
A BILL FOR AN ACT

RELATING TO EMERGENCIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Places of public accommodation; prohibition
5 against denial of shelter. (a) Whenever the State, or any
6 portion thereof, is the subject of any emergency alert that
7 advises the public to immediately seek shelter, including an
8 alert of an incoming missile, a place of public accommodation
9 shall not deny shelter to any person.

10 (b) The prohibition under subsection (a) shall remain in
11 effect until a federal, state, or county emergency management
12 official advises the public that the emergency condition no
13 longer exists and that it is safe to resume normal activities.

14 (c) A complaint involving an alleged violation of
15 subsection (a) shall be made directly to the office of the
16 administrator.



1 (d) The owner of a public accommodation that violates
2 subsection (a) shall be subject to a civil penalty of up to
3 \$. Each day of violation shall constitute a separate
4 offense. All penalties collected pursuant to this section shall
5 be deposited into a trust account established pursuant to
6 section 127A-16(e).

7 (e) Except in cases of wilful misconduct, gross
8 negligence, or recklessness, no public accommodation or any of
9 its agents or employees that provide shelter pursuant to
10 subsection (a) shall be civilly liable for the death of or
11 injury to persons, or property damage, that results from any act
12 or omission in the course of providing shelter.

13 (f) As used in this section, "place of public
14 accommodation" has the same meaning as in section 489-2."

15 SECTION 2. Section 127A-3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§127A-3[+] Hawaii emergency management agency. (a)
18 There is established within the department of defense the Hawaii
19 emergency management agency. The adjutant general shall serve
20 as the director of Hawaii emergency management and, subject to



1 the direction and control of the governor, shall oversee the
2 agency.

3 (b) There shall be an administrator of emergency
4 management who shall be appointed, and may be removed, by the
5 director, and who shall have at least three years of experience
6 leading emergency management efforts at the local, state, or
7 federal level. The administrator of emergency management shall
8 be the civilian head of and responsible for the day-to-day
9 operations of the agency. The administrator of emergency
10 management shall report to the director. The administrator of
11 emergency management [~~shall~~], in the absence of the director,
12 shall have all the duties and responsibilities of the
13 director[~~7~~] and shall report directly to the governor. The
14 administrator of emergency management shall not be subject to
15 chapter 76.

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

19 (d) The director shall coordinate the activities of the
20 agency with all county emergency management agencies, other
21 state agencies, other states, or federal agencies involved in



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

7 (e) The agency shall perform emergency management
8 functions within the territorial limits of the State; support
9 county emergency management agencies as requested; coordinate
10 all resource support to the counties; ensure that emergency
11 management plans across the State are coordinated with each
12 other and other state, federal, and local organizations; oversee
13 and coordinate the statewide outdoor siren warning system;
14 monitor and issue alerts and warnings; and coordinate emergency
15 and disaster response and recovery activities.

16 (f) The agency shall investigate complaints involving
17 places of public accommodation that have allegedly denied
18 shelter to persons pursuant to section 127A- . If the agency
19 determines, based on credible evidence, that a violation has
20 occurred, the agency shall impose and enforce the penalty
21 provided for in section 127A- (d)."



1 SECTION 3. Section 127A-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§127A-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 \$5,000,000
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 \$5,000,000 may be made available solely for
16 the purpose of matching federal disaster relief funds
17 when [~~these~~] those 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
2 paragraphs (1), (2), and (3) is that the director may use up to
3 \$100,000 per year to support emergency reserve corps training.

4 (b) No later than one month after any allotment by the
5 governor or the expenditure of any fund moneys, the director
6 shall report to the legislature on the purpose of the allotment
7 or expenditure.

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

15 (d) In cases in which the department of education expends
16 the funds appropriated to the department for purposes deemed to
17 be reimbursable by federal reimbursement moneys for disaster
18 relief, the federal reimbursement moneys shall not lapse to the
19 general fund and shall be credited directly to the department of
20 education without regard to whether the original appropriation



3 (e) Moneys collected by the agency pursuant to its
4 enforcement of section 127A- shall be deemed to be trust
5 moneys and shall be deposited into a trust account with and
6 under the control of the department of defense. Those moneys
7 and any interest earned thereon shall be used for the purpose
8 identified in subsection (a) and shall not lapse to the general
9 fund."

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

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H.B. NO. 2673

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JAN 24 2018



H.B. NO. 2673

Report Title:

Emergencies; Hawaii Emergency Management Agency; Emergency Alerts; Missile Alerts; Public Accommodations; Denial of Shelter; Penalty

Description:

Prohibits places of public accommodation from denying shelter to any person when the State, or any portion thereof, is the subject of an emergency alert that advises the public to immediately seek shelter. Provides for an unspecified civil penalty for each violation. Provides immunity from civil liability, with certain exceptions.

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

