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# A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1       SECTION 1. The legislature finds that Governor Ige's  
2       twenty-first proclamation relating to the coronavirus disease  
3       2019 (COVID-19) emergency included a suspension of the Uniform  
4       Information Practices Act to the extent that it contains any  
5       deadlines for agencies or the office of information practices,  
6       relating to requests for government records or complaints to the  
7       office of information practices, subject to minimum  
8       requirements. One such requirement is that the completion of the  
9       request must directly impair the agency's COVID-19 response  
10      effort. This requirement lets government agencies freely deny  
11      access to public information for an indefinite time period even  
12      as COVID-19 vaccination rates increase and the economy begins to  
13      reopen.

14      The purpose of this Act is to prevent future suspensions of  
15      the acquisition of critical public records.



SECTION 2. Chapter 127A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§127A-      Suspension of certain record requests; prohibited.** (a) The governor or a mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend agency response deadlines for requests to:

(1) Public records pursuant to part II of chapter 92F; or

(2) Vital records or statistics pursuant to sections 338-18 or 338-18.5.

(b) Due to extenuating circumstances, there may be a reasonable delay in an agency's response to a request; provided that an agency shall not reject a request at any time, regardless of whether an emergency has been declared."

SECTION 3. Section 127A-13, Hawaii Revised Statutes, is amended to read as follows:

**"§127A-13 Additional powers in an emergency period.** (a) In the event of a state of emergency declared by the governor pursuant to section 127A-14, the governor may exercise the



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

- 3 (1) Provide for and require the quarantine or segregation  
4 of persons who are affected with or believed to have  
5 been exposed to any infectious, communicable, or other  
6 disease that is, in the governor's opinion, dangerous  
7 to the public health and safety, or persons who are  
8 the source of other contamination, in any case where,  
9 in the governor's opinion, the existing laws are not  
10 adequate to assure the public health and safety;  
11 provide for the care and treatment of the persons;  
12 supplement the provisions of sections 325-32 to 325-38  
13 concerning compulsory immunization programs; provide  
14 for the isolation or closing of property which is a  
15 source of contamination or is in a dangerous condition  
16 in any case where, in the governor's opinion, the  
17 existing laws are not adequate to assure the public  
18 health and safety, and designate as public nuisances  
19 acts, practices, conduct, or conditions that are  
20 dangerous to the public health or safety or to  
21 property; authorize that public nuisances be summarily



1 abated and, if need be, that the property be  
2 destroyed, by any police officer or authorized person,  
3 or provide for the cleansing or repair of property,  
4 and if the cleansing or repair is to be at the expense  
5 of the owner, the procedure therefor shall follow as  
6 nearly as may be the provisions of section 322-2,  
7 which shall be applicable; and further, authorize  
8 without the permission of the owners or occupants,  
9 entry on private premises for any such purposes;

10 (2) Relieve hardships and inequities, or obstructions to  
11 the public health, safety, or welfare, found by the  
12 governor to exist in the laws and to result from the  
13 operation of federal programs or measures taken under  
14 this chapter, by suspending the laws, in whole or in  
15 part, or by alleviating the provisions of laws on such  
16 terms and conditions as the governor may impose,  
17 including licensing laws, quarantine laws, and laws  
18 relating to labels, grades, and standards;

19 (3) [~~Suspend~~] Except as provided in section 175A- ,  
20 suspend any law that impedes or tends to impede or be  
21 detrimental to the expeditious and efficient execution



1 of, or to conflict with, emergency functions,  
2 including laws which by this chapter specifically are  
3 made applicable to emergency personnel;

4 (4) Suspend the provisions of any regulatory law  
5 prescribing the procedures for out-of-state utilities  
6 to conduct business in the State including any  
7 licensing laws applicable to out-of-state utilities or  
8 their respective employees, as well as any order,  
9 rule, or regulation of any state agency, if strict  
10 compliance with the provisions of any such law, order,  
11 rule, or regulation would in any way prevent, hinder,  
12 or delay necessary action of a state utility in coping  
13 with the emergency or disaster with assistance that  
14 may be provided under a mutual assistance agreement;

15 (5) In the event of disaster or emergency beyond local  
16 control, or an event which, in the opinion of the  
17 governor, is such as to make state operational control  
18 necessary, or upon request of the local entity, assume  
19 direct operational control over all or any part of the  
20 emergency management functions within the affected  
21 area;



- 1           (6) Shut off water mains, gas mains, electric power  
2           connections, or suspend other services, and, to the  
3           extent permitted by or under federal law, suspend  
4           electronic media transmission;
- 5           (7) Direct and control the mandatory evacuation of the  
6           civilian population;
- 7           (8) Exercise additional emergency functions to the extent  
8           necessary to prevent hoarding, waste, or destruction  
9           of materials, supplies, commodities, accommodations,  
10          facilities, and services, to effectuate equitable  
11          distribution thereof, or to establish priorities  
12          therein as the public welfare may require; to  
13          investigate; and notwithstanding any other law to the  
14          contrary, to regulate or prohibit, by means of  
15          licensing, rationing, or otherwise, the storage,  
16          transportation, use, possession, maintenance,  
17          furnishing, sale, or distribution thereof, and any  
18          business or any transaction related thereto;
- 19          (9) Suspend section 8-1, relating to state holidays,  
20          except the last paragraph relating to holidays  
21          declared by the president, which shall remain



1 unaffected, and in the event of the suspension, the  
2 governor may establish state holidays by proclamation;  
3 (10) Adjust the hours for voting to take into consideration  
4 the working hours of the voters during the emergency  
5 period, and suspend those provisions of section 11-131  
6 that fix the hours for voting, and fix other hours by  
7 stating the same in the election proclamation or  
8 notice, as the case may be;

9 (11) Assure the continuity of service by critical  
10 infrastructure facilities, both publicly and privately  
11 owned, by regulating or, if necessary to the  
12 continuation of the service thereof, by taking over  
13 and operating the same; and

14 (12) Except as provided in section 134-7.2, whenever in the  
15 governor's opinion, the laws of the State do not  
16 adequately provide for the common defense, public  
17 health, safety, and welfare, investigate, regulate, or  
18 prohibit the storage, transportation, use, possession,  
19 maintenance, furnishing, sale, or distribution of, as  
20 well as any transaction related to, explosives,  
21 firearms, and ammunition, inflammable materials and



1 other objects, implements, substances, businesses, or  
2 services of a hazardous or dangerous character, or  
3 particularly capable of misuse, or obstructive of or  
4 tending to obstruct law enforcement, emergency  
5 management, or military operations, including  
6 intoxicating liquor and the liquor business; and  
7 authorize the seizure and forfeiture of any such  
8 objects, implements, or substances unlawfully  
9 possessed, as provided in this chapter.

10 (b) In the event of a local state of emergency declared by  
11 ~~[the]~~ a mayor pursuant to ~~[+]~~section~~[+]~~ 127A-14, the mayor may  
12 exercise the following additional powers pertaining to emergency  
13 management during the emergency period:

14 (1) Relieve hardships and inequities, or obstructions to  
15 the public health, safety, or welfare, found by the  
16 mayor to exist in the laws of the county and to result  
17 from the operation of federal programs or measures  
18 taken under this chapter, by suspending the county  
19 laws, in whole or in part, or by alleviating the  
20 provisions of county laws on such terms and conditions  
21 as the mayor may impose, including county licensing



1 laws, and county laws relating to labels, grades, and  
2 standards;

3 (2) [~~Suspend~~] Except as provide in section 127A- ,  
4 suspend any county law that impedes or tends to impede  
5 or be detrimental to the expeditious and efficient  
6 execution of, or to conflict with, emergency  
7 functions, including laws which by this chapter  
8 specifically are made applicable to emergency  
9 personnel;

10 (3) 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 (4) Direct and control the mandatory evacuation of the  
15 civilian population; and

16 (5) 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 any other county law to the contrary  
2           notwithstanding, 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           SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

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



**Report Title:**

Public Records; Vital Statistics; Requests; Suspension  
Prohibited

**Description:**

Prohibits the governor or a mayor from suspending requests for public records or vital statistics during a declared state of emergency. Allows for a reasonable delay in an agency's response to a request as a result of extenuated circumstances.  
(SD1)

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

