
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. Section 127A-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§127A-13 Additional powers in an emergency period**[~~-~~];

4 **limitation.** (a) In the event of a state of emergency declared
5 by the governor pursuant to section 127A-14, the governor may
6 exercise the following additional powers pertaining to emergency
7 management during the emergency period:

8 (1) Provide for and require the quarantine or segregation
9 of persons who are affected with or believed to have
10 been exposed to any infectious, communicable, or other
11 disease that is, in the governor's opinion, dangerous
12 to the public health and safety, or persons who are
13 the source of other contamination, in any case where,
14 in the governor's opinion, the existing laws are not
15 adequate to assure the public health and safety;
16 provide for the care and treatment of the persons;
17 supplement the provisions of sections 325-32 to 325-38



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1 concerning compulsory immunization programs; provide
2 for the isolation or closing of property which is a
3 source of contamination or is in a dangerous condition
4 in any case where, in the governor's opinion, the
5 existing laws are not adequate to assure the public
6 health and safety, and designate as public nuisances
7 acts, practices, conduct, or conditions that are
8 dangerous to the public health or safety or to
9 property; authorize that public nuisances be summarily
10 abated and, if need be, that the property be
11 destroyed, by any police officer or authorized person,
12 or provide for the cleansing or repair of property,
13 and if the cleansing or repair is to be at the expense
14 of the owner, the procedure therefor shall follow as
15 nearly as may be the provisions of section 322-2,
16 which shall be applicable; and further, authorize
17 without the permission of the owners or occupants,
18 entry on private premises for any such purposes;
19 (2) Relieve hardships and inequities, or obstructions to
20 the public health, safety, or welfare, found by the
21 governor to exist in the laws and to result from the



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1 operation of federal programs or measures taken under
2 this chapter, by suspending the laws, in whole or in
3 part, or by alleviating the provisions of laws on such
4 terms and conditions as the governor may impose,
5 including licensing laws, quarantine laws, and laws
6 relating to labels, grades, and standards;

7 (3) Suspend any law that impedes or tends to impede or be
8 detrimental to the expeditious and efficient execution
9 of, or to conflict with, emergency functions,
10 including laws which by this chapter specifically are
11 made applicable to emergency personnel;

12 (4) Suspend the provisions of any regulatory law
13 prescribing the procedures for out-of-state utilities
14 to conduct business in the State including any
15 licensing laws applicable to out-of-state utilities or
16 their respective employees, as well as any order,
17 rule, or regulation of any state agency, if strict
18 compliance with the provisions of any such law, order,
19 rule, or regulation would in any way prevent, hinder,
20 or delay necessary action of a state utility in coping



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- 1 with the emergency or disaster with assistance that
2 may be provided under a mutual assistance agreement;
- 3 (5) In the event of disaster or emergency beyond local
4 control, or an event which, in the opinion of the
5 governor, is such as to make state operational control
6 necessary, or upon request of the local entity, assume
7 direct operational control over all or any part of the
8 emergency management functions within the affected
9 area;
- 10 (6) Shut off water mains, gas mains, electric power
11 connections, or suspend other services, and, to the
12 extent permitted by or under federal law, suspend
13 electronic media transmission;
- 14 (7) Direct and control the mandatory evacuation of the
15 civilian population;
- 16 (8) Exercise additional emergency functions to the extent
17 necessary to prevent hoarding, waste, or destruction
18 of materials, supplies, commodities, accommodations,
19 facilities, and services, to effectuate equitable
20 distribution thereof, or to establish priorities
21 therein as the public welfare may require; to



1 investigate; and notwithstanding any other law to the
2 contrary, to regulate or prohibit, by means of
3 licensing, rationing, or otherwise, the storage,
4 transportation, use, possession, maintenance,
5 furnishing, sale, or distribution thereof, and any
6 business or any transaction related thereto;

7 (9) Suspend section 8-1, relating to state holidays,
8 except the last paragraph relating to holidays
9 declared by the president, which shall remain
10 unaffected, and in the event of the suspension, the
11 governor may establish state holidays by proclamation;

12 (10) Adjust the hours for voting to take into consideration
13 the working hours of the voters during the emergency
14 period, and suspend those provisions of section 11-131
15 that fix the hours for voting, and fix other hours by
16 stating the same in the election proclamation or
17 notice, as the case may be;

18 (11) Assure the continuity of service by critical
19 infrastructure facilities, both publicly and privately
20 owned, by regulating or, if necessary to the



1 continuation of the service thereof, by taking over
2 and operating the same; and
3 (12) Except as provided in section 134-7.2, whenever in the
4 governor's opinion, the laws of the State do not
5 adequately provide for the common defense, public
6 health, safety, and welfare, investigate, regulate, or
7 prohibit the storage, transportation, use, possession,
8 maintenance, furnishing, sale, or distribution of, as
9 well as any transaction related to, explosives,
10 firearms, and ammunition, inflammable materials and
11 other objects, implements, substances, businesses, or
12 services of a hazardous or dangerous character, or
13 particularly capable of misuse, or obstructive of or
14 tending to obstruct law enforcement, emergency
15 management, or military operations, including
16 intoxicating liquor and the liquor business; and
17 authorize the seizure and forfeiture of any such
18 objects, implements, or substances unlawfully
19 possessed, as provided in this chapter.

20 (b) In the event of a local state of emergency declared by
21 the mayor pursuant to section 127A-14, the mayor may exercise



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1 the following additional powers pertaining to emergency
2 management during the emergency period:

3 (1) Relieve hardships and inequities, or obstructions to
4 the public health, safety, or welfare, found by the
5 mayor to exist in the laws of the county and to result
6 from the operation of federal programs or measures
7 taken under this chapter, by suspending the county
8 laws, in whole or in part, or by alleviating the
9 provisions of county laws on such terms and conditions
10 as the mayor may impose, including county licensing
11 laws, and county laws relating to labels, grades, and
12 standards;

13 (2) Suspend any county law that impedes or tends to impede
14 or be detrimental to the expeditious and efficient
15 execution of, or to conflict with, emergency
16 functions, including laws which by this chapter
17 specifically are made applicable to emergency
18 personnel;

19 (3) Shut off water mains, gas mains, electric power
20 connections, or suspend other services; and, to the



1 extent permitted by or under federal law, suspend
2 electronic media transmission;
3 (4) Direct and control the mandatory evacuation of the
4 civilian population; and
5 (5) Exercise additional emergency functions, to the extent
6 necessary to prevent hoarding, waste, or destruction
7 of materials, supplies, commodities, accommodations,
8 facilities, and services, to effectuate equitable
9 distribution thereof, or to establish priorities
10 therein as the public welfare may require; to
11 investigate; and any other county law to the contrary
12 notwithstanding, to regulate or prohibit, by means of
13 licensing, rationing, or otherwise, the storage,
14 transportation, use, possession, maintenance,
15 furnishing, sale, or distribution thereof, and any
16 business or any transaction related thereto.

17 (c) Notwithstanding any law to the contrary, travel
18 restrictions implemented during a state of emergency or local
19 state of emergency pursuant to section 127A-14 shall not apply
20 to essential workers unless the application of those travel



1 restrictions to essential workers has first been approved by the
2 governor. For purposes of this subsection:

3 "Essential workers" means:

- 4 (1) Workers to ensure continuity of building functions,
5 including but not limited to security and
6 environmental controls (such as heating, ventilation,
7 and air conditioning systems), building transportation
8 equipment, the manufacturing and distribution of the
9 products required for these functions, and the permits
10 and inspections for construction supporting essential
11 infrastructure;
- 12 (2) Elections personnel to include both public and private
13 sector elections support;
- 14 (3) Workers supporting the operations of the judicial
15 system, including judges, lawyers, and others
16 providing legal assistance;
- 17 (4) Workers who support administration and delivery of
18 unemployment insurance programs, income maintenance,
19 employment services, vocational rehabilitation
20 programs and services, disaster assistance, workers'



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- 1 compensation insurance and benefits programs, and
- 2 pandemic assistance;
- 3 (5) Federal, state, local, tribal, and territorial
- 4 government workers who support mission essential
- 5 functions and communications networks;
- 6 (6) Trade officials, including Federal Transit
- 7 Administration negotiators and international data flow
- 8 administrators;
- 9 (7) Workers who support radio, print, internet, and
- 10 television news and media services, including front
- 11 line news reporters, studio, and technicians for
- 12 newsgathering, reporting, and publishing news;
- 13 (8) Workers supporting the United States Census Bureau;
- 14 (9) Weather forecasters;
- 15 (10) Clergy and other essential support for houses of
- 16 worship;
- 17 (11) Workers who maintain digital systems infrastructure
- 18 supporting other critical government operations;
- 19 (12) Workers who support necessary permitting,
- 20 credentialing, vetting, certifying, and licensing for



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- 1 essential critical infrastructure workers and their
2 operations;
- 3 (13) Customs and immigration workers who are critical to
4 facilitating trade in support of the national
5 emergency response supply chain;
- 6 (14) Workers at testing and education centers for emergency
7 medical services and other health care workers;
- 8 (15) Staff at government offices who perform title search,
9 notary, and recording services in support of mortgage
10 and real estate services and transactions;
- 11 (16) Residential and commercial real estate services,
12 including settlement services;
- 13 (17) Workers supporting essential maintenance,
14 manufacturing, design, operation, inspection,
15 security, and construction for essential products,
16 services, supply chain, and pandemic relief efforts;
- 17 (18) Workers performing services to animals in human care,
18 including zoos and aquariums;
- 19 (19) Engineers performing or supporting safety inspections;
- 20 (20) Veterinary nurses, technicians, veterinarians, and
21 other services supporting individuals and



1 organizations with service animals, search and rescue
2 dogs, and support animals;

3 (21) Workers providing dependent care services, including
4 childcare, eldercare, and other service providers
5 necessary to maintain a comprehensive, supportive
6 environment for individuals and caregivers needing
7 these services; and

8 (22) Elected state and county officials and state and
9 county executive branch cabinet members.

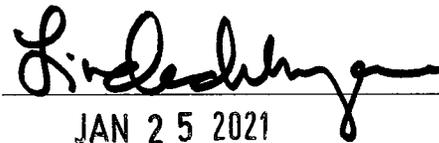
10 "Mission essential functions" means the limited set of
11 department and agency-level government functions that must be
12 continued throughout, or resumed rapidly after, a disruption of
13 normal operations."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17

INTRODUCED BY:



JAN 25 2021



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Report Title:

Emergency Management; Travel Restrictions; Limitation; Essential Workers

Description:

Prohibits the application of travel restrictions implemented during a state of emergency or local state of emergency to essential workers unless the application of those travel restrictions to essential workers has first been approved by the governor. Defines essential workers for this purpose.

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

