

A Bill for an Act Relating to the Civil Defense and Emergency Act.

Be It Enacted by the Legislature of the State Of Hawaii:

SECTION 1. Section 128-27, Hawaii Revised Statutes, is amended to read:

"Sec. 128-27. Rules, regulations, and orders. For the purpose of carrying out any provision of this chapter, the governor may prescribe rules and regulations, which may, if so stated in the rules or regulations, have the force and effect of law. Even though the rules and regulations are prescribed pursuant to a power conferred, or having mandatory or prohibitive effect, only in the event of a civil defense emergency period, the rules and regulations nevertheless may be prescribed prior thereto if stated therein to have the force and effect of law only in the event of a civil defense emergency period. All the rules and regulations, and likewise all other action taken under this chapter, shall be made and taken with due consideration of the orders, rules, regulations, actions, recommendations, and requests of federal authorities relevant thereto. In these rules and regulations reasonable classifications, exceptions, and exemptions may be made and granted. Chapter 91 shall not apply to such rules and regulations.

The power to prescribe rules and regulations having the force and effect of law shall not be deemed in derogation of the power of the governor, or his duly authorized representatives, to make orders for the enforcement of this chapter or the rules and regulations issued thereunder. The rules and regulations may provide for the making of administrative findings by duly authorized representatives, or for the application of the rules or regulations by such representatives as the circumstances may require, and the issuance of orders therefor.

Rules and regulations prescribed pursuant to this chapter shall be promulgated as herein provided, and may be made effective upon the promulgation. The rules and regulations shall be promulgated by publishing the same in a newspaper of general circulation in the State, or, where only known persons are concerned, the same may be promulgated by service upon these persons by registered mail, or by personal service; provided that when immediate promulgation of the rules or regulations is necessary in the opinion of the governor, who shall be the sole judge thereof, in lieu of publication, the same may be promulgated by radio broadcast or such other means as may be available; provided, further that the rules or regulations shall be published thereafter, as hereinbefore provided at the earliest practicable date."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved May 16, 1972.)

*Edited accordingly.