

JAN 20 2012

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 State is
2 vulnerable to hazards originating from human and natural causes.
3 The legislature also finds that a more efficient and effective
4 system is needed to prepare for emergencies and disasters in the
5 State.

6 The purpose of this Act is to transfer certain programs and
7 services currently under the jurisdiction of the department of
8 defense to a new department of civil defense.

9 SECTION 2. Effective July 1, 2013, all rights, powers,
10 functions, and duties in the following areas are transferred
11 from the department of defense to the department of civil
12 defense:

- 13 (1) Civil defense;
- 14 (2) Hazard mitigation;
- 15 (3) Disaster preparedness;
- 16 (4) Disaster relief; and
- 17 (5) Disaster response and recovery.



1 SECTION 3. All officers and employees whose functions are
2 transferred by this Act shall be transferred with their
3 functions and shall continue to perform their regular duties
4 upon their transfer, subject to the state personnel laws and
5 this Act.

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

16 An officer or employee of the State who does not have
17 tenure and who may be transferred or appointed to a civil
18 service position as a consequence of this Act shall become a
19 civil service employee without the loss of salary, seniority,
20 prior service credit, vacation, sick leave, or other employee
21 benefits or privileges and without the necessity of examination;
22 provided that such officer or employee possesses the minimum



1 qualifications for the position to which transferred or
2 appointed.

3 If an office or position held by an officer or employee
4 having tenure is abolished, the officer or employee shall not
5 thereby be separated from public employment, but shall remain in
6 the employment of the State with the same pay and classification
7 and shall be transferred to some other office or position for
8 which the officer or employee is eligible under the personnel
9 laws of the State as determined by the head of the department or
10 the governor.

11 SECTION 4. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the department of defense relating to the
15 functions transferred to the department of civil defense shall
16 be transferred with the functions to which they relate.

17 SECTION 5. (a) The governor shall select and convene a
18 working group to develop a comprehensive plan for transferring
19 certain rights, powers, functions, duties, and resources to the
20 newly established department of civil defense.

21 (b) The comprehensive plan shall identify:



- 1 (1) All state programs for civil defense, by division and
- 2 program identification;
- 3 (2) Each position to be transferred by position number;
- 4 and
- 5 (3) All moneys budgeted in support of each position to be
- 6 transferred, including moneys for direct and indirect
- 7 employee benefits, at the lowest level on the state
- 8 program structure.

9 (c) The working group shall include representatives from
10 the following agencies and departments:

- 11 (1) The department of defense;
- 12 (2) The department of the attorney general;
- 13 (3) The department of accounting and general services;
- 14 (4) The department of budget and finance;
- 15 (5) The department of human resources development;
- 16 (6) The civil defense advisory council; and
- 17 (7) The county civil defense agencies.

18 (d) The working group shall cease to exist on June 30,
19 2013.

20 SECTION 6. The legislative reference bureau shall conduct
21 a study to determine conforming amendments to the Hawaii Revised
22 Statutes that may be necessary as a result of the creation of



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1 the new department of civil defense to effectuate the purposes
2 of this Act.

3 The legislative reference bureau shall submit its findings,
4 including any proposed legislation, to the legislature no later
5 than twenty days prior to the convening of the regular session
6 of 2013.

7 SECTION 7. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 8. This Act shall take effect upon approval.

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INTRODUCED BY: *Shiranne Chun Cleveland*



S.B. NO. 2188

Report Title:

Civil Defense; Department of Civil Defense

Description:

Transfers programs and services relating to civil defense, hazard mitigation, disaster preparedness, disaster relief, and disaster response and recovery away from the department of defense to a department of civil defense, to be established. Convenes a working group to develop a comprehensive plan to transfer certain duties, powers, and resources from the department of defense to the department of civil defense.

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

