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

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



1 than half of what it is today. Chapter 128, Hawaii Revised  
2 Statutes, Hawaii's Civil Defense and Emergency Act, is based on  
3 the Federal Civil Defense Act of 1950, which was enacted for the  
4 purpose of preparing the nation for attack during the cold war  
5 era. At the federal level, the civil defense system has since  
6 become obsolete and has been replaced by the federal emergency  
7 management system.

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

15 SECTION 2. The Hawaii Revised Statutes is amended by  
16 adding a new chapter to be appropriately designated and to read  
17 as follows:

18 "CHAPTER

19 EMERGENCY MANAGEMENT

20 § -1 Policy and purpose. (a) Because of the existing  
21 and increasing possibility of the occurrence of disasters or



1 emergencies of unprecedented size and destructiveness resulting  
2 from natural or man-made hazards, and in order to ensure that  
3 the preparations of this State will be adequate to deal with  
4 such disasters or emergencies; to ensure the administration of  
5 state and federal programs providing disaster relief to  
6 individuals; and generally to protect the public health, safety,  
7 and welfare and to preserve the lives and property of the people  
8 of the State, it is hereby found and declared to be necessary:

9 (1) To provide for emergency management by the State, and  
10 to authorize the creation of local organizations for  
11 emergency management in the counties of the State;

12 (2) To confer upon the governor and upon the mayors of the  
13 counties of the State the emergency powers necessary  
14 to prepare for and respond to emergencies or  
15 disasters;

16 (3) To provide for the rendering of mutual aid among the  
17 counties of the State and with other states and in  
18 cooperation with the federal government with respect  
19 to the carrying out of emergency management functions;  
20 and



1           (4) To provide programs, in cooperation with other  
2           governmental agencies, the private sector, and  
3           nonprofit organizations, to educate and train the  
4           public to be prepared for emergencies and disasters.

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

15           (c) It is the intent of the legislature to provide for and  
16 confer comprehensive powers for the purposes stated herein.  
17 This chapter shall be liberally construed to effectuate its  
18 purposes; provided that this chapter shall not be construed as  
19 conferring any power or permitting any action which is  
20 inconsistent with the Constitution and laws of the United  
21 States, but, in so construing this chapter, due consideration



1 shall be given to the circumstances as they exist from time to  
2 time. This chapter shall not be deemed to have been amended by  
3 any act hereafter enacted at the same or any other session of  
4 the legislature, unless this chapter is amended by express  
5 reference.

6       **§ -2 Definitions.** When used in this chapter, unless  
7 the context otherwise requires:

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

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

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

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

18       "County emergency management agency" means a county-level  
19 entity responsible for emergency management within the  
20 respective counties 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 such 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 same as the adjutant general as provided in section 26-21.

11 "Disaster" means any emergency, or imminent threat thereof,  
12 which 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, which results or may likely result in substantial  
20 injury or harm to the population or substantial damage to or  
21 loss of property.



1 "Emergency management" means a comprehensive integrated  
2 system at all levels of government, and also in the private  
3 sector, which 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" mean 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



1 inundation by water as recommended by the county emergency  
2 management agency.

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

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

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

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





1 "Materials" includes medicines, supplies, products,  
2 commodities, articles, equipment, machinery, and component  
3 parts.

4 "Necessary" means and refers to such means, measures, or  
5 other actions or determinations as are required to be taken in  
6 the opinion of the governor or governor's authorized  
7 representative or a mayor or the mayor's authorized  
8 representative.

9 "State of emergency" means an occurrence in any part of the  
10 State that requires efforts by state government to protect  
11 property, public health, welfare, or safety in the event of an  
12 emergency or disaster, or to reduce the threat of an emergency  
13 or disaster, or to supplement the local efforts of the county.

14 "States" include the several states, the District of  
15 Columbia, and the possessions of the United States, and also  
16 includes the State of Hawaii, and to the extent authorized by or  
17 under federal law, foreign countries and their provinces and  
18 states.

19 "Traffic control" includes plans, regulations, devices, and  
20 actions for the control of traffic to provide for the rapid and  
21 safe movement or evacuation of individuals, vehicles, and



1 materials for emergency management, and for the movement and  
2 cessation of movement of any pedestrians and vehicular traffic  
3 during, before, and after emergencies and disasters, emergency  
4 management exercises and training, or other emergency management  
5 actions or activities.

6       **§ -3 Hawaii emergency management agency.** (a) There is  
7 established within the department of defense the Hawaii  
8 emergency management agency. The adjutant general shall serve  
9 as the director of Hawaii emergency management and, subject to  
10 the direction and control of the governor, shall oversee the  
11 agency.

12       (b) There shall be an administrator of emergency  
13 management who shall be appointed, and may be removed, by the  
14 director, and who shall have at least three years of experience  
15 leading emergency management efforts at the local, state, or  
16 federal level. The administrator of emergency management shall  
17 be the civilian head of and responsible for the day-to-day  
18 operations of the agency. The administrator of emergency  
19 management shall report to the director. The administrator of  
20 emergency management shall, in the absence of the director, have  
21 all the duties and responsibilities of the director, and shall



1 report directly to the governor. The administrator of emergency  
2 management shall not be subject to chapter 76.

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

6 (d) The director shall coordinate the activities of the  
7 agency with all county emergency management agencies, other  
8 state agencies, other states, or federal agencies involved in  
9 emergency management activities, and all organizations for  
10 emergency management within the State, whether public or  
11 private, and shall maintain liaison and cooperate with all  
12 county emergency management agencies, other state agencies,  
13 other states, or federal agencies involved in emergency  
14 management activities as provided in this chapter.

15 (e) The agency shall perform emergency management  
16 functions within the territorial limits of the State; support  
17 county emergency management agencies as requested; coordinate  
18 all resource support to the counties; ensure that emergency  
19 management plans across the State are coordinated with each  
20 other and other state, federal, and local organizations; oversee  
21 and coordinate the state-wide outdoor siren warning system;



1 monitor and issue alerts and warnings; and coordinate emergency  
2 and disaster response and recovery activities.

3       **§ -4 Hawaii advisory council on emergency management.**

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

18       **§ -5 County emergency management agency.** (a) The  
19 mayor of each county shall have direct responsibility for  
20 emergency management within the county, including the



1 organization, administration, and operation of a county  
2 emergency management agency.

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

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

19 (d) Each county, under the mayor's direction, shall make  
20 appropriations and authorize expenditures for the purposes of  
21 this chapter, including for use as matching funds for federal



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

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

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

15 (g) Each county, under the mayor's direction, shall, in  
16 order to ensure continuity of government during an emergency  
17 period, establish a procedure for the appointment and  
18 designation of stand-by officers for the mayor and the county  
19 legislative body during an emergency period, who shall serve in  
20 the event of the unavailability of the officers for whom they  
21 are standing-by.



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

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

8 **§ -6 Emergency reserve corps.** (a) The director may  
9 establish an emergency reserve corps comprising trained  
10 specialists to support state and county emergency or disaster  
11 requirements. The emergency reserve corps may include:

- 12 (1) Any employee of the State or county;
- 13 (2) Any employee hired specifically for staffing during  
14 emergency periods and exercises who shall be hired and  
15 compensated without regard to chapters 76, 78, and 88;  
16 and

17 (3) Any volunteer,  
18 who shall be detailed in accordance with this chapter.  
19 Emergency reserve corps positions shall be authorized and  
20 managed by the agency and do not need the approval of the  
21 governor.



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

9 **§ -7 State warning point.** (a) The agency shall  
10 establish and operate a communications and warning center that  
11 shall be known as the state warning point. The state warning  
12 point shall be continually staffed by the agency to monitor  
13 warning systems and devices and shall have the ability to  
14 provide timely warning and notification to government officials,  
15 county warning points and emergency operations centers and, when  
16 directed, the general public.

17 (b) Each county shall establish and operate a  
18 communications and warning center that shall be known as a  
19 county warning point. The county warning points shall be  
20 continually staffed by the respective counties and shall be  
21 capable of communicating with the state warning point at all





1 times. The county warning points shall provide timely warning  
2 and notification to government officials and the public, when  
3 directed.

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

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

17       (c) All persons, including volunteers whose services have  
18 been accepted by authorized persons, while engaged in the  
19 performance of duty pursuant to this chapter, including duty  
20 performed during exercises and training, shall be deemed state  
21 employees if the performance of duty is for the State, or county



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

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



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

7       **§ -9 Immunities; rights.** (a) None of the following:

8       (1) The State;

9       (2) Any county;

10       (3) Any owner or operator of a public utility or critical  
11       infrastructure facility;

12       (4) Private-sector or nonprofit organizations; or

13       (5) Except in cases of willful misconduct, gross  
14       negligence, or recklessness, persons engaged in  
15       emergency management functions pursuant to this  
16       chapter, including volunteers whose services are  
17       accepted by any authorized person,

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



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

16 (c) Members of the United States Army, Air Force, Navy,  
17 Marine Corps, or Coast Guard on any duty or service performed  
18 under or in pursuance of an order or call of the President of  
19 the United States or any proper authority, and the national  
20 guard from any other state ordered into service by any proper  
21 authority, to assist civil authorities engaged in emergency



1 functions pursuant to this chapter shall not be liable, civilly  
2 or criminally, for any act done or caused by them in pursuance  
3 of duty in such service.

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

9       **§ -11 Powers on whom conferred; delegation of powers.**

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

- 19       (1) Proclaiming a state of emergency or local state of  
20                emergency, proclaiming a state of emergency or local

1 state of emergency terminated, or making any other  
2 proclamation provided for by this chapter;

3 (2) Prescribing rules having the force and effect of law;  
4 and

5 (3) Making allotments of funds appropriated or available  
6 for the purposes of this chapter.

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

17 (b) The powers conferred upon the governor or mayor by  
18 this chapter are in addition to any other powers or authority  
19 conferred upon the governor or mayor by the laws of the United  
20 States and of the State or county for the same or a like



1 purpose, and shall not be construed as abrogating, limiting, or  
2 modifying any such powers or authority.

3       **§ -12 Emergency management powers, in general. (a)**

4 The governor or mayor, as applicable, may exercise the following  
5 powers pertaining to emergency management:

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



- 1 (5) Direct or control as may be necessary for emergency  
2 management:
- 3 (A) Alerts, warnings, notifications, activations,  
4 exercises, drills, and tests;
- 5 (B) Warnings and signals for alerts or exercises, and  
6 any type of warning device, system, or method to  
7 be used in connection therewith;
- 8 (C) Partial or full mobilization of personnel for  
9 exercises or training, in advance of, or in  
10 response to, an actual emergency or disaster; and
- 11 (D) The conduct of civilians and the movement and  
12 cessation of movement of pedestrians and  
13 vehicular traffic during, before, and after  
14 alerts, exercises, training, emergencies, or  
15 disasters.
- 16 (b) The governor may exercise the following powers  
17 pertaining to emergency management:
- 18 (1) Support requests from a mayor for assistance in  
19 preparing for, responding to, and recovering from any  
20 emergency or disaster or threat thereof;





- 1           (2) Lease, lend, or otherwise furnish, on such terms and  
2           conditions as the governor may consider necessary to  
3           promote the public welfare and protect the interest of  
4           the State, any real or personal property of the state  
5           government, to the President of the United States, the  
6           armed forces, or to the emergency management agency of  
7           the United States;
- 8           (3) Enter into, participate in, or carry out mutual aid  
9           agreements or compacts for emergency management or  
10          emergency management functions with the federal  
11          government and with other states;
- 12          (4) Sponsor and develop mutual aid plans and agreements  
13          for emergency management between the State, one or  
14          more counties, and other governmental, private-sector,  
15          and nonprofit organizations, for the furnishing or  
16          exchange of food, clothing, medicine, and other  
17          materials; engineering services; emergency housing;  
18          police services; health, medical, and related  
19          services; firefighting, rescue, transportation, and  
20          construction services and facilities; personnel  
21          necessary to provide or conduct these services; and



- 1 such other materials, facilities, personnel, and  
2 services as may be needed. The mutual aid plans and  
3 agreements may be made with or without provisions for  
4 reimbursement of costs and expenses, and on such terms  
5 and conditions as are deemed necessary;
- 6 (5) Take possession of, use, manage, control, and  
7 reallocate any public property of the State, real or  
8 personal, required by the governor for the purposes of  
9 this chapter, including airports, parks, playgrounds,  
10 and schools, and other public buildings. Whenever the  
11 property is so taken, the governor may make such  
12 provision for the temporary accommodation of the  
13 government service affected thereby as the governor  
14 may deem advisable;
- 15 (6) Utilize all services, materials, and facilities of  
16 nongovernmental agencies, relief organizations,  
17 community associations, and other private-sector and  
18 nonprofit organizations that may be made available;
- 19 (7) Receive, expend, or use contributions or grants, which  
20 shall be deemed to be trust funds, in money, property,  
21 or services, or loans of property, or special



1 contributions or grants in money, property, or  
2 services, or loans of property, for special purposes  
3 provided for by this chapter; establish funds in the  
4 state treasury for the deposit and expenditure of the  
5 moneys; procure federal aid as the same may be  
6 available; and apply the provisions of chapter 29 in  
7 cases of federal aid, even though not in the form of  
8 money. The contributions or grants are appropriated  
9 for the purposes of this chapter, or for the special  
10 purposes;

11 (8) Purchase, make, produce, construct, rent, lease, or  
12 procure by condemnation or otherwise, transport,  
13 store, install, maintain, and insure, repair,  
14 renovate, restore, replace or reconstruct, and  
15 distribute, furnish or otherwise dispose of, with or  
16 without charges, materials and facilities for  
17 emergency management; and to procure federal aid  
18 therefor whenever feasible. Chapter 103D and sections  
19 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4  
20 shall not apply to any emergency management functions  
21 of the governor to the extent that the governor finds



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

5           (9) Provide for the appointment, employment, training,  
6           equipping, and maintaining with compensation, or on a  
7           volunteer basis without compensation and without  
8           regard to chapters 76, 78, and 88, of such agencies,  
9           officers, and other persons as the governor deems  
10          necessary to carry out the purposes of this chapter;  
11          to 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 provisions of this chapter, to provide for  
15          the interchange of personnel, by detail, transfer, or  
16          otherwise, between agencies or departments of the  
17          State;

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



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



- 1           (16) Order and direct government agencies, officials,  
2           officers, and employees of the State, to take such  
3           action and employ such measures for law enforcement,  
4           medical, health, firefighting, traffic control,  
5           warnings and signals, engineering, rescue,  
6           construction, emergency housing, other welfare,  
7           hospitalization, transportation, water supply, public  
8           information, training, and other emergency functions  
9           as may be necessary, and utilize the services,  
10          materials, and facilities of the agencies and  
11          officers. All such agencies and officers shall  
12          cooperate with and extend their services, materials,  
13          and facilities to the governor as the governor may  
14          request;
- 15          (17) Provide for the repair and maintenance of public  
16          property, whenever adequate provision therefor is not  
17          otherwise made; insure the property against any  
18          emergency or disaster; provide for the restoration,  
19          renovation, replacement, or reconstruction of insured  
20          property in the event of damage or loss; and make  
21          temporary restoration of public utilities and other



1 critical infrastructure facilities in the event of an  
2 emergency or disaster;

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

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

8 (c) The mayor may exercise the following powers pertaining  
9 to emergency management:

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

17 (2) Sponsor and develop mutual aid plans and agreements  
18 for emergency management between one or more counties,  
19 and other governmental, private-sector, or nonprofit  
20 organizations, for the furnishing or exchange of food,  
21 clothing, medicine, and other materials; engineering



1 services; emergency housing; police services; health,  
2 medical, and related services; firefighting, rescue,  
3 transportation, and construction services and  
4 facilities; personnel necessary to provide or conduct  
5 these services; and such other materials, facilities,  
6 personnel, and services as may be needed. The mutual  
7 aid plans and agreements may be made with or without  
8 provisions for reimbursement of costs and expenses,  
9 and on such terms and conditions as are deemed  
10 necessary;

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

19 (4) Utilize all services, materials, and facilities of  
20 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, and insure, repair,  
17 renovate, restore, replace or reconstruct, and  
18 distribute, furnish or otherwise dispose of, with or  
19 without charges, materials and facilities for  
20 emergency management; and to procure federal aid  
21 therefor whenever feasible. Chapter 103D and sections



1           103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4  
2           shall not apply to any emergency management functions  
3           of and to the extent that the mayor finds that the  
4           provisions, in whole or in part, impede or tend to  
5           impede the expeditious discharge of the functions, or  
6           that compliance therewith is impracticable due to  
7           existing conditions;

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



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



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



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

6 (16) Fix or revise the hours of county government business;  
7 and

8 (17) 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(b) may only be  
11 exercised during an emergency period.

12 **§ -13 Additional powers in an emergency period. (a)**

13 In the event of a state of emergency declared by the governor  
14 pursuant to -14, the governor may exercise the following  
15 additional powers pertaining to emergency management during the  
16 emergency period:

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



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



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



1 emergency management functions within the affected  
2 area;

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

7 (6) Direct and control the mandatory evacuation of the  
8 civilian population;

9 (7) Exercise additional emergency functions to the extent  
10 necessary to prevent hoarding, waste, or destruction  
11 of materials, supplies, commodities, accommodations,  
12 facilities, and services, to effectuate equitable  
13 distribution thereof, or to establish priorities  
14 therein as the public welfare may require; to  
15 investigate; and notwithstanding any other law to the  
16 contrary, to regulate or prohibit, by means of  
17 licensing, rationing, or otherwise, the storage,  
18 transportation, use, possession, maintenance,  
19 furnishing, sale, or distribution thereof, and any  
20 business or any transaction related thereto;





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



1 maintenance, furnishing, sale, or distribution of, as  
2 well as any transaction related to, explosives,  
3 firearms, and ammunition, inflammable materials and  
4 other objects, implements, substances, businesses, or  
5 services of a hazardous or dangerous character, or  
6 particularly capable of misuse, or obstructive of or  
7 tending to obstruct law enforcement, emergency  
8 management, or military operations, including  
9 intoxicating liquor and the liquor business; and  
10 authorize the seizure and forfeiture of any such  
11 objects, implements, or substances unlawfully  
12 possessed, as provided in this chapter.

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

17 (1) Relieve hardships and inequities, or obstructions to  
18 the public health, safety, or welfare, found by the  
19 mayor to exist in the laws of the county and to result  
20 from the operation of federal programs or measures  
21 taken under this chapter, by suspending the county



1 laws, in whole or in part, or by alleviating the  
2 provisions of county laws on such terms and conditions  
3 as the mayor may impose, including county licensing  
4 laws, and county laws relating to labels, grades, and  
5 standards;

6 (2) Suspend any county law that impedes or tends to impede  
7 or be detrimental to the expeditious and efficient  
8 execution of, or to conflict with, emergency  
9 functions, including laws which by this chapter  
10 specifically are made applicable to emergency  
11 personnel;

12 (3) Shut off water mains, gas mains, electric power  
13 connections, or suspend other services; and, to the  
14 extent permitted by or under federal law, suspend  
15 electronic media transmission;

16 (4) Direct and control the mandatory evacuation of the  
17 civilian population; and

18 (5) Exercise additional emergency functions, to the extent  
19 necessary to prevent hoarding, waste, or destruction  
20 of materials, supplies, commodities, accommodations,  
21 facilities, and services, to effectuate equitable



1 distribution thereof, or to establish priorities  
2 therein as the public welfare may require; to  
3 investigate; and any other county law to the contrary  
4 notwithstanding, to regulate or prohibit, by means of  
5 licensing, rationing, or otherwise, the storage,  
6 transportation, use, possession, maintenance,  
7 furnishing, sale, or distribution thereof, and any  
8 business or any transaction related thereto.

9 **§ -14 State of emergency.** (a) The governor may  
10 declare the existence of a state of emergency in the State by  
11 proclamation if the governor finds that an emergency or disaster  
12 has occurred or that there is imminent danger or threat of an  
13 emergency or disaster in any portion of the State.

14 (b) A mayor may declare the existence of a local state of  
15 emergency in the county by proclamation if the mayor finds that  
16 an emergency or disaster has occurred or that there is imminent  
17 danger or threat of an emergency or disaster in any portion of  
18 the county.

19 (c) The governor or mayor shall be the sole judge of the  
20 existence of the danger, threat, or circumstances giving rise to  
21 a declaration of a state of emergency in the State or a local



1 state of emergency in the county, as applicable. This section  
2 shall not limit the power and authority of the governor under  
3 section -13(a)(4).

4 (d) A state of emergency and a local state of emergency  
5 shall terminate automatically sixty days after the issuance of a  
6 proclamation of a state of emergency or local state of  
7 emergency, respectively, or by a separate proclamation of the  
8 governor or mayor, whichever occurs first.

9 § -15 Proclamations, how made; service of papers. (a)

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

19 (b) Any process, notice, or order, service of which is  
20 provided for by this chapter, may be served by any law  
21 enforcement officer or person authorized by the governor or



1 mayor, any other provision of law to the contrary  
2 notwithstanding.

3       **§ -16 Major disaster fund.** (a) The director shall  
4 submit requests to the legislature to appropriate from the  
5 general revenues of the State sufficient moneys as may be  
6 necessary for expenditure by or under the direction of the  
7 governor for immediate relief in response to an emergency or  
8 disaster in any part of the State; provided that:

9       (1) The governor has issued a proclamation of a state of  
10 emergency;

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

14       (3) In addition to the funds in paragraph (2), an  
15 additional \$2,000,000 may be made available solely for  
16 the purpose of matching federal disaster relief funds  
17 when these funds become available to the State  
18 following a presidential disaster declaration.

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



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

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

10 § -17 Allotments. (a) There shall be available for  
11 allotment by the governor under this chapter:

12 (1) Any moneys appropriated for the purposes of this  
13 chapter, or reappropriated pursuant to subsection (b)  
14 and any unexpended moneys appropriated for emergency  
15 management or disaster relief or administration  
16 thereof by any act, but only within the scope and  
17 purposes of the appropriations so made by the  
18 legislature;

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

20 (3) The governor's contingent fund.



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

10 (c) The governor may allot any moneys appropriated or  
11 available for the purposes of this chapter, to any agency,  
12 officer, or employee, created, appointed, or employed under this  
13 chapter, or to any government agency, officer, or employee of  
14 the State or a county, to whom powers or duties have been  
15 delegated pursuant to this chapter, to be expended in carrying  
16 out the provisions of this chapter, and in the case of county  
17 agencies, officers, or employees, to order the allotment paid  
18 over to be held, disbursed, and accounted for as other county  
19 funds or as the governor shall provide.

20 (d) In the event of a deficit in the general fund of the  
21 State, any appropriation made or available for the purposes of





1 this chapter and needed for allotment under this chapter shall  
2 take priority over other appropriations from the general fund.

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

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

12 **§ -18 Mitigation of hazardous situations.** (a) Even in  
13 the absence of an emergency or disaster, the governor may  
14 authorize designated state employees, agents, contractors, or  
15 representatives to enter private property at reasonable times to  
16 mitigate situations deemed by the governor to be hazardous to  
17 the health and safety of the public; provided that this section  
18 shall be applicable only to the following actions:

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



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

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



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

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

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

14 (e) For purposes of this section, "pet animal" shall have  
15 the same meaning as defined in section 711-1100.

16 (f) For purposes of this section, "shelter" includes any  
17 structure, excavation, or other facility or item used or useful  
18 for the protection of persons.

19 **§ -20 Immunity from liability of private shelter. (a)**

20 Any individual, partnership, firm, society, unincorporated  
21 association, joint venture group, hui, joint stock company,



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

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

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

20 (2) Any compensation or consideration paid for any  
21 patient, resident, or ward present or residing in any



1 hospital, community-based care home, home-based care  
2 home, or healthcare agency of any type licensed by the  
3 department of health or the department of human  
4 services and used as a private shelter under this  
5 section; provided that the protections afforded by  
6 this section shall not extend beyond the use of the  
7 private shelter under this section for any other duty  
8 or standard of care owed to any patient, resident, or  
9 ward; and

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

15 **§ -21 Notice of requisition.** (a) The governor or  
16 mayor may requisition and take over any materials, facilities,  
17 or real property or improvements, required for the purposes of  
18 this chapter, or requisition and take over the temporary use  
19 thereof. The requisition shall be made by serving notice upon  
20 any person found in occupation of the premises or having the  
21 property in the person's custody, possession, or control;



1 provided that a like notice shall also be served upon any person  
2 who has filed with the governor or mayor, or with such person as  
3 the governor or mayor may designate for the purpose, a request  
4 for notice with respect to the property; provided further that  
5 whenever all persons entitled to compensation for the property  
6 have not been served in the manner aforesaid, the governor or  
7 mayor shall publish a notice of the requisition at the earliest  
8 practicable date.

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

14 **§ -22 Determination of compensation.** (a) Whenever the  
15 governor or mayor requisitions and takes over any property or  
16 the temporary use thereof, the owner, or other person entitled  
17 thereto, shall be paid as compensation for the property or use,  
18 such sum as the governor or mayor determines to be fair and  
19 just, within twenty days after it has been requisitioned and  
20 taken; provided that the compensation for temporary use may be  
21 paid in monthly or lesser installments.



1 (b) If any person is unwilling to accept, as full and  
2 complete compensation for the property or use thereof, the sum  
3 determined by the governor or mayor, the person shall be paid  
4 seventy-five per cent of the sum determined by the governor or  
5 mayor. The person shall also be entitled to sue the State or  
6 county for such additional sum as, when added to the sum already  
7 received by the person, the person may consider fair and just  
8 compensation for such property or use, in the manner provided by  
9 chapter 661 for actions against the State and any other  
10 applicable chapter for actions against the county. Any suit  
11 under this section shall be instituted within two years after  
12 the requisition in the case of the taking of real property in  
13 fee simple, or within one year after the requisition in all  
14 other cases, subject to sections 657-13 to 657-15, which are  
15 hereby made applicable to such a suit; except that no more than  
16 six months shall be allowed for the bringing of a suit after the  
17 appointment of a conservator of a person under disability, or  
18 the removal of the disability, or after the appointment of  
19 personal representatives. Recovery shall be confined to the  
20 fair market value of the property or its fair rental value, as  
21 the case may be, without any allowance for prospective profits,





1 or punitive or other damages. Whenever the owner of property,  
2 or other person entitled to compensation on account of the  
3 requisitioning of property or the use thereof, is under a  
4 disability, or has died, and no conservator or personal  
5 representative has been appointed, the State, acting through the  
6 attorney general, may apply for the appointment of a conservator  
7 or for the appointment of a personal representative.

8       **§ -23 Determination of damages.** The governor or mayor,  
9 as applicable, shall appoint a board of three disinterested  
10 certified appraisers with whom may be filed any claim for  
11 damages arising out of any failure to return private property,  
12 the temporary use of which was requisitioned, or which was  
13 leased, or any claim for damages arising out of the condition in  
14 which the private property is returned; provided that no such  
15 claim shall be filed for deterioration of property resulting  
16 from ordinary wear and tear, and not for any deterioration or  
17 damage, except such as is shown to have resulted from the taking  
18 or use of the property. Any claim shall be filed within thirty  
19 days after the return of the property or after the governor or  
20 mayor proclaims that all private property has been returned to  
21 the owners, whichever is earlier. The decision of the



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

20       **§ -24 Investigations and surveys.** (a) The governor or  
21 mayor, as applicable, may make investigations and surveys for



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

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



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

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

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



1 under this chapter, shall be made and taken with due  
2 consideration of the orders, rules, regulations, actions,  
3 recommendations, and requests of federal authorities relevant  
4 thereto. In these rules, reasonable classifications,  
5 exceptions, and exemptions may be made and granted. Such rules  
6 shall not be subject to chapter 91.

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

16 (c) Rules adopted pursuant to this chapter during a state  
17 of emergency shall be promulgated as herein provided, and may be  
18 made effective upon the promulgation. The rules shall be  
19 promulgated by posting them on the applicable state or county  
20 government website and by publishing them in a newspaper of  
21 general circulation in the State, by means calculated to bring



1 its contents to the attention of the general public, including  
2 by official announcement by means of television or radio  
3 broadcast, or both, or by internet, or, where only known persons  
4 are concerned, by service upon these persons by registered or  
5 certified mail or by personal service. The rules shall remain  
6 posted on the government website while in effect. When  
7 immediate promulgation of the rules is necessary in the opinion  
8 of the governor or mayor, as applicable, who shall be the sole  
9 judge thereof, in lieu of publication, the rules may be  
10 promulgated by television or radio broadcast, or both, or by  
11 internet, or such other means as may be available; provided that  
12 the rules shall be posted and published thereafter at the  
13 earliest practicable date.

14       **§ -26 Forfeitures.** The forfeiture of any property  
15 unlawfully possessed, pursuant to section -12(b), may be  
16 adjudged upon conviction of the offender found to be unlawfully  
17 in possession of the same, where no person other than the  
18 offender is entitled to notice and hearing with respect to the  
19 forfeiture, or the forfeiture may be enforced by an appropriate  
20 civil proceeding brought in the name of the State. The district  
21 courts and circuit courts shall have concurrent jurisdiction of



1 the civil proceedings. Any property forfeited as provided in  
2 this section may be ordered destroyed, or may be ordered  
3 delivered for public use to such agency as shall be designated  
4 by the governor or the governor's representative, or may be  
5 ordered sold, in whole or in part, for the account of the State.

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



1 associate justice in the event of the chief justice's absence or  
2 incapacity or a vacancy in the office, who shall forthwith  
3 assign two other circuit judges to sit with the circuit judge in  
4 hearing and determining the application.

5       The application shall not be heard or determined before at  
6 least five days' notice of the hearing has been given to the  
7 governor and the attorney general, or to the mayor and the  
8 county corporation counsel, as applicable, and to such other  
9 persons as may be defendants or respondents in the suits. In  
10 cases in which immediate irreparable damage would otherwise  
11 ensue to the petitioner, the circuit judge to whom the  
12 application is made may, after giving notice to the governor and  
13 the attorney general, or the mayor and the county corporation  
14 counsel, as applicable, and allowing them an opportunity to  
15 appear, grant a temporary stay or suspension, in whole or in  
16 part, of the operation of the statutory provision, proclamation,  
17 order, or rule. The temporary stay or suspension shall remain  
18 in force only until the hearing and determination of the  
19 application for a preliminary or interlocutory injunction, and  
20 in any event for not more than ten days from the date of the  
21 order of the judge. If the two additional circuit judges have





1 been assigned to the case, no temporary stay or suspension shall  
2 be ordered unless a majority of the three circuit judges shall  
3 concur.

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

19 If a temporary stay or suspension has been allowed, the  
20 application for a preliminary or interlocutory injunction shall  
21 be set for hearing within five days after the granting of the



1 stay or suspension. When the matter comes on for hearing, the  
2 party who obtained the temporary stay or suspension shall  
3 proceed with the application for a preliminary or interlocutory  
4 injunction. Otherwise the temporary order shall be dissolved  
5 forthwith. No extension of time shall be granted without the  
6 approval of at least two of the three judges. Upon the final  
7 hearing of any such suit, the same requirement as to judges and  
8 the same procedure as to expedition shall apply.

9       **§ -28 Enforcement of injunction proceedings;**

10 **interventions.** (a) Whenever in the opinion of the governor or  
11 mayor, as applicable, any person has engaged or is about to  
12 engage in any act or practice that constitutes or will  
13 constitute a violation of any provision of this chapter, or any  
14 rule of the governor or mayor issued under this chapter, having  
15 the force and effect of law, the governor or mayor may make  
16 application to the appropriate court in the name of the State or  
17 county for an order enjoining the acts or practices, or for such  
18 other order as will enforce compliance with the provisions, and  
19 upon a showing by the governor or mayor in such manner and form  
20 as is usual in injunction cases, that the person has engaged or  
21 is about to engage in any such act or practice, a permanent or



1 temporary injunction, restraining order, or other appropriate  
2 order shall be granted without bond.

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

11 **§ -29 Misdemeanors.** Any person violating any rule of  
12 the governor or mayor prescribed and promulgated pursuant to  
13 this chapter and having the force and effect of law, shall, if  
14 it shall be so stated in the rule, be guilty of a misdemeanor.  
15 Upon conviction, the person shall be fined not more than \$5,000,  
16 or imprisoned not more than one year, or both.

17 Any person who intentionally, knowingly, or recklessly  
18 destroys, damages, or loses any shelter, protective device, or  
19 warning or signal device, shall if the same was installed or  
20 constructed by the United States, the State, or a county, or is  
21 the property of the United States, the State, or a county, be



1 fined the cost of replacement, or imprisoned not more than one  
2 year, or both. The governor or mayor, may, by rule, make  
3 further provisions for the protection from misuse of shelters,  
4 protective devices, or warning and signal devices.

5       **§ -30 Rental or sale of essential commodities during a**  
6 **state of emergency; prohibition against price increases. (a)**

7 Whenever the governor declares a state of emergency for the  
8 entire State or any portion thereof, or a mayor declares a local  
9 state of emergency for the county or any portion thereof, or  
10 when the State, or any portion thereof, is the subject of a  
11 severe weather warning:

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

16       (2) No landlord shall terminate any tenancy for a  
17 residential dwelling unit in the area that is the  
18 subject of the proclamation or the severe weather  
19 warning, except for a breach of a material term of a  
20 rental agreement or lease, or if the unit is unfit for  
21 occupancy as defined in this chapter; provided that:



- 1 (A) Nothing in this chapter shall be construed to  
2 extend a fixed-term lease beyond its termination  
3 date, except that a periodic tenancy for a  
4 residential dwelling unit may be terminated by  
5 the landlord upon forty-five days' written  
6 notice:
- 7 (i) When the residential dwelling unit is sold
  - 8 to a bona fide purchaser for value; or
  - 9 (ii) When the landlord or an immediate family
  - 10 member of the landlord will occupy the
  - 11 residential dwelling unit; or
- 12 (B) Under a fixed-term lease or a periodic tenancy,  
13 upon forty-five days' written notice, a landlord  
14 may require a tenant or tenants to relocate  
15 during the actual and continuous period of any  
16 repair to render a residential dwelling unit fit  
17 for occupancy; provided that:
- 18 (i) Reoccupancy shall first be offered to the
  - 19 same tenant or tenants upon completion of
  - 20 the repair;



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

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

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

16          (c) The prohibitions under subsection (a) shall remain in  
17          effect until twenty-four hours after the severe weather warning  
18          is canceled by the National Weather Service; or in the event of  
19          a declaration, the later of a date specified by the governor or  
20          mayor in the declaration or ninety-six hours after the effective  
21          date and time of the declaration, unless such prohibition is



1 continued by a supplementary declaration issued by the governor  
2 or mayor. Any proclamation issued under this chapter that fails  
3 to state the time at which it will take effect, shall take  
4 effect at twelve noon of the day on which it takes effect.

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

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

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

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

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



1 (f) As used in this section:

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

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

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

19 "Periodic tenancy" means a tenancy wherein real property is  
20 leased for an indefinite time with monthly or other periodic  
21 rent reserved. A periodic tenancy may be created by express





1 agreement of the parties, or by implication upon the expiration  
2 of a fixed-term lease when neither landlord nor tenant provides  
3 the other with written notice of termination and the tenant  
4 retains possession of the premises for any period of time after  
5 the expiration of the original term.

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

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

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



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

3 "(d) This section shall not apply to notices required by  
4 chapters 103D, 103F, \_\_\_\_\_, and 523A."

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

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

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

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

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



1 ~~[director of civil defense]~~ adjutant general, as director of the  
2 agency, shall be within the ~~[civil defense]~~ agency.

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

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

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

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

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



- 1 (1) Any procurement of less than \$25,000 or that is  
2 considered a small purchase under section 103D-305 and  
3 any state or county department contract of less than  
4 \$25,000;
- 5 (2) Emergency purchases for the procurement of goods,  
6 services, or construction under section 103D-307 [~~7~~  
7 ~~disaster relief under chapter 127,~~] or [~~a civil~~  
8 ~~defense~~] an emergency or disaster under chapter [~~128,~~]  
9 \_\_\_\_\_;
- 10 (3) Grants and subsidies disbursed by a state agency  
11 pursuant to chapter 42F or in accordance with  
12 standards provided by law as required by article VII,  
13 section 4, of the state constitution, or made by the  
14 counties pursuant to their respective charters or  
15 ordinances;
- 16 (4) Contracts or agreements between government agencies;
- 17 (5) Contracts or agreements to disburse funds:
- 18 (A) To make payments to or on behalf of public  
19 officials, officers, and employees for salaries,  
20 fringe benefits, professional fees, and  
21 reimbursements;



- 1 (B) To satisfy obligations required to be paid by
- 2 law, including fees, judgments, settlements, and
- 3 other payments for resolving claims;
- 4 (C) To make refunds or return funds held by the State
- 5 or county as trustee, custodian, or bailee;
- 6 (D) For entitlement programs, including public
- 7 assistance, unemployment, and workers'
- 8 compensation programs, established by state or
- 9 federal law;
- 10 (E) For deposit, investment, or safekeeping,
- 11 including sums to pay expenses related to their
- 12 deposit investment, or safekeeping;
- 13 (F) For loans under government-administered loan
- 14 programs; or
- 15 (G) To make periodic, recurring payments for utility
- 16 services;
- 17 (6) Rent for the use or occupation of the premises and
- 18 facilities at Aloha Stadium, the convention center, or
- 19 any other state or county large spectator events
- 20 facility; and



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

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

5 "**§121-30 Order to active service.** In case of war,  
6 insurrection, invasion, riot, or imminent danger thereof~~[, or]~~;  
7 an emergency or disaster; or danger from flood, fire, storm,  
8 earthquake, civil disturbances, or terrorist events; any  
9 forcible obstruction to the execution of the laws, or reasonable  
10 apprehension thereof~~[,]~~; or for assistance to civil authorities  
11 in disaster relief or ~~[civil defense,]~~ emergency management, the  
12 governor may order the national guard or other component of the  
13 militia or any part thereof into active service. The governor  
14 or the governor's designated representative ~~[also]~~ may also  
15 order the national guard into active service ~~[in]~~:

16 (1) In nonemergency situations for duty and training in  
17 addition to the drill and instruction required by  
18 section 121-28~~[,]~~;

19 (2) To provide support to other states in response to a  
20 request for assistance under the Emergency Management  
21 Assistance Compact under chapter 128F; and



1           (3) To detect, prevent, prepare for, investigate, respond  
2           to, or recover from any of the events for which an  
3           order to active service may be made."

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

6           "(a) Notwithstanding any provision of chapter [~~128~~] \_\_\_ or  
7 any other law to the contrary, no person or government entity  
8 shall seize or confiscate, under any [~~civil-defense~~]  
9 emergency[~~7~~] or disaster relief powers or functions conferred,  
10 or during any [~~civil-defense~~] emergency period, as defined in  
11 section [~~128-27~~] \_\_\_-2, or during any time of national  
12 emergency or crisis, as defined in section 134-34, any firearm  
13 or ammunition from any individual who is lawfully permitted to  
14 carry or possess the firearm or ammunition under part I of this  
15 chapter and who carries, possesses, or uses the firearm or  
16 ammunition in a lawful manner and in accordance with the  
17 criminal laws of this State.

18           (b) Notwithstanding any provision of chapter [~~128~~] \_\_\_ or  
19 any other law to the contrary, no person or government entity  
20 shall suspend, revoke, or limit, under any [~~civil-defense~~]  
21 emergency[~~7~~] or disaster relief powers or functions conferred,



1 any lawfully acquired and maintained permit or license obtained  
2 under and in accordance with part I of this chapter."

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

5 "**§209-6 Relation to other agencies.** This chapter is not  
6 intended, nor shall it be construed in any manner, to conflict  
7 with or assume the responsibility of the American National Red  
8 Cross, any agency of the federal government, the Salvation Army,  
9 or the [~~civil defense~~] emergency management activities of the  
10 state department of defense."

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

13 "(a) Any utility that sustains damage to its facilities as  
14 a result of a [~~state declared~~] state of emergency [~~+~~] or local  
15 state of emergency, including [~~but not limited to disaster~~  
16 ~~relief and civil defense~~] emergencies as defined in [~~chapters~~  
17 ~~127 and 128~~] chapter \_\_\_\_\_, and incurs costs related to the  
18 restoration and repair of its facilities which, if assessed only  
19 on the utility ratepayers of the affected utility service  
20 territory, may result in a rate increase of more than fifteen  
21 per cent for the average ratepayer in that utility service





1 territory, may apply to the public utilities commission in  
2 accordance with this section to recover the costs provided  
3 herein through a monthly surcharge which shall be assessed on a  
4 statewide basis and shall be based on the utility's net  
5 restoration and repair costs; provided that the surcharge shall  
6 not result in an assessment of more than fifteen per cent for  
7 the average ratepayer in each of the other utility service  
8 territories and provided further that the public utilities  
9 commission shall exclude ratepayers in utility service  
10 territories with rates that may be substantially higher than  
11 other utility service territories in the State.

12       The public utilities commission shall have the authority to  
13 initially set, or subsequently revise, the surcharge to reflect  
14 the actual net restoration and repair costs incurred after  
15 deduction of amounts received from outside sources of recovery.  
16 Such outside sources of recovery shall include, but not be  
17 limited to, insurance proceeds, government grants, and  
18 shareholder contributions."

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



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

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

19           "**[+]§286-226[+]** **Routes.** The intrastate shipment of  
20 explosives of any quantity that would require placarding of the  
21 transporting motor vehicle by the rules adopted pursuant to this



1 part, shall not take place without first giving the police  
2 department and the fire department of the county in which the  
3 explosives are to be transported a forty-eight hour minimum  
4 advance notice. This advance notice shall be in writing and  
5 indicate the quantity and type of explosive material being  
6 shipped, the date and time of the shipment, and the route over  
7 which the explosive shipment will travel. This provision does  
8 not apply to the military during the period of [~~a civil defense~~  
9 ~~emergency~~] an emergency or disaster proclaimed by the President  
10 [~~or~~], the governor[-], or a county mayor."

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

13 "~~[+]~~**\$309H-2**~~[+]~~ **Hawaii health corps program established.**

14 The Hawaii health corps program is established to encourage  
15 physicians, physicians assistants, and nurse practitioners to  
16 serve in counties having a shortage of physicians, physician  
17 assistants, and nurse practitioners, with priority given to a  
18 rural area county. The Hawaii health corps program shall be  
19 administered by the University of Hawaii John A. Burns school of  
20 medicine and the University of Hawaii at Manoa school of nursing  
21 and dental hygiene. In administering the program, the



1 University of Hawaii John A. Burns school of medicine and the  
2 University of Hawaii at Manoa school of nursing and dental  
3 hygiene shall:

4 (1) Adopt rules and develop guidelines to administer the  
5 program;

6 (2) Identify and designate areas of the counties where  
7 there is a shortage of physicians, physician  
8 assistants, and nurse practitioners;

9 (3) Establish criteria for the selection by the University  
10 of Hawaii John A. Burns school of medicine of  
11 physicians, physician assistants, and nurse  
12 practitioners to participate in the Hawaii rural  
13 health care provider loan repayment program;

14 (4) Define and determine compliance with the service  
15 commitments of the Hawaii rural health care provider  
16 loan repayment program;

17 (5) Collect and manage reimbursements from participants  
18 who do not meet their service commitments under the  
19 Hawaii rural health care provider loan repayment  
20 program;



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

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

15 " ~~[+]~~§309H-4~~[+]~~ **Hawaii health corps first responder service**  
16 **obligation.** If ~~[a civil defense or other]~~ an emergency~~[-]~~ or  
17 disaster proclaimed under chapter ~~[127 or 128]~~ \_\_\_\_\_ occurs,  
18 physicians, physician assistants, and nurse practitioners  
19 participating in the Hawaii health corps program may be ordered  
20 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 601-1.5, Hawaii Revised Statutes, is  
4 amended by amending its title and subsections (a) and (b) to  
5 read as follows:

6 " ~~[+]§601-1.5[ ]~~ ~~Civil defense emergency~~ **Emergency period;**  
7 **suspension of deadlines.** (a) During ~~[a period of civil~~  
8 ~~defense]~~ an emergency period proclaimed by the governor under  
9 ~~[section 128-7,]~~ chapter \_\_\_\_\_, the chief justice shall be  
10 authorized to order the suspension, tolling, extension, or  
11 granting of relief from deadlines, time schedules, or filing  
12 requirements imposed by otherwise applicable statutes, rules, or  
13 court orders, in civil or criminal cases or administrative  
14 matters, in any judicial circuit affected by the governor's  
15 proclamation. The chief justice shall determine the judicial  
16 circuits so affected.

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



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

4 "Emergency worker" means any:

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



- 1 (5) Member of the national guard from any other state
- 2 ordered into service by any proper authority; or
- 3 (6) Person engaged in [~~civil defense~~] emergency management
- 4 functions as authorized by the director of [~~civil~~
- 5 ~~defense~~] Hawaii emergency management or the
- 6 administrator or director of the county emergency
- 7 management agency or as otherwise authorized under
- 8 chapter [~~128, or~~
- 9 ~~(7) Person engaged in disaster relief by authorization of~~
- 10 ~~the director of disaster relief or as otherwise~~
- 11 ~~authorized under chapter 127.] \_\_\_\_\_."~~

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

14 "~~[+]§707-712.7[+]~~ **Assault against an emergency worker.**

- 15 (1) A person commits the offense of assault against an
- 16 emergency worker if the person, during [~~the time of a civil~~
- 17 ~~defense emergency~~] an emergency period proclaimed by the
- 18 governor or mayor pursuant to chapter [~~128,~~] \_\_\_\_\_, within the
- 19 area covered by the [~~civil defense~~] emergency or [~~during the~~
- 20 ~~period of disaster relief under chapter 127:] disaster:~~





1 (a) Intentionally, knowingly, or recklessly causes serious  
2 or substantial bodily injury to an emergency worker;  
3 or

4 (b) Intentionally, knowingly, or recklessly causes bodily  
5 injury to an emergency worker with a dangerous  
6 instrument.

7 (2) Assault against an emergency worker is a class B  
8 felony."

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

11 " ~~[+]§708-817[+]~~ **Burglary of a dwelling during ~~[a-civil~~**  
12 **~~defense]~~ an emergency ~~[or-disaster-relief]~~ period. (1) A  
13 person commits the offense of burglary of a dwelling if, during  
14 ~~[a-civil-defense]~~ an emergency ~~[or-disaster-relief-period-if]~~  
15 period proclaimed by the governor or mayor pursuant to  
16 chapter and within the area covered by the emergency  
17 period, the person:**

18 (a) Intentionally enters or remains unlawfully in a  
19 dwelling with intent to commit therein a crime against  
20 a person or against property rights; and



1 (b) Recklessly disregards a risk that the building is the  
2 dwelling of another, and the building is such a  
3 dwelling[~~—~~  
4 ~~during the time of a civil defense emergency proclaimed by the~~  
5 ~~governor pursuant to chapter 128, within the area covered by the~~  
6 ~~civil defense emergency or during the period of disaster relief~~  
7 ~~under chapter 127.] at the time.~~

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

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

12 "~~[§]708-818[§]~~ **Burglary of a building during [~~a civil~~**  
13 **~~defense emergency or disaster relief~~] an emergency period.** (1)

14 A person commits the offense of burglary of a building if,  
15 during [~~a civil defense~~] an emergency [~~or disaster relief period~~  
16 ~~if~~] period proclaimed by the governor or mayor pursuant to  
17 chapter \_\_\_\_\_ and within the area covered by the emergency  
18 period, the person intentionally enters or remains unlawfully in  
19 a building other than a dwelling with intent to commit therein a  
20 crime against a person or against property rights [~~during the~~  
21 ~~time of a civil defense emergency proclaimed by the governor~~



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

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

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

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

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

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

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



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

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

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

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

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

18 (b) Of a firearm;

19 (c) Of dynamite or other explosive; or

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



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~~] or  
4           disaster under chapter [~~127,~~] \_\_\_\_\_, the value of which  
5           exceeds \$300."

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

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

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

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

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

20               (ii) The person threatens the imminent use of force  
21               against the person of anyone present with intent



1 to compel acquiescence to the taking of or  
2 escaping with the property;

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

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



1 SECTION 22. 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 23. Chapter 127, Hawaii Revised Statutes, is  
8 repealed.

9 SECTION 24. Chapter 128, Hawaii Revised Statutes, is  
10 repealed.

11 SECTION 25. 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~~



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





1 ~~during the actual and continuous period of any~~  
2 ~~repair to render a residential dwelling unit fit~~  
3 ~~for occupancy provided that:~~

4 ~~(i) Reoccupancy shall first be offered to the~~  
5 ~~same tenant or tenants upon completion of~~  
6 ~~the repair; and~~

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

11 ~~(iii) It shall be the responsibility of the tenant~~  
12 ~~or tenants to find other accommodations~~  
13 ~~during the period of repair.~~

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

19 ~~"Fixed term lease" means a lease for real property that~~  
20 ~~specifies its beginning date and its termination date as~~  
21 ~~calendar dates, or contains a formula for determining the~~



1 ~~beginning and termination dates; and the application of the~~  
2 ~~formula as of the date of the agreement will produce a calendar~~  
3 ~~date for the beginning and termination of the lease.~~

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

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

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



1 ~~by the tenant prior to the disaster declaration or severe~~  
2 ~~weather warning, the increases may take place pursuant to the~~  
3 ~~written instrument.~~

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

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

13 ~~(1) The violation of the price limitation was~~  
14 ~~unintentional;~~

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

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

20 ~~(e) Any violation of this section shall constitute unfair~~  
21 ~~methods of competition and unfair and deceptive acts or~~



1 ~~practices in the conduct of any trade [or] commerce under~~  
2 ~~section 480-2 and shall be subject to a civil penalty as~~  
3 ~~provided in section 480-3.1. Each item sold at a price that is~~  
4 ~~prohibited by this section shall constitute a separate~~  
5 ~~violation." ]~~

6 SECTION 26. This Act does not affect rights and duties  
7 that matured, penalties that were incurred, and proceedings that  
8 were begun before its effective date. Rules, policies,  
9 procedures, guidelines, and other material adopted or developed  
10 under the authority of chapter 128, Hawaii Revised Statutes, or  
11 proclamations issued under the authority of chapter 128, Hawaii  
12 Revised Statutes, shall remain in effect until they are repealed  
13 or replaced under the authority of the chapter being enacted in  
14 this Act. References in the new chapter to rules shall include  
15 rules adopted pursuant to chapter 128, Hawaii Revised Statutes,  
16 until the rules adopted pursuant to chapter 128, Hawaii Revised  
17 Statutes, are repealed or replaced under the authority of the  
18 new chapter. Every reference to the civil defense agency of the  
19 department of defense in any rules, policies, procedures,  
20 guidelines, and other materials shall be amended to refer to the  
21 Hawaii emergency management agency.



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

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

20 If an office or position held by an officer or employee  
21 having tenure is abolished, the officer or employee shall not



1 thereby be separated from public employment, but shall remain in  
2 the employment of the State with the same pay and classification  
3 and shall be transferred to some other office or position for  
4 which the officer or employee is eligible under the personnel  
5 laws of the State as determined by the head of the department or  
6 the governor.

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

19 All appropriations, records, equipment, machines, files,  
20 supplies, contracts, books, papers, documents, maps, and other  
21 personal property heretofore made, used, acquired, or held by



1 the civil defense agency of the department of defense relating  
2 to emergency management pursuant to chapter 128, Hawaii Revised  
3 Statutes, shall be transferred to the Hawaii emergency  
4 management agency.

5 SECTION 27. If any part of this Act is found to be in  
6 conflict with federal requirements that are a prescribed  
7 condition for the allocation of federal funds to the State, the  
8 conflicting part of this Act is inoperative solely to the extent  
9 of the conflict and with respect to the agencies directly  
10 affected, and this funding shall not affect the operation of the  
11 remainder of this Act in its application to the agencies  
12 concerned. The rules under this Act shall meet federal  
13 requirements that are a necessary condition to the receipt of  
14 federal funds by the State.

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



1           SECTION 29. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 30. This Act shall take effect on July 1, 2014;  
4 provided that section       -5(f), Hawaii Revised Statutes, in  
5 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. (HB849 CD1)

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

