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# 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 a review of the  
2 Hawaii state civil defense and its emergency management  
3 functions is overdue. Hawaii's Civil Defense and Emergency Act,  
4 chapter 128, Hawaii Revised Statutes, was first enacted in 1951.  
5 Since that time, the functions of the state civil defense have  
6 changed dramatically. After September 11, 2001, the role of the  
7 state civil defense has expanded so that it now acts as Hawaii's  
8 homeland security and emergency management agency.

9           On the federal level, there has been a refocus on national  
10 security in the last decade. The Federal Emergency Management  
11 Agency was activated in 1979 and elevated to cabinet rank in  
12 1996 under President Clinton, giving it direct access to the  
13 President during times of emergency. In 2003, under President  
14 George W. Bush, the Federal Emergency Management Agency became  
15 part of the Department of Homeland Security and the focus was  
16 changed from natural disaster preparedness to counter-terrorism  
17 measures. Because of this shift in priorities, the federal  
18 government was ill-equipped to adequately respond to Hurricane



1 Katrina in 2005, which devastated large parts of Louisiana and  
2 Mississippi.

3       The legislature finds that all disasters start locally. If  
4 a disaster overwhelms a county's capabilities, the county mayor  
5 will request the State to send reinforcements. If a disaster  
6 overwhelms state capabilities, the governor must request federal  
7 assistance through a presidential disaster declaration. Given  
8 Hawaii's vulnerability to natural hazards and its isolated  
9 location, a disaster can strike swiftly and unexpectedly, while  
10 federal support is hours away on the west coast of the  
11 continental United States.

12       Strengthening Hawaii's ability to respond to disasters is  
13 in the interest of residents and visitors alike. In 1992,  
14 Hurricane Iniki devastated large parts of Kauai. Should a  
15 hurricane of equal magnitude pass through the south shore of  
16 Oahu, the devastation could be catastrophic.

17       Presently, Hawaii state civil defense is a division under  
18 the state department of defense, led by the adjutant general.  
19 The adjutant general is also in charge of several other state  
20 agencies, including the Hawaii national guard. The vice-  
21 director of civil defense has daily command of the state civil  
22 defense, but is not ultimately in charge during emergencies.



1           The legislature finds that a full-time director should lead  
2 the Hawaii state civil defense and emergency management. States  
3 such as Florida, Oregon, Illinois, California, and New York have  
4 established independent offices, divisions, or agencies for  
5 emergency management, that provide its full-time director or  
6 equivalent direct access to the governor during times of  
7 emergency so that important and often life-saving decisions can  
8 be made quickly.

9           The purpose of this Act is to create a task force within  
10 the legislative reference bureau to determine whether it is in  
11 the State's best interest to establish the Hawaii state civil  
12 defense as an independent department of emergency management, or  
13 to modify the state civil defense, to provide Hawaii the best  
14 possible defense in the event of a disaster.

15           SECTION 2. (a) There shall be established within the  
16 legislative reference bureau for administrative purposes only, a  
17 task force for the purpose of reviewing section 26-21,  
18 pertaining to the department of defense, chapter 127, pertaining  
19 to disaster relief, and chapter 128, pertaining to civil defense  
20 and emergency, Hawaii Revised Statutes. The task force shall be  
21 known as the emergency management task force, and shall be  
22 dissolved on June 30, 2013.



1           (b) The legislative reference bureau shall provide  
2 administrative support to the task force.

3           (c) The co-chairs of the task force shall be the chair of  
4 the house committee on public safety and military affairs and  
5 the chair of the senate committee on public safety, government  
6 operations, and military affairs. The task force shall also  
7 consist of the following:

8           (1) Chair of the house committee on judiciary; or the  
9 chair's designee;

10          (2) Chair of the senate committee on judiciary and labor;  
11 or the chair's designee;

12          (3) Two members representing the department of defense;  
13 one each representing the Hawaii national guard and  
14 Hawaii state civil defense;

15          (4) The director of public safety, or the director's  
16 designee;

17          (5) The director of transportation, or the director's  
18 designee;

19          (6) The director of health, or the director's designee;

20          (7) The director of finance, or the director's designee;



- 1           (8) Four members, consisting of the directors of civil  
2           defense of the four counties; or their respective  
3           designee;
- 4           (9) Four members, consisting of one representative from  
5           each of the fire departments of the four counties; and
- 6           (10) Four members, consisting of one representative from  
7           each of the police departments of the four counties;  
8           provided that the governor, the minority leader of the house of  
9           representatives, and the minority leader of the senate shall  
10          each appoint one member in addition to those specified in  
11          paragraphs (1) through (10).
- 12          (d) The majority of the task force members, prescribed in  
13          subsection (c), present at a meeting shall constitute a quorum.
- 14          (e) If a quorum is present when a vote is taken, the  
15          affirmative vote of a majority of task force members present  
16          shall be the act of the task force.
- 17          (f) The task force shall submit a report of findings and  
18          recommendations to be consistent with national guidelines for  
19          emergency management and homeland security, including any  
20          proposed state and county legislation, to the legislature no  
21          later than twenty days prior to the convening of the regular  
22          session of 2013.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Jim Ward

*[Handwritten signatures]*  
Shumaker  
GMS  
Bohr  
[Signature]  
~~DC~~ [Signature]  
Am. J. [Signature]

JAN 20 2012

# H.B. NO. 2237

**Report Title:**

Emergency Management; Task Force

**Description:**

Establishes a task force within the legislative reference bureau to review and update chapters 127 and 128, HRS, pertaining to disaster relief and civil defense, to be consistent with national guidelines for emergency management and homeland security.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

