

---

---

# 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:



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~~]  
10 terms 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~~] a  
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,



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



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



- 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



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."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Emergency Management; Governor; State Facilities

**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. Effective 7/1/2050.  
(HD1)

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

