

**"CHAPTER 125  
PROCUREMENT AND CONTROL OF DISTRIBUTION  
OF NECESSARY COMMODITIES**

Section

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## Note

Chapter heading amended by L 1974, c 5, §1.

" **§125-1 "Emergency" defined.** As used in this chapter, unless otherwise indicated by the context, "emergency" means any state of affairs or circumstances which imperils the availability to the public of commodities necessary to public health, safety, or welfare or which results in any substantial interruption of commerce to or within the State. [L Sp 1949, c 21, §1; RL 1955, §357-1; HRS §125-1; am L 1973, c 195, §1]

### Attorney General Opinions

Nothing in chapter authorizes the governor to provide for the succession to the offices of the governor and lieutenant governor. Att. Gen. Op. 61-87.

" **§125-2 Powers in an emergency.** If the governor declares that an emergency as defined in section 125-1 exists, the governor or the governor's authorized representatives, to make available commodities necessary to the public health, safety, or welfare, or to insure the availability of commodities required to maintain commerce to or within the State under normal conditions, may:

- (1) Whenever the availability of shipping space depends upon determination by the governor or the governor's authorized representatives, of the emergency needs of the population, allocate space to and among types of commodities and consignees, such distribution of space among consignees to be upon an equitable basis so far as reasonably practicable.
- (2) Charter or affreight a ship or ships, make any other arrangements, including contracts of guaranty, for the procurement of ships and any other means of transportation, and transport cargoes to the State. Cargoes from the State may be transported on any return voyage.
- (3) Purchase and resell, or otherwise distribute commodities.
- (4) Control the distribution of commodities by rules and regulations promulgated pursuant to chapter 91. [L Sp 1949, c 21, §2; RL 1955, §357-2; HRS §125-2; am L 1973, c 195, §2; am L 1974, c 5, §2; gen ch 1985]

" **§125-3 Charges.** Whenever under this chapter any transportation or services are furnished or commodities sold by

the State, such charges shall be made and collected therefor as will compensate the State for its expenditures in connection therewith. Any moneys realized are reappropriated for the purposes of this chapter. [L Sp 1949, c 21, §3; RL 1955, §357-3; HRS §125-3]

" **§125-4 Personnel, delegation of powers.** The governor may appoint or employ boards, agencies, officers, employees, and other persons, or any of them, for the purpose of carrying out the provisions of this chapter, and may delegate to the boards, agencies, or persons, or to any government board, agency, officer, or employee, state or otherwise, any of the governor's duties or powers under this chapter. All such officers and employees on a temporary basis, whether or not employed by contract, shall be exempt from and neither subject to nor entitled to the benefits of the provisions of chapters 76 and 88, or any other law, appropriate collective bargaining agreement, executive order, executive directive, or rule that is inapplicable to temporary employees of the State. [L Sp 1949, c 21, §4; RL 1955, §357-4; HRS §125-4; gen ch 1985; am L 2002, c 148, §13]

" **§125-5 Contributions.** The governor or the governor's authorized representative may receive, expend, or use contributions or grants in money or property, or special contributions thereof for special purposes provided for by this chapter, and may establish suitable funds in the treasury for the deposit and expenditures of the moneys. The contributions or grants are appropriated for the purpose of this chapter, or for such special purposes, as the case may be. [L Sp 1949, c 21, §5; RL 1955, §357-5; HRS §125-5; gen ch 1985]

" **§125-6 Investigations, surveys.** The governor and the governor's authorized representative may make investigations and surveys for the purpose of ascertaining facts to be used in administering this chapter, and in making the investigations and surveys, may require the making, filing, or keeping of applications, schedules, records, reports, or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers, and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof may enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of books, papers, and records. [L Sp 1949, c 21, §6; RL 1955, §357-6; HRS §125-6; gen ch 1985]

" **§125-7 Fraud, misdemeanor.** Any person required by the governor or the governor's authorized representative, pursuant to section 125-6, to make, keep, or file any application, schedule, record, report, or statement, whether or not under oath, who intentionally makes, files, or keeps a false or fraudulent application, schedule, record, report, or statement or intentionally conceals therein any material fact, and any person who in any other manner intentionally deceives or attempts to deceive the governor or the governor's authorized representative with respect to any fact to be used in administering this chapter, and any person who fails to observe and comply with the rules and regulations promulgated under this chapter, shall be fined not more than \$1,000 or imprisoned not more than six months, or both. [L Sp 1949, c 21, §7; RL 1955, §357-7; HRS §125-7; am L 1974, c 5, §3; gen ch 1985]

#### **Cross References**

Classification of offense and authorized punishment, see §§701-107, 706-640, 663.