
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, the size of the elderly
9 population, the number of seasonal vacationers, and the number
10 of persons with functional and access needs--has greatly
11 complicated the State's ability to coordinate its emergency
12 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5 become obsolete and has been replaced by the federal emergency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 the
2 disasters or emergencies; to ensure the administration of state
3 and federal programs providing disaster relief to individuals;
4 and generally to protect the public health, safety, and welfare
5 and to preserve the lives and property of the people of the
6 State, it is hereby found and declared to be necessary to:

7 (1) Provide for emergency management by the State, and to
8 authorize the creation of local organizations for
9 emergency management in the counties of the State;

10 (2) 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) 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 carrying out emergency management functions; and

18 (4) Provide programs, in cooperation with other
19 governmental agencies, the private sector, and
20 nonprofit organizations, to educate and train the
21 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 further declared to be the purpose of this
12 chapter and the policy of the State that the governor shall lead
13 a comprehensive and collaborative emergency management system
14 within the State to ensure the most effective and efficient use
15 of resources to prepare for, respond to, and recover from
16 emergencies and disasters at all levels.

17 (d) It is the intent of the legislature to provide for and
18 confer comprehensive powers for the purposes stated herein.
19 This chapter shall be liberally construed to effectuate its
20 purposes; provided that this chapter shall not be construed as
21 conferring any power or permitting any action which is
22 inconsistent with the Constitution and laws of the United



1 States, but, in so construing this chapter, due consideration
2 shall be given to the circumstances as they exist from time to
3 time. This chapter shall not be deemed to have been amended by
4 any act hereafter enacted during the 2014 or any other session
5 of the legislature, unless this chapter is amended by express
6 reference.

7 § -2 **Definitions.** When used in this chapter, unless the
8 context otherwise requires:

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

11 "Agency" means the Hawaii emergency management agency
12 established by section -3.

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

15 "County" means the city and county of Honolulu, and the
16 counties of Hawaii, Kauai, and Maui; provided that the county of
17 Maui shall include the county of Kalawao for the purposes of
18 this chapter.

19 "County emergency management agency" means a county-level
20 entity responsible for emergency management within the
21 respective county as established in section -5.



1 "Critical infrastructure" means those systems, facilities,
2 and assets, whether physical or virtual, so vital to a county,
3 the State, or the nation that the incapacity or destruction of
4 the systems, facilities, or assets would have a debilitating
5 impact on national, state, or county security; economic
6 security; public health or safety; or any combination of those
7 matters.

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

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

15 "Disaster relief" means any physical or financial
16 assistance provided to individuals or areas in the aftermath of
17 an emergency or disaster.

18 "Emergency" means any occurrence, or imminent threat
19 thereof, that results or may likely result in substantial injury
20 or harm to the population or substantial damage to or loss of
21 property.



1 "Emergency management" means a comprehensive integrated
2 system at all levels of government, and also in the private
3 sector, that develops and maintains an effective capability to
4 prevent, prepare for, respond to, mitigate, and recover from
5 emergencies or disasters.

6 "Emergency management functions" means those tasks required
7 to prepare for and carry out actions to prevent, prepare for,
8 respond to, mitigate, and recover from emergencies and
9 disasters, and includes management of resources, personnel, and
10 facilities and administration of economic controls as needed to
11 provide relief in anticipation of, during, or after emergencies
12 or disasters.

13 "Emergency period" means the dates covered by a
14 proclamation issued by the governor declaring a state of
15 emergency or by a mayor declaring a local state of emergency.

16 "Evacuation" means the immediate and rapid movement of
17 individuals and animals away from the threat or actual
18 occurrence of any hazard, emergency, or disaster, and includes
19 vertical evacuation, which is moving to a higher floor or higher
20 ground in order to gain safety above the height of expected
21 inundation by water as recommended by the county emergency
22 management agency.



1 "Facilities", except as otherwise provided in this chapter,
2 includes any infrastructure, buildings and other structures,
3 shelters, land, roads, highways, thoroughfares, walks, roadways,
4 bridges, public rights of way, and any appurtenant facilities,
5 structures, and materials.

6 "Hazard" means an event or condition of the physical
7 environment that results or may likely result in damage to
8 property or injuries or death to individuals and which may
9 result in an emergency or disaster.

10 "Laws" includes ordinances, rules, regulations, and orders
11 prescribed under federal, state, or county laws or ordinances
12 and having the force and effect of law.

13 "Local state of emergency" means the occurrence in any part
14 of a county that requires efforts by the county government to
15 save lives, and to protect property, public health, welfare, or
16 safety in the event of an emergency or disaster, or to reduce
17 the threat of an emergency or disaster.

18 "Materials" includes medicines, supplies, products,
19 commodities, articles, equipment, machinery, and component
20 parts.

21 "Necessary" refers to any means, measures, or other actions
22 or determinations as are required to be taken in the opinion of



1 the governor or the governor's authorized representative or a
2 mayor or the mayor's authorized representative.

3 "State of emergency" means an occurrence in any part of the
4 State that requires efforts by state government to protect
5 property, public health, welfare, or safety in the event of an
6 emergency or disaster, or to reduce the threat of an emergency
7 or disaster, or to supplement the local efforts of the county.

8 "States" includes the several states, the District of
9 Columbia, and the possessions of the United States, and also
10 includes the State of Hawaii, and to the extent authorized by or
11 under federal law, foreign countries and their provinces and
12 states.

13 "Traffic control" includes plans, regulations, devices, and
14 actions for the control of traffic to provide for the rapid and
15 safe movement or evacuation of individuals, vehicles, and
16 materials for emergency management, and for the movement and
17 cessation of movement of any pedestrians and vehicular traffic
18 during, before, and after emergencies and disasters, emergency
19 management exercises and training, or other emergency management
20 actions or activities.

21 § -3 **Hawaii emergency management agency.** (a) The
22 governor shall be responsible for leading the emergency



1 management system of the State and coordinating resources to
2 effectively prepare for and respond to emergencies and disasters
3 within the State.

4 (b) There is established within the department of defense
5 the Hawaii emergency management agency. The adjutant general
6 shall serve as the director of the Hawaii emergency management
7 agency and, subject to the direction and control of the
8 governor, shall oversee the agency.

9 (c) There shall be an administrator of emergency
10 management who shall be appointed, and may be removed, by the
11 director, and who shall have at least three years of experience
12 leading emergency management efforts at the local, state, or
13 federal level. The administrator shall be the civilian head of
14 and responsible for the day-to-day operations of the agency.
15 The administrator shall report to the director. The
16 administrator shall, in the absence of the director, have all
17 the duties and responsibilities of the director, and shall
18 report directly to the governor. The administrator shall not be
19 subject to chapter 76.

20 (d) The director, from funds allotted therefor, may employ
21 technical, clerical, administrative, and other personnel and
22 make expenditures as may be necessary.



1 (e) The director shall coordinate the activities of the
2 agency with all county emergency management agencies, other
3 state agencies, other states, or federal agencies involved in
4 emergency management activities, and all organizations for
5 emergency management within the State, whether public or
6 private, and shall maintain liaison and cooperate with all
7 county emergency management agencies, other state agencies,
8 other states, or federal agencies involved in emergency
9 management activities as provided in this chapter.

10 (f) The agency shall lead a comprehensive and
11 collaborative emergency management system for the State and
12 shall perform emergency management functions within the
13 territorial limits of the State; support county emergency
14 management agencies as requested; coordinate all resource
15 support to the counties; ensure that emergency management plans
16 across the State are coordinated with each other and other
17 state, federal, and local organizations; oversee and coordinate
18 the statewide outdoor siren warning system; monitor and issue
19 alerts and warnings; and coordinate emergency and disaster
20 response and recovery activities.

21 § -4 Hawaii advisory council on emergency management.

22 There shall be a Hawaii advisory council on emergency



1 management, which shall be attached to the agency for
2 administrative purposes, and which shall consist of seven
3 members nominated and, by and with the advice and consent of the
4 senate, appointed by the governor pursuant to section 26-34.
5 The governor shall designate the chairperson of the council.
6 The council, at the request of the governor, shall confer with
7 and advise the governor in regard to matters pertaining to
8 emergency management. Members of the council shall receive no
9 compensation but shall be reimbursed for travel and other
10 reasonable and necessary expenses incurred in carrying out their
11 duties relating to the council. Persons holding public office
12 or employment in the state government, or any political
13 subdivision thereof, are eligible for appointment to the
14 council.

15 § -5 **County emergency management agency.** (a) The mayor
16 of each county shall have direct responsibility for emergency
17 management within the county, including the organization,
18 administration, and operation of a county emergency management
19 agency.

20 (b) Each county emergency management agency shall perform
21 emergency management functions within the territorial limits of
22 the county within which it is organized, coordinate all



1 emergency management plans within the county, and cooperate as
2 closely as possible with the agency and emergency management
3 agencies in the other counties in all aspects of emergency
4 management.

5 (c) Each county shall be responsible for the
6 establishment, naming, and operation of a county emergency
7 management agency under the mayor's direction, and shall enact
8 ordinances to establish the county emergency management agency
9 and ensure that the mayor and the county's emergency management
10 agency have the powers necessary to receive state and federal
11 funds and carry out the functions of this chapter at the county
12 level. The ordinances shall comply with powers established
13 under sections -12 and -13.

14 (d) Each county, under the mayor's direction, shall make
15 appropriations and authorize expenditures for the purposes of
16 this chapter, including for use as matching funds for federal
17 aid, out of the normal revenues or fund balances or surpluses of
18 the counties, notwithstanding any legal restrictions upon the
19 purposes for which the funds may be expended, except that
20 pension and retirement funds, funds set aside for the redemption
21 of bonds or the payment of interest thereon, trust funds, loan



1 funds, and funds received from the federal government or from
2 any person for specific purposes shall not be affected.

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

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

10 (g) Each county, under the mayor's direction, in order to
11 ensure continuity of government during an emergency period,
12 shall establish a procedure for the appointment and designation
13 of standby officers for the mayor and the county legislative
14 body during an emergency period, who shall serve in the event of
15 the unavailability of the officers for whom they are standing
16 by.

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



1 (i) Each county, under the mayor's direction, shall
2 coordinate, develop, and implement an emergency operations plan
3 for the county.

4 § -6 **Emergency reserve corps.** (a) The director may
5 establish an emergency reserve corps comprising trained
6 specialists to support state and county emergency or disaster
7 requirements. The emergency reserve corps may include:

8 (1) Any employee of the State or county;

9 (2) Any employee hired specifically for staffing during
10 emergency periods and exercises who shall be hired and
11 compensated, without regard to chapters 76, 78, and
12 88, but may receive any benefits under chapters 76,
13 78, and 88 if the employee satisfies the statutory
14 requirements regarding those benefits; and

15 (3) Any volunteer,
16 who shall be detailed in accordance with this chapter.

17 Emergency reserve corps positions shall be authorized and
18 managed by the agency and do not need the approval of the
19 governor.

20 (b) The emergency reserve corps shall support state
21 emergency or disaster requirements and, if requested by a county
22 emergency management agency, supplement the county emergency



1 management agency staff. The emergency reserve corps may be
2 mobilized during, or in advance of, emergencies or disasters, or
3 for emergency management exercises and training events.

4 Emergency reserve corps members shall attend a minimum of four
5 days of paid training per year.

6 § -7 State warning point; county warning points. (a)

7 The agency shall establish and operate a communications and
8 warning center that shall be known as the state warning point.

9 The state warning point shall be continually staffed by the
10 agency to monitor warning systems and devices and shall have the
11 ability to provide timely warning and notification to government
12 officials, county warning points and emergency operations
13 centers and, when directed, the general public.

14 (b) Each county shall establish and operate a
15 communications and warning center that shall be known as a
16 county warning point. The county warning points shall be
17 continually staffed by the respective counties and shall be
18 capable of communicating with the state warning point at all
19 times. The county warning points shall provide timely warning
20 and notification to government officials and the public, when
21 directed.



1 § -8 **Status and rights of personnel.** (a) All state and
2 county officials, officers, and employees are considered
3 "emergency workers" and shall perform functions as determined by
4 their respective state or county department director during
5 emergencies or disasters.

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

14 (c) All persons, including volunteers whose services have
15 been accepted by authorized persons, while engaged in the
16 performance of duty pursuant to this chapter, including duty
17 performed during exercises and training, shall be deemed state
18 employees if the performance of duty is for the State, or county
19 employees if the performance of duty is for the county, and
20 shall have the powers, duties, rights, and privileges of such in
21 the performance of their duties, except as may be prescribed by



1 or under the authority of the governor or the mayor, pursuant to
2 this chapter.

3 (d) In case of injury or death arising out of and in the
4 performance of duty pursuant to this chapter, including duty
5 performed during periods of training, all persons having the
6 status of official, officer, or employee of the State or county,
7 pursuant to this section, and their dependents, shall be
8 entitled to all of the benefits provided in chapter 386,
9 including medical services and supplies, and in case of injury
10 or death, no public official shall be excluded from the coverage
11 of chapter 386 by reason of being an elected official. For the
12 purposes of the benefits, average weekly wages shall be computed
13 upon the basis set forth in section 386-51, or upon the basis of
14 earnings from the usual employment of the person, or upon the
15 basis of earnings at the rate of \$20 per week, whichever is most
16 favorable to the claimant or claimants. The costs thereof, in
17 cases of state employees, shall be a charge upon the state
18 compensation mutual insurance fund established under section
19 386A-2 and, in cases of county employees, shall be a charge upon
20 the county insurance fund; provided that the governor or mayor
21 may effect the insurance in respect of the obligations assumed
22 pursuant to this section and as may be available under any



1 mutual aid agreement or act of Congress. Nothing herein shall
2 adversely affect the right of any person to receive any benefits
3 or compensation under any act of Congress.

4 § -9 Immunities; rights. (a) None of the following:

- 5 (1) The State;
- 6 (2) Any county;
- 7 (3) Any owner or operator of a public utility or critical
8 infrastructure facility;
- 9 (4) Private sector or nonprofit organizations; or
- 10 (5) Except in cases of wilful misconduct, gross
11 negligence, or recklessness, persons engaged in
12 emergency management functions pursuant to this
13 chapter, including volunteers whose services are
14 accepted by any authorized person,

15 shall be civilly liable for the death of or injury to persons,
16 or property damage, as a result of any act or omission in the
17 course of the employment or duties under this chapter.

18 (b) No act or omission shall be imputed to the owner of
19 any vehicle by reason of the owner's ownership thereof; provided
20 that nothing herein shall preclude recovery by any person for
21 injury or damage sustained from the operation of any vehicle
22 that may be insured under section 41D-8 to the extent of the



1 insurance, and, unless specifically provided, insurance effected
2 under section 41D-8 shall not include coverage of such risk
3 during an emergency period. The governor may insure vehicles
4 owned by the State or in the custody and use of the Hawaii
5 emergency management agency; provided that insurance effected
6 under section 41D-8 on vehicles used for purposes other than
7 emergency management shall not be required to include coverage
8 of the insured vehicle against the risk incurred or that would
9 be incurred under this chapter as a result of the use of the
10 insured vehicle for emergency management.

11 (c) Members of the United States Army, Air Force, Navy,
12 Marine Corps, or Coast Guard on any duty or service performed
13 under or in pursuance of an order or call of the President of
14 the United States or any proper authority, and the National
15 Guard from any other state ordered into service by any proper
16 authority, to assist civil authorities engaged in emergency
17 functions pursuant to this chapter shall not be liable, civilly
18 or criminally, for any act done or caused by them in pursuance
19 of duty in such service.

20 § -10 **Political activity prohibited.** No organization
21 for emergency management established under the authority of this
22 chapter shall participate in any form of political activity, nor



1 shall it be employed directly or indirectly for political
2 purposes.

3 § -11 Powers on whom conferred; delegation of powers.

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

- 13 (1) Proclaiming a state of emergency or local state of
14 emergency, proclaiming a state of emergency or local
15 state of emergency terminated, or making any other
16 proclamation provided for by this chapter;
- 17 (2) Prescribing rules having the force and effect of law;
18 and
- 19 (3) Making allotments of funds appropriated or available
20 for the purposes of this chapter.

21 Unless otherwise directed by the governor or mayor, all of the
22 powers pertaining to emergency management authorized to be



1 delegated by the governor or mayor shall be deemed to have been
2 delegated by the governor to the director of the Hawaii
3 emergency management agency and by the mayor to the
4 administrator or director of the county emergency management
5 agency, as applicable, and the administrator or director of the
6 county emergency management agency, respectively, shall have the
7 authority to further delegate any of these powers to any agency
8 or person to whom the governor or mayor could have directly
9 delegated such powers.

10 (b) The powers conferred upon the governor or mayor by
11 this chapter are in addition to any other powers or authority
12 conferred upon the governor or mayor by the laws of the United
13 States and of the State or county for the same or a like
14 purpose, and shall not be construed as abrogating, limiting, or
15 modifying any such powers or authority.

16 § -12 **Emergency management powers, in general.** (a) The
17 governor or mayor, as applicable, may exercise the following
18 powers pertaining to emergency management:

19 (1) Prepare comprehensive plans and programs for the
20 protection of the State or county against all hazards,
21 which shall be integrated into and coordinated with
22 the emergency management plans of the State, counties,



- 1 the federal government, other states, and private
2 sector and nonprofit organizations;
- 3 (2) Identify emergency workers required to report for duty
4 as directed by the department head regardless of the
5 availability of any type of leave;
- 6 (3) Institute training, preparedness, and public-
7 information programs in coordination with the State,
8 counties, federal government, other states, and
9 private sector and nonprofit organizations;
- 10 (4) Provide or authorize suitable insignia of authority
11 for all authorized emergency management personnel; and
- 12 (5) Direct or control as may be necessary for emergency
13 management:
- 14 (A) Alerts, warnings, notifications, activations,
15 exercises, drills, and tests;
- 16 (B) Warnings and signals for alerts or exercises, and
17 any type of warning device, system, or method to
18 be used in connection therewith;
- 19 (C) Partial or full mobilization of personnel for
20 exercises or training, in advance of, or in
21 response to, an actual emergency or disaster; and



1 (D) The conduct of civilians and the movement and
2 cessation of movement of pedestrians and
3 vehicular traffic during, before, and after
4 alerts, exercises, training, emergencies, or
5 disasters.

6 (b) The governor may exercise the following powers
7 pertaining to emergency management:

8 (1) Support requests from a mayor for assistance in
9 preparing for, responding to, and recovering from any
10 emergency or disaster or threat thereof;

11 (2) Lease, lend, or otherwise furnish, on terms and
12 conditions that the governor may consider necessary to
13 promote the public welfare and protect the interest of
14 the State, any real or personal property of the state
15 government, to the President of the United States, the
16 armed forces, or to the emergency management agency of
17 the United States;

18 (3) Enter into, participate in, or carry out mutual aid
19 agreements or compacts for emergency management or
20 emergency management functions with the federal
21 government and with other states;



- 1 (4) Sponsor and develop mutual aid plans and agreements
2 for emergency management between the State, one or
3 more counties, and other governmental, private sector,
4 and nonprofit organizations, for the furnishing or
5 exchange of food, clothing, medicine, and other
6 materials; engineering services; emergency housing;
7 police services; health, medical, and related
8 services; firefighting, rescue, transportation, and
9 construction services and facilities; personnel
10 necessary to provide or conduct these services; and
11 other materials, facilities, personnel, and services
12 as may be needed. The mutual aid plans and agreements
13 may be made with or without provisions for
14 reimbursement of costs and expenses, and on terms and
15 conditions as are deemed necessary;
- 16 (5) Take possession of, use, manage, control, and
17 reallocate any public property of the State, real or
18 personal, required by the governor for the purposes of
19 this chapter, including airports, parks, playgrounds,
20 schools, and other public buildings. Whenever the
21 property is so taken, the governor may make provisions
22 for the temporary accommodation of the government



1 service affected thereby as the governor may deem
2 advisable;

3 (6) Utilize all services, materials, and facilities of
4 nongovernmental agencies, relief organizations,
5 community associations, and other private sector and
6 nonprofit organizations that may be made available;

7 (7) Receive, expend, or use contributions or grants, which
8 shall be deemed to be trust funds, in money, property,
9 or services, or loans of property, or special
10 contributions or grants in money, property, or
11 services, or loans of property, for special purposes
12 provided for by this chapter; establish funds in the
13 state treasury for the deposit and expenditure of the
14 moneys; procure federal aid as the same may be
15 available; and apply the provisions of chapter 29 in
16 cases of federal aid, even though not in the form of
17 money. The contributions or grants are appropriated
18 for the purposes of this chapter, or for the special
19 purposes;

20 (8) Purchase, make, produce, construct, rent, lease, or
21 procure by condemnation or otherwise, transport,
22 store, install, maintain, insure, repair, renovate,



1 restore, replace or reconstruct, distribute, furnish,
2 or otherwise dispose of, with or without charges,
3 materials and facilities for emergency management; and
4 to procure federal aid therefor whenever feasible.

5 Chapter 103D and sections 103-50, 103-53, 103-55, 105-
6 1 to 105-10, and 464-4 shall not apply to any
7 emergency management functions of the governor to the
8 extent that the governor finds that the statutes, in
9 whole or in part, impede or tend to impede the
10 expeditious discharge of those functions, or that
11 compliance with the statutes is impracticable due to
12 existing conditions;

- 13 (9) Provide for the appointment, employment, training,
14 equipping, and maintaining with compensation, or on a
15 volunteer basis without compensation and without
16 regard to chapters 76, 78, and 88, of any agencies,
17 officers, and other persons as the governor deems
18 necessary to carry out the purposes of this chapter;
19 to determine to what extent any law prohibiting the
20 holding of more than one office or employment applies
21 to the agencies, officers, and other persons; and
22 subject to this chapter, to provide for the



- 1 interchange of personnel, by detail, transfer, or
2 otherwise, between agencies or departments of the
3 State;
- 4 (10) Make charges in cases and in amounts as the governor
5 deems advisable, for any property sold, work
6 performed, services rendered, or accommodations or
7 facilities furnished by the State under this chapter;
- 8 (11) Make or authorize contracts as may be necessary to
9 carry out this chapter;
- 10 (12) Establish special accounting forms and practices
11 whenever necessary;
- 12 (13) Require each public utility, or any person owning,
13 controlling, or operating a critical infrastructure
14 facility as identified by the governor, to protect and
15 safeguard its or the person's property, or to provide
16 for the protection and safeguarding thereof; and
17 provide for the protection and safeguarding of all
18 critical infrastructure and key resources; provided
19 that without prejudice to the generality of the
20 foregoing two clauses, the protecting and safeguarding
21 may include the regulation or prohibition of public



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



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

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

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

12 (c) The mayor of each county may exercise the following
13 powers pertaining to emergency management:

14 (1) Lease, lend, or otherwise furnish, on terms and
15 conditions as the mayor may consider necessary to
16 promote the public welfare and protect the interest of
17 the county, any real or personal property of the
18 county government, to the governor of the State, to
19 the mayors of the other counties of the State, or to
20 the agency;

21 (2) Sponsor and develop mutual aid plans and agreements
22 for emergency management between one or more counties,



1 and other governmental, private sector, or nonprofit
2 organizations, for the furnishing or exchange of food,
3 clothing, medicine, and other materials; engineering
4 services; emergency housing; police services; health,
5 medical, and related services; firefighting, rescue,
6 transportation, and construction services and
7 facilities; personnel necessary to provide or conduct
8 these services; and other materials, facilities,
9 personnel, and services as may be needed. The mutual
10 aid plans and agreements may be made with or without
11 provisions for reimbursement of costs and expenses,
12 and on terms and conditions as are deemed necessary;

13 (3) Take possession of, use, manage, control, and
14 reallocate any public property of the county, real or
15 personal, required by the mayor for the purposes of
16 this chapter, including parks, playgrounds, and other
17 public buildings. Whenever the property is so taken,
18 the mayor may make provisions for the temporary
19 accommodation of the government service affected
20 thereby as the mayor may deem advisable;

21 (4) Utilize all services, materials, and facilities of
22 nongovernmental agencies, relief organizations,



1 community associations, and other private sector and
2 nonprofit organizations that may be made available;

3 (5) Receive, expend, or use contributions or grants, which
4 shall be deemed to be trust funds, in money, property,
5 or services, or loans of property, or special
6 contributions or grants in money, property, or
7 services, or loans of property, for special purposes
8 provided for by this chapter; establish funds in the
9 treasury for the deposit and expenditure of the
10 moneys; and procure federal aid as the same may be
11 available. The contributions or grants are
12 appropriated for the purposes of this chapter, or for
13 the special purposes;

14 (6) Purchase, make, produce, construct, rent, lease, or
15 procure by condemnation or otherwise, transport,
16 store, install, maintain, insure, repair, renovate,
17 restore, replace or reconstruct, distribute, furnish,
18 or otherwise dispose of, with or without charges,
19 materials and facilities for emergency management; and
20 to procure federal aid therefor whenever feasible.

21 Chapter 103D and sections 103-50, 103-53, 103-55, 105-
22 1 to 105-10, and 464-4 shall not apply to any



1 emergency management functions of and to the extent
2 that the mayor finds that the provisions, in whole or
3 in part, impede or tend to impede the expeditious
4 discharge of the functions, or that compliance with
5 the provisions is impracticable due to existing
6 conditions;

7 (7) Provide for the appointment, employment, training,
8 equipping, and maintaining, with compensation, or on a
9 volunteer basis without compensation and without
10 regard to chapters 76, 78, and 88, of such agencies,
11 officers, and other persons as the mayor deems
12 necessary to carry out this chapter; to determine to
13 what extent any law prohibiting the holding of more
14 than one office or position of employment applies to
15 the agencies, officers, and other persons; and subject
16 to this chapter, to provide for the interchange of
17 personnel, by detail, transfer, or otherwise, between
18 agencies or departments of the county;

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



- 1 (9) Make or authorize contracts as may be necessary to
2 carry out this chapter;
- 3 (10) Establish special accounting forms and practices
4 whenever necessary;
- 5 (11) Require each public utility, or any person owning,
6 controlling, or operating a critical infrastructure
7 facility as identified by the mayor, to protect and
8 safeguard its or the person's property, or to provide
9 for the protection and safeguarding; and provide for
10 the protection and safeguarding of all critical
11 infrastructure and key resources; provided that
12 without prejudice to the generality of the foregoing
13 two clauses, the protection and safeguarding may
14 include the regulation or prohibition of public entry
15 thereon, or the permission of the entry upon terms and
16 conditions as the mayor may prescribe;
- 17 (12) Restrict the congregation of the public in stricken or
18 dangerous areas or under dangerous conditions;
- 19 (13) Direct and control the non-compulsory evacuation of
20 the civilian population of the county;
- 21 (14) Order and direct government agencies, officials,
22 officers, and employees of the county, to take action



1 and employ measures for law enforcement, medical,
2 health, firefighting, traffic control, warnings and
3 signals, engineering, rescue, construction, emergency
4 housing, hospitalization, transportation, water
5 supply, public information, training, and other
6 welfare and emergency functions as may be necessary,
7 and utilize the services, materials, and facilities of
8 the agencies and officers. All such agencies and
9 officers shall cooperate with and extend their
10 services, materials, and facilities to the mayor as
11 the mayor may request;

12 (15) Provide for the repair and maintenance of public
13 property, whenever adequate provision therefor is not
14 otherwise made; insure the property against any
15 emergency or disaster; provide for the restoration,
16 renovation, replacement, or reconstruction of insured
17 property in the event of damage or loss; and make
18 temporary restoration of public utilities and other
19 critical infrastructure facilities in the event of an
20 emergency or disaster;

21 (16) Fix or revise the hours of county government business;
22 and



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

5 § -13 **Additional powers in an emergency period.** (a) In
6 the event of a state of emergency declared by the governor
7 pursuant to section -14, the governor may exercise the
8 following additional powers pertaining to emergency management
9 during the emergency period:

10 (1) Provide for and require the quarantine or segregation
11 of persons who are affected with or believed to have
12 been exposed to any infectious, communicable, or other
13 disease that is, in the governor's opinion, dangerous
14 to the public health and safety, or persons who are
15 the source of other contamination, in any case where,
16 in the governor's opinion, the existing laws are not
17 adequate to assure the public health and safety;
18 provide for the care and treatment of the persons;
19 supplement the provisions of sections 325-32 to 325-38
20 concerning compulsory immunization programs; provide
21 for the isolation or closing of property that is a
22 source of contamination or is in a dangerous condition



1 in any case where, in the governor's opinion, the
2 existing laws are not adequate to assure the public
3 health and safety, and designate as public nuisances
4 acts, practices, conduct, or conditions that are
5 dangerous to the public health or safety or to
6 property; authorize that public nuisances be summarily
7 abated and, if need be, that the property be
8 destroyed, by any police officer or authorized person,
9 or provide for the cleansing or repair of property,
10 and if the cleansing or repair is to be at the expense
11 of the owner, the procedure therefor shall follow as
12 nearly as may be the provisions of section 322-2,
13 which shall be applicable; and further, authorize
14 without the permission of the owners or occupants,
15 entry on private premises for any such purposes;

16 (2) Relieve hardships and inequities, or obstructions to
17 the public health, safety, or welfare, found by the
18 governor to exist in the laws and to result from the
19 operation of federal programs or measures taken under
20 this chapter, by suspending the laws, in whole or in
21 part, or by alleviating the provisions of laws on
22 terms and conditions as the governor may impose,



- 1 including licensing laws, quarantine laws, and laws
2 relating to labels, grades, and standards;
- 3 (3) Suspend any law that impedes or tends to impede or be
4 detrimental to the expeditious and efficient execution
5 of, or to conflict with, emergency functions,
6 including laws that by this chapter specifically are
7 made applicable to emergency personnel;
- 8 (4) In the event of an emergency or disaster beyond local
9 control, take control of the emergency or disaster
10 incident upon the request of the local entity;
- 11 (5) Shut off water mains, gas mains, electric power
12 connections, or suspend other services and, to the
13 extent permitted by or under federal law, suspend
14 electronic media transmission;
- 15 (6) Direct and control the mandatory evacuation of the
16 civilian population;
- 17 (7) Exercise additional emergency functions to the extent
18 necessary to prevent hoarding, waste, or destruction
19 of materials, supplies, commodities, accommodations,
20 facilities, and services, to effectuate equitable
21 distribution thereof, or to establish priorities
22 therein as the public welfare may require; to



1 investigate; and notwithstanding any other law to the
2 contrary, to regulate or prohibit, by means of
3 licensing, rationing, or otherwise, the storage,
4 transportation, use, possession, maintenance,
5 furnishing, sale, or distribution thereof, and any
6 business or any transaction related thereto;

7 (8) Suspend section 8-1, relating to state holidays,
8 except the last paragraph relating to holidays
9 declared by the President of the United States, which
10 shall remain unaffected, and in the event of the
11 suspension, the governor may establish state holidays
12 by proclamation;

13 (9) Adjust the hours for voting to take into consideration
14 the working hours of the voters during the emergency
15 period, and suspend those provisions of section 11-131
16 that fix the hours for voting, and fix other hours by
17 stating the same in the election proclamation or
18 notice, as the case may be;

19 (10) Ensure the continuity of service by critical
20 infrastructure facilities, both publicly and privately
21 owned, by regulating or, if necessary to the



1 continuation of the service thereof, by taking over
2 and operating the same; and

3 (11) Except as provided in section 134-7.2, whenever in the
4 governor's opinion the laws of the State do not
5 adequately provide for the common defense, public
6 health, safety, and welfare, the governor may
7 investigate, regulate, or prohibit the storage,
8 transportation, use, possession, maintenance,
9 furnishing, sale, or distribution of, as well as any
10 transaction related to, explosives, firearms, and
11 ammunition, inflammable materials and other objects,
12 implements, substances, businesses, or services of a
13 hazardous or dangerous character, or particularly
14 capable of misuse, or obstructive of or tending to
15 obstruct law enforcement, emergency management, or
16 military operations, including intoxicating liquor and
17 the liquor business; and authorize the seizure and
18 forfeiture of any such objects, implements, or
19 substances unlawfully possessed, as provided in this
20 chapter.

21 (b) In the event of a local state of emergency declared by
22 the mayor of a county pursuant to section -14, the mayor may



1 exercise the following additional powers pertaining to emergency
2 management during the emergency period:

3 (1) Relieve hardships and inequities, or obstructions to
4 the public health, safety, or welfare, found by the
5 mayor to exist in the laws of the county and to result
6 from the operation of federal programs or measures
7 taken under this chapter, by suspending the county
8 laws, in whole or in part, or by alleviating the
9 provisions of county laws on terms and conditions as
10 the mayor may impose, including county licensing laws,
11 and county laws relating to labels, grades, and
12 standards;

13 (2) Suspend any county law that impedes or tends to impede
14 or be detrimental to the expeditious and efficient
15 execution of, or to conflict with, emergency
16 functions, including laws that by this chapter
17 specifically are made applicable to emergency
18 personnel;

19 (3) Shut off water mains, gas mains, electric power
20 connections, or suspend other services and, to the
21 extent permitted by or under federal law, suspend
22 electronic media transmission;



- 1 (4) Direct and control the mandatory evacuation of the
- 2 civilian population; and
- 3 (5) Exercise additional emergency functions, to the extent
- 4 necessary to prevent hoarding, waste, or destruction
- 5 of materials, supplies, commodities, accommodations,
- 6 facilities, and services, to effectuate equitable
- 7 distribution thereof, or to establish priorities
- 8 therein as the public welfare may require; to
- 9 investigate; and any other county law to the contrary
- 10 notwithstanding, to regulate or prohibit, by means of
- 11 licensing, rationing, or otherwise, the storage,
- 12 transportation, use, possession, maintenance,
- 13 furnishing, sale, or distribution thereof, and any
- 14 business or any transaction related thereto.

15 § -14 State of emergency in the State; local state of
 16 emergency. (a) The governor may declare the existence of a
 17 state of emergency in the State by proclamation if the governor
 18 finds that an emergency or disaster has occurred or that there
 19 is imminent danger or threat of an emergency or disaster in any
 20 portion of the State.

21 (b) A mayor of a county may declare the existence of a
 22 local state of emergency in the county by proclamation if the



1 mayor finds that an emergency or disaster has occurred or that
2 there is imminent danger or threat of an emergency or disaster
3 in any portion of the county.

4 (c) The governor or mayor shall be the sole judge of the
5 existence of the danger, threat, or circumstances giving rise to
6 a declaration of a state of emergency in the State or a local
7 state of emergency in the county, as applicable. This section
8 shall not limit the power and authority of the governor under
9 section -13(a)(4).

10 (d) A state of emergency in the State and a local state of
11 emergency shall terminate automatically sixty days after the
12 issuance of a proclamation of a state of emergency in the State
13 or local state of emergency, respectively, or by a separate
14 proclamation of the governor or mayor, whichever occurs first.

15 § -15 Proclamations, how made; service of papers. (a)
16 Every proclamation of the governor or mayor for which provision
17 is made by this chapter, shall be promulgated by posting on the
18 applicable state or county emergency management agency website
19 and by means calculated to bring its contents to the attention
20 of the general public, including by official announcement by
21 means of television or radio broadcast, or both, or by Internet,
22 or such other means as may be available. The proclamation shall



1 remain posted on the agency website until the state of emergency
2 or local state of emergency terminates automatically or by
3 subsequent proclamation.

4 (b) Any process, notice, or order, service of which is
5 provided for by this chapter, may be served by any law
6 enforcement officer or person authorized by the governor or
7 mayor, any other provision of law to the contrary
8 notwithstanding.

9 § -16 Major disaster fund. (a) The director shall
10 submit requests to the legislature to appropriate from the
11 general revenues of the State sufficient moneys as may be
12 necessary for expenditure by or under the direction of the
13 governor for immediate relief in response to an emergency or
14 disaster in any part of the State; provided that:

15 (1) The governor has issued a proclamation of a state of
16 emergency;

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

20 (3) In addition to the funds in paragraph (2), an
21 additional \$2,000,000 may be made available solely for
22 the purpose of matching federal disaster relief funds



1 when these funds become available to the State
2 following a presidential disaster declaration.

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

6 Notwithstanding this subsection, the only exception to
7 paragraphs (1), (2), and (3) is that the director may use up to
8 \$100,000 per year to support emergency reserve corps training.

9 (b) Federal reimbursement moneys for disaster relief shall
10 be deemed to be trust moneys and may be deposited into a trust
11 account with and under the control of the department of
12 defense. These moneys and any interest earned thereon shall be
13 used for the purpose identified in subsection (a) and shall not
14 lapse to the general fund.

15 § -17 Allotments. (a) There shall be available for
16 allotment by the governor under this chapter:

17 (1) Any moneys appropriated for the purposes of this
18 chapter, or reappropriated pursuant to subsection (b)
19 and any unexpended moneys appropriated for emergency
20 management or disaster relief or administration
21 thereof by any act, but only within the scope and



1 purposes of the appropriations so made by the
2 legislature;

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

4 (3) The governor's contingent fund.

5 (b) Any sums realized under this chapter from the sale of
6 property by the State, or from work performed, services
7 rendered, or accommodations or facilities furnished by the
8 State, or from insurance against damage or loss of property, the
9 premiums for which have been paid by the State under this
10 chapter, shall be deemed to be trust funds for the purposes of
11 this chapter and may be expended or allotted in the same manner
12 as other appropriations made by or available for the purposes of
13 this chapter.

14 (c) The governor may allot any moneys appropriated or
15 available for the purposes of this chapter to any agency,
16 officer, or employee, created, appointed, or employed under this
17 chapter, or to any government agency, officer, or employee of
18 the State or a county, to whom powers or duties have been
19 delegated pursuant to this chapter, to be expended in carrying
20 out the provisions of this chapter, and in the case of county
21 agencies, officers, or employees, to order the allotment paid

1 over to be held, disbursed, and accounted for as other county
2 funds or as the governor shall provide.

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

7 (e) Any appropriation made or available for the purposes
8 of this chapter may be expended notwithstanding the existence of
9 a specific or other appropriation for the same or a like
10 purpose, and without prejudice to the expenditure of the other
11 appropriation. The powers granted by this section are in
12 addition to, and not restrictive of, the powers granted by any
13 other section.

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

16 § -18 Mitigation of hazardous situations. (a) Even in
17 the absence of an emergency or disaster, the governor may
18 authorize designated state employees, agents, contractors, or
19 representatives to enter private property at reasonable times to
20 mitigate situations deemed by the governor to be hazardous to
21 the health and safety of the public; provided that this section
22 shall be applicable only to the following actions:



1 (1) Cutting, trimming, or removing dangerous trees or
2 branches that pose a hazard to other properties;
3 (2) Stabilizing or removing unstable rock and soil
4 hazards; or
5 (3) Cleaning streams and waterways to mitigate or prevent
6 flooding or other hazards;
7 provided further that at least ten days' written notice shall be
8 provided to the landowner and to the occupier of the private
9 property of the governor's intention to authorize designated
10 state employees, agents, contractors, or representatives to
11 enter the property to mitigate the hazardous situation; provided
12 further that the landowner or occupier shall be given a
13 reasonable opportunity to mitigate the hazardous situation
14 without assistance of the State before designated state
15 employees, agents, contractors, or representatives may enter the
16 property.

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

1 (c) If entry is refused, the governor may apply to the
2 district court in the circuit in which the property is located
3 for a warrant to enter the premises. The district court may
4 issue a warrant directing the chief of the appropriate county
5 police to assist the governor in gaining entry onto the premises
6 during regular working hours or at other reasonable times.

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

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

14 § -19 **Shelters.** (a) The governor may establish
15 guidelines for providing suitable arrangements and
16 accommodations for the sheltering of the public and the
17 sheltering of pet animals in public shelters under this chapter.

18 (b) County emergency management agencies shall identify,
19 in coordination with private and nonprofit organizations engaged
20 in emergency management functions relating to providing shelter
21 or the management or operation of a public shelter under this
22 chapter, locations and facilities suitable for the sheltering of



1 the public and locations and facilities suitable for the
2 sheltering of pet animals.

3 (c) The administrator or director of the county emergency
4 management agency may identify, in coordination with private
5 owners, operators, or controllers of real property, private
6 locations and facilities that are suitable for use as shelters
7 of the public or of pet animals.

8 (d) A public shelter identified for the sheltering of pet
9 animals pursuant to subsection (b) or (c) need not be subject to
10 guidelines developed for public shelters, unless the particular
11 shelter has been specifically identified as a shelter for both
12 pet animals and the public.

13 (e) For purposes of this section:

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

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

18 § -20 Immunity from liability of private shelter. (a)

19 Any individual, partnership, firm, society, unincorporated
20 association, joint venture group, hui, joint stock company,
21 corporation, trustee, personal representative, trust estate,
22 decedent's estate, trust, or other legal entity whether doing



1 business for itself or in a fiduciary capacity, owning or
2 controlling real property, that voluntarily and without
3 compensation grants a license or privilege for, or otherwise
4 permits, the designation by the emergency management agency of
5 the county in which the building is located for the use of the
6 property, in whole or in part, for the purpose of sheltering
7 persons or pet animals during emergencies and disasters, shall,
8 together with its successors in interest, if any, not be civilly
9 liable for negligently causing the death of or injury to any
10 person or pet animal or damage to any personal property on the
11 property of the licensor in connection with the use of the
12 licensed premises for the purposes designated.

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

15 (1) Any compensation or consideration paid by or on behalf
16 of any guest or person for transient accommodation
17 lodging;

18 (2) Any compensation or consideration paid for any
19 patient, resident, or ward present or residing in any
20 hospital, community-based care home, home-based care
21 home, or health care agency of any type licensed by
22 the department of health or the department of human



1 services and used as a private shelter under this
2 section; provided that the protections afforded by
3 this section shall not extend beyond the use of the
4 private shelter under this section for any other duty
5 or standard of care owed to any patient, resident, or
6 ward; and

7 (3) Any compensation or consideration paid by or on behalf
8 of any minor or student of any age in any day care,
9 preschool, elementary school, middle school, or any
10 other educational facility used as a private shelter
11 under this section.

12 § -21 **Notice of requisition.** The governor or mayor may
13 requisition and take over any materials, facilities, or real
14 property or improvements, required for the purposes of this
15 chapter, or requisition and take over the temporary use
16 thereof. The requisition shall be made by serving notice upon
17 any person found in occupation of the premises or having the
18 property in the person's custody, possession, or control;
19 provided that a like notice shall also be served upon any person
20 who has filed with the governor or mayor, or with a person as
21 the governor or mayor may designate for the purpose, a request
22 for notice with respect to the property; provided further that



1 whenever all persons entitled to compensation for the property
2 have not been served in the manner aforesaid, the governor or
3 mayor shall publish a notice of the requisition at the earliest
4 practicable date.

5 § -22 **Determination of compensation.** (a) Whenever the
6 governor or mayor requisitions and takes over any property or
7 the temporary use thereof, the owner, or other person entitled
8 thereto, shall be paid, as compensation for the property or use,
9 a sum that the governor or mayor determines to be fair and just,
10 within twenty days after it has been requisitioned and taken;
11 provided that the compensation for temporary use may be paid in
12 monthly or lesser installments.

13 (b) If any person is unwilling to accept, as full and
14 complete compensation for the property or use thereof, the sum
15 determined by the governor or mayor, the person shall be paid
16 seventy-five per cent of the sum determined by the governor or
17 mayor. The person shall also be entitled to sue the State or
18 county for an additional sum as, when added to the sum already
19 received by the person, the person may consider fair and just
20 compensation for the property or use, in the manner provided by
21 chapter 661 for actions against the State and any other
22 applicable chapter for actions against the county. Any suit



1 under this section shall be instituted within two years after
2 the requisition in the case of the taking of real property in
3 fee simple, or within one year after the requisition in all
4 other cases, subject to sections 657-13 to 657-15, which are
5 hereby made applicable to such a suit; except that no more than
6 six months shall be allowed for the bringing of a suit after the
7 appointment of a conservator of a person under disability, or
8 the removal of the disability, or after the appointment of
9 personal representatives. Recovery shall be confined to the
10 fair market value of the property or its fair rental value, as
11 the case may be, without any allowance for prospective profits,
12 or punitive or other damages. Whenever the owner of property,
13 or other person entitled to compensation on account of the
14 requisitioning of property or the use thereof, is under a
15 disability or has died, and no conservator or personal
16 representative has been appointed, the State, acting through the
17 attorney general, may apply for the appointment of a conservator
18 or for the appointment of a personal representative.

19 § -23 **Determination of damages.** The governor or mayor,
20 as applicable, shall appoint a board of three disinterested
21 certified appraisers with whom may be filed any claim for
22 damages arising out of any failure to return private property,



1 the temporary use of which was requisitioned, or which was
2 leased, or any claim for damages arising out of the condition in
3 which the private property is returned; provided that no claim
4 shall be filed for deterioration of property resulting from
5 ordinary wear and tear or for any deterioration or damage except
6 as is shown to have resulted from the taking or use of the
7 property. Any claim shall be filed within thirty days after the
8 return of the property or after the governor or mayor proclaims
9 that all private property has been returned to the owners,
10 whichever is earlier. The decision of the appraisers shall be
11 final and binding upon the governor or mayor, as applicable, and
12 the claimant; provided that either party may file a petition in
13 the circuit court within sixty days after the rendering of a
14 decision of the board, praying for the decision of the court
15 upon the claim. The petition, if filed by the State, shall be
16 entitled in the name of the State, by the attorney general, and
17 if filed by the county, shall be entitled in the name of the
18 county, by its corporation counsel, and shall be heard and
19 decided by the circuit court without the intervention of a jury.
20 If filed by any other party, the petition shall be filed, heard,
21 and decided in the manner provided for suits against the State
22 or county. Appellate review may be had, subject to chapter 602,



1 in the manner provided for civil appeals from the circuit
2 courts. The court may order the joinder of other parties or may
3 allow other parties to intervene. Any award that has become
4 final shall be paid out of any funds available under this
5 chapter and, if not sufficient, out of the general revenues of
6 the State as appropriated or out of the general revenues of the
7 county as appropriated.

8 § -24 **Investigations and surveys.** (a) The governor or
9 mayor, as applicable, may make investigations and surveys for
10 the purpose of ascertaining facts to be used in administering
11 this chapter, and in making the investigations and surveys, may
12 require the making or filing of schedules or statements, under
13 oath or otherwise; administer oaths; take evidence under oath;
14 subpoena witnesses; make inspections; and require the production
15 of books, papers, and records. The circuit court of any circuit
16 or judge thereof, may enforce by proper proceedings the making
17 or filing of the schedules or statements; the attendance and
18 testimony of any witness subpoenaed to appear within the
19 circuit; or the production of books, papers, and records. The
20 proceedings shall be in addition to, and not exclusive of, any
21 other means or methods of enforcement.



1 (b) No person shall be excused from attending and
2 testifying, or from producing books, papers, or records, before
3 the governor or mayor or in obedience to the subpoena of the
4 governor or mayor, or in any cause or proceeding, criminal or
5 otherwise, based upon or growing out of any alleged violation of
6 this chapter or any rule or order thereunder, on the ground, or
7 for the reason, that the testimony or evidence, documentary or
8 otherwise, required of the person may tend to incriminate the
9 person or subject the person to a penalty or forfeiture; but no
10 individual shall be prosecuted or subjected to any penalty or
11 forfeiture for or on account of any transaction, matter, or
12 thing concerning which the person is compelled after having
13 claimed the person's privilege against self-incrimination, to
14 testify or produce evidence, documentary or otherwise, except
15 that any individual so testifying shall not be exempt from
16 prosecution and punishment for perjury committed in so
17 testifying.

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

20 § -25 Rules and orders. (a) For the purpose of
21 carrying out any provision of this chapter, the governor may
22 adopt rules for the State and the mayor may adopt rules for the



1 county that may, if so stated in the rules, have the force and
2 effect of law. Even though the rules are prescribed pursuant to
3 a power conferred, or having mandatory or prohibitive effect,
4 only in the event of a state of emergency or local state of
5 emergency, the rules nevertheless may be prescribed prior
6 thereto if stated therein to have the force and effect of law
7 only in the event of a state of emergency or local state of
8 emergency. All the rules, and likewise all other action taken
9 under this chapter, shall be made and taken with due
10 consideration of the orders, rules, regulations, actions,
11 recommendations, and requests of federal authorities relevant
12 thereto. In these rules, reasonable classifications,
13 exceptions, and exemptions may be made and granted. The rules
14 shall not be subject to chapter 91.

15 (b) The power to adopt rules having the force and effect
16 of law shall not be deemed in derogation of the power of the
17 governor, or the governor's duly authorized representatives, or
18 the mayor, or the mayor's duly authorized representatives, to
19 make orders for the enforcement of this chapter or the rules
20 issued thereunder. The rules may provide for the making of
21 administrative findings by duly authorized representatives, or



1 for the application of the rules by the representatives as the
2 circumstances may require, and the issuance of orders therefor.

3 (c) Rules adopted pursuant to this chapter during a state
4 of emergency shall be adopted as provided in this subsection,
5 and may be made effective upon adoption. The rules shall be
6 adopted by posting them on the applicable state or county
7 government website and by publishing them in a newspaper of
8 general circulation in the State, by means calculated to bring
9 its contents to the attention of the general public, including
10 by official announcement by means of television or radio
11 broadcast, or both, or by Internet, or, where only known persons
12 are concerned, by service upon these persons by registered or
13 certified mail or by personal service. The rules shall remain
14 posted on the government website while in effect. When
15 immediate adoption of the rules is necessary in the opinion of
16 the governor or mayor, as applicable, who shall be the sole
17 judge thereof, in lieu of publication, the rules may be adopted
18 by television or radio broadcast, or both, or by Internet, or
19 other means as may be available; provided that the rules shall
20 be posted and published thereafter at the earliest practicable
21 date.



1 § -26 **Forfeitures.** The forfeiture of any property
2 unlawfully possessed, pursuant to section -12(b), may be
3 adjudged upon conviction of the offender found to be unlawfully
4 in possession of the same, where no person other than the
5 offender is entitled to notice and hearing with respect to the
6 forfeiture, or the forfeiture may be enforced by an appropriate
7 civil proceeding brought in the name of the State or county.
8 The district courts and circuit courts shall have concurrent
9 jurisdiction of the civil proceedings. Any property forfeited
10 as provided in this section may be ordered destroyed, or may be
11 ordered delivered for public use to such agency as shall be
12 designated by the governor or the governor's representative, or
13 may be ordered sold, in whole or in part, for the account of the
14 State.

15 § -27 **Preliminary or interlocutory injunctions and**
16 **temporary restraining orders.** (a) Notwithstanding any other
17 law to the contrary, no preliminary or interlocutory injunction,
18 or temporary restraining order, suspending, enjoining, or
19 restraining the enforcement, operation, or execution of, or
20 setting aside, in whole or in part, on the ground of
21 unconstitutionality or for any other reason or reasons, any
22 provision of this chapter or any proclamation, order, or rule



1 prescribed, made, or issued under the authority of this chapter,
2 shall be issued or granted by any court of the State, or by any
3 judge thereof, unless the application for the same is presented
4 to a circuit judge, is heard and determined by the circuit judge
5 sitting with two other circuit judges, and a majority of the
6 judges concur in granting the application. When the application
7 is presented to a judge, the judge shall immediately notify the
8 chief justice of the supreme court of the State, or the senior
9 associate justice in the event of the chief justice's absence or
10 incapacity or a vacancy in the office, who shall forthwith
11 assign two other circuit judges to sit with the circuit judge in
12 hearing and determining the application.

13 (b) The application shall not be heard or determined
14 before at least five days' notice of the hearing has been given
15 to the governor and the attorney general, or to the mayor and
16 the county corporation counsel, as applicable, and to other
17 persons that may be defendants or respondents in the suits. In
18 cases in which immediate irreparable damage would otherwise
19 ensue to the petitioner, the circuit judge to whom the
20 application is made may, after giving notice to the governor and
21 the attorney general, or the mayor and the county corporation
22 counsel, as applicable, and allowing them an opportunity to



1 appear, grant a temporary stay or suspension, in whole or in
2 part, of the operation of the statutory provision, proclamation,
3 order, or rule. The temporary stay or suspension shall remain
4 in force only until the hearing and determination of the
5 application for a preliminary or interlocutory injunction, and
6 in any event for not more than ten days from the date of the
7 order of the judge. If the two additional circuit judges have
8 been assigned to the case, no temporary stay or suspension shall
9 be ordered unless a majority of the three circuit judges shall
10 concur.

11 (c) In a case of the stay or suspension, the order of the
12 judge or judges shall contain a finding or findings, based upon
13 evidence submitted to the judge or judges and incorporated in
14 the order by reference thereto, that irreparable damage would
15 result to the petitioner, and specifying the nature of the
16 damage and why it is immediate and irreparable. The three
17 circuit judges assigned to sit in the case may, upon a like
18 finding and for good cause shown, appearing from reasons entered
19 of record, continue the temporary stay or suspension for an
20 additional ten-day period, but for only one such period unless
21 the party against whom the order is directed consents that it
22 may be extended for a longer period. The hearing upon an



1 application for a preliminary or interlocutory injunction shall
2 be given precedence and shall be in every way expedited and be
3 assigned for hearing at the earliest practicable day.

4 (d) If a temporary stay or suspension has been allowed,
5 the application for a preliminary or interlocutory injunction
6 shall be set for hearing within five days after the granting of
7 the stay or suspension. When the matter comes on for hearing,
8 the party who obtained the temporary stay or suspension shall
9 proceed with the application for a preliminary or interlocutory
10 injunction. Otherwise the temporary order shall be dissolved
11 forthwith. No extension of time shall be granted without the
12 approval of at least two of the three judges. Upon the final
13 hearing of any such suit, the same requirement as to judges and
14 the same procedure as to expedition shall apply.

15 § -28 Enforcement of injunction proceedings;

16 **interventions.** (a) Whenever in the opinion of the governor or
17 mayor, as applicable, any person has engaged or is about to
18 engage in any act or practice that constitutes or will
19 constitute a violation of any provision of this chapter, or any
20 rule of the governor or mayor issued pursuant to this chapter
21 and having the force and effect of law, the governor or mayor
22 may make application to the appropriate court in the name of the



1 State or county for an order enjoining the acts or practices, or
2 for any other order that will enforce compliance with the
3 provisions, and upon a showing by the governor or mayor in the
4 manner and form as is usual in injunction cases, that the person
5 has engaged or is about to engage in any such act or practice, a
6 permanent or temporary injunction, restraining order, or other
7 appropriate order shall be granted without bond.

8 (b) The governor may intervene in the name of the State or
9 the mayor may intervene in the name of the county, as
10 applicable, in any action or proceeding wherein a party asserts
11 a right or relies for ground of relief or defense upon this
12 chapter or upon any rule or order of the governor or mayor
13 issued under this chapter, or, in the judgment of the governor
14 or mayor, there is an issue to be presented that involves
15 enforcement of this chapter or the rules.

16 § -29 **Violations; penalties.** (a) Any person violating
17 any rule of the governor or mayor prescribed and adopted
18 pursuant to this chapter and having the force and effect of law,
19 if it is stated in the rule, shall be guilty of a misdemeanor.
20 Upon conviction, the person shall be fined not more than \$5,000,
21 or imprisoned not more than one year, or both.



1 (b) Any person who intentionally, knowingly, or recklessly
2 destroys, damages, or loses any shelter, protective device, or
3 warning or signal device, shall if the same was installed or
4 constructed by the United States, the State, or a county, or is
5 the property of the United States, the State, or a county, shall
6 be fined the cost of replacement, or imprisoned not more than
7 one year, or both. The governor or mayor, may, by rule, make
8 further provisions for the protection from misuse of shelters,
9 protective devices, or warning and signal devices.

10 § -30 Rental or sale of essential commodities during a
11 state of emergency or local state of emergency; prohibition
12 against price increases. (a) Whenever the governor declares a
13 state of emergency for the entire State or any portion thereof,
14 or a mayor declares a local state of emergency for the county or
15 any portion thereof, or when the State, or any portion thereof,
16 is the subject of a severe weather warning:

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

21 (2) No landlord shall terminate any tenancy for a
22 residential dwelling unit in the area that is the



1 subject of the proclamation or the severe weather
2 warning, except for a breach of a material term of a
3 rental agreement or lease, or if the unit is unfit for
4 occupancy as defined in this chapter; provided that:

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

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

13 (ii) When the landlord or an immediate family
14 member of the landlord will occupy the
15 residential dwelling unit; or

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



1 (i) Reoccupancy shall first be offered to the
2 same tenant or tenants upon completion of
3 the repair;

4 (ii) The term of the fixed-term lease or periodic
5 tenancy shall be extended by a period of
6 time equal to the duration of the repair;
7 and

8 (iii) It shall be the responsibility of the tenant
9 or tenants to find other accommodations
10 during the period of repair.

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

19 (c) The prohibitions under subsection (a) shall remain in
20 effect until:



- 1 (1) In the event of a severe weather warning, twenty-four
2 hours after the severe weather warning is canceled by
3 the National Weather Service; or
- 4 (2) In the event of a declaration, the later of:
- 5 (A) A date specified by the governor or mayor as the
6 date of termination of the prohibition in the
7 declaration;
- 8 (B) Ninety-six hours after the effective date and
9 time of the declaration; or
- 10 (C) If the prohibition is continued by a
11 supplementary declaration issued by the governor
12 or mayor, the date of termination of the
13 prohibition specified in the supplemental
14 declaration;
- 15 any proclamation issued under this chapter that fails
16 to state the time at which it will take effect, shall
17 take effect at twelve noon of the day on which it
18 takes effect.
- 19 (d) In any action against a merchant, landlord, or other
20 business for violation of the price limitations in this section,
21 the defendant shall be deemed not to have violated this section
22 if the defendant proves all of the following:



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

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

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

8 (e) Any violation of this section shall constitute unfair
9 methods of competition and unfair or deceptive acts or practices
10 in the conduct of any trade or commerce under section 480-2 and
11 shall be subject to a civil penalty as provided in section 480-
12 3.1. Each item sold at a price that is prohibited by this
13 section shall constitute a separate violation.

14 (f) As used in this section:

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

19 "Commodity" means any good or service necessary for the
20 health, safety, and welfare of the people of Hawaii; provided
21 that this term shall include but not be limited to materials;
22 merchandise; supplies; equipment; resources; and other articles



1 of commerce that shall include food, water, ice, chemicals,
2 petroleum products, construction materials, or residential
3 dwellings.

4 "Fixed-term lease" means a lease for real property that
5 specifies its beginning date and its termination date as
6 calendar dates, or contains a formula for determining the
7 beginning and termination dates; and the application of the
8 formula as of the date of the agreement will produce a calendar
9 date for the beginning and termination of the lease.

10 "Periodic tenancy" means a tenancy wherein real property is
11 leased for an indefinite time with monthly or other periodic
12 rent reserved. A periodic tenancy may be created by express
13 agreement of the parties, or by implication upon the expiration
14 of a fixed-term lease when neither landlord nor tenant provides
15 the other with written notice of termination and the tenant
16 retains possession of the premises for any period of time after
17 the expiration of the original term.

18 "Unfit for occupancy" means that a residential dwelling
19 unit has been damaged to the extent that the appropriate county
20 agency determines that the unit creates a dangerous or
21 unsanitary situation and is dangerous to the occupants or to the
22 neighborhood.



1 § -31 Penalties prescribed by this chapter additional to
2 other penalties. If conduct prohibited by or under the
3 authority of this chapter is also made unlawful by another or
4 other laws, the offender may be convicted as provided in this
5 chapter and for the violation of the other law or laws.

6 § -32 Effect of this chapter on other laws. All laws
7 inconsistent with the provisions of this chapter, or of any rule
8 issued under the authority of this chapter, shall be suspended
9 during the period of time and to the extent that the emergency
10 or disaster exists, and may be, by the governor for all laws, or
11 mayor for county laws, designated as so suspended."

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

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

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

18 "§26-21 Department of defense. (a) The department of
19 defense shall be headed by a single executive to be known as the
20 adjutant general. The adjutant general shall also be the
21 director of [~~civil defense~~] the Hawaii emergency management



1 agency as established in section -3 and the director of
2 homeland security.

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

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

8 The devolution of command of the military forces in the
9 absence of the adjutant general shall be within the military
10 establishment. The devolution of command of the ~~[civil defense~~
11 ~~agency]~~ Hawaii emergency management agency in the absence of the
12 ~~[director of civil defense]~~ adjutant general, as director of the
13 agency, shall be within the ~~[civil defense]~~ agency.

14 ~~[(b) There shall be within the department of defense a~~
15 ~~commission to be known as the civil defense advisory council~~
16 ~~which shall sit in an advisory capacity to the director of civil~~
17 ~~defense on matters pertaining to civil defense. The composition~~
18 ~~of the commission shall be as heretofore provided by law for the~~
19 ~~civil defense advisory council existing immediately prior to~~
20 ~~November 25, 1959.~~

21 ~~(c) The functions and authority heretofore exercised by~~
22 ~~the military department and the civil defense agency as~~



1 ~~heretofore constituted are transferred to the department of~~
2 ~~defense established by this chapter.]~~

3 **(b)** The office of veterans' services and the advisory
4 board on veterans' services as constituted by chapter 363 are
5 placed within the department of defense for administrative
6 purposes."

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

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

- 10 (1) Any procurement of less than \$25,000 or that is
11 considered a small purchase under section 103D-305 and
12 any state or county department contract of less than
13 \$25,000;
- 14 (2) Emergency purchases for the procurement of goods,
15 services, or construction under section 103D-307 [~~7~~
16 ~~disaster relief under chapter 127,~~] or [~~a civil~~
17 ~~defense~~] during or for an emergency or disaster under
18 chapter [~~128,~~] _____;
- 19 (3) Grants and subsidies disbursed by a state agency
20 pursuant to chapter 42F or in accordance with
21 standards provided by law as required by article VII,
22 section 4, of the state constitution, or made by the



- 1 counties pursuant to their respective charters or
2 ordinances;
- 3 (4) Contracts or agreements between government agencies;
- 4 (5) Contracts or agreements to disburse funds:
- 5 (A) To make payments to or on behalf of public
6 officials, officers, and employees for salaries,
7 fringe benefits, professional fees, and
8 reimbursements;
- 9 (B) To satisfy obligations required to be paid by
10 law, including fees, judgments, settlements, and
11 other payments for resolving claims;
- 12 (C) To make refunds or return funds held by the State
13 or county as trustee, custodian, or bailee;
- 14 (D) For entitlement programs, including public
15 assistance, unemployment, and workers'
16 compensation programs, established by state or
17 federal law;
- 18 (E) For deposit, investment, or safekeeping,
19 including sums to pay expenses related to their
20 deposit investment, or safekeeping;
- 21 (F) For loans under government-administered loan
22 programs; or



1 (G) To make periodic, recurring payments for utility
2 services;

3 (6) Rent for the use or occupation of the premises and
4 facilities at Aloha Stadium, the convention center, or
5 any other state or county large spectator events
6 facility; and

7 (7) Contracts or agreements of the Hawaii health systems
8 corporation and its regional system boards."

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

11 "~~§~~121-30 **Order to active service.** In case of war,
12 insurrection, invasion, riot, or imminent danger thereof [~~7~~];
13 an emergency or disaster; or danger from flood, fire, storm,
14 earthquake, civil disturbances, or terrorist events; any
15 forcible obstruction to the execution of the laws, or reasonable
16 apprehension thereof [~~7~~]; or for assistance to civil authorities
17 in disaster relief or [~~civil defense~~7] emergency management, the
18 governor may order the [~~national guard~~] National Guard or other
19 component of the militia or any part thereof into active
20 service. The governor or the governor's designated
21 representative [~~also~~] may also order the [~~national guard~~]
22 National Guard into active service [~~in~~]:



- 1 (1) In nonemergency situations for duty and training in
 2 addition to the drill and instruction required by
 3 section 121-28 [-];
- 4 (2) To provide support to other states in response to a
 5 request for assistance under the Emergency Management
 6 Assistance Compact under chapter 128F; and
- 7 (3) To detect, prevent, prepare for, investigate, respond
 8 to, or recover from any of the events for which an
 9 order to active service may be made."

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

12 "(a) Notwithstanding any provision of chapter [~~128~~] _____
 13 or any other law to the contrary, no person or government entity
 14 shall seize or confiscate, under any [~~civil-defense~~],
 15 emergency[-] or disaster relief powers or functions conferred,
 16 or during any [~~civil-defense~~] emergency period, as defined in
 17 section [~~128-2~~] ____-2, or during any time of national emergency
 18 or crisis, as defined in section 134-34, any firearm or
 19 ammunition from any individual who is lawfully permitted to
 20 carry or possess the firearm or ammunition under part I of this
 21 chapter and who carries, possesses, or uses the firearm or

1 ammunition in a lawful manner and in accordance with the
2 criminal laws of this State.

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

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

11 "**§209-6 Relation to other agencies.** This chapter is not
12 intended, nor shall it be construed in any manner, to conflict
13 with or assume the responsibility of the American National Red
14 Cross, any agency of the federal government, the Salvation Army,
15 or the [~~civil-defense~~] emergency management activities of the
16 state department of defense."

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

19 "(a) Any utility that sustains damage to its facilities as
20 a result of a [~~state-declared~~] state of emergency [~~+~~]or local
21 state of emergency, including [~~but not limited to disaster~~
22 ~~relief and civil-defense~~] emergencies as defined in [~~chapters~~



1 ~~127 and 128~~] chapter _____, and incurs costs related to the
2 restoration and repair of its facilities which, if assessed only
3 on the utility ratepayers of the affected utility service
4 territory, may result in a rate increase of more than fifteen
5 per cent for the average ratepayer in that utility service
6 territory, may apply to the public utilities commission in
7 accordance with this section to recover the costs provided
8 herein through a monthly surcharge which shall be assessed on a
9 statewide basis and shall be based on the utility's net
10 restoration and repair costs; provided that the surcharge shall
11 not result in an assessment of more than fifteen per cent for
12 the average ratepayer in each of the other utility service
13 territories and provided further that the public utilities
14 commission shall exclude ratepayers in utility service
15 territories with rates that may be substantially higher than
16 other utility service territories in the State.

17 The public utilities commission shall have the authority to
18 initially set, or subsequently revise, the surcharge to reflect
19 the actual net restoration and repair costs incurred after
20 deduction of amounts received from outside sources of recovery.
21 Such outside sources of recovery shall include [7] but not be



1 limited to [7] insurance proceeds, government grants, and
2 shareholder contributions."

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

5 "(g) The commission shall not issue any certificate that
6 is designated as interim or temporary or that otherwise does not
7 conform to the requirements of this chapter except in response
8 to an emergency situation; provided that an emergency situation
9 shall mean a [~~state-declared~~] state of emergency [~~including~~
10 ~~disaster relief pursuant to chapter 127 or a civil defense~~
11 ~~emergency~~] in the State or local state of emergency pursuant to
12 chapter [~~128.~~] _____. Any certificate issued pursuant to this
13 subsection shall expire upon the expiration of the [~~state-~~
14 ~~declared~~] state of emergency in the State or local state of
15 emergency or an earlier date determined by the commission in
16 response to prevailing conditions. An extension of a
17 certificate granted under this subsection beyond the expiration
18 of the [~~state-declared~~] state of emergency in the State or local
19 state of emergency or date determined by the commission shall be
20 granted only subject to the notice, hearing, and findings
21 requirements of this chapter."



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

3 "[+]§286-226[+] **Routes.** The intrastate shipment of
4 explosives of any quantity that would require placarding of the
5 transporting motor vehicle by the rules adopted pursuant to this
6 part, shall not take place without first giving the police
7 department and the fire department of the county in which the
8 explosives are to be transported a forty-eight hour minimum
9 advance notice. This advance notice shall be in writing and
10 indicate the quantity and type of explosive material being
11 shipped, the date and time of the shipment, and the route over
12 which the explosive shipment will travel. This provision does
13 not apply to the military during the period of [~~a-civil-defense~~
14 ~~emergency~~] an emergency or disaster proclaimed by the President
15 [~~or~~], the governor[-], or a county mayor."

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

18 "[+]§309H-2[+] **Hawaii health corps program established.**
19 The Hawaii health corps program is established to encourage
20 physicians, physicians assistants, and nurse practitioners to
21 serve in counties having a shortage of physicians, physician
22 assistants, and nurse practitioners, with priority given to a



1 rural area county. The Hawaii health corps program shall be
2 administered by the University of Hawaii John A. Burns school of
3 medicine and the University of Hawaii at Manoa school of nursing
4 and dental hygiene. In administering the program, the
5 University of Hawaii John A. Burns school of medicine and the
6 University of Hawaii at Manoa school of nursing and dental
7 hygiene shall:

- 8 (1) Adopt rules and develop guidelines to administer the
9 program;
- 10 (2) Identify and designate areas of the counties where
11 there is a shortage of physicians, physician
12 assistants, and nurse practitioners;
- 13 (3) Establish criteria for the selection by the University
14 of Hawaii John A. Burns school of medicine of
15 physicians, physician assistants, and nurse
16 practitioners to participate in the Hawaii rural
17 health care provider loan repayment program;
- 18 (4) Define and determine compliance with the service
19 commitments of the Hawaii rural health care provider
20 loan repayment program;
- 21 (5) Collect and manage reimbursements from participants
22 who do not meet their service commitments under the



- 1 Hawaii rural health care provider loan repayment
- 2 program;
- 3 (6) Publicize the program, particularly to maximize
- 4 participation by individuals who live in areas of a
- 5 county where there is a shortage of physicians,
- 6 physician assistants, and nurse practitioners;
- 7 (7) Solicit and accept grants and donations from public
- 8 and private sources for the Hawaii rural health care
- 9 provider loan repayment program, including maximizing
- 10 the use of federal matching funds; and
- 11 (8) Establish criteria and procedures for calling Hawaii
- 12 health corps program participants into service during
- 13 ~~[a civil defense or other]~~ an emergency~~[-]~~ or
- 14 disaster."

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

17 "[+]§309H-4[+] **Hawaii health corps first responder service**
 18 **obligation.** If ~~[a civil defense or other]~~ an emergency~~[-]~~ or
 19 disaster proclaimed under chapter ~~[127 or 128]~~ _____ occurs,
 20 physicians, physician assistants, and nurse practitioners
 21 participating in the Hawaii health corps program may be ordered
 22 into service by the governor as first responders to serve in



1 areas of the State and in a capacity determined by the director
2 of health."

3 SECTION 14. Section 321-23, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) For purposes of this section, "catastrophic event or
6 traumatic emergency" means any tragic occurrence that has
7 resulted in:

8 (1) The loss of lives, infliction of injury, harm or
9 suffering among humans, including hostage situations;
10 or

11 (2) Extensive destruction of property.

12 The term includes, but shall not be limited to, disasters for
13 which relief is provided under chapter [~~127.~~] ____."

14 SECTION 15. Section 601-1.5, Hawaii Revised Statutes, is
15 amended by amending its title and subsections (a) and (b) to
16 read as follows:

17 "[~~+~~]~~§601-1.5[~~]~~ ~~Civil defense emergency~~] Emergency period;
18 suspension of deadlines. (a) During [~~a period of civil~~
19 ~~defense~~] an emergency period proclaimed by the governor under
20 [~~section 128-7,~~] chapter _____, the chief justice shall be
21 authorized to order the suspension, tolling, extension, or
22 granting of relief from deadlines, time schedules, or filing~~



1 requirements imposed by otherwise applicable statutes, rules, or
2 court orders, in civil or criminal cases or administrative
3 matters, in any judicial circuit affected by the governor's
4 proclamation. The chief justice shall determine the judicial
5 circuits so affected.

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

11 SECTION 16. Section 707-700, Hawaii Revised Statutes, is
12 amended by amending the definition of "emergency worker" to read
13 as follows:

14 ""Emergency worker" means any:

- 15 (1) Law enforcement officer, including [~~but not limited~~
16 ~~to~~] any police officer, public safety officer, parole
17 or probation officer, or any other officer of any
18 county, state, federal, or military agency authorized
19 to exercise law enforcement or police powers;
- 20 (2) Firefighter, emergency medical services personnel,
21 emergency medical technician, ambulance crewmember, or
22 any other emergency response personnel;



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



1 SECTION 17. Section 707-712.7, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of assault against an
4 emergency worker if the person, during [~~the time of a civil~~
5 ~~defense emergency~~] an emergency period proclaimed by the
6 governor or mayor pursuant to chapter [~~1287~~] _____, within the
7 area covered by the [~~civil defense~~] emergency or [~~during the~~
8 ~~period of disaster relief under chapter 127:~~] disaster:

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

11 or

12 (b) Intentionally, knowingly, or recklessly causes bodily
13 injury to an emergency worker with a dangerous
14 instrument."

15 SECTION 18. Section 708-817, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§708-817[+] Burglary of a dwelling during [~~a civil~~
18 ~~defense~~] an emergency [~~or disaster relief~~] period. (1) A
19 person commits the offense of burglary of a dwelling during an
20 emergency period if, during [~~a civil defense~~] an emergency [~~or~~
21 ~~disaster relief period if~~] period proclaimed by the governor or



1 mayor pursuant to chapter _____ and within the area covered by
2 the emergency period, the person:

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

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

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

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

15 SECTION 19. Section 708-818, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§708-818[+] **Burglary of a building during [~~a civil~~**
18 **~~defense emergency or disaster relief~~] an emergency period. (1)**

19 A person commits the offense of burglary of a building during an
20 emergency period if, during [~~a civil defense~~] an emergency [~~or~~

21 disaster relief period if] period proclaimed by the governor or
22 mayor pursuant to chapter _____ and within the area covered by



1 the emergency period, the person intentionally enters or remains
2 unlawfully in a building other than a dwelling with intent to
3 commit therein a crime against a person or against property
4 rights [~~during the time of a civil defense emergency proclaimed~~
5 ~~by the governor pursuant to chapter 128, within the area covered~~
6 ~~by the civil defense emergency or during the period of disaster~~
7 ~~relief under chapter 127~~].

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

10 SECTION 20. Section 708-820, Hawaii Revised Statutes, is
11 amended by amending subsection (1) to read as follows:

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

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

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

20 (c) The person intentionally or knowingly damages the
21 property of another during [~~the time of a civil~~
22 ~~defense~~] an emergency period proclaimed by the



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

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

14 SECTION 21. Section 708-830.5, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

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

18 (a) Of property or services, the value of which exceeds
19 \$20,000;

20 (b) Of a firearm;

21 (c) Of dynamite or other explosive; or



1 (d) Of property or services during [~~the time of a civil~~
2 ~~defense~~] an emergency period proclaimed by the
3 governor or mayor pursuant to chapter [~~1287~~] _____,
4 within the area covered by the [~~civil defense~~]
5 emergency [~~or during the period of disaster relief~~] or
6 disaster under chapter [~~1277~~] _____, the value of
7 which exceeds \$300."

8 SECTION 22. Section 708-840, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

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

13 (a) The person attempts to kill another or intentionally
14 or knowingly inflicts or attempts to inflict serious
15 bodily injury upon another;

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

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



1 (ii) The person threatens the imminent use of force
2 against the person of anyone present with intent
3 to compel acquiescence to the taking of or
4 escaping with the property;

5 (c) The person uses force against the person of anyone
6 present with the intent to overcome that person's
7 physical resistance or physical power of resistance
8 during [~~the time of a civil defense~~] an emergency
9 period proclaimed by the governor or mayor pursuant to
10 chapter [~~128,~~] _____, within the area covered by the
11 [~~civil defense emergency or during the period of~~
12 ~~disaster relief under chapter 127;~~] emergency or
13 disaster; or

14 (d) The person threatens the imminent use of force against
15 the person of anyone present with intent to compel
16 acquiescence to the taking of or escaping with the
17 property during [~~the time of a civil defense~~] an
18 emergency period proclaimed by the governor or mayor
19 pursuant to chapter [~~128,~~] _____, within the area
20 covered by the [~~civil defense emergency or during the~~
21 ~~period of disaster relief under chapter 127.~~]
22 emergency or disaster."



1 SECTION 23. Section 710-1014.5, Hawaii Revised Statutes,
2 is amended by amending subsection (3) to read as follows:

3 "(3) For purposes of this section, "public safety agency"
4 means any federal, state, or county police, fire, emergency
5 medical service, or [~~civil defense relief~~] emergency management
6 agency."

7 SECTION 24. Chapter 127, Hawaii Revised Statutes, is
8 repealed.

9 SECTION 25. Chapter 128, Hawaii Revised Statutes, is
10 repealed.

11 SECTION 26. Section 209-9, Hawaii Revised Statutes, is
12 repealed.

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

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



1 ~~(2) No landlord shall terminate any tenancy for a~~
2 ~~residential dwelling unit in the area that is the~~
3 ~~subject of a disaster declaration or a severe weather~~
4 ~~warning, except for a breach of a material term of a~~
5 ~~rental agreement or lease, or if the unit is unfit for~~
6 ~~occupancy as defined in this chapter, provided that:~~
7 ~~(A) Nothing in this chapter shall be construed to~~
8 ~~extend a fixed term lease beyond its termination~~
9 ~~date, except that a periodic tenancy for a~~
10 ~~residential dwelling unit may be terminated by~~
11 ~~the landlord upon forty five days written notice:~~
12 ~~(i) When the residential dwelling unit is sold~~
13 ~~to a bona fide purchaser for value, or~~
14 ~~(ii) When the landlord or an immediate family~~
15 ~~member of the landlord will occupy the~~
16 ~~residential dwelling unit, or~~
17 ~~(B) Under a fixed term lease or a periodic tenancy,~~
18 ~~upon forty five days written notice, a landlord~~
19 ~~may require a tenant or tenants to relocate~~
20 ~~during the actual and continuous period of any~~
21 ~~repair to render a residential dwelling unit fit~~
22 ~~for occupancy provided that:~~



1 ~~(i) Reoccupancy shall first be offered to the~~
2 ~~same tenant or tenants upon completion of~~
3 ~~the repair; and~~

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

8 ~~(iii) It shall be the responsibility of the tenant~~
9 ~~or tenants to find other accommodations~~
10 ~~during the period of repair.~~

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

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



1 ~~"Periodic tenancy" means a tenancy wherein real property is~~
2 ~~leased for an indefinite time with monthly or other periodic~~
3 ~~rent reserved. A periodic tenancy may be created by express~~
4 ~~agreement of the parties, or by implication upon the expiration~~
5 ~~of a fixed term lease when neither landlord nor tenant provides~~
6 ~~the other with written notice of termination and the tenant~~
7 ~~retains possession of the premises for any period of time after~~
8 ~~the expiration of the original term.~~

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

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



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

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

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

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

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

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



1 ~~prohibited by this section shall constitute a separate~~
2 ~~violation."]~~

3 SECTION 27. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

6 Rules, policies, procedures, guidelines, and other material
7 adopted or developed under the authority of chapter 128, Hawaii
8 Revised Statutes, or proclamations issued under the authority of
9 chapter 128, Hawaii Revised Statutes, shall remain in effect
10 until they are repealed or replaced under the authority of the
11 chapter being enacted in this Act. References in the new
12 chapter to rules shall include rules adopted pursuant to chapter
13 128, Hawaii Revised Statutes, until the rules adopted pursuant
14 to chapter 128, Hawaii Revised Statutes, are repealed or
15 replaced under the authority of the new chapter. Every
16 reference to the civil defense agency of the department of
17 defense in any rules, policies, procedures, guidelines, and
18 other materials shall be amended to refer to the Hawaii
19 emergency management agency.

20 No officer or employee of the State having tenure shall
21 suffer any loss of salary, seniority, prior service credit,
22 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this Act, and such officer or employee may be
2 transferred or appointed to a civil service position without the
3 necessity of examination; provided that the officer or employee
4 possesses the minimum qualifications for the position to which
5 transferred or appointed; and provided further that subsequent
6 changes in status may be made pursuant to applicable civil
7 service and compensation laws.

8 An officer or employee of the State who does not have
9 tenure and who may be transferred or appointed to a civil
10 service position as a consequence of this Act shall become a
11 civil service employee without the loss of salary, seniority,
12 prior service credit, vacation, sick leave, or other employee
13 benefits or privileges and without the necessity of examination;
14 provided that such officer or employee possesses the minimum
15 qualifications for the position to which transferred or
16 appointed.

17 If an office or position held by an officer or employee
18 having tenure is abolished, the officer or employee shall not
19 thereby be separated from public employment, but shall remain in
20 the employment of the State with the same pay and classification
21 and shall be transferred to some other office or position for
22 which the officer or employee is eligible under the personnel



1 laws of the State as determined by the head of the department or
2 the governor.

3 All deeds, leases, contracts, loans, agreements, permits,
4 or other documents executed or entered into by or on behalf of
5 the civil defense agency of the department of defense, or the
6 department of defense on behalf of the civil defense agency,
7 pursuant to the provisions of the Hawaii Revised Statutes, which
8 are reenacted or made applicable to the Hawaii emergency
9 management agency, by this Act, shall remain in full force and
10 effect. Effective upon approval of this Act, every reference to
11 the civil defense agency of the department of defense or the
12 department of defense for its civil defense agency, shall be
13 construed as a reference to the Hawaii emergency management
14 agency.

15 All appropriations, records, equipment, machines, files,
16 supplies, contracts, books, papers, documents, maps, and other
17 personal property heretofore made, used, acquired, or held by
18 the civil defense agency of the department of defense relating
19 to emergency management pursuant to chapter 128, Hawaii Revised
20 Statutes, shall be transferred to the Hawaii emergency
21 management agency.

1 SECTION 28. If any part of this Act is found to be in
2 conflict with federal requirements that are a prescribed
3 condition for the allocation of federal funds to the State, the
4 conflicting part of this Act is inoperative solely to the extent
5 of the conflict and with respect to the agencies directly
6 affected, and this funding shall not affect the operation of the
7 remainder of this Act in its application to the agencies
8 concerned. The rules under this Act shall meet federal
9 requirements that are a necessary condition to the receipt of
10 federal funds by the State.

11 SECTION 29. Sections 26-14.6(k), 26-24, 121-9, 121-34.5,
12 128A-5, 128E-5(c)(4), 134-16(b), 179D-30(2), 196-1(4), 205A-22,
13 286-64, 286-65, 286-66, 286-67, 291-17(e), 291C-137(e), 321-23,
14 508D-15(a)(4), and 803-42(b)(7), Hawaii Revised Statutes, shall
15 be amended by substituting the phrase "emergency management"
16 whenever the phrase "civil defense" appears, as the context
17 requires.

18 SECTION 30. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 31. This Act shall take effect on July 1, 2050;
21 provided that section -5(f), Hawaii Revised Statutes, in
22 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. Effective 7/1/2050. (SD2)

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