



GOV. MSG. NO. 1199

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

JUN 17 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **JUN 17 2022**, the following bill was signed into law:

HB2120 HD1 SD2 CD1

RELATING TO EMERGENCY MANAGEMENT.
ACT 099

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

ORIGINAL

Approved by the Governor
JUN 17 2022

on _____

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 099
H.B. NO. 2120
H.D. 1
S.D. 2
C.D. 1

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-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Because of the existing and increasing possibility of
4 the occurrence of disasters or emergencies of unprecedented size
5 and destructiveness resulting from natural or [~~man-made~~] human-
6 caused hazards, and in order to ensure that the preparations of
7 this State will be adequate to deal with such disasters or
8 emergencies; to ensure the administration of state and federal
9 programs providing disaster relief to individuals; and generally
10 to protect the public health, safety, and welfare, and to
11 preserve the lives [~~and~~], property [~~of the people~~], and
12 environment of the State, it is hereby found and declared to be
13 necessary:

14 (1) To provide for emergency management by the State, and
15 to authorize the creation of local organizations for
16 emergency management in the counties of the State;



- 1 (2) To confer upon the governor and upon the mayors of the
- 2 counties of the State the emergency powers necessary
- 3 to prepare for and respond to emergencies or
- 4 disasters;
- 5 (3) To provide for the rendering of mutual aid among the
- 6 counties of the State and with other states and in
- 7 cooperation with the federal government with respect
- 8 to the carrying out of emergency management functions;
- 9 (4) To permit out-of-state utilities to provide services
- 10 in the State pursuant to a mutual assistance agreement
- 11 with a state utility to repair, renovate, or install
- 12 electrical or natural gas facilities that have been
- 13 damaged, impaired, or destroyed due to or in
- 14 connection with such disasters or emergencies; and
- 15 (5) To provide programs, in cooperation with other
- 16 governmental agencies, the private sector, and
- 17 nonprofit organizations, to educate and train the
- 18 public to be prepared for emergencies and disasters."

19 SECTION 2. Section 127A-2, Hawaii Revised Statutes is
20 amended as follows:

- 21 1. By amending the definition of "disaster" to read:

1 ""Disaster" means any emergency, or imminent threat
2 thereof, which results or may likely result in loss of life
3 ~~[or]~~, property, or environment and requires, or may require,
4 assistance from other counties ~~[or]~~, states ~~[or from]~~, the
5 federal government~~[-]~~, or from private agencies."

6 2. By amending the definition of "emergency" to read:

7 ""Emergency" means any occurrence, or imminent threat
8 thereof, which results or may likely result in substantial
9 injury or harm to the population or substantial damage to or
10 loss of property~~[-]~~ or substantial damage to or loss of the
11 environment."

12 3. By amending the definition of "hazard" to read:

13 ""Hazard" means an event or condition of the physical
14 environment that results or may likely result in damage to
15 property ~~[or]~~, injuries or death to individuals ~~[and which]~~, or
16 damage to the environment that may result in an emergency or
17 disaster."

18 4. By amending the definition of "local state of
19 emergency" to read:

20 ""Local state of emergency" means the occurrence in any
21 part of a county that requires efforts by the county government



1 to save lives, and to protect property, environment, public
2 health, welfare, or safety in the event of an emergency or
3 disaster, or to reduce the threat of an emergency or disaster."

4 5. By amending the definition of "state of emergency" to
5 read:

6 ""State of emergency" means an occurrence in any part of
7 the State that requires efforts by state government to save
8 lives and protect property, environment, public health, welfare,
9 or safety in the event of an emergency or disaster, or to reduce
10 the threat of an emergency or disaster, or to supplement the
11 local efforts of the county."

12 SECTION 3. Section 127A-3, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) The agency shall perform emergency management
15 functions within the territorial limits of the State. In
16 performing its duties, the agency shall:

- 17 (1) Prepare a state comprehensive emergency management
18 plan, which shall be integrated into and coordinated
19 with the emergency management plans of the federal
20 government. The plan shall be integrated by a
21 continuous, integrated comprehensive emergency



1 management program. The plan shall contain provisions
2 to ensure that the State is prepared for emergencies
3 and minor, major, and catastrophic disasters. In
4 preparing and maintaining the plan, the agency shall
5 work closely with agencies and organizations with
6 emergency management responsibilities;

7 (2) Assign lead and support responsibilities to state
8 agencies and personnel for emergency management
9 functions, and other support activities;

10 (3) Adopt standards and requirements for county emergency
11 management plans. The standards and requirements
12 shall ensure that county plans are coordinated and
13 consistent with the state comprehensive emergency
14 management plan;

15 (4) Make recommendations to the legislature, building code
16 organizations, and counties for zoning, building, and
17 other land use controls; and other preparedness,
18 prevention, and mitigation measures designed to
19 eliminate emergencies or reduce their impact;

20 (5) Anticipate trends and promote innovations that will
21 enhance the emergency management system;



- 1 (6) Institute statewide public awareness programs. This
2 shall include intensive public educational campaigns
3 on emergency preparedness issues, including but not
4 limited to the personal responsibility of individual
5 citizens to be self-sufficient for up to fourteen days
6 following a natural or human-caused disaster;
- 7 (7) Coordinate federal, state, and local emergency
8 management activities and take all other steps,
9 including the partial or full mobilization of
10 emergency management forces and organizations in
11 advance of an actual emergency, to ensure the
12 availability of adequately trained and equipped forces
13 of emergency management personnel before, during, and
14 after emergencies and disasters;
- 15 (8) Implement training programs to improve the ability of
16 state and local emergency management personnel to
17 prepare and implement emergency management plans and
18 programs. This shall include a continuous training
19 program for agencies and individuals that will be
20 called on to perform key roles in state and local
21 post-disaster response and recovery efforts and for



1 local government personnel on federal and state post-
2 disaster response and recovery strategies and
3 procedures;

4 (9) Adopt standards and requirements for state agency
5 emergency operating procedures and periodically review
6 emergency operating procedures of state agencies and
7 recommend revisions as needed to ensure consistency
8 with the state comprehensive emergency management plan
9 and program; and

10 (10) Coordinate, in advance whenever possible, such
11 executive orders, proclamations, and rules for
12 issuance by the governor as are necessary or
13 appropriate for coping with emergencies and
14 disasters."

15 SECTION 4. Section 127A-12, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

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

19 (1) Support requests from a mayor for assistance in
20 preparing for, mitigating against, responding to, and



1 recovering from any emergency or disaster or threat
2 thereof;

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

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

14 (4) Sponsor and develop mutual aid plans and agreements
15 for emergency management between the State, one or
16 more counties, and other governmental, private-sector,
17 and nonprofit organizations, for the furnishing or
18 exchange of food, clothing, medicine, and other
19 materials; engineering services; emergency housing;
20 police services; health, medical, and related
21 services; firefighting, rescue, transportation, and



1 construction services and facilities; personnel
2 necessary to provide or conduct these services; and
3 such other materials, facilities, personnel, and
4 services as may be needed. The mutual aid plans and
5 agreements may be made with or without provisions for
6 reimbursement of costs and expenses, and on such terms
7 and conditions as are deemed necessary;

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

17 (6) Utilize all services, materials, and facilities of
18 nongovernmental agencies, relief organizations,
19 community associations, and other private-sector and
20 nonprofit organizations that may be made available;



1 (7) Receive, expend, or use contributions or grants, which
2 shall be deemed to be trust funds, in money, property,
3 or services, or loans of property, or special
4 contributions or grants in money, property, or
5 services, or loans of property, for special purposes
6 provided for by this chapter; establish funds in the
7 state treasury for the deposit and expenditure of the
8 moneys; procure federal aid as the same may be
9 available; and apply the provisions of chapter 29 in
10 cases of federal aid, even though not in the form of
11 money. The contributions or grants are appropriated
12 for the purposes of this chapter, or for the special
13 purposes;

14 (8) Purchase, make, produce, construct, rent, lease, or
15 procure by condemnation or otherwise, transport,
16 store, install, maintain, and insure, repair,
17 renovate, restore, replace or reconstruct, and
18 distribute, furnish or otherwise dispose of, with or
19 without charges, materials and facilities for
20 emergency management; and to procure federal aid
21 therefor whenever feasible. Chapter 103D and sections

1 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
2 shall not apply to any emergency management functions
3 of the governor to the extent that the governor finds
4 that the provisions, in whole or in part, impede or
5 tend to impede the expeditious discharge of those
6 functions, or that compliance therewith is
7 impracticable due to existing conditions;
8 (9) Provide for the appointment, employment, training,
9 equipping, and maintaining with compensation, or on a
10 volunteer basis without compensation and without
11 regard to chapters 76, 78, and 88, of such agencies,
12 officers, and other persons as the governor deems
13 necessary to carry out the purposes of this chapter;
14 to determine to what extent any law prohibiting the
15 holding of more than one office or employment applies
16 to the agencies, officers, and other persons; and
17 subject to provisions of this chapter, to provide for
18 the interchange of personnel, by detail, transfer, or
19 otherwise, between agencies or departments of the
20 State;



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



- 1 (14) Restrict the congregation of the public in stricken or
2 dangerous areas or under dangerous conditions;
- 3 (15) Direct and control the non-compulsory evacuation of
4 the civilian population;
- 5 (16) Order and direct government agencies, officials,
6 officers, and employees of the State, to take action
7 and employ measures for law enforcement, medical,
8 health, firefighting, traffic control, warnings and
9 signals, engineering, rescue, construction, emergency
10 housing, other welfare, hospitalization,
11 transportation, water supply, public information,
12 training, and other emergency functions as may be
13 necessary, and utilize the services, materials, and
14 facilities of the agencies and officers. All agencies
15 and officers shall cooperate with and extend their
16 services, materials, and facilities to the governor as
17 the governor may request;
- 18 (17) Provide for the repair and maintenance of public
19 property, whenever adequate provision therefor is not
20 otherwise made; insure the property against any
21 emergency or disaster; provide for the restoration,



1 renovation, replacement, or reconstruction of insured
2 property in the event of damage or loss; and make
3 temporary restoration of public utilities and other
4 critical infrastructure facilities in the event of an
5 emergency or disaster;

6 (18) Fix or revise the hours of government business; and

7 (19) Take any and all steps necessary or appropriate to
8 carry out the purposes of this chapter notwithstanding
9 that those powers in section 127A-13(a) may only be
10 exercised during an emergency period."

11 SECTION 5. Section 127A-16, Hawaii Revised Statutes, is
12 amended by amending subsection (e) to read as follows:

13 "(e) Any unspent funding under \$2,500,000 shall be rolled
14 over to the next fiscal year to support current and future
15 emergencies and disasters."

16 SECTION 6. Section 127A-19, Hawaii Revised Statutes, is
17 amended by amending subsections (a), (b), and (c) to read as
18 follows:

19 "(a) The [~~governor~~] agency may establish guidelines for
20 providing suitable arrangements and accommodations for the



1 sheltering of the public and the sheltering of pet animals in
2 public shelters under this chapter.

3 (b) County emergency management agencies shall [~~identify,~~
4 ~~in coordination~~] be responsible for identifying and operating
5 locations and facilities suitable for sheltering:

6 (1) The public; and

7 (2) Pet animals,

8 and coordinating sheltering efforts with private and nonprofit
9 organizations engaged in emergency management functions relating
10 to providing shelter or the management or operation of a public
11 shelter under this chapter[~~, locations and facilities suitable~~
12 ~~for the sheltering of the public and locations and facilities~~
13 ~~suitable for the sheltering of pet animals~~].

14 (c) The administrator or director of the county emergency
15 management agency [~~may identify, in~~] shall be responsible for
16 the identification, coordination [with], and cooperation of
17 private owners, operators, or controllers of real property,
18 private locations [~~and~~], or facilities that are suitable for use
19 as shelters of the public or of pet animals[~~-~~] into emergency
20 sheltering operations."



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval.
4

APPROVED this 17 day of June , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 2120, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate