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# 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 by amending the definition of "disaster" to read as  
21          follows:



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 federal  
5 government [~~-~~] or from private agencies."

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

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

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

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



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

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

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

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

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



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

4           (1) Prepare a state comprehensive emergency management  
5 plan, which shall be integrated into and coordinated  
6 with the emergency management plans of the federal  
7 government. The plan shall be integrated by a  
8 continuous, integrated comprehensive emergency  
9 management program. The plan shall contain provisions  
10 to ensure that the State is prepared for emergencies  
11 and minor, major, and catastrophic disasters. In  
12 preparing and maintaining the plan, the agency shall  
13 work closely with agencies and organizations with  
14 emergency management responsibilities;

15           (2) Assign lead and support responsibilities to state  
16 agencies and personnel for emergency management  
17 functions, and other support activities;

18           (3) Adopt standards and requirements for county emergency  
19 management plans. The standards and requirements  
20 shall ensure that county plans are coordinated and



- 1 consistent with the state comprehensive emergency  
2 management plan;
- 3 (4) Make recommendations to the legislature, building code  
4 organizations, and counties for zoning, building, and  
5 other land use controls; and other preparedness,  
6 prevention, and mitigation measures designed to  
7 eliminate emergencies or reduce their impact;
- 8 (5) Anticipate trends and promote innovations that will  
9 enhance the emergency management system;
- 10 (6) Institute statewide public awareness programs. This  
11 shall include intensive public educational campaigns  
12 on emergency preparedness issues, including but not  
13 limited to the personal responsibility of individual  
14 citizens to be self-sufficient for up to fourteen days  
15 following a natural or human-caused disaster;
- 16 (7) Coordinate federal, state, and local emergency  
17 management activities and take all other steps,  
18 including the partial or full mobilization of  
19 emergency management forces and organizations in  
20 advance of an actual emergency, to ensure the  
21 availability of adequately trained and equipped forces



1 of emergency management personnel before, during, and  
2 after emergencies and disasters;

3 (8) Implement training programs to improve the ability of  
4 the state and local emergency management personnel to  
5 prepare and implement emergency management plans and  
6 programs. This shall include a continuous training  
7 program for agencies and individuals that will be  
8 called on to perform key roles in state and local  
9 post-disaster response and recovery efforts and for  
10 local government personnel on federal and state post-  
11 disaster response and recovery strategies and  
12 procedures;

13 (9) Adopt standards and requirements for state agency  
14 emergency operating procedures and periodically review  
15 emergency operating procedures of state agencies and  
16 recommend revisions as needed to ensure consistency  
17 with the state comprehensive emergency management plan  
18 and program; and

19 (10) Coordinate, in advance whenever possible, such  
20 executive orders, proclamations, and rules for  
21 issuance by the governor as are necessary or



1           appropriate for coping with emergencies and  
2           disasters."

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

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

7           (1) Support requests from a mayor for assistance in  
8           preparing for, mitigating against, responding to, and  
9           recovering from any emergency or disaster or threat  
10          thereof[~~-~~];

11          (2) Lease, lend, or otherwise furnish, on such terms and  
12          conditions as the governor may consider necessary to  
13          promote the public welfare and protect the interest of  
14          the State, any real or personal property of the state  
15          government, to the President of the United States, the  
16          armed forces, or to the emergency management agency of  
17          the United States;

18          (3) Enter into, participate in, or carry out mutual aid  
19          agreements or compacts for emergency management or  
20          emergency management functions with the federal  
21          government and with other states;



- 1           (4) Sponsor and develop mutual aid plans and agreements  
2           for emergency management between the State, one or  
3           more counties, and other governmental, private-sector,  
4           and nonprofit organizations, for the furnishing or  
5           exchange of food, clothing, medicine, and other  
6           materials; engineering services; emergency housing;  
7           police services; health, medical, and related  
8           services; firefighting, rescue, transportation, and  
9           construction services and facilities; personnel  
10          necessary to provide or conduct these services; and  
11          such other materials, facilities, personnel, and  
12          services as may be needed. The mutual aid plans and  
13          agreements may be made with or without provisions for  
14          reimbursement of costs and expenses, and on such terms  
15          and conditions as are deemed necessary;
- 16          (5) Take possession of, use, manage, control, and  
17          reallocate any public property of the State, real or  
18          personal, required by the governor for the purposes of  
19          this chapter, including airports, parks, playgrounds,  
20          and schools, and other public buildings. Whenever the  
21          property is so taken, the governor may make such



1 provision for the temporary accommodation of the  
2 government service affected thereby as the governor  
3 may deem advisable;

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

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



1           (8) Purchase, make, produce, construct, rent, lease, or  
2           procure by condemnation or otherwise, transport,  
3           store, install, maintain, and insure, repair,  
4           renovate, restore, replace or reconstruct, and  
5           distribute, furnish or otherwise dispose of, with or  
6           without charges, materials and facilities for  
7           emergency management; and to procure federal aid  
8           therefor whenever feasible. Chapter 103D and sections  
9           103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4  
10          shall not apply to any emergency management functions  
11          of the governor to the extent that the governor finds  
12          that the provisions, in whole or in part, impede or  
13          tend to impede the expeditious discharge of those  
14          functions, or that compliance therewith is  
15          impracticable due to existing conditions;

16          (9) Provide for the appointment, employment, training,  
17          equipping, and maintaining with compensation, or on a  
18          volunteer basis without compensation and without  
19          regard to chapters 76, 78, and 88, of such agencies,  
20          officers, and other persons as the governor deems  
21          necessary to carry out the purposes of this chapter;



1 to determine to what extent any law prohibiting the  
2 holding of more than one office or employment applies  
3 to the agencies, officers, and other persons; and  
4 subject to provisions of this chapter, to provide for  
5 the interchange of personnel, by detail, transfer, or  
6 otherwise, between agencies or departments of the  
7 State;

8 (10) Make charges in such cases and in amounts as the  
9 governor deems advisable, for any property sold, work  
10 performed, services rendered, or accommodations or  
11 facilities furnished by the State under this chapter;

12 (11) Make or authorize contracts as may be necessary to  
13 carry out this chapter;

14 (12) Establish special accounting forms and practices  
15 whenever necessary;

16 (13) Require each public utility, or any person owning,  
17 controlling, or operating a critical infrastructure  
18 facility as identified by the governor, to protect and  
19 safeguard its or the person's property, or to provide  
20 for the protection and safeguarding thereof; and  
21 provide for the protection and safeguarding of all



1 critical infrastructure and key resources; provided  
2 that without prejudice to the generality of the  
3 foregoing two clauses, the protecting and safeguarding  
4 may include the regulation or prohibition of public  
5 entry thereon, or the permission of the entry upon  
6 terms and conditions as the governor may prescribe;

7 (14) Restrict the congregation of the public in stricken or  
8 dangerous areas or under dangerous conditions;

9 (15) Direct and control the non-compulsory evacuation of  
10 the civilian population;

11 (16) Order and direct government agencies, officials,  
12 officers, and employees of the State, to take action  
13 and employ measures for law enforcement, medical,  
14 health, firefighting, traffic control, warnings and  
15 signals, engineering, rescue, construction, emergency  
16 housing, other welfare, hospitalization,  
17 transportation, water supply, public information,  
18 training, and other emergency functions as may be  
19 necessary, and utilize the services, materials, and  
20 facilities of the agencies and officers. All agencies  
21 and officers shall cooperate with and extend their



1 services, materials, and facilities to the governor as  
2 the governor may request;

3 (17) Provide for the repair and maintenance of public  
4 property, whenever adequate provision therefor is not  
5 otherwise made; insure the property against any  
6 emergency or disaster; provide for the restoration,  
7 renovation, replacement, or reconstruction of insured  
8 property in the event of damage or loss; and make  
9 temporary restoration of public utilities and other  
10 critical infrastructure facilities in the event of an  
11 emergency or disaster;

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

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

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

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



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

4 "(a) The [~~governor~~] agency may establish guidelines for  
5 providing suitable arrangements and accommodations for the  
6 sheltering of the public and the sheltering of pet animals in  
7 public shelters under this chapter.

8 (b) County emergency management agencies shall [~~identify,~~  
9 ~~in~~] be responsible for the identification, operation, and  
10 coordination of sheltering with private and nonprofit  
11 organizations engaged in emergency management functions relating  
12 to providing shelter or the management or operation of a public  
13 shelter under this chapter, locations and facilities suitable  
14 for the sheltering of the public and locations and facilities  
15 suitable for the sheltering of pet animals.

16 (c) The administrator or director of the county emergency  
17 management agency [~~may identify, in~~] shall be responsible for  
18 the identification, coordination [with], and integration of  
19 private owners, operators, or controllers of real property,  
20 private locations [~~and~~], or facilities that are suitable for use



1 as shelters of the public or of pet animals[-] into emergency  
2 sheltering operations."

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

5 SECTION 12. This Act shall take effect upon its approval.



**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. (SD1)

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

