
A BILL FOR AN ACT

RELATING TO LEGISLATIVE OVERSIGHT OF EXECUTIVE AUTHORITY.

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

1 SECTION 1. The legislature finds that on March 4, 2020, the
2 governor issued an emergency proclamation under Hawaii Revised
3 Statutes § 127A in anticipation of the spread of COVID-19 to the
4 state, and has since issued multiple new emergency proclamations
5 for the COVID-19 outbreak. Since the initial outbreak through
6 the present day, the outbreak of COVID-19 has resulted in
7 serious consequences for residents of Hawaii and the state's
8 economy.

9 Many communities in the state, including the state's
10 largest city of Honolulu, have seen fit to impose lockdowns or
11 safer-at-home orders, which have severely reduced economic
12 activity in those communities. These orders and other pandemic-
13 related factors have forced numerous state businesses to close
14 their doors and lay off employees, or reduce service levels and
15 employee hours far below what would otherwise have been
16 provided, to the detriment of both those businesses and their
17 hardworking employees. Interstate and intrastate travel



1 restrictions of varying levels of restrictiveness, while
2 intended to contain the spread of COVID-19, have resulted in
3 further reduction of economic activities in the state.

4 The state has established and facilitated multiple programs
5 to provide economic assistance to the struggling state residents
6 and businesses, but the programs, while provided much-needed
7 relief, generally fall short of fully replacing regular levels
8 of voluntary economic activity. As a result of voluntary and
9 government-imposed reductions of economic activity, data
10 compiled by the Research and Economic Analysis Division of the
11 Department of Business, Economic Development and Tourism showed
12 that:

13 (1) The state lost approximately 15,000 food services
14 and drinking places between 2019-2021,

15 (2) The state lost over 10,000 accommodation jobs
16 between 2019-2021, and

17 (3) The state lost over 10,000 retail trade jobs
18 between 2019-2021.

19 The legislature further finds that multiple vaccines for
20 COVID-19 have been developed and are currently being



1 distributed, allowing the state to move into a new phase of its
2 COVID-19 recovery efforts.

3 The purpose of this Act is to take appropriate steps to
4 limit further harm to the state's economy by setting legislative
5 limits on the emergency power of the office of the Governor.

6 SECTION 2. Section 127A, Hawaii Revised Statutes, is
7 amended to read as follows: " §127A-1 Policy and purpose. (a)
8 Because of the existing and increasing possibility of the
9 occurrence of disasters or emergencies of unprecedented size and
10 destructiveness resulting from natural or man-made hazards, and
11 in order to ensure that the preparations of this State will be
12 adequate to deal with such disasters or emergencies; to ensure
13 the administration of state and federal programs providing
14 disaster relief to individuals; and generally to protect the
15 public health, safety, and welfare, and to preserve the lives
16 and property of the people of the State, it is hereby found and
17 declared to be necessary:

18 (1) To provide for emergency management by the State, and
19 to authorize the creation of local organizations for
20 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 (b) It is further declared to be the purpose of this
20 chapter and the policy of the State that all emergency
21 management functions of this State and its counties be



1 coordinated to the maximum extent with the comparable functions
2 of the federal government, including its various departments,
3 and agencies of other states and localities, and with private-
4 sector and nonprofit organizations, to the end that the most
5 effective preparation and use may be made of the nation's
6 personnel, resources, and facilities for dealing with any
7 emergency or disaster that may occur.

8 (c) It is the intent of the legislature to provide for and
9 confer comprehensive powers for the purposes stated herein.
10 This chapter shall be liberally construed to effectuate its
11 purposes; provided that this chapter shall not be construed as
12 conferring any power or permitting any action which is
13 inconsistent with the Constitution and laws of the United
14 States, but, in so construing this chapter, due consideration
15 shall be given to the circumstances [~~as they exist from time to~~
16 ~~time~~] upon the expiring of the third consecutive emergency
17 proclamation issued under this section, at which time the
18 legislature shall be granted authority to convene for the
19 purpose of discussing whether or not the situation does in fact
20 meet the character and magnitude of an emergency or disaster as
21 contemplated by sections 127A-2 and 127A-14. This chapter shall



1 not be deemed to have been amended by any act hereafter enacted
2 at the same or any other session of the legislature, unless this
3 chapter is amended by express reference."

4 (c) The Governor, or the legislature by concurrent
5 resolution, may at any time invalidate an order, an ordinance, a
6 proclamation, a rule, or any other measure issued by a political
7 body to address a purported emergency if the Governor or
8 legislature determines that such order unnecessarily restricts a
9 constitutional right, fundamental liberty, or statutory right.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. In codifying the new sections, the revisor of
13 statutes shall substitute the appropriate section number for the
14 letters used in designating the new sections in this Act.

15 SECTION 5. This Act shall take effect upon approval.

INTRODUCED BY: Val Oke

JAN 21 2022



H.B. NO. 1921

Report Title:

Limiting Executive Emergency Authority.

Description:

Creates a legislative check on the emergency powers of a governor during a declared state of emergency.

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

