

JAN 24 2007

A BILL FOR AN ACT

RELATING TO CIVIL DEFENSE.

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

1 SECTION 1. The legislature finds that the island of Hawaii
2 needs dozens of emergency warning sirens, but despite budget
3 increases, it could take years to add the sirens needed. The
4 island of Hawaii currently has sixty-eight sirens, designed to
5 warn the public about possible tsunamis, hurricanes, or other
6 disasters and prompt them to tune to radio or TV channels,
7 Seven new ones were added recently at Keauhou, Pepeekeo, Paukaa,
8 Kilauea, Ahalanui Park, and Pohoiki, and the siren at Milolii
9 was upgraded. However, fifty-two sirens are still needed, and
10 many existing sirens are older mechanical models that run on
11 regular electricity and should be replaced by blackout-proof
12 sirens with self-contained solar cells.

13 The legislature further finds that each siren requires an
14 engineering study before it can be installed, and communication
15 links to trigger the sirens must be established. In addition,
16 the state civil defense agency must work with developers of new
17 communities to locate a site for the warning siren.



1 The purpose of this Act is to speed the process of
2 installing replacement and new warning sirens.

3 SECTION 2. Section 128-10, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§128-10 Other powers.** The governor further, irrespective
6 of the existence of a civil defense emergency period, may:

- 7 (1) Cooperate with the President and the heads of the
8 armed forces, and the civil defense agency of the
9 United States, and with the officers and agencies of
10 other states in matters pertaining to the civil
11 defense of the State and nation and the incidents
12 thereof, and take any measures which the governor may
13 consider proper to carry into effect any request of
14 the President or the appropriate federal officers and
15 agencies, for any action looking to civil defense;
- 16 (2) Lease, lend, or otherwise furnish, on such terms and
17 conditions as the governor may consider necessary to
18 promote the public welfare and protect the interest of
19 the State, any real or personal property of the state
20 government or its political subdivisions, to the
21 President, the heads of the armed forces, or to the
22 civil defense agency of the United States;



1 (3) On behalf of the State enter into mutual aid
2 agreements or compacts with the federal government and
3 with other states. The agreements or compacts shall
4 be limited to civil defense. It may be provided in an
5 interstate compact, and the governor with the advice
6 and consent of the political subdivisions included
7 within the scope of the compact, may agree on behalf
8 of the State that:

9 (A) Each party state shall extend to the civil
10 defense forces of any other party state, while
11 operating within its state limits under the terms
12 and conditions of the compact, the same powers
13 (except that of arrest unless specifically
14 authorized by the receiving state), duties,
15 rights, privileges, and immunities as if they
16 were performing their duties in the state in
17 which normally employed or rendering services;

18 (B) Whenever any person holds a license, certificate,
19 or other permit issued by any state evidencing
20 the meeting of qualifications for professional,
21 mechanical, or other skills, the person may
22 render aid involving this skill in any party



1 state to meet an emergency or disaster and the
2 state shall give due recognition to such license,
3 certificate, or other permit as if issued in the
4 state in which aid is rendered;

5 (C) No party state or its officers or employees
6 rendering aid in another state pursuant to the
7 compact shall be liable on account of any act or
8 omission on the part of the forces while so
9 engaged, or on account of the maintenance or use
10 of any materials, equipment, goods, or facilities
11 in connection therewith;

12 (D) As an alternative to paragraph (C), such other or
13 modified form of immunity as the governor may
14 find acceptable;

15 (E) Each party state shall provide for the payment of
16 compensation and death benefits to injured
17 members of the civil defense forces of that state
18 and the representatives of deceased members of
19 the forces in case the members sustain injuries
20 or are killed while rendering aid pursuant to the
21 compact, in the same manner and on the same terms



1 as if the injury or death were sustained within
2 the state;

3 (F) Any party state rendering aid in another state
4 pursuant to the compact shall be reimbursed by
5 the party state receiving aid, or by the United
6 States government under plans approved by it, for
7 any loss or damage to, or expense incurred in the
8 operation of any equipment answering a request
9 for aid, and for all costs incurred in connection
10 with requests for aid; provided that this
11 paragraph shall not be deemed to preclude the
12 State, if it is the aiding state, from assuming
13 in whole or in part the loss, damage, expense, or
14 other cost, or from loaning the equipment or
15 donating the services to the receiving party
16 state without charge or cost;

17 (G) Any party state receiving evacuees shall be
18 reimbursed generally for the out-of-pocket
19 expenses incurred in receiving and caring for the
20 evacuees, for expenditures for transportation,
21 food, clothing, medicines, and medical care, and
22 like items; the expenditures shall be reimbursed



1 by the party state of which the evacuees are
2 residents, or by the United States government
3 under plans approved by it; and

4 (H) In the event of an evacuation, the party state of
5 which the evacuees are residents shall, after the
6 termination of the emergency or disaster, assume
7 the responsibility for the ultimate support or
8 repatriation of the evacuees;

9 (4) Sponsor and develop mutual aid plans and agreements
10 for civil defense between the political subdivisions
11 of the State and between one or more political
12 subdivisions and other public or private agencies, for
13 the furnishing or exchange of food, clothing,
14 medicine, and other materials; engineering services,
15 emergency housing; police services; health, medical,
16 and related services; fire fighting, rescue,
17 transportation, and construction services and
18 facilities; personnel necessary to provide or conduct
19 these services; and such other materials, facilities,
20 personnel, and services as may be needed. The mutual
21 aid plans and agreements may be made with or without
22 provisions for reimbursement of costs and expenses,

1 and on such terms and conditions as are deemed
2 necessary;

3 (5) Order and direct government agencies, officers, and
4 employees, state or local, to take such action and
5 employ such measures for law enforcement, medical,
6 health, fire fighting, traffic control, warnings, and
7 signals, engineering, rescue, construction, emergency
8 housing, and other welfare, hospitalization,
9 transportation, water supply, public information,
10 training, and other civil defense and emergency
11 functions as may be necessary, and utilize the
12 services, materials, and facilities of the agencies
13 and officers. All such agencies and officers shall
14 cooperate with and extend their services, materials,
15 and facilities to the governor as the governor may
16 request;

17 (6) Take possession of, use, manage, control, and
18 reallocate any public property, state or county, real
19 or personal, required by the governor for the purposes
20 of this chapter, including, without limitation,
21 airports, parks, playgrounds, and schools, and other
22 public buildings. Whenever the property is so taken



1 the governor shall have power to make such provision
2 for the temporary accommodation of the government
3 service affected thereby as the governor may deem
4 advisable. Like provisions may be made at any time
5 whenever it is necessary to relocate any government
6 service because of any emergency condition;

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

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



- 1 (9) Provide for the repair and maintenance of public
2 property, whenever adequate provision therefor is not
3 otherwise made; insure the property against any war
4 risk, including without limitation damage or loss
5 resulting from or arising out of an attack or action
6 in resisting or combating an attack or apparent
7 attack; provide for the restoration, renovation,
8 replacement, or reconstruction of insured property in
9 the event of damage or loss, and make temporary
10 restoration of public utilities and other vital
11 facilities in the event of an attack or other
12 disaster;
- 13 (10) Purchase, make, produce, construct, rent, lease, or
14 procure by condemnation or otherwise, transport,
15 store, install, maintain, and insure, repair,
16 renovate, restore, replace, or reconstruct, and
17 distribute, furnish, or otherwise dispose of, with or
18 without charges therefor, materials and facilities for
19 civil defense and other emergency functions; provided
20 that chapter 343 shall not apply to warning sirens;
21 procure federal aid therefor whenever feasible; and
22 take any measures which may, in the governor's



1 opinion, secure, stimulate, or increase similar
2 activities by private or public persons or
3 organizations. Chapter 103D, sections 103-50, 103-
4 50.5, 103-53, 103-55, 105-1 to 105-10, and 464-4 shall
5 not apply to any civil defense or other emergency
6 functions if and to the extent that the governor finds
7 that the provisions, in whole or in part, impede or
8 tend to impede the expeditious discharge of the
9 functions, or that compliance therewith is
10 impracticable due to existing conditions. In cases of
11 extreme urgency during a civil defense emergency
12 period the governor may suspend the penal provisions
13 of sections 46-45 and 103-9, except those provisions
14 that concern falsification;

- 15 (11) Appoint, employ, train, equip, and maintain, with
16 compensation, or on a volunteer basis without
17 compensation and without regard to chapters 76, 78,
18 and 88, such agencies, officers, and other persons as
19 the governor deems necessary to carry out this
20 chapter; determine to what extent any law prohibiting
21 the holding of more than one office or employment
22 applies to the agencies, officers, and other persons;



1 and subject to section 128-15, provide for and effect
2 the interchange of personnel, by detail, transfer, or
3 otherwise, between the State and any political
4 subdivision, or among any agencies or departments of
5 the State;

6 (12) Make charges in such cases and in such amounts as the
7 governor deems advisable, for any property sold, work
8 performed, services rendered, or accommodations or
9 facilities furnished by the government under this
10 chapter; and make charges for licenses or permits to
11 cover administrative expense connected therewith;

12 (13) Make such contracts as may be necessary to carry out
13 this chapter;

14 (14) Establish special accounting forms and practices
15 whenever necessary; and

16 (15) Take any and all steps necessary or appropriate to
17 carry out the purposes of this chapter and to provide
18 for civil defense and other emergency functions.

19 The powers and authority conferred upon the governor by this
20 chapter are in addition to any other powers or authority
21 conferred upon the governor by the laws of the United States and
22 of the State for the same or a like purpose, and shall not be



1 construed as abrogating, limiting, or modifying any such powers,
2 or authority."

3 SECTION 3. Section 128-13, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§128-13 Power and authority of local organizations.** Each
6 political subdivision shall have the power and authority:

7 (1) Deputy director's staff. To provide, for the deputy
8 director of such political subdivision, an assistant
9 or assistants whose appointment shall be approved by
10 the director of civil defense, and such technical,
11 clerical, stenographic, and other personnel, office
12 space, furniture, equipment, supplies, and funds as
13 may be necessary to carry out the purposes of this
14 chapter. Chapter 76 shall apply to the full-time
15 deputy director or the deputy director's first
16 assistant.

17 (2) Appropriations, etc. To make appropriations and
18 authorize expenditures for the purposes of this
19 chapter, including the power to place under the
20 control of the governor, for expenditure as matching
21 funds for federal aid, or for any purpose within the
22 powers of the governor, moneys appropriated by it; to



1 make appropriations and authorize expenditures for the
2 purposes of this chapter out of the normal revenues or
3 fund balances or surpluses of the political
4 subdivision, notwithstanding any legal restrictions
5 upon the purposes for which the funds may be expended,
6 except that pension and retirement funds, funds set
7 aside for the redemption of bonds or the payment of
8 interest thereon, trust funds, loan funds, and funds
9 received from the federal government or from any
10 person for specific purposes shall not be affected.

11 (3) Procurement, etc. To purchase, make, produce,
12 construct, rent, lease, or procure by condemnation, or
13 otherwise, transport, store, install, maintain, and
14 insure, repair, renovate, restore, replace or
15 reconstruct, and distribute, furnish or otherwise
16 dispose of, with or without charges, materials and
17 facilities for civil defense; provided that chapter
18 343 shall not apply to warning sirens; and to procure
19 federal aid therefor whenever feasible. Chapter 103D,
20 sections 103-50, 103-50.5, 103-53, 103-55, 105-1 to
21 105-10, and 464-4 shall not apply to any civil defense
22 functions of and to the extent that the mayor finds



1 that the provisions, in whole or in part, impede or
2 tend to impede the expeditious discharge of the
3 functions, or that compliance therewith is
4 impracticable due to existing conditions.

5 (4) Personnel. To provide for the appointment,
6 employment, training, equipping, and maintaining, with
7 compensation, or on a volunteer basis without
8 compensation and without regard to chapters 76, 78,
9 and 88 of such agencies, officers, and other persons
10 as it deems necessary to carry out this chapter; to
11 determine to what extent any law prohibiting the
12 holding of more than one office or employment applies
13 to the agencies, officers, and other persons; and
14 subject to section 128-15, to provide for the
15 interchange of personnel, by detail, transfer or
16 otherwise, between agencies or departments of the
17 political subdivision, or between political
18 subdivisions.

19 (5) Contributions. To receive, expend, or use
20 contributions or grants in money, property, or
21 services, or loans of property, or special
22 contributions or grants in money, property, or



1 services, or loans of property, for special purposes
2 provided for by this chapter.

3 (6) Charges. To make charges in such cases and in such
4 amounts as it deems advisable, for any property sold,
5 work performed, services rendered, or accommodations
6 or facilities furnished by the political subdivision
7 under this chapter.

8 (7) Contracts. To make or authorize such contracts as may
9 be necessary to carry out this chapter.

10 (8) Mutual aid plans. To participate in and carry out
11 mutual aid plans and agreements or compacts, sponsored
12 or developed by the state civil defense agency.

13 (9) Continuity of government. To insure continuity of
14 government during a civil defense emergency period,
15 the legislative body of a county may by ordinance,
16 unless otherwise provided by law, provide the
17 procedure for the appointment and designation of
18 stand-by officers for the legislative body and the
19 elected chief executive of the county for the
20 emergency period, who shall serve in the event of the
21 unavailability of the officers for whom they stand
22 by."



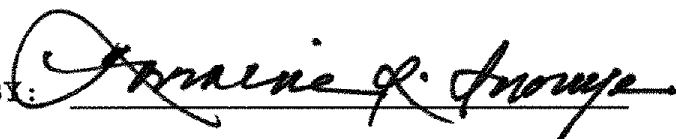
1 SECTION 4. Upon completion of the installation of the
2 warning sirens, the amendments made by this Act shall be
3 repealed and sections 128-10, Hawaii Revised Statutes, and 128-
4 13, Hawaii Revised Statutes, are reenacted in the form in which
5 they read on the day before the approval of this Act.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

8

INTRODUCED BY:





Report Title:

Civil Defense; Warning Sirens

Description:

Exempts county and state civil defense from the provisions of chapter 343, Hawaii Revised Statutes, environmental impact statements.

