, and other private-sector and
13 nonprofit organizations that may be made available;
- 14 (7) Receive, expend, or use contributions or grants, which
15 shall be deemed to be trust funds, in money, property,
16 or services, or loans of property, or special
17 contributions or grants in money, property, or
18 services, or loans of property, for special purposes
19 provided for by this chapter; establish funds in the
20 state treasury for the deposit and expenditure of the
21 moneys; procure federal aid as the same may be
22 available; and apply the provisions of chapter 29 in



1 cases of federal aid, even though not in the form of
2 money. The contributions or grants are appropriated
3 for the purposes of this chapter, or for the special
4 purposes;

- 5 (8) Purchase, make, produce, construct, rent, lease, or
6 procure by condemnation or otherwise, transport,
7 store, install, maintain, insure, repair, renovate,
8 restore, replace or reconstruct, distribute, furnish,
9 or otherwise dispose of, with or without charges,
10 materials and facilities for emergency management; and
11 to procure federal aid therefor whenever feasible.

12 Chapter 103D and sections 103-50, 103-53, 103-55, 105-
13 1 to 105-10, and 464-4 shall not apply to any
14 emergency management functions of the governor to the
15 extent that the governor finds that the provisions, in
16 whole or in part, impede or tend to impede the
17 expeditious discharge of those functions, or that
18 compliance with the provisions is impracticable due to
19 existing conditions;

- 20 (9) Provide for the appointment, employment, training,
21 equipping, and maintaining with compensation, or on a
22 volunteer basis without compensation and without



1 regard to chapters 76, 78, and 88, of such agencies,
2 officers, and other persons as the governor deems
3 necessary to carry out the purposes of this chapter;
4 to determine to what extent any law prohibiting the
5 holding of more than one office or employment applies
6 to the agencies, officers, and other persons; and
7 subject to this chapter, to provide for the
8 interchange of personnel, by detail, transfer, or
9 otherwise, between agencies or departments of the
10 State;

11 (10) Make charges in such cases and in such amounts as the
12 governor deems advisable, for any property sold, work
13 performed, services rendered, or accommodations or
14 facilities furnished by the State under this chapter;

15 (11) Make or authorize such contracts as may be necessary
16 to carry out this chapter;

17 (12) Establish special accounting forms and practices
18 whenever necessary;

19 (13) Require each public utility, or any person owning,
20 controlling, or operating a critical infrastructure
21 facility as identified by the governor, to protect and
22 safeguard its or the person's property, or to provide



1 for the protection and safeguarding thereof; and
2 provide for the protection and safeguarding of all
3 critical infrastructure and key resources; provided
4 that without prejudice to the generality of the
5 foregoing two clauses, the protecting and safeguarding
6 may include the regulation or prohibition of public
7 entry thereon, or the permission of the entry upon
8 such terms and conditions as the governor may
9 prescribe;

10 (14) Restrict the congregation of the public in stricken or
11 dangerous areas or under dangerous conditions;

12 (15) Direct and control the non-compulsory evacuation of
13 the civilian population;

14 (16) Order and direct government agencies, officials,
15 officers, and employees of the State, to take such
16 action and employ such measures for law enforcement,
17 medical, health, firefighting, traffic control,
18 warnings and signals, engineering, rescue,
19 construction, emergency housing, hospitalization,
20 transportation, water supply, public information,
21 training, and other welfare and emergency functions as
22 may be necessary, and utilize the services, materials,



1 and facilities of the agencies and officers. All such
2 agencies and officers shall cooperate with and extend
3 their services, materials, and facilities to the
4 governor as the governor may request;

5 (17) Provide for the repair and maintenance of public
6 property, whenever adequate provision therefor is not
7 otherwise made; insure the property against any
8 emergency or disaster; provide for the restoration,
9 renovation, replacement, or reconstruction of insured
10 property in the event of damage or loss; and make
11 temporary restoration of public utilities and other
12 critical infrastructure facilities in the event of an
13 emergency or disaster;

14 (18) Fix or revise the hours of government business; and

15 (19) Take any and all steps necessary or appropriate to
16 carry out the purposes of this chapter notwithstanding
17 that those powers in section -13(a) may only be
18 exercised during an emergency period.

19 (c) The mayor may exercise the following powers pertaining
20 to emergency management:

21 (1) Lease, lend, or otherwise furnish, on such terms and
22 conditions as the mayor may consider necessary to



1 promote the public welfare and protect the interest of
2 the county, any real or personal property of the
3 county government, to the governor of the State, to
4 the mayors of the other counties of the State, or to
5 the agency;

6 (2) Sponsor and develop mutual aid plans and agreements
7 for emergency management between one or more counties,
8 and other governmental, private-sector, or nonprofit
9 organizations, for the furnishing or exchange of food,
10 clothing, medicine, and other materials; engineering
11 services; emergency housing; police services; health,
12 medical, and related services; firefighting, rescue,
13 transportation, and construction services and
14 facilities; personnel necessary to provide or conduct
15 these services; and such other materials, facilities,
16 personnel, and services as may be needed. The mutual
17 aid plans and agreements may be made with or without
18 provisions for reimbursement of costs and expenses,
19 and on such terms and conditions as are deemed
20 necessary;

21 (3) Take possession of, use, manage, control, and
22 reallocate any public property of the county, real or



1 personal, required by the mayor for the purposes of
2 this chapter, including parks, playgrounds, and other
3 public buildings. Whenever the property is so taken,
4 the mayor may make such provision for the temporary
5 accommodation of the government service affected
6 thereby as the mayor may deem advisable;

7 (4) Utilize all services, materials, and facilities of
8 nongovernmental agencies, relief organizations,
9 community associations, and other private-sector and
10 nonprofit organizations that may be made available;

11 (5) Receive, expend, or use contributions or grants, which
12 shall be deemed to be trust funds, in money, property,
13 or services, or loans of property, or special
14 contributions or grants in money, property, or
15 services, or loans of property, for special purposes
16 provided for by this chapter; establish funds in the
17 treasury for the deposit and expenditure of the
18 moneys; and procure federal aid as the same may be
19 available. The contributions or grants are
20 appropriated for the purposes of this chapter, or for
21 the special purposes;



1 (6) Purchase, make, produce, construct, rent, lease, or
2 procure by condemnation or otherwise, transport,
3 store, install, maintain, insure, repair, renovate,
4 restore, replace or reconstruct, distribute, furnish,
5 or otherwise dispose of, with or without charges,
6 materials and facilities for emergency management; and
7 to procure federal aid therefor whenever feasible.
8 Chapter 103D and sections 103-50, 103-53, 103-55, 105-
9 1 to 105-10, and 464-4 shall not apply to any
10 emergency management functions of and to the extent
11 that the mayor finds that the provisions, in whole or
12 in part, impede or tend to impede the expeditious
13 discharge of the functions, or that compliance with
14 the provisions is impracticable due to existing
15 conditions;

16 (7) Provide for the appointment, employment, training,
17 equipping, and maintaining, with compensation, or on a
18 volunteer basis without compensation and without
19 regard to chapters 76, 78, and 88, of such agencies,
20 officers, and other persons as the mayor deems
21 necessary to carry out this chapter; to determine to
22 what extent any law prohibiting the holding of more



1 than one office or position of employment applies to
2 the agencies, officers, and other persons; and subject
3 to this chapter, to provide for the interchange of
4 personnel, by detail, transfer, or otherwise, between
5 agencies or departments of the county;

6 (8) Make charges in such cases and in such amounts as the
7 mayor deems advisable, for any property sold, work
8 performed, services rendered, or accommodations or
9 facilities furnished by the county under this chapter;

10 (9) Make or authorize such contracts as may be necessary
11 to carry out this chapter;

12 (10) Establish special accounting forms and practices
13 whenever necessary;

14 (11) Require each public utility, or any person owning,
15 controlling, or operating a critical infrastructure
16 facility as identified by the mayor, to protect and
17 safeguard its or the person's property, or to provide
18 for such protection and safeguarding; and provide for
19 the protection and safeguarding of all critical
20 infrastructure and key resources; provided that
21 without prejudice to the generality of the foregoing
22 two clauses, the protection and safeguarding may



- 1 include the regulation or prohibition of public entry
2 thereon, or the permission of the entry upon such
3 terms and conditions as the mayor may prescribe;
- 4 (12) Restrict the congregation of the public in stricken or
5 dangerous areas or under dangerous conditions;
- 6 (13) Direct and control the non-compulsory evacuation of
7 the civilian population of the county;
- 8 (14) Order and direct government agencies, officials,
9 officers, and employees of the county, to take such
10 action and employ such measures for law enforcement,
11 medical, health, firefighting, traffic control,
12 warnings and signals, engineering, rescue,
13 construction, emergency housing, hospitalization,
14 transportation, water supply, public information,
15 training, and other welfare and emergency functions as
16 may be necessary, and utilize the services, materials,
17 and facilities of the agencies and officers. All such
18 agencies and officers shall cooperate with and extend
19 their services, materials, and facilities to the mayor
20 as the mayor may request;
- 21 (15) Provide for the repair and maintenance of public
22 property, whenever adequate provision therefor is not



1 otherwise made; insure the property against any
2 emergency or disaster; provide for the restoration,
3 renovation, replacement, or reconstruction of insured
4 property in the event of damage or loss; and make
5 temporary restoration of public utilities and other
6 critical infrastructure facilities in the event of an
7 emergency or disaster;

8 (16) Fix or revise the hours of county government business;
9 and

10 (17) Take any and all steps necessary or appropriate to
11 carry out the purposes of this chapter notwithstanding
12 that those powers in section -13(b) may only be
13 exercised during an emergency period.

14 **§ -13 Additional powers in an emergency period.** (a) In
15 the event of a state of emergency declared by the governor
16 pursuant to -14, the governor may exercise the following
17 additional powers pertaining to emergency management during the
18 emergency period:

19 (1) Provide for and require the quarantine or segregation
20 of persons who are affected with or believed to have
21 been exposed to any infectious, communicable, or other
22 disease that is, in the governor's opinion, dangerous



1 to the public health and safety, or persons who are
2 the source of other contamination, in any case where,
3 in the governor's opinion, the existing laws are not
4 adequate to assure the public health and safety;
5 provide for the care and treatment of the persons;
6 supplement the provisions of sections 325-32 to 325-38
7 concerning compulsory immunization programs; provide
8 for the isolation or closing of property that is a
9 source of contamination or is in a dangerous condition
10 in any case where, in the governor's opinion, the
11 existing laws are not adequate to assure the public
12 health and safety, and designate as public nuisances
13 acts, practices, conduct, or conditions that are
14 dangerous to the public health or safety or to
15 property; authorize that public nuisances be summarily
16 abated and, if need be, that the property be
17 destroyed, by any police officer or authorized person,
18 or provide for the cleansing or repair of property,
19 and if the cleansing or repair is to be at the expense
20 of the owner, the procedure therefor shall follow as
21 nearly as may be the provisions of section 322-2,
22 which shall be applicable; and further, authorize



- 1 without the permission of the owners or occupants,
2 entry on private premises for any such purposes;
- 3 (2) Relieve hardships and inequities, or obstructions to
4 the public health, safety, or welfare, found by the
5 governor to exist in the laws and to result from the
6 operation of federal programs or measures taken under
7 this chapter, by suspending the laws, in whole or in
8 part, or by alleviating the provisions of laws on such
9 terms and conditions as the governor may impose,
10 including licensing laws, quarantine laws, and laws
11 relating to labels, grades, and standards;
- 12 (3) Suspend any law that impedes or tends to impede or be
13 detrimental to the expeditious and efficient execution
14 of, or to conflict with, emergency functions,
15 including laws that by this chapter specifically are
16 made applicable to emergency personnel;
- 17 (4) In the event of an emergency or disaster beyond local
18 control, or in an event that, in the opinion of the
19 governor, makes state operational control necessary,
20 assume direct operational control over all or any part
21 of the emergency management functions within the
22 affected area;



- 1 (5) Shut off water mains, gas mains, electric power
2 connections, or suspend other services and, to the
3 extent permitted by or under federal law, suspend
4 electronic media transmission;
- 5 (6) Direct and control the mandatory evacuation of the
6 civilian population;
- 7 (7) Exercise additional emergency functions to the extent
8 necessary to prevent hoarding, waste, or destruction
9 of materials, supplies, commodities, accommodations,
10 facilities, and services, to effectuate equitable
11 distribution thereof, or to establish priorities
12 therein as the public welfare may require; to
13 investigate; and notwithstanding any other law to the
14 contrary, to regulate or prohibit, by means of
15 licensing, rationing, or otherwise, the storage,
16 transportation, use, possession, maintenance,
17 furnishing, sale, or distribution thereof, and any
18 business or any transaction related thereto;
- 19 (8) Suspend section 8-1, relating to state holidays,
20 except the last paragraph relating to holidays
21 declared by the president, which shall remain



- 1 unaffected, and in the event of the suspension, the
2 governor may establish state holidays by proclamation;
- 3 (9) Adjust the hours for voting to take into consideration
4 the working hours of the voters during the emergency
5 period, and suspend those provisions of section 11-131
6 that fix the hours for voting, and fix other hours by
7 stating the same in the election proclamation or
8 notice, as the case may be;
- 9 (10) Assure the continuity of service by critical
10 infrastructure facilities, both publicly and privately
11 owned, by regulating or, if necessary to the
12 continuation of the service thereof, by taking over
13 and operating the same; and
- 14 (11) Except as provided in section 134-7.2, whenever in the
15 governor's opinion, the laws of the State do not
16 adequately provide for the common defense, public
17 health, safety, and welfare, investigate, regulate, or
18 prohibit the storage, transportation, use, possession,
19 maintenance, furnishing, sale, or distribution of, as
20 well as any transaction related to, explosives,
21 firearms, and ammunition, inflammable materials and
22 other objects, implements, substances, businesses, or



1 services of a hazardous or dangerous character, or
2 particularly capable of misuse, or obstructive of or
3 tending to obstruct law enforcement, emergency
4 management, or military operations, including
5 intoxicating liquor and the liquor business; and
6 authorize the seizure and forfeiture of any such
7 objects, implements, or substances unlawfully
8 possessed, as provided in this chapter.

9 (b) In the event of a local state of emergency declared by
10 the mayor pursuant to -14, the mayor may exercise the
11 following additional powers pertaining to emergency management
12 during the emergency period:

13 (1) Relieve hardships and inequities, or obstructions to
14 the public health, safety, or welfare, found by the
15 mayor to exist in the laws of the county and to result
16 from the operation of federal programs or measures
17 taken under this chapter, by suspending the county
18 laws, in whole or in part, or by alleviating the
19 provisions of county laws on such terms and conditions
20 as the mayor may impose, including county licensing
21 laws, and county laws relating to labels, grades, and
22 standards;



- 1 (2) Suspend any county law that impedes or tends to impede
2 or be detrimental to the expeditious and efficient
3 execution of, or to conflict with, emergency
4 functions, including laws that by this chapter
5 specifically are made applicable to emergency
6 personnel;
- 7 (3) Shut off water mains, gas mains, electric power
8 connections, or suspend other services and, to the
9 extent permitted by or under federal law, suspend
10 electronic media transmission;
- 11 (4) Direct and control the mandatory evacuation of the
12 civilian population; and
- 13 (5) Exercise additional emergency functions, to the extent
14 necessary to prevent hoarding, waste, or destruction
15 of materials, supplies, commodities, accommodations,
16 facilities, and services, to effectuate equitable
17 distribution thereof, or to establish priorities
18 therein as the public welfare may require; to
19 investigate; and any other county law to the contrary
20 notwithstanding, to regulate or prohibit, by means of
21 licensing, rationing, or otherwise, the storage,
22 transportation, use, possession, maintenance,



1 furnishing, sale, or distribution thereof, and any
2 business or any transaction related thereto.

3 § -14 State of emergency; local state of emergency. (a)

4 The governor may declare the existence of a state of emergency
5 in the State by proclamation if the governor finds that an
6 emergency or disaster has occurred or that there is imminent
7 danger or threat of an emergency or disaster in any portion of
8 the State.

9 (b) A mayor may declare the existence of a local state of
10 emergency in the county by proclamation if the mayor finds that
11 an emergency or disaster has occurred or that there is imminent
12 danger or threat of an emergency or disaster in any portion of
13 the county.

14 (c) The governor or mayor shall be the sole judge of the
15 existence of the danger, threat, or circumstances giving rise to
16 a declaration of a state of emergency in the State or a local
17 state of emergency in the county, as applicable. This section
18 shall not limit the power and authority of the governor under
19 section -13(a)(4).

20 (d) A state of emergency and a local state of emergency
21 shall terminate automatically sixty days after the issuance of a
22 proclamation of a state of emergency or local state of



1 emergency, respectively, or by a separate proclamation of the
2 governor or mayor, whichever occurs first.

3 **§ -15 Proclamations, how made; service of papers.** (a)

4 Every proclamation of the governor or mayor for which provision
5 is made by this chapter, shall be promulgated by posting on the
6 applicable state or county emergency management agency website
7 and by means calculated to bring its contents to the attention
8 of the general public, including by official announcement by
9 means of television or radio broadcast, or both, or by Internet,
10 or such other means as may be available. The proclamation shall
11 remain posted on the agency website until the state of emergency
12 or local state of emergency terminates automatically or by
13 subsequent proclamation.

14 (b) Any process, notice, or order, service of which is
15 provided for by this chapter, may be served by any law
16 enforcement officer or person authorized by the governor or
17 mayor, any other provision of law to the contrary
18 notwithstanding.

19 **§ -16 Major disaster fund.** (a) The director shall
20 submit requests to the legislature to appropriate from the
21 general revenues of the State sufficient moneys as may be
22 necessary for expenditure by or under the direction of the



1 governor for immediate relief in response to an emergency or
2 disaster in any part of the State; provided that:

3 (1) The governor has issued a proclamation of a state of
4 emergency;

5 (2) The governor may not expend in excess of \$2,000,000
6 for immediate relief as a result of any single
7 emergency or disaster; and

8 (3) In addition to the funds in paragraph (2), an
9 additional \$2,000,000 may be made available solely for
10 the purpose of matching federal disaster relief funds
11 when these funds become available to the State
12 following a presidential disaster declaration.

13 In expending the moneys, the governor may allot any portion
14 thereof to any agency, office, or employee of the State or a
15 county for the most efficient relief for the population.

16 Notwithstanding this subsection, the only exception to
17 paragraphs (1), (2), and (3) is that the director may use up to
18 \$100,000 per year to support emergency reserve corps training.

19 (b) Federal reimbursement moneys for disaster relief shall
20 be deemed to be trust moneys and may be deposited into a trust
21 account with and under the control of the department of
22 defense. These moneys and any interest earned thereon shall be



1 used for the purpose identified in subsection (a) and shall not
2 lapse to the general fund.

3 **§ -17 Allotments.** (a) There shall be available for
4 allotment by the governor under this chapter:

5 (1) Any moneys appropriated for the purposes of this
6 chapter, or reappropriated pursuant to subsection (b)
7 and any unexpended moneys appropriated for emergency
8 management or disaster relief or administration
9 thereof by any act, but only within the scope and
10 purposes of the appropriations so made by the
11 legislature;

12 (2) Contributions, as provided by section -12; and

13 (3) The governor's contingent fund.

14 (b) Any sums realized under this chapter from the sale of
15 property by the State, or from work performed, services
16 rendered, or accommodations or facilities furnished by the
17 State, or from insurance against damage or loss of property, the
18 premiums for which have been paid by the State under this
19 chapter, shall be deemed to be trust funds for the purposes of
20 this chapter and may be expended or allotted in the same manner
21 as other appropriations made by or available for the purposes of
22 this chapter.



1 (c) The governor may allot any moneys appropriated or
2 available for the purposes of this chapter to any agency,
3 officer, or employee, created, appointed, or employed under this
4 chapter, or to any government agency, officer, or employee of
5 the State or a county, to whom powers or duties have been
6 delegated pursuant to this chapter, to be expended in carrying
7 out the provisions of this chapter, and in the case of county
8 agencies, officers, or employees, to order the allotment paid
9 over to be held, disbursed, and accounted for as other county
10 funds or as the governor shall provide.

11 (d) In the event of a deficit in the general fund of the
12 State, any appropriation made or available for the purposes of
13 this chapter and needed for allotment under this chapter shall
14 take priority over other appropriations from the general fund.

15 (e) Any appropriation made or available for the purposes
16 of this chapter may be expended notwithstanding the existence of
17 a specific or other appropriation for the same or a like
18 purpose, and without prejudice to the expenditure of the other
19 appropriation. The powers granted by this section are in
20 addition to, and not restrictive of, the powers granted by any
21 other section.



1 (f) Any order by the governor made pursuant to this
2 section may be amended or revoked by the governor.

3 § -18 Mitigation of hazardous situations. (a) Even in
4 the absence of an emergency or disaster, the governor may
5 authorize designated state employees, agents, contractors, or
6 representatives to enter private property at reasonable times to
7 mitigate situations deemed by the governor to be hazardous to
8 the health and safety of the public; provided that this section
9 shall be applicable only to the following actions:

10 (1) Cutting, trimming, or removing dangerous trees or
11 branches that pose a hazard to other properties;

12 (2) Stabilizing or removing unstable rock and soil
13 hazards; or

14 (3) Cleaning streams and waterways to mitigate or prevent
15 flooding or other hazards;

16 provided further that at least ten days' written notice shall be
17 provided to the landowner and to the occupier of the private
18 property of the governor's intention to authorize designated
19 state employees, agents, contractors, or representatives to
20 enter the property to mitigate the hazardous situation; provided
21 further that the landowner or occupier shall be given a
22 reasonable opportunity to mitigate the hazardous situation



1 without assistance of the State before designated state
2 employees, agents, contractors, or representatives may enter the
3 property.

4 (b) Written notice sent to the landowner's last known
5 address by certified mail, postage prepaid, return receipt
6 requested, shall be deemed sufficient notice. If land ownership
7 cannot be determined, notice shall be given once in a daily or
8 weekly publication of general circulation in the county in which
9 any action or proposed action will be taken.

10 (c) If entry is refused, the governor may apply to the
11 district court in the circuit in which the property is located
12 for a warrant to enter the premises. The district court may
13 issue a warrant directing the chief of the appropriate county
14 police to assist the governor in gaining entry onto the premises
15 during regular working hours or at other reasonable times.

16 (d) The governor may seek recovery and reimbursement, by
17 appropriate proceedings, of all costs and expenses incurred in
18 the mitigation of a hazardous situation under this section, and
19 any costs and expenses imposed against any landowner shall be a
20 lien upon the landowner's property.

21 (e) This section shall take effect only upon authorization
22 and funding for personnel to administer the program.



1 **§ -19 Shelters.** (a) The governor may establish
2 guidelines for providing suitable arrangements and
3 accommodations for the sheltering of the public and the
4 sheltering of pet animals in public shelters under this chapter.

5 (b) County emergency management agencies shall identify,
6 in coordination with private and nonprofit organizations engaged
7 in emergency management functions relating to providing shelter
8 or the management or operation of a public shelter under this
9 chapter, locations and facilities suitable for the sheltering of
10 the public and locations and facilities suitable for the
11 sheltering of pet animals.

12 (c) The administrator or director of the county emergency
13 management agency may identify, in coordination with private
14 owners, operators, or controllers of real property, private
15 locations and facilities that are suitable for use as shelters
16 of the public or of pet animals.

17 (d) A public shelter identified for the sheltering of pet
18 animals pursuant to subsection (b) or (c) need not be subject to
19 guidelines developed for public shelters, unless the particular
20 shelter has been specifically identified as a shelter for both
21 pet animals and the public.

22 (e) For purposes of this section:



1 "Pet animal" shall have the same meaning as defined in
2 section 711-1100.

3 "Shelter" includes any structure, excavation, or other
4 facility or item used or useful for the protection of persons.

5 **§ -20 Immunity from liability of private shelter. (a)**

6 Any individual, partnership, firm, society, unincorporated
7 association, joint venture group, hui, joint stock company,
8 corporation, trustee, personal representative, trust estate,
9 decedent's estate, trust, or other legal entity whether doing
10 business for itself or in a fiduciary capacity, owning or
11 controlling real property, that voluntarily and without
12 compensation grants a license or privilege for, or otherwise
13 permits, the designation by the emergency management agency of
14 the county in which the building is located for the use of the
15 property, in whole or in part, for the purpose of sheltering
16 persons or pet animals during emergencies and disasters, shall,
17 together with its successors in interest, if any, not be civilly
18 liable for negligently causing the death of or injury to any
19 person or pet animal or damage to any personal property on the
20 property of the licensor in connection with the use of the
21 licensed premises for the purposes designated.



1 (b) For the purposes of this section, the following shall
2 not be considered compensation:

3 (1) Any compensation or consideration paid by or on behalf
4 of any guest or person for transient accommodation
5 lodging;

6 (2) Any compensation or consideration paid for any
7 patient, resident, or ward present or residing in any
8 hospital, community-based care home, home-based care
9 home, or health care agency of any type licensed by
10 the department of health or the department of human
11 services and used as a private shelter under this
12 section; provided that the protections afforded by
13 this section shall not extend beyond the use of the
14 private shelter under this section for any other duty
15 or standard of care owed to any patient, resident, or
16 ward; and

17 (3) Any compensation or consideration paid by or on behalf
18 of any minor or student of any age in any day care,
19 preschool, elementary school, middle school, or any
20 other educational facility used as a private shelter
21 under this section.



1 § -21 **Notice of requisition.** The governor or mayor may
2 requisition and take over any materials, facilities, or real
3 property or improvements, required for the purposes of this
4 chapter, or requisition and take over the temporary use
5 thereof. The requisition shall be made by serving notice upon
6 any person found in occupation of the premises or having the
7 property in the person's custody, possession, or control;
8 provided that a like notice shall also be served upon any person
9 who has filed with the governor or mayor, or with such person as
10 the governor or mayor may designate for the purpose, a request
11 for notice with respect to the property; provided further that
12 whenever all persons entitled to compensation for the property
13 have not been served in the manner aforesaid, the governor or
14 mayor shall publish a notice of the requisition at the earliest
15 practicable date.

16 § -22 **Determination of compensation.** (a) Whenever the
17 governor or mayor requisitions and takes over any property or
18 the temporary use thereof, the owner, or other person entitled
19 thereto, shall be paid, as compensation for the property or use,
20 such sum as the governor or mayor determines to be fair and
21 just, within twenty days after it has been requisitioned and



1 taken; provided that the compensation for temporary use may be
2 paid in monthly or lesser installments.

3 (b) If any person is unwilling to accept, as full and
4 complete compensation for the property or use thereof, the sum
5 determined by the governor or mayor, the person shall be paid
6 seventy-five per cent of the sum determined by the governor or
7 mayor. The person shall also be entitled to sue the State or
8 county for such additional sum as, when added to the sum already
9 received by the person, the person may consider fair and just
10 compensation for such property or use, in the manner provided by
11 chapter 661 for actions against the State and any other
12 applicable chapter for actions against the county. Any suit
13 under this section shall be instituted within two years after
14 the requisition in the case of the taking of real property in
15 fee simple, or within one year after the requisition in all
16 other cases, subject to sections 657-13 to 657-15, which are
17 hereby made applicable to such a suit; except that no more than
18 six months shall be allowed for the bringing of a suit after the
19 appointment of a conservator of a person under disability, or
20 the removal of the disability, or after the appointment of
21 personal representatives. Recovery shall be confined to the
22 fair market value of the property or its fair rental value, as



1 the case may be, without any allowance for prospective profits,
2 or punitive or other damages. Whenever the owner of property,
3 or other person entitled to compensation on account of the
4 requisitioning of property or the use thereof, is under a
5 disability or has died, and no conservator or personal
6 representative has been appointed, the State, acting through the
7 attorney general, may apply for the appointment of a conservator
8 or for the appointment of a personal representative.

9 **§ -23 Determination of damages.** The governor or mayor,
10 as applicable, shall appoint a board of three disinterested
11 certified appraisers with whom may be filed any claim for
12 damages arising out of any failure to return private property,
13 the temporary use of which was requisitioned, or which was
14 leased, or any claim for damages arising out of the condition in
15 which the private property is returned; provided that no such
16 claim shall be filed for deterioration of property resulting
17 from ordinary wear and tear or for any deterioration or damage
18 except as is shown to have resulted from the taking or use of
19 the property. Any claim shall be filed within thirty days after
20 the return of the property or after the governor or mayor
21 proclaims that all private property has been returned to the
22 owners, whichever is earlier. The decision of the appraisers



1 shall be final and binding upon the governor or mayor, as
2 applicable, and the claimant; provided that either party may
3 file a petition in the circuit court within sixty days after the
4 rendering of a decision of the board, praying for the decision
5 of the court upon the claim. The petition, if filed by the
6 State, shall be entitled in the name of the State, by the
7 attorney general, and if filed by the county, shall be entitled
8 in the name of the county, by its corporation counsel, and shall
9 be heard and decided by the circuit court without the
10 intervention of a jury. If filed by any other party, the
11 petition shall be filed, heard, and decided in the manner
12 provided for suits against the State or county. Appellate
13 review may be had, subject to chapter 602, in the manner
14 provided for civil appeals from the circuit courts. The court
15 may order the joinder of other parties or may allow other
16 parties to intervene. Any award that has become final shall be
17 paid out of any funds available under this chapter and, if not
18 sufficient, out of the general revenues of the State as
19 appropriated or out of the general revenues of the county as
20 appropriated.

21 § -24 Investigations and surveys. (a) The governor or
22 mayor, as applicable, may make investigations and surveys for



1 the purpose of ascertaining facts to be used in administering
2 this chapter, and in making the investigations and surveys, may
3 require the making or filing of schedules or statements, under
4 oath or otherwise; administer oaths; take evidence under oath;
5 subpoena witnesses; make inspections; and require the production
6 of books, papers, and records. The circuit court of any circuit
7 or judge thereof, may enforce by proper proceedings the making
8 or filing of the schedules or statements; the attendance and
9 testimony of any witness subpoenaed to appear within the
10 circuit; or the production of books, papers, and records. The
11 proceedings shall be in addition to, and not exclusive of, any
12 other means or methods of enforcement.

13 (b) No person shall be excused from attending and
14 testifying, or from producing books, papers, or records, before
15 the governor or mayor or in obedience to the subpoena of the
16 governor or mayor, or in any cause or proceeding, criminal or
17 otherwise, based upon or growing out of any alleged violation of
18 this chapter or any rule or order thereunder, on the ground, or
19 for the reason, that the testimony or evidence, documentary or
20 otherwise, required of the person may tend to incriminate the
21 person or subject the person to a penalty or forfeiture; but no
22 individual shall be prosecuted or subjected to any penalty or



1 forfeiture for or on account of any transaction, matter, or
2 thing concerning which the person is compelled after having
3 claimed the person's privilege against self-incrimination, to
4 testify or produce evidence, documentary or otherwise, except
5 that any individual so testifying shall not be exempt from
6 prosecution and punishment for perjury committed in so
7 testifying.

8 (c) Witnesses shall be allowed their per diem fees and
9 mileage as in cases in the circuit courts.

10 § -25 Rules and orders. (a) For the purpose of
11 carrying out any provision of this chapter, the governor may
12 adopt rules for the State and the mayor may adopt rules for the
13 county that may, if so stated in the rules, have the force and
14 effect of law. Even though the rules are prescribed pursuant to
15 a power conferred, or having mandatory or prohibitive effect,
16 only in the event of a state of emergency or local state of
17 emergency, the rules nevertheless may be prescribed prior
18 thereto if stated therein to have the force and effect of law
19 only in the event of a state of emergency or local state of
20 emergency. All the rules, and likewise all other action taken
21 under this chapter, shall be made and taken with due
22 consideration of the orders, rules, regulations, actions,



1 recommendations, and requests of federal authorities relevant
2 thereto. In these rules, reasonable classifications,
3 exceptions, and exemptions may be made and granted. Such rules
4 shall not be subject to chapter 91.

5 (b) The power to adopt rules having the force and effect
6 of law shall not be deemed in derogation of the power of the
7 governor, or the governor's duly authorized representatives, or
8 the mayor, or the mayor's duly authorized representatives, to
9 make orders for the enforcement of this chapter or the rules
10 issued thereunder. The rules may provide for the making of
11 administrative findings by duly authorized representatives, or
12 for the application of the rules by such representatives as the
13 circumstances may require, and the issuance of orders therefor.

14 (c) Rules adopted pursuant to this chapter during a state
15 of emergency shall be adopted as provided in this subsection,
16 and may be made effective upon adoption. The rules shall be
17 adopted by posting them on the applicable state or county
18 government website and by publishing them in a newspaper of
19 general circulation in the State, by means calculated to bring
20 its contents to the attention of the general public, including
21 by official announcement by means of television or radio
22 broadcast, or both, or by Internet, or, where only known persons



1 are concerned, by service upon these persons by registered or
2 certified mail or by personal service. The rules shall remain
3 posted on the government website while in effect. When
4 immediate adoption of the rules is necessary in the opinion of
5 the governor or mayor, as applicable, who shall be the sole
6 judge thereof, in lieu of publication, the rules may be adopted
7 by television or radio broadcast, or both, or by Internet, or
8 such other means as may be available; provided that the rules
9 shall be posted and published thereafter at the earliest
10 practicable date.

11 § -26 Forfeitures. The forfeiture of any property
12 unlawfully possessed, pursuant to section -12(b), may be
13 adjudged upon conviction of the offender found to be unlawfully
14 in possession of the same, where no person other than the
15 offender is entitled to notice and hearing with respect to the
16 forfeiture, or the forfeiture may be enforced by an appropriate
17 civil proceeding brought in the name of the State or county.
18 The district courts and circuit courts shall have concurrent
19 jurisdiction of the civil proceedings. Any property forfeited
20 as provided in this section may be ordered destroyed, or may be
21 ordered delivered for public use to such agency as shall be
22 designated by the governor or the governor's representative, or



1 may be ordered sold, in whole or in part, for the account of the
2 State.

3 § -27 Preliminary or interlocutory injunctions and
4 temporary restraining orders. (a) Notwithstanding any other
5 law to the contrary, no preliminary or interlocutory injunction,
6 or temporary restraining order, suspending, enjoining, or
7 restraining the enforcement, operation, or execution of, or
8 setting aside, in whole or in part, on the ground of
9 unconstitutionality or for any other reason or reasons, any
10 provision of this chapter or any proclamation, order, or rule
11 prescribed, made, or issued under the authority of this chapter,
12 shall be issued or granted by any court of the State, or by any
13 judge thereof, unless the application for the same is presented
14 to a circuit judge, is heard and determined by the circuit judge
15 sitting with two other circuit judges, and a majority of the
16 judges concur in granting the application. When the application
17 is presented to a judge, the judge shall immediately notify the
18 chief justice of the supreme court of the State, or the senior
19 associate justice in the event of the chief justice's absence or
20 incapacity or a vacancy in the office, who shall forthwith
21 assign two other circuit judges to sit with the circuit judge in
22 hearing and determining the application.



1 (b) The application shall not be heard or determined
2 before at least five days' notice of the hearing has been given
3 to the governor and the attorney general, or to the mayor and
4 the county corporation counsel, as applicable, and to such other
5 persons as may be defendants or respondents in the suits. In
6 cases in which immediate irreparable damage would otherwise
7 ensue to the petitioner, the circuit judge to whom the
8 application is made may, after giving notice to the governor and
9 the attorney general, or the mayor and the county corporation
10 counsel, as applicable, and allowing them an opportunity to
11 appear, grant a temporary stay or suspension, in whole or in
12 part, of the operation of the statutory provision, proclamation,
13 order, or rule. The temporary stay or suspension shall remain
14 in force only until the hearing and determination of the
15 application for a preliminary or interlocutory injunction, and
16 in any event for not more than ten days from the date of the
17 order of the judge. If the two additional circuit judges have
18 been assigned to the case, no temporary stay or suspension shall
19 be ordered unless a majority of the three circuit judges shall
20 concur.

21 (c) In a case of the stay or suspension, the order of the
22 judge or judges shall contain a finding or findings, based upon



1 evidence submitted to the judge or judges and incorporated in
2 the order by reference thereto, that irreparable damage would
3 result to the petitioner, and specifying the nature of the
4 damage and why it is immediate and irreparable. The three
5 circuit judges assigned to sit in the case may, upon a like
6 finding and for good cause shown, appearing from reasons entered
7 of record, continue the temporary stay or suspension for an
8 additional ten-day period, but for only one such period unless
9 the party against whom the order is directed consents that it
10 may be extended for a longer period. The hearing upon an
11 application for a preliminary or interlocutory injunction shall
12 be given precedence and shall be in every way expedited and be
13 assigned for hearing at the earliest practicable day.

14 (d) If a temporary stay or suspension has been allowed,
15 the application for a preliminary or interlocutory injunction
16 shall be set for hearing within five days after the granting of
17 the stay or suspension. When the matter comes on for hearing,
18 the party who obtained the temporary stay or suspension shall
19 proceed with the application for a preliminary or interlocutory
20 injunction. Otherwise the temporary order shall be dissolved
21 forthwith. No extension of time shall be granted without the
22 approval of at least two of the three judges. Upon the final



1 hearing of any such suit, the same requirement as to judges and
2 the same procedure as to expedition shall apply.

3 § -28 **Enforcement of injunction proceedings;**
4 **interventions.** (a) Whenever in the opinion of the governor or
5 mayor, as applicable, any person has engaged or is about to
6 engage in any act or practice that constitutes or will
7 constitute a violation of any provision of this chapter, or any
8 rule of the governor or mayor issued pursuant to this chapter
9 and having the force and effect of law, the governor or mayor
10 may make application to the appropriate court in the name of the
11 State or county for an order enjoining the acts or practices, or
12 for an other order that will enforce compliance with the
13 provisions, and upon a showing by the governor or mayor in the
14 manner and form as is usual in injunction cases, that the person
15 has engaged or is about to engage in any such act or practice, a
16 permanent or temporary injunction, restraining order, or other
17 appropriate order shall be granted without bond.

18 (b) The governor may intervene in the name of the State or
19 the mayor may intervene in the name of the county, as
20 applicable, in any action or proceeding wherein a party asserts
21 a right or relies for ground of relief or defense upon this
22 chapter or upon any rule or order of the governor or mayor



1 issued under this chapter, or, in the judgment of the governor
2 or mayor, there is an issue to be presented that involves
3 enforcement of this chapter or the rules.

4 § -29 **Violations; penalties.** (a) Any person violating
5 any rule of the governor or mayor prescribed and adopted
6 pursuant to this chapter and having the force and effect of law,
7 if it is stated in the rule, shall be guilty of a misdemeanor.
8 Upon conviction, the person shall be fined not more than \$5,000,
9 or imprisoned not more than one year, or both.

10 (b) Any person who intentionally, knowingly, or recklessly
11 destroys, damages, or loses any shelter, protective device, or
12 warning or signal device, shall if the same was installed or
13 constructed by the United States, the State, or a county, or is
14 the property of the United States, the State, or a county, shall
15 be fined the cost of replacement, or imprisoned not more than
16 one year, or both. The governor or mayor, may, by rule, make
17 further provisions for the protection from misuse of shelters,
18 protective devices, or warning and signal devices.

19 § -30 **Rental or sale of essential commodities during a**
20 **state of emergency or local state of emergency; prohibition**
21 **against price increases.** (a) Whenever the governor declares a
22 state of emergency for the entire State or any portion thereof,



1 or a mayor declares a local state of emergency for the county or
2 any portion thereof, or when the State, or any portion thereof,
3 is the subject of a severe weather warning:

4 (1) There shall be prohibited any increase in the selling
5 price of any commodity, whether at the retail or
6 wholesale level, in the area that is the subject of
7 the proclamation or the severe weather warning; and

8 (2) No landlord shall terminate any tenancy for a
9 residential dwelling unit in the area that is the
10 subject of the proclamation or the severe weather
11 warning, except for a breach of a material term of a
12 rental agreement or lease, or if the unit is unfit for
13 occupancy as defined in this chapter; provided that:

14 (A) Nothing in this chapter shall be construed to
15 extend a fixed-term lease beyond its termination
16 date, except that a periodic tenancy for a
17 residential dwelling unit may be terminated by
18 the landlord upon forty-five days' written
19 notice:

20 (i) When the residential dwelling unit is sold
21 to a bona fide purchaser for value; or



- 1 (ii) When the landlord or an immediate family
2 member of the landlord will occupy the
3 residential dwelling unit; or
- 4 (B) Under a fixed-term lease or a periodic tenancy,
5 upon forty-five days' written notice, a landlord
6 may require a tenant or tenants to relocate
7 during the actual and continuous period of any
8 repair to render a residential dwelling unit fit
9 for occupancy; provided that:
- 10 (i) Reoccupancy shall first be offered to the
11 same tenant or tenants upon completion of
12 the repair;
- 13 (ii) The term of the fixed-term lease or periodic
14 tenancy shall be extended by a period of
15 time equal to the duration of the repair;
16 and
- 17 (iii) It shall be the responsibility of the tenant
18 or tenants to find other accommodations
19 during the period of repair.
- 20 (b) Notwithstanding this section, any additional operating
21 expenses incurred by the seller or landlord because of the
22 emergency, disaster, or the severe weather, and which can be



1 documented, may be passed on to the consumer. In the case of a
2 residential dwelling unit, if rent increases are contained in a
3 written instrument that was signed by the tenant prior to the
4 declaration or severe weather warning, the increases may take
5 place pursuant to the written instrument.

6 (c) The prohibitions under subsection (a) shall remain in
7 effect until:

8 (1) In the event of a severe weather warning, twenty-four
9 hours after the severe weather warning is canceled by
10 the National Weather Service; or

11 (2) In the event of a declaration, the later of:

12 (A) A date specified by the governor or mayor as the
13 date of termination of the prohibition in the
14 declaration;

15 (B) Ninety-six hours after the effective date and
16 time of the declaration; or

17 (C) If the prohibition is continued by a
18 supplementary declaration issued by the governor
19 or mayor, the date of termination of the
20 prohibition specified in the supplemental
21 declaration;



1 any proclamation issued under this chapter that fails
2 to state the time at which it will take effect, shall
3 take effect at twelve noon of the day on which it
4 takes effect.

5 (d) In any action against a merchant, landlord, or other
6 business for violation of the price limitations in this section,
7 the defendant shall be deemed not to have violated this section
8 if the defendant proves all of the following:

9 (1) The violation of the price limitation was
10 unintentional;

11 (2) The defendant voluntarily rolled back prices to the
12 appropriate level upon discovering that this section
13 was or may have been violated; and

14 (3) The defendant has instituted a restitution program for
15 all consumers who may have paid excessive prices.

16 (e) Any violation of this section shall constitute unfair
17 methods of competition and unfair and deceptive acts or
18 practices in the conduct of any trade or commerce under section
19 480-2 and shall be subject to a civil penalty as provided in
20 section 480-3.1. Each item sold at a price that is prohibited
21 by this section shall constitute a separate violation.

22 (f) As used in this section:



1 "Breach of a material term" means the failure of a party to
2 perform an obligation under the rental agreement or lease, which
3 constitutes the consideration for entering into the contract and
4 includes the failure to make a timely payment of rent.

5 "Commodity" means any good or service necessary for the
6 health, safety, and welfare of the people of Hawaii; provided
7 that this term shall include but not be limited to materials;
8 merchandise; supplies; equipment; resources; and other articles
9 of commerce that shall include food, water, ice, chemicals,
10 petroleum products, construction materials, or residential
11 dwellings.

12 "Fixed-term lease" means a lease for real property that
13 specifies its beginning date and its termination date as
14 calendar dates, or contains a formula for determining the
15 beginning and termination dates; and the application of the
16 formula as of the date of the agreement will produce a calendar
17 date for the beginning and termination of the lease.

18 "Periodic tenancy" means a tenancy wherein real property is
19 leased for an indefinite time with monthly or other periodic
20 rent reserved. A periodic tenancy may be created by express
21 agreement of the parties, or by implication upon the expiration
22 of a fixed-term lease when neither landlord nor tenant provides



1 the other with written notice of termination and the tenant
2 retains possession of the premises for any period of time after
3 the expiration of the original term.

4 "Unfit for occupancy" means that a residential dwelling
5 unit has been damaged to the extent that the appropriate county
6 agency determines that the unit creates a dangerous or
7 unsanitary situation and is dangerous to the occupants or to the
8 neighborhood.

9 § -31 Penalties prescribed by this chapter additional to
10 other penalties. If conduct prohibited by or under the
11 authority of this chapter is also made unlawful by another or
12 other laws, the offender may be convicted as provided in this
13 chapter and for the violation of the other law or laws.

14 § -32 Effect of this chapter on other laws. All laws
15 inconsistent with the provisions of this chapter, or of any rule
16 issued under the authority of this chapter, shall be suspended
17 during the period of time and to the extent that the emergency
18 or disaster exists, and may be, by the governor for all laws, or
19 mayor for county laws, designated as so suspended."

20 SECTION 3. Section 1-28.5, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) This section shall not apply to notices required by
2 chapters 103D, 103F, _____, and 523A."

3 SECTION 4. Section 26-21, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§26-21 Department of defense.** (a) The department of
6 defense shall be headed by a single executive to be known as the
7 adjutant general. The adjutant general shall also be the
8 director of ~~[civil defense]~~ the Hawaii emergency management
9 agency as established in section _____-3 and the director of
10 homeland security.

11 ~~[There shall be a full time vice director of civil defense~~
12 ~~who shall be appointed and may be removed by the director.]~~

13 The department shall be responsible for the defense of the
14 State and its people from mass violence, originating from either
15 human or natural causes.

16 The devolution of command of the military forces in the
17 absence of the adjutant general shall be within the military
18 establishment. The devolution of command of the ~~[civil defense~~
19 ~~agency]~~ Hawaii emergency management agency in the absence of the
20 ~~[director of civil defense]~~ adjutant general, as director of the
21 agency, shall be within the ~~[civil defense]~~ agency.



1 ~~[(b) There shall be within the department of defense a~~
2 ~~commission to be known as the civil defense advisory council~~
3 ~~which shall sit in an advisory capacity to the director of civil~~
4 ~~defense on matters pertaining to civil defense. The composition~~
5 ~~of the commission shall be as heretofore provided by law for the~~
6 ~~civil defense advisory council existing immediately prior to~~
7 ~~November 25, 1959.~~

8 ~~(e) The functions and authority heretofore exercised by~~
9 ~~the military department and the civil defense agency as~~
10 ~~heretofore constituted are transferred to the department of~~
11 ~~defense established by this chapter.]~~

12 (b) The office of veterans' services and the advisory
13 board on veterans' services as constituted by chapter 363 are
14 placed within the department of defense for administrative
15 purposes."

16 SECTION 5. Section 103-53, Hawaii Revised Statutes, is
17 amended by amending subsection (e) to read as follows:

18 "(e) This section shall not apply to:

19 (1) Any procurement of less than \$25,000 or that is
20 considered a small purchase under section 103D-305 and
21 any state or county department contract of less than
22 \$25,000;



- 1 (2) Emergency purchases for the procurement of goods,
2 services, or construction under section 103D-307 [~~7~~
3 ~~disaster relief under chapter 127,~~] or [~~a civil~~
4 ~~defense~~] during or for an emergency or disaster under
5 chapter [~~128,~~] _____ ;
- 6 (3) Grants and subsidies disbursed by a state agency
7 pursuant to chapter 42F or in accordance with
8 standards provided by law as required by article VII,
9 section 4, of the state constitution, or made by the
10 counties pursuant to their respective charters or
11 ordinances;
- 12 (4) Contracts or agreements between government agencies;
- 13 (5) Contracts or agreements to disburse funds:
- 14 (A) To make payments to or on behalf of public
15 officials, officers, and employees for salaries,
16 fringe benefits, professional fees, and
17 reimbursements;
- 18 (B) To satisfy obligations required to be paid by
19 law, including fees, judgments, settlements, and
20 other payments for resolving claims;
- 21 (C) To make refunds or return funds held by the State
22 or county as trustee, custodian, or bailee;



- 1 (D) For entitlement programs, including public
2 assistance, unemployment, and workers'
3 compensation programs, established by state or
4 federal law;
- 5 (E) For deposit, investment, or safekeeping,
6 including sums to pay expenses related to their
7 deposit investment, or safekeeping;
- 8 (F) For loans under government-administered loan
9 programs; or
- 10 (G) To make periodic, recurring payments for utility
11 services;
- 12 (6) Rent for the use or occupation of the premises and
13 facilities at Aloha Stadium, the convention center, or
14 any other state or county large spectator events
15 facility; and
- 16 (7) Contracts or agreements of the Hawaii health systems
17 corporation and its regional system boards."

18 SECTION 6. Section 121-30, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§121-30 Order to active service. In case of war,
21 insurrection, invasion, riot, or imminent danger thereof [~~—or~~];
22 an 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~~[7]~~; or for assistance to civil authorities
4 in disaster relief or ~~[civil defense]~~ emergency management, the
5 governor may order the national guard or other component of the
6 militia or any part thereof into active service. The governor
7 or the governor's designated representative ~~[also]~~ may also
8 order the national guard into active service ~~[in]~~:

- 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; 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 7. Section 134-7.2, Hawaii Revised Statutes, is
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) Notwithstanding any provision of chapter ~~[128]~~ _____
21 or any other law to the contrary, no person or government entity
22 shall seize or confiscate, under any ~~[civil defense]~~



1 emergency[7] or disaster relief powers or functions conferred,
2 or during any [~~civil defense~~] emergency period, as defined in
3 section [~~128-27~~] _____-2, or during any time of national emergency
4 or crisis, as defined in section 134-34, any firearm or
5 ammunition from any individual who is lawfully permitted to
6 carry or possess the firearm or ammunition under part I of this
7 chapter and who carries, possesses, or uses the firearm or
8 ammunition in a lawful manner and in accordance with the
9 criminal laws of this State.

10 (b) Notwithstanding any provision of chapter [~~128~~] _____
11 or any other law to the contrary, no person or government entity
12 shall suspend, revoke, or limit, under any [~~civil defense,~~]
13 emergency[7] or disaster relief powers or functions conferred,
14 any lawfully acquired and maintained permit or license obtained
15 under and in accordance with part I of this chapter."

16 SECTION 8. Section 209-6, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§209-6 Relation to other agencies. This chapter is not
19 intended, nor shall it be construed in any manner, to conflict
20 with or assume the responsibility of the American National Red
21 Cross, any agency of the federal government, the Salvation Army,



1 or the [~~civil defense~~] emergency management activities of the
2 state department of defense."

3 SECTION 9. Section 269-16.3, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Any utility that sustains damage to its facilities as
6 a result of a [~~state declared~~] state of emergency [~~] or local~~
7 state of emergency, including [~~but not limited to disaster~~
8 ~~relief and civil defense~~] emergencies as defined in [~~chapters~~
9 ~~127 and 128~~] chapter _____, and incurs costs related to the
10 restoration and repair of its facilities which, if assessed only
11 on the utility ratepayers of the affected utility service
12 territory, may result in a rate increase of more than fifteen
13 per cent for the average ratepayer in that utility service
14 territory, may apply to the public utilities commission in
15 accordance with this section to recover the costs provided
16 herein through a monthly surcharge which shall be assessed on a
17 statewide basis and shall be based on the utility's net
18 restoration and repair costs; provided that the surcharge shall
19 not result in an assessment of more than fifteen per cent for
20 the average ratepayer in each of the other utility service
21 territories and provided further that the public utilities
22 commission shall exclude ratepayers in utility service



1 territories with rates that may be substantially higher than
2 other utility service territories in the State.

3 The public utilities commission shall have the authority to
4 initially set, or subsequently revise, the surcharge to reflect
5 the actual net restoration and repair costs incurred after
6 deduction of amounts received from outside sources of recovery.
7 Such outside sources of recovery shall include [7] but not be
8 limited to [7] insurance proceeds, government grants, and
9 shareholder contributions."

10 SECTION 10. Section 271G-10, Hawaii Revised Statutes, is
11 amended by amending subsection (g) to read as follows:

12 "(g) The commission shall not issue any certificate that
13 is designated as interim or temporary or that otherwise does not
14 conform to the requirements of this chapter except in response
15 to an emergency situation; provided that an emergency situation
16 shall mean a [~~state-declared~~] state of emergency [~~including~~
17 ~~disaster relief pursuant to chapter 127 or a civil defense~~
18 ~~emergency~~] or local state of emergency pursuant to chapter
19 [~~128-~~] _____. Any certificate issued pursuant to this
20 subsection shall expire upon the expiration of the [~~state-~~
21 ~~declared~~] state of emergency or local state of emergency or an
22 earlier date determined by the commission in response to



1 prevailing conditions. An extension of a certificate granted
2 under this subsection beyond the expiration of the [~~state-~~
3 ~~declared~~] state of emergency or local state of emergency or date
4 determined by the commission shall be granted only subject to
5 the notice, hearing, and findings requirements of this chapter."

6 SECTION 11. Section 286-226, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~+~~]**§286-226**[+] **Routes.** The intrastate shipment of
9 explosives of any quantity that would require placarding of the
10 transporting motor vehicle by the rules adopted pursuant to this
11 part, shall not take place without first giving the police
12 department and the fire department of the county in which the
13 explosives are to be transported a forty-eight hour minimum
14 advance notice. This advance notice shall be in writing and
15 indicate the quantity and type of explosive material being
16 shipped, the date and time of the shipment, and the route over
17 which the explosive shipment will travel. This provision does
18 not apply to the military during the period of [~~a civil defense~~
19 ~~emergency~~] an emergency or disaster proclaimed by the President
20 [~~or~~], the governor[-], or a county mayor."

21 SECTION 12. Section 309H-2, Hawaii Revised Statutes, is
22 amended to read as follows:



1 " [H]§309H-2 [H] Hawaii health corps program established.

2 The Hawaii health corps program is established to encourage
3 physicians, physicians assistants, and nurse practitioners to
4 serve in counties having a shortage of physicians, physician
5 assistants, and nurse practitioners, with priority given to a
6 rural area county. The Hawaii health corps program shall be
7 administered by the University of Hawaii John A. Burns school of
8 medicine and the University of Hawaii at Manoa school of nursing
9 and dental hygiene. In administering the program, the
10 University of Hawaii John A. Burns school of medicine and the
11 University of Hawaii at Manoa school of nursing and dental
12 hygiene shall:

- 13 (1) Adopt rules and develop guidelines to administer the
14 program;
- 15 (2) Identify and designate areas of the counties where
16 there is a shortage of physicians, physician
17 assistants, and nurse practitioners;
- 18 (3) Establish criteria for the selection by the University
19 of Hawaii John A. Burns school of medicine of
20 physicians, physician assistants, and nurse
21 practitioners to participate in the Hawaii rural
22 health care provider loan repayment program;



- 1 (4) Define and determine compliance with the service
2 commitments of the Hawaii rural health care provider
3 loan repayment program;
- 4 (5) Collect and manage reimbursements from participants
5 who do not meet their service commitments under the
6 Hawaii rural health care provider loan repayment
7 program;
- 8 (6) Publicize the program, particularly to maximize
9 participation by individuals who live in areas of a
10 county where there is a shortage of physicians,
11 physician assistants, and nurse practitioners;
- 12 (7) Solicit and accept grants and donations from public
13 and private sources for the Hawaii rural health care
14 provider loan repayment program, including maximizing
15 the use of federal matching funds; and
- 16 (8) Establish criteria and procedures for calling Hawaii
17 health corps program participants into service during
18 [~~a civil defense or other~~] an emergency[~~-~~] or
19 disaster."

20 SECTION 13. Section 309H-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+]§309H-4[+]~~ Hawaii health corps first responder service
2 obligation. If ~~[a civil defense or other]~~ an emergency~~[7]~~ or
3 disaster proclaimed under chapter ~~[127 or 128]~~ _____ occurs,
4 physicians, physician assistants, and nurse practitioners
5 participating in the Hawaii health corps program may be ordered
6 into service by the governor as first responders to serve in
7 areas of the State and in a capacity determined by the director
8 of health."

9 SECTION 14. Section 601-1.5, Hawaii Revised Statutes, is
10 amended by amending its title and subsections (a) and (b) to
11 read as follows:

12 " ~~[+]§601-1.5[+]~~ ~~Civil defense emergency]~~ Emergency period;
13 suspension of deadlines. (a) During ~~[a period of civil~~
14 ~~defense]~~ an emergency period proclaimed by the governor under
15 ~~[section 128-7,]~~ chapter _____, the chief justice shall be
16 authorized to order the suspension, tolling, extension, or
17 granting of relief from deadlines, time schedules, or filing
18 requirements imposed by otherwise applicable statutes, rules, or
19 court orders, in civil or criminal cases or administrative
20 matters, in any judicial circuit affected by the governor's
21 proclamation. The chief justice shall determine the judicial
22 circuits so affected.



1 (b) The order shall be limited to an initial duration of
2 not more than thirty days; provided that the order may be
3 modified or extended for such period of time as the chief
4 justice deems necessary due to an ongoing [~~civil-defense~~] state
5 of emergency."

6 SECTION 15. Section 707-700, Hawaii Revised Statutes, is
7 amended by amending the definition of "emergency worker" to read
8 as follows:

9 "Emergency worker" means any:

- 10 (1) Law enforcement officer, including [~~but not limited~~
11 ~~to~~] any police officer, public safety officer, parole
12 or probation officer, or any other officer of any
13 county, state, federal, or military agency authorized
14 to exercise law enforcement or police powers;
- 15 (2) Firefighter, emergency medical services personnel,
16 emergency medical technician, ambulance crewmember, or
17 any other emergency response personnel;
- 18 (3) Member of the Hawaii national guard on any duty or
19 service done under or in pursuance of an order or call
20 of the governor or the President of the United States
21 or any proper authority;



- 1 (4) Member of the United States Army, Air Force, Navy,
2 [~~Marines,~~] Marine Corps, or Coast Guard on any duty or
3 service [~~done~~] performed under or in pursuance of an
4 order or call of the President of the United States or
5 any proper authority;
- 6 (5) Member of the national guard from any other state
7 ordered into service by any proper authority; or
- 8 (6) Person engaged in [~~civil defense~~] emergency management
9 functions as authorized by the director of [~~civil~~
10 ~~defense~~] the Hawaii emergency management agency or the
11 administrator or director of the county emergency
12 management agency or as otherwise authorized under
13 chapter [~~128,~~ or
- 14 ~~(7) Person engaged in disaster relief by authorization of~~
15 ~~the director of disaster relief or as otherwise~~
16 ~~authorized under chapter 127.] _____."~~

17 SECTION 16. Section 707-712.7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+]§707-712.7[+] **Assault against an emergency worker.**

- 20 (1) A person commits the offense of assault against an
21 emergency worker if the person, during [~~the time of a civil~~
22 ~~defense emergency~~] an emergency period proclaimed by the



1 governor or mayor pursuant to chapter ~~[128,]~~ _____, within the
2 area covered by the ~~[civil defense]~~ emergency or ~~[during the~~
3 ~~period of disaster relief under chapter 127:]~~ disaster:

4 (a) Intentionally, knowingly, or recklessly causes serious
5 or substantial bodily injury to an emergency worker;

6 or

7 (b) Intentionally, knowingly, or recklessly causes bodily
8 injury to an emergency worker with a dangerous
9 instrument.

10 (2) Assault against an emergency worker is a class B
11 felony."

12 SECTION 17. Section 708-817, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§708-817[+] Burglary of a dwelling during ~~[a civil~~
15 ~~defense]~~ an emergency [or disaster relief] period. (1) A
16 person commits the offense of burglary of a dwelling during an
17 emergency period if, during [a civil defense] an emergency [or
18 disaster relief period if] period proclaimed by the governor or
19 mayor pursuant to chapter _____ and within the area covered by
20 the emergency period, the person:



1 (a) Intentionally enters or remains unlawfully in a
2 dwelling with intent to commit therein a crime against
3 a person or against property rights; and

4 (b) Recklessly disregards a risk that the building is the
5 dwelling of another, and the building is such a
6 dwelling[~~7~~

7 ~~during the time of a civil defense emergency proclaimed by the~~
8 ~~governor pursuant to chapter 128, within the area covered by the~~
9 ~~civil defense emergency or during the period of disaster relief~~
10 ~~under chapter 127.] at the time.~~

11 (2) Burglary of a dwelling during [~~a civil defense~~] an
12 emergency [~~or disaster relief~~] period is a class A felony."

13 SECTION 18. Section 708-818, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~+~~]§708-818[~~-~~] Burglary of a building during [~~a civil~~
16 ~~defense emergency or disaster relief~~] an emergency period. (1)

17 A person commits the offense of burglary of a building during an
18 emergency period if, during [~~a civil defense~~] an emergency [~~or~~
19 ~~disaster relief period if~~] period proclaimed by the governor or
20 mayor pursuant to chapter and within the area covered by
21 the emergency period, the person intentionally enters or remains
22 unlawfully in a building other than a dwelling with intent to



1 commit therein a crime against a person or against property
2 rights [~~during the time of a civil defense emergency proclaimed~~
3 ~~by the governor pursuant to chapter 128, within the area covered~~
4 ~~by the civil defense emergency or during the period of disaster~~
5 ~~relief under chapter 127]~~.

6 (2) Burglary of a building during [~~a civil defense~~] an
7 emergency [~~or disaster relief~~] period is a class B felony."

8 SECTION 19. Section 708-820, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of criminal property
11 damage in the first degree if by means other than fire:

12 (a) The person intentionally or knowingly damages property
13 and thereby recklessly places another person in danger
14 of death or bodily injury;

15 (b) The person intentionally or knowingly damages the
16 property of another, without the other's consent, in
17 an amount exceeding \$20,000;

18 (c) The person intentionally or knowingly damages the
19 property of another during [~~the time of a civil~~
20 ~~defense~~] an emergency period proclaimed by the
21 governor or mayor pursuant to chapter [~~128,~~] _____,
22 within the area covered by the [~~civil defense~~]



1 emergency [~~or during the period of disaster relief~~
2 ~~under chapter 127,~~] or disaster; or

- 3 (d) The person intentionally or knowingly damages the
4 agricultural equipment, supplies, or products or
5 aquacultural equipment, supplies, or products of
6 another, including trees, bushes, or any other plant
7 and livestock of another, without the other's consent,
8 in an amount exceeding \$1,500. In calculating the
9 amount of damages to agricultural products, the amount
10 of damages includes future losses and the loss of
11 future production."

12 SECTION 20. Section 708-830.5, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

14 "(1) A person commits the offense of theft in the first
15 degree if the person commits theft:

16 (a) Of property or services, the value of which exceeds
17 \$20,000;

18 (b) Of a firearm;

19 (c) Of dynamite or other explosive; or

20 (d) Of property or services during [~~the time of a civil~~
21 ~~defense~~] an emergency period proclaimed by the

22 governor or mayor pursuant to chapter [~~128,~~] _____,



1 within the area covered by the [~~civil defense~~]
2 emergency [~~or during the period of disaster relief~~] or
3 disaster under chapter [~~127,~~] _____, the value of
4 which exceeds \$300."

5 SECTION 21. Section 708-840, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of robbery in the first
8 degree if, in the course of committing theft or non-consensual
9 taking of a motor vehicle:

10 (a) The person attempts to kill another or intentionally
11 or knowingly inflicts or attempts to inflict serious
12 bodily injury upon another;

13 (b) The person is armed with a dangerous instrument or a
14 simulated firearm and:

15 (i) The person uses force against the person of
16 anyone present with intent to overcome that
17 person's physical resistance or physical power of
18 resistance; or

19 (ii) The person threatens the imminent use of force
20 against the person of anyone present with intent
21 to compel acquiescence to the taking of or
22 escaping with the property;



1 (c) The person uses force against the person of anyone
2 present with the intent to overcome that person's
3 physical resistance or physical power of resistance
4 during [~~the time of a civil defense~~] an emergency
5 period proclaimed by the governor or mayor pursuant to
6 chapter [~~1287~~] _____, within the area covered by the
7 [~~civil defense emergency or during the period of~~
8 ~~disaster relief under chapter 1277~~] emergency or
9 disaster; or

10 (d) The person threatens the imminent use of force against
11 the person of anyone present with intent to compel
12 acquiescence to the taking of or escaping with the
13 property during [~~the time of a civil defense~~] an
14 emergency period proclaimed by the governor or mayor
15 pursuant to chapter [~~1287~~] _____, within the area
16 covered by the [~~civil defense emergency or during the~~
17 ~~period of disaster relief under chapter 1277~~]
18 emergency or disaster."

19 SECTION 22. Section 710-1014.5, Hawaii Revised Statutes,
20 is amended by amending subsection (3) to read as follows:

21 "(3) For purposes of this section, "public safety agency"
22 means any federal, state, or county police, fire, emergency



1 medical service, or [~~civil defense relief~~] emergency management
2 agency."

3 SECTION 23. Chapter 127, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 24. Chapter 128, Hawaii Revised Statutes, is
6 repealed.

7 SECTION 25. Section 209-9, Hawaii Revised Statutes, is
8 repealed.

9 [~~"§209-9 Rental or sale of essential commodities during a~~
10 ~~state disaster; prohibition against price increases.—(a)~~
11 ~~Whenever the governor declares a state disaster for the entire~~
12 ~~State or any portion thereof, or when the State, or any portion~~
13 ~~thereof, is the subject of a severe weather warning.~~

14 ~~(1) There shall be prohibited any increase in the selling~~
15 ~~price of any commodity, whether at the retail or~~
16 ~~wholesale level, in the area that is the subject of~~
17 ~~the disaster declaration or the severe weather~~
18 ~~warning; and~~

19 ~~(2) No landlord shall terminate any tenancy for a~~
20 ~~residential dwelling unit in the area that is the~~
21 ~~subject of a disaster declaration or a severe weather~~
22 ~~warning, except for a breach of a material term of a~~



1 ~~rental agreement or lease, or if the unit is unfit for~~
2 ~~occupancy as defined in this chapter, provided that:~~

3 ~~(A) Nothing in this chapter shall be construed to~~
4 ~~extend a fixed term lease beyond its termination~~
5 ~~date, except that a periodic tenancy for a~~
6 ~~residential dwelling unit may be terminated by~~
7 ~~the landlord upon forty five days written notice:~~

8 ~~(i) When the residential dwelling unit is sold~~
9 ~~to a bona fide purchaser for value; or~~

10 ~~(ii) When the landlord or an immediate family~~
11 ~~member of the landlord will occupy the~~
12 ~~residential dwelling unit; or~~

13 ~~(B) Under a fixed term lease or a periodic tenancy,~~
14 ~~upon forty five days written notice, a landlord~~
15 ~~may require a tenant or tenants to relocate~~
16 ~~during the actual and continuous period of any~~
17 ~~repair to render a residential dwelling unit fit~~
18 ~~for occupancy provided that:~~

19 ~~(i) Reoccupancy shall first be offered to the~~
20 ~~same tenant or tenants upon completion of~~
21 ~~the repair; and~~



1 ~~(ii) The term of the fixed term lease or periodic~~
2 ~~tenancy shall be extended by a period of~~
3 ~~time equal to the duration of the repair;~~
4 ~~and~~

5 ~~(iii) It shall be the responsibility of the tenant~~
6 ~~or tenants to find other accommodations~~
7 ~~during the period of repair.~~

8 ~~As used in this section, "breach of a material term" means~~
9 ~~the failure of a party to perform an obligation under the rental~~
10 ~~agreement which constitutes the consideration for entering into~~
11 ~~the contract and includes the failure to make a timely payment~~
12 ~~of rent. For the purpose of this subsection:~~

13 ~~"Fixed term lease" means a lease for real property that~~
14 ~~specifies its beginning date and its termination date as~~
15 ~~calendar dates, or contains a formula for determining the~~
16 ~~beginning and termination dates; and the application of the~~
17 ~~formula as of the date of the agreement will produce a calendar~~
18 ~~date for the beginning and termination of the lease.~~

19 ~~"Periodic tenancy" means a tenancy wherein real property is~~
20 ~~leased for an indefinite time with monthly or other periodic~~
21 ~~rent reserved. A periodic tenancy may be created by express~~
22 ~~agreement of the parties, or by implication upon the expiration~~



1 ~~of a fixed term lease when neither landlord nor tenant provides~~
2 ~~the other with written notice of termination and the tenant~~
3 ~~retains possession of the premises for any period of time after~~
4 ~~the expiration of the original term.~~

5 ~~"Unfit for occupancy" means that a residential dwelling~~
6 ~~unit has been damaged to the extent that the appropriate county~~
7 ~~agency determines that the unit creates a dangerous or~~
8 ~~unsanitary situation and is dangerous to the occupants or to the~~
9 ~~neighborhood.~~

10 ~~(b) Notwithstanding this section, any additional operating~~
11 ~~expenses incurred by the seller or landlord because of the state~~
12 ~~disaster, and which can be documented, may be passed on to the~~
13 ~~consumer. In the case of a residential dwelling unit, if rent~~
14 ~~increases are contained in a written instrument which was signed~~
15 ~~by the tenant prior to the disaster declaration or severe~~
16 ~~weather warning, the increases may take place pursuant to the~~
17 ~~written instrument.~~

18 ~~(c) The prohibitions under subsection (a) shall remain in~~
19 ~~effect until twenty four hours after the severe weather warning~~
20 ~~is canceled by the National Weather Service; or in the event of~~
21 ~~a disaster declaration, until the declaration is altered,~~
22 ~~amended, revised, or revoked by the governor.~~



1 ~~(d) In any action against a merchant, landlord, or other~~
2 ~~business for violation of the price limitations in this section,~~
3 ~~the defendant shall be deemed not to have violated this section~~
4 ~~if the defendant proves all of the following:~~

5 ~~(1) The violation of the price limitation was~~
6 ~~unintentional;~~

7 ~~(2) The defendant voluntarily rolled back prices to the~~
8 ~~appropriate level upon discovering that this section~~
9 ~~was or may have been violated; and~~

10 ~~(3) The defendant has instituted a restitution program for~~
11 ~~all consumers who may have paid excessive prices.~~

12 ~~(e) Any violation of this section shall constitute unfair~~
13 ~~methods of competition and unfair and deceptive acts or~~
14 ~~practices in the conduct of any trade [or] commerce under~~
15 ~~section 480-2 and shall be subject to a civil penalty as~~
16 ~~provided in section 480-3.1. Each item sold at a price that is~~
17 ~~prohibited by this section shall constitute a separate~~
18 ~~violation."]~~

19 SECTION 26. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun before its effective date. Rules, policies,
22 procedures, guidelines, and other material adopted or developed



1 under the authority of chapter 128, Hawaii Revised Statutes, or
2 proclamations issued under the authority of chapter 128, Hawaii
3 Revised Statutes, shall remain in effect until they are repealed
4 or replaced under the authority of the chapter being enacted in
5 this Act. References in the new chapter to rules shall include
6 rules adopted pursuant to chapter 128, Hawaii Revised Statutes,
7 until the rules adopted pursuant to chapter 128, Hawaii Revised
8 Statutes, are repealed or replaced under the authority of the
9 new chapter. Every reference to the civil defense agency of the
10 department of defense in any rules, policies, procedures,
11 guidelines, and other materials shall be amended to refer to the
12 Hawaii emergency management agency.

13 No officer or employee of the State having tenure shall
14 suffer any loss of salary, seniority, prior service credit,
15 vacation, sick leave, or other employee benefit or privilege as
16 a consequence of this Act, and such officer or employee may be
17 transferred or appointed to a civil service position without the
18 necessity of examination; provided that the officer or employee
19 possesses the minimum qualifications for the position to which
20 transferred or appointed; and provided further that subsequent
21 changes in status may be made pursuant to applicable civil
22 service and compensation laws.



1 An officer or employee of the State who does not have
2 tenure and who may be transferred or appointed to a civil
3 service position as a consequence of this Act shall become a
4 civil service employee without the loss of salary, seniority,
5 prior service credit, vacation, sick leave, or other employee
6 benefits or privileges and without the necessity of examination;
7 provided that such officer or employee possesses the minimum
8 qualifications for the position to which transferred or
9 appointed.

10 If an office or position held by an officer or employee
11 having tenure is abolished, the officer or employee shall not
12 thereby be separated from public employment, but shall remain in
13 the employment of the State with the same pay and classification
14 and shall be transferred to some other office or position for
15 which the officer or employee is eligible under the personnel
16 laws of the State as determined by the head of the department or
17 the governor.

18 All deeds, leases, contracts, loans, agreements, permits,
19 or other documents executed or entered into by or on behalf of
20 the civil defense agency of the department of defense, or the
21 department of defense on behalf of the civil defense agency,
22 pursuant to the provisions of the Hawaii Revised Statutes, which



1 are reenacted or made applicable to the Hawaii emergency
2 management agency, by this Act, shall remain in full force and
3 effect. Effective upon approval of this Act, every reference to
4 the civil defense agency of the department of defense or the
5 department of defense for its civil defense agency, shall be
6 construed as a reference to the Hawaii emergency management
7 agency.

8 All appropriations, records, equipment, machines, files,
9 supplies, contracts, books, papers, documents, maps, and other
10 personal property heretofore made, used, acquired, or held by
11 the civil defense agency of the department of defense relating
12 to emergency management pursuant to chapter 128, Hawaii Revised
13 Statutes, shall be transferred to the Hawaii emergency
14 management agency.

15 SECTION 27. If any part of this Act is found to be in
16 conflict with federal requirements that are a prescribed
17 condition for the allocation of federal funds to the State, the
18 conflicting part of this Act is inoperative solely to the extent
19 of the conflict and with respect to the agencies directly
20 affected, and this funding shall not affect the operation of the
21 remainder of this Act in its application to the agencies
22 concerned. The rules under this Act shall meet federal



1 requirements that are a necessary condition to the receipt of
2 federal funds by the State.

3 SECTION 28. Sections 26-14.6, 26-24, 121-9, 121-34.5,
4 128E-5, 134-16(b), 179D-30(2), 196-1(4), 205A-22, 271G-10, 286-
5 64, 286-65, 286-66, 286-67, 291-17(e), 321-23, 508D-15(a)(4),
6 and 803-42(b)(7), Hawaii Revised Statutes, shall be amended by
7 substituting the phrase "emergency management" whenever the
8 phrase "civil defense" appears, as the context requires.

9 SECTION 29. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 30. This Act shall take effect on July 1, 2014;
12 provided that section -5(f), Hawaii Revised Statutes, in
13 section 2 of this Act shall take effect on July 1, 2016.



Report Title:

Department of Defense; Emergency Management

Description:

Recodifies Hawaii's emergency management statutes by updating the statutes, clarifying the relationship between the state and county emergency management agencies, and delineating the emergency management functions and powers of the Governor and mayors. (SD1)

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