
A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. The legislature finds that COVID-19 continues
2 to endanger the health, safety, and welfare of the people of
3 Hawaii. Our response requires the serious attention, effort,
4 and sacrifice of all people and state agencies to avert
5 unmanageable strains on our healthcare system and other
6 catastrophic impacts to the State.

7 The legislature further finds that COVID-19 has directly
8 and indirectly caused fiscal and economic catastrophe not
9 previously experienced by the State and that state facilities
10 must be fully utilized to serve public need without further
11 costs to its residents.

12 The purpose of this Act is to clarify the Governor's
13 emergency powers to assume control, use, or operate any state
14 facility in the furtherance of emergency management at no cost
15 or requirement of compensation.

16 SECTION 2. Section 127A-12, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:



H.B. NO. 825

1 "(b) The governor may exercise the following powers
2 pertaining to emergency management:

3 (1) Support requests from a mayor for assistance in
4 preparing for, responding to, and recovering from any
5 emergency or disaster or threat thereof;

6 (2) Lease, lend, or otherwise furnish, on such terms and
7 conditions as the governor may consider necessary to
8 promote the public welfare and protect the interest of
9 the State, any real or personal property of the state
10 government, to the President of the United States, the
11 armed forces, or to the emergency management agency of
12 the United States;

13 (3) Enter into, participate in, or carry out mutual aid
14 agreements or compacts for emergency management or
15 emergency management functions with the federal
16 government and with other states;

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



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

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

20 (6) Utilize all services, materials, and facilities of
21 nongovernmental agencies, relief organizations,



H.B. NO. 825

1 community associations, and other private-sector and
2 nonprofit organizations that may be made available;

3 (7) 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 state treasury for the deposit and expenditure of the
10 moneys; procure federal aid as the same may be
11 available; and apply the provisions of chapter 29 in
12 cases of federal aid, even though not in the form of
13 money. The contributions or grants are appropriated
14 for the purposes of this chapter, or for the special
15 purposes;

16 (8) Purchase, make, produce, construct, rent, lease, or
17 procure by condemnation or otherwise, transport,
18 store, install, maintain, and insure, repair,
19 renovate, restore, replace or reconstruct, and
20 distribute, furnish or otherwise dispose of, with or
21 without charges, materials and facilities for



H.B. NO. 825

1 emergency management; and to procure federal aid
2 therefor whenever feasible. Chapter 103D and sections
3 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
4 shall not apply to any emergency management functions
5 of the governor to the extent that the governor finds
6 that the provisions, in whole or in part, impede or
7 tend to impede the expeditious discharge of those
8 functions, or that compliance therewith is
9 impracticable due to existing conditions;

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



H.B. NO. 825

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



H.B. NO. 825

1 entry thereon, or the permission of the entry upon
2 terms and conditions as the governor may prescribe;
3 (14) Restrict the congregation of the public in stricken or
4 dangerous areas or under dangerous conditions;
5 (15) Direct and control the non-compulsory evacuation of
6 the civilian population;
7 (16) Order and direct government agencies, officials,
8 officers, and employees of the State, to take action
9 and employ measures for law enforcement, medical,
10 health, firefighting, traffic control, warnings and
11 signals, engineering, rescue, construction, emergency
12 housing, other welfare, hospitalization,
13 transportation, water supply, public information,
14 training, and other emergency functions as may be
15 necessary, and utilize the services, materials, and
16 facilities of the agencies and officers. All agencies
17 and officers shall cooperate with and extend their
18 services, materials, and facilities to the governor as
19 the governor may request;



1 (17) Assume control, use, or operate any state facility as
2 may be necessary to carry out this chapter, at no cost
3 or requirement of compensation;

4 [~~(17)~~] (18) Provide for the repair and maintenance of public
5 property, whenever adequate provision therefor is not
6 otherwise made; insure the property against any
7 emergency or disaster; provide for the restoration,
8 renovation, replacement, or reconstruction of insured
9 property in the event of damage or loss; and make
10 temporary restoration of public utilities and other
11 critical infrastructure facilities in the event of an
12 emergency or disaster;

13 [~~(18)~~] (19) Fix or revise the hours of government business;
14 and

15 [~~(19)~~] (20) Take any and all steps necessary or appropriate
16 to carry out the purposes of this chapter
17 notwithstanding that those powers in section 127A-
18 13(a) may only be exercised during an emergency
19 period."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 825

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. J. ...", written over a horizontal line.

JAN 25 2021



H.B. NO. 925

Report Title:

Emergency Management; Governor

Description:

Specifies the Governor's emergency powers to include the authority to assume control, use, or operate any state facility at no cost or requirement of compensation.

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