

ACT 78

H.B. NO. 993

A Bill for an Act Relating to Emergency Management.

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

SECTION 1. Section 127A-3, Hawaii Revised Statutes, is amended by amending subsections (c) through (e) to read as follows:

“(c) The [~~director~~] administrator may, from funds allotted therefor, employ technical, clerical, administrative, and other personnel and make such expenditures as may be necessary.

(d) The [~~director~~] administrator shall coordinate the activities of the agency with all county emergency management agencies, other state agencies,

other states, or federal agencies involved in emergency management activities, and all organizations for emergency management within the State, whether public or private, and shall maintain liaison and cooperate with all county emergency management agencies, other state agencies, other states, or federal agencies involved in emergency management activities as provided in this chapter.

(e) ~~The agency shall perform emergency management functions within the territorial limits of the State; support county emergency management agencies as requested; coordinate all resource support to the counties; ensure that emergency management plans across the State are coordinated with each other and other state, federal, and local organizations; oversee and coordinate the statewide outdoor siren warning system; monitor and issue alerts and warnings; and coordinate emergency and disaster response and recovery activities]. In performing its duties, the agency shall:~~

- (1) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans of the federal government. The plan shall be integrated by a continuous, integrated comprehensive emergency management program. The plan shall contain provisions to ensure that the State is prepared for emergencies and minor, major, and catastrophic disasters. In preparing and maintaining the plan, the agency shall work closely with agencies and organizations with emergency management responsibilities;
- (2) Assign lead and support responsibilities to state agencies and personnel for emergency functions and other support activities;
- (3) Adopt standards and requirements for county emergency management plans. The standards and requirements shall ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan;
- (4) Make recommendations to the legislature, building code organizations, and counties for zoning, building, and other land use controls; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (5) Anticipate trends and promote innovations that will enhance the emergency management system;
- (6) Institute statewide public awareness programs. This shall include intensive public educational campaigns on emergency preparedness issues, including but not limited to the personal responsibility of individual citizens to be self-sufficient for up to fourteen days following a natural or human-caused disaster;
- (7) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;

- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters.”

SECTION 2. Section 127A-5, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Each county, under the mayor’s direction, shall coordinate, develop, and implement ~~an~~ a comprehensive emergency [operations] management plan for the county~~[-]~~ and submit annual reports to the administrator on the status and updates of the plan.”

SECTION 3. Section 127A-6, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§127A-6~~ **Emergency management reserve corps.** (a) The ~~[director]~~ administrator may establish an emergency management reserve corps comprising trained specialists to support state and county emergency ~~[or]~~, disaster, or day-to-day requirements. The emergency management reserve corps may include:

- (1) Any employee of the State or county;
- (2) Any employee hired specifically for staffing during emergency, disaster, or day-to-day periods and exercises who shall be hired and compensated without regard to chapters 76, 78, and 88; and
- (3) Any volunteer,

who shall be detailed in accordance with this chapter. Emergency management reserve corps positions shall be authorized and managed by the agency and do not need the approval of the governor.

(b) The emergency management reserve corps shall support state emergency or disaster requirements and, if requested by a county emergency management agency, supplement the county emergency management agency staff. The emergency management reserve corps may be mobilized during, or in advance of, emergencies or disasters, or for emergency management ~~[exercises and training events.]~~ day-to-day activities. Emergency management reserve corps members shall attend a minimum of ~~[four days]~~ forty hours of paid ~~[training]~~ activities per year.”

SECTION 4. Section 127A-16, Hawaii Revised Statutes, is amended to read as follows:

**“§127A-16 Major disaster fund.** (a) The ~~[director]~~ administrator shall submit requests to the legislature to appropriate from the general revenues of the State sufficient moneys as may be necessary for expenditure by or under the direction of the governor for immediate relief in response to an emergency or disaster in any part of the State; provided that:

- (1) The governor has issued a proclamation of a state of emergency;
- (2) The governor may not expend in excess of ~~[\$5,000,000]~~ \$10,000,000 for immediate relief as a result of any single emergency or disaster; and
- (3) In addition to the funds in paragraph (2), an additional \$5,000,000 may be made available solely for the purpose of matching federal disaster relief funds when these funds become available to the State following a presidential disaster declaration.

In expending the moneys, the governor may allot any portion thereof to any agency, office, or employee of the State or a county for the most efficient relief for the population. Notwithstanding this subsection, the only exception to paragraphs (1), (2), and (3) is that the ~~[director]~~ administrator may use up to ~~[\$100,000]~~ \$250,000 per year to support the emergency management reserve corps ~~[training]~~.

(b) No later than ~~[one month]~~ sixty days after any allotment by the governor or the expenditure of any fund moneys, the ~~[director]~~ administrator shall report to the legislature on the purpose of the allotment or expenditure.

(c) Except as provided in subsection (d), federal reimbursement moneys for disaster relief shall be deemed to be trust moneys and may be deposited into a trust account with and under the control of the ~~[department of defense.]~~ Hawaii emergency management agency. These moneys and any interest earned thereon shall be used for the purpose identified in subsection (a) and shall not lapse to the general fund.

(d) In cases in which the department of education expends the funds appropriated to the department for purposes deemed to be reimbursable by federal reimbursement moneys for disaster relief, the federal reimbursement moneys shall not lapse to the general fund and shall be credited directly to the department of education without regard to whether the original appropriation has lapsed. Such funds shall carry over in accordance with section 37-41.5(c).

(e) Any unspent funding under \$2,500,000 shall be rolled over to the next fiscal year to support future emergencies and disasters."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2019.

(Approved June 7, 2019.)