

JAN 27 2021

A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. Section 127A-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§127A-14 State of emergency.** (a) The governor may
4 declare the existence of a state of emergency in the State by
5 proclamation if the governor finds that an emergency or disaster
6 has occurred or that there is imminent danger or threat of an
7 emergency or disaster in any portion of the State.

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

13 (c) [~~The~~] Except as provided in subsections (d) and (f),
14 the governor or mayor shall be the sole judge of the existence
15 of the danger, threat, or circumstances giving rise to a
16 declaration of a state of emergency in the State or a local
17 state of emergency in the county, as applicable. This section



1 shall not limit the power and authority of the governor under
2 section 127A-13(a) (5).

3 (d) ~~[A state of emergency and a local state of emergency~~
4 ~~shall terminate automatically sixty days after the issuance of a~~
5 ~~proclamation of a state of emergency or local state of~~
6 ~~emergency, respectively, or by a separate proclamation of the~~
7 ~~governor or mayor, whichever occurs first.] A proclamation of a
8 state of emergency shall terminate upon the earliest of the
9 following:~~

- 10 (1) Automatically, sixty days after the issuance of the
11 proclamation of a state of emergency;
12 (2) By the date that is less than sixty days as specified
13 in the proclamation of a state of emergency; or
14 (3) By a separate and subsequent proclamation of the
15 governor specifying another termination date within
16 the sixty-day period identified in paragraph (1);
17 provided that upon a request made by the governor to the
18 legislature no less than twelve days prior to the expiration of
19 the proclamation, the legislature may by concurrent resolution
20 adopt an extension of the state of emergency to a date certain
21 or deny any request for an extension of the state of emergency;



1 provided further that if the legislature fails to take action on
2 the governor's request by a concurrent resolution before the
3 expiration of the state of emergency, the state of emergency
4 shall automatically be extended for sixty days.

5 (e) A separate proclamation by the governor for a state of
6 emergency arising from the same emergency or disaster in which a
7 previous emergency proclamation expired may be authorized for a
8 period of up to sixty days upon request of the governor and
9 adoption of a concurrent resolution by the legislature.

10 (f) A proclamation of a local state of emergency shall
11 terminate upon the earliest of the following:

12 (1) Automatically, sixty days after the issuance of the
13 proclamation of a local state of emergency;

14 (2) By the date that is less than sixty days as specified
15 in the proclamation of a local state of emergency; or

16 (3) By a separate and subsequent proclamation of the mayor
17 specifying another termination date within the sixty-
18 day period identified in paragraph (1);

19 provided that upon a request made by the mayor to the county
20 council no less than twelve days prior to the expiration of the
21 proclamation, the county council may by resolution adopt an



S.B. NO. 1267

1 extension of the local state of emergency to a date certain or
2 deny any request for an extension of the local state of
3 emergency; provided further that if the county council fails to
4 take action on the mayor's request by a resolution before the
5 expiration of the local state of emergency, the local state of
6 emergency shall automatically be extended for sixty days.

7 (g) A separate proclamation by the mayor for a local state
8 of emergency arising from the same emergency or disaster in
9 which a previous emergency proclamation expired may be
10 authorized for a period of up to sixty days upon request of the
11 mayor and adoption of a resolution by the county council."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY:



S.B. NO. 1267

Report Title:

Emergency Powers; Proclamation; State of Emergency; Local State of Emergency; Automatic Termination; Extension; Reauthorization

Description:

Requires approval of the legislature or a county council to extend to a date certain, or deny the extension of, a proclamation of a state of emergency or local state of emergency timely requested by the governor or mayor beyond sixty days of its issuance, unless the legislature or county council fails to take action, in which case the state of emergency or local state of emergency is automatically extended for sixty days. Allows the authorization of the issuance of a separate proclamation arising from the same emergency or disaster as a previous proclamation that expired, upon request of the governor or mayor and adoption of a concurrent resolution by the legislature or resolution by the county council, as appropriate.

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

