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# A BILL FOR AN ACT

RELATING TO STATE OF EMERGENCY.

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

1           SECTION 1. The State's experience with the COVID-19  
2 pandemic demonstrates the need for preparation, flexibility, and  
3 quick action in the face of ongoing or new risks presented by  
4 outbreaks of communicable or dangerous diseases in the State or  
5 in other parts of the world. The ability to act swiftly should  
6 not come at the expense of our legislative process and  
7 governmental transparency.

8           This act serves to detail the conditions needed precedent  
9 to declaring a public health emergency. Declaring a public  
10 health emergency calls for unique protocols that may not be  
11 required for other forms of emergencies or disasters.

12           This Act also amends existing law to limit the length a  
13 state of emergency can stay in effect to 30 days. Once the  
14 initial 30 day period is up, the governor may request an  
15 extension through a resolution from both houses of the  
16 legislature. This will create additional checks and balances  
17 and provide for increased transparency.



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PART II

SECTION 2. Section 127A-2, Hawaii Revised States, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Public health emergency" means the occurrence or imminent threat of an illness or health condition that is reasonably believed to have caused the appearance of a novel, or previously controlled, or eradicated infectious agent, or biological toxin and poses a high probability of any of the following harms:

- (A) A large number of deaths in the affected population;
- (B) A large number of serious or long-term disabilities in the affected population; or
- (C) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population; or
- (D) As declared pursuant to §325-1."

SECTION 3. Section 127A-14, Hawaii Revised Statutes, is amended to read as follows:

"(a) The governor may declare the existence of a state of emergency in the State by proclamation if the governor finds that an emergency or public health emergency or disaster has



1 occurred or that there is imminent danger or threat of an  
2 emergency or public health emergency or disaster in any portion  
3 of the State.

4 (b) A mayor may declare the existence of a local state of  
5 emergency in the county by proclamation if the mayor finds that  
6 an emergency or public health emergency or disaster has occurred  
7 or that there is imminent danger or threat of an emergency or  
8 public health emergency or disaster in any portion of the  
9 county.

10 (c) The governor or mayor shall be the sole judge of the  
11 existence of the danger, threat, or circumstances giving rise to  
12 a declaration of a state of emergency in the State or a local  
13 state of emergency in the county, as applicable. This section  
14 shall not limit the power and authority of the governor under  
15 section 127A-13(a)(5)."

16 [~~(d) A state of emergency and a local state of emergency~~  
17 ~~shall terminate automatically sixty days after the issuance of a~~  
18 ~~proclamation of a state of emergency or local state of~~  
19 ~~emergency, respectively, or by a separate proclamation of the~~  
20 ~~governor or mayor, whichever occurs first.]~~



1        (d) The state of emergency shall continue until the  
2 governor finds that the threat or danger has passed, the  
3 emergency has been dealt with to the extent that emergency  
4 conditions no longer exist, or until the declared state of  
5 emergency has been in effect for 30 days. After 30 days, the  
6 governor shall issue an executive order or proclamation  
7 declaring the state of emergency terminated, unless a request by  
8 the governor for an extension of the state of emergency for a  
9 specific number of days is approved by resolution of both houses  
10 of the legislature. An executive order or proclamation issued  
11 pursuant to this subsection shall indicate the nature of the  
12 emergency, the area or areas threatened, the conditions causing  
13 the emergency, and the conditions permitting the termination of  
14 the state of emergency. An executive order or proclamation shall  
15 be disseminated promptly by means calculated to bring its  
16 contents to the attention of the general public and shall be  
17 promptly filed with the emergency management division of the  
18 department and the secretary of state, unless circumstances  
19 attendant upon the emergency prevent or impede its prompt  
20 filing."



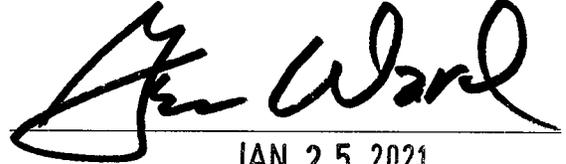
# H.B. NO. 851

1           SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
JAN 25 2021



# H.B. NO. 851

**Report Title:**

Relating to Emergency Powers

**Description:**

Requires the Governor to obtain approval from the Legislature when a state of emergency has been declared and requires a duration of more than thirty days.

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

