

JAN 26 2022

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;
- 17 (2) To confer upon the governor and upon the mayors of the
18 counties of the State the emergency powers necessary

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

17 SECTION 2. Section 127A-2, Hawaii Revised Statutes is
18 amended by amending the definition of "disaster" to read as
19 follows:

20 ""Disaster" means any emergency, or imminent threat
21 thereof, which results or may likely result in loss of life
22 [~~or~~], property, or environment and requires, or may require,

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1 assistance from other counties or states or [~~from~~] the federal
2 government[~~-~~] or from private agencies."

3 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is
4 amended by amending the definition of "emergency" to read as
5 follows:

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

11 SECTION 4. Section 127A-2, Hawaii Revised Statutes, is
12 amended by amending the definition of "hazard" to read as
13 follows:

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

19 SECTION 5. Section 127A-2, Hawaii Revised Statutes, is
20 amended by amending the definition of "local state of emergency"
21 to read as follows:

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1 ""Local state of emergency" means the occurrence in any
2 part of a county that requires efforts by the county government
3 to save lives, and to protect property, environment, public
4 health, welfare, or safety in the event of an emergency or
5 disaster, or to reduce the threat of an emergency or disaster."

6 SECTION 6. Section 127A-2, Hawaii Revised Statutes, is
7 amended by amending the definition of "state of emergency" to
8 read as follows:

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

15 SECTION 7. Section 127A-3, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

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

20 (1) Prepare a state comprehensive emergency management
21 plan, which shall be integrated into and coordinated
22 with the emergency management plans of the federal

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

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

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

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

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

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

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

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

16 SECTION 8. Section 127A-12, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

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

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

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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
22 construction services and facilities; personnel

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

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

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

20 (7) Receive, expend, or use contributions or grants, which
21 shall be deemed to be trust funds, in money, property,
22 or services, or loans of property, or special

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

11 (8) Purchase, make, produce, construct, rent, lease, or
12 procure by condemnation or otherwise, transport,
13 store, install, maintain, and insure, repair,
14 renovate, restore, replace or reconstruct, and
15 distribute, furnish or otherwise dispose of, with or
16 without charges, materials and facilities for
17 emergency management; and to procure federal aid
18 therefor whenever feasible. Chapter 103D and sections
19 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
20 shall not apply to any emergency management functions
21 of the governor to the extent that the governor finds
22 that the provisions, in whole or in part, impede or

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- 1 tend to impede the expeditious discharge of those
2 functions, or that compliance therewith is
3 impracticable due to existing conditions;
- 4 (9) Provide for the appointment, employment, training,
5 equipping, and maintaining with compensation, or on a
6 volunteer basis without compensation and without
7 regard to chapters 76, 78, and 88, of such agencies,
8 officers, and other persons as the governor deems
9 necessary to carry out the purposes of this chapter;
10 to determine to what extent any law prohibiting the
11 holding of more than one office or employment applies
12 to the agencies, officers, and other persons; and
13 subject to provisions of this chapter, to provide for
14 the interchange of personnel, by detail, transfer, or
15 otherwise, between agencies or departments of the
16 State;
- 17 (10) Make charges in such cases and in amounts as the
18 governor deems advisable, for any property sold, work
19 performed, services rendered, or accommodations or
20 facilities furnished by the State under this chapter;
- 21 (11) Make or authorize contracts as may be necessary to
22 carry out this chapter;

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- 1 (12) Establish special accounting forms and practices
2 whenever necessary;
- 3 (13) Require each public utility, or any person owning,
4 controlling, or operating a critical infrastructure
5 facility as identified by the governor, to protect and
6 safeguard its or the person's property, or to provide
7 for the protection and safeguarding thereof; and
8 provide for the protection and safeguarding of all
9 critical infrastructure and key resources; provided
10 that without prejudice to the generality of the
11 foregoing two clauses, the protecting and safeguarding
12 may include the regulation or prohibition of public
13 entry thereon, or the permission of the entry upon
14 terms and conditions as the governor may prescribe;
- 15 (14) Restrict the congregation of the public in stricken or
16 dangerous areas or under dangerous conditions;
- 17 (15) Direct and control the non-compulsory evacuation of
18 the civilian population;
- 19 (16) Order and direct government agencies, officials,
20 officers, and employees of the State, to take action
21 and employ measures for law enforcement, medical,
22 health, firefighting, traffic control, warnings and

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1 signals, engineering, rescue, construction, emergency
2 housing, other welfare, hospitalization,
3 transportation, water supply, public information,
4 training, and other emergency functions as may be
5 necessary, and utilize the services, materials, and
6 facilities of the agencies and officers. All agencies
7 and officers shall cooperate with and extend their
8 services, materials, and facilities to the governor as
9 the governor may request;

10 (17) Provide for the repair and maintenance of public
11 property, whenever adequate provision therefor is not
12 otherwise made; insure the property against any
13 emergency or disaster; provide for the restoration,
14 renovation, replacement, or reconstruction of insured
15 property in the event of damage or loss; and make
16 temporary restoration of public utilities and other
17 critical infrastructure facilities in the event of an
18 emergency or disaster;

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

20 (19) Take any and all steps necessary or appropriate to
21 carry out the purposes of this chapter notwithstanding

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1 that those powers in section 127A-13(a) may only be
2 exercised during an emergency period."

3 SECTION 9. Section 127A-16, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

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

8 SECTION 10. Section 127A-19, Hawaii Revised Statutes, is
9 amended by amending subsections (a), (b), and (c) to read as
10 follows:

11 "(a) The [~~governor~~] agency may establish guidelines for
12 providing suitable arrangements and accommodations for the
13 sheltering of the public and the sheltering of pet animals in
14 public shelters under this chapter.

15 (b) County emergency management agencies shall [~~identify,~~
16 in] be responsible for the identification, operation, and
17 coordination of sheltering with private and nonprofit
18 organizations engaged in emergency management functions relating
19 to providing shelter or the management or operation of a public
20 shelter under this chapter, locations and facilities suitable
21 for the sheltering of the public and locations and facilities
22 suitable for the sheltering of pet animals.

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1 (c) The administrator or director of the county emergency
2 management agency [~~may identify, in~~] shall be responsible for
3 the identification, coordination [with], and integration of
4 private owners, operators, or controllers of real property,
5 private locations [~~and~~], or facilities that are suitable for use
6 as shelters of the public or of pet animals[~~-~~] into emergency
7 sheltering operations."

8 SECTION 12. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 13. This Act shall take effect upon approval.

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INTRODUCED BY: 

14

BY REQUEST

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Report Title:

Department of Defense; Hawaii Emergency Management Agency

Description:

Amends sections 127A-1(a), -2, -3(e), - 12(b), - 16(e), -19(a), (b), and (c), Hawaii Revised Statutes, to be consistent with the current practices, policies, and procedures of the State Emergency Management Program and with the prevailing emergency management best practices. Adds wordings that highlight the intent of the State, Governor, and emergency management agencies to address environmental and climate impacts on emergency management.

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

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT.

PURPOSE: To update certain sections of chapter 127A, Hawaii Revised Statutes (HRS) to be consistent with the current practices, policies, and procedures of the State Emergency Management Program and with the prevailing emergency management best practices. Add wordings that highlight the intent of the State, Governor, and emergency management agencies to address environmental and climate impacts on emergency management.

MEANS: Amends sections 127A-1(a), -2, -3(e), -12(b), -16(e), -19(a), (b), and (c), HRS.

JUSTIFICATION: Recent incidents, including the COVID-19 pandemic, have proven that certain elements in chapter 127A, HRS, need to be revised to conform to current emergency management practices. Some wordings across sections 127A-1(a), -2, -3(e), -12(b), and -16(e) are not consistent with current federal doctrine and processes. Additionally, processes in the State regarding sheltering have changed and section 127A-19(a), (b), and (c), which addresses related functions, needs updating to clarify the counties' roles.

The proposed amendments to sections 127A-1(a) and 2 update outdated wordings to be in line with the state's, governor's, and emergency manager's focus on climate and environmental issues that impact Hawaii. Section 127A-3(e) is amended to clarify the lead and support responsibilities of state agencies and personnel. Section 127A-12(b) is amended to clarify that the emergency management power includes mitigation against any emergency or disaster or threat thereof. The proposed amendments to section 12A-16(e)

allow unspent funding under \$2,500,000 that is to be rolled over to the next fiscal year to support "current" emergencies and disasters. Section 127A-19(a), (b), and (c) is amended to clarify the roles of the county emergency management and civil defense agencies to identify, operate, and coordinate sheltering with private and nonprofit organizations.

Impact on the public: None.

Impact on the department and other agencies:
Aligns roles and responsibilities of the Hawaii Emergency Management Agency, state emergency management partners, and the county emergency management and civil defense agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: DEF 118.

OTHER AFFECTED
AGENCIES: Emergency Management Partners in State.

EFFECTIVE DATE: Upon Approval.