
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT POWERS.

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

1 SECTION 1. Section 127A-12, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

5 (1) Support requests from a mayor for assistance in
6 preparing for, mitigating against, responding to, and
7 recovering from any emergency or disaster or threat
8 thereof;

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



1 (3) Enter into, participate in, or carry out mutual aid
2 agreements or compacts for emergency management or
3 emergency management functions with the federal
4 government and with other states;

5 (4) Sponsor and develop mutual aid plans and agreements
6 for emergency management between the State, one or
7 more counties, and other governmental, private-sector,
8 and nonprofit organizations, for the furnishing or
9 exchange of food, clothing, medicine, and other
10 materials; engineering services; emergency housing;
11 police services; health, medical, and related
12 services; firefighting, rescue, transportation, and
13 construction services and facilities; personnel
14 necessary to provide or conduct these services; and
15 [~~such~~] other materials, facilities, personnel, and
16 services as may be needed. The mutual aid plans and
17 agreements may be made with or without provisions for
18 reimbursement of costs and expenses, and on [~~such~~]
19 terms and conditions as are deemed necessary;

20 (5) Take possession of, use, manage, control, and
21 reallocate any public property of the State, real or



1 personal, required by the governor for the purposes of
2 this chapter, including airports, parks, playgrounds,
3 and schools, and other public buildings. Whenever the
4 property is so taken, the governor may [~~make such~~
5 ~~provisions~~] provide for the temporary accommodation of
6 the government service affected thereby as the
7 governor may deem advisable;

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

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



1 money[~~—The~~]; provided that the contributions or
2 grants are appropriated for the purposes of this
3 chapter, or for the special purposes[+]. The governor
4 shall provide notice to the legislature no less than
5 fourteen days before the date of expenditure or use
6 and shall submit a report to the legislature within
7 five days of each exercise of this authority; provided
8 that the report shall include the date of expenditure
9 or use, the amount of the expenditure or use, the
10 program identification from which resources are
11 expended or used, the impacts to the program from
12 which resources are expended or used, and a detailed
13 explanation of the public purpose served by the
14 expenditure or use of the resources; provided further
15 that no later than thirty days prior to the convening
16 of each regular session, the governor shall submit to
17 the legislature a summary report containing the
18 aforementioned information for each exercise of this
19 authority during the preceding twelve-month period
20 from December 1 to November 30;



- 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~~] the
20 agencies, officers, and other persons [~~as~~] that the
21 governor deems necessary to carry out the purposes of



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

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

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

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

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



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

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

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

12 (16) Order and direct government agencies, officials,
13 officers, and employees of the State[7] to take action
14 and employ measures for law enforcement, medical,
15 health, firefighting, traffic control, warnings and
16 signals, engineering, rescue, construction, emergency
17 housing, other welfare, hospitalization,
18 transportation, water supply, public information,
19 training, and other emergency functions as may be
20 necessary, and utilize the services, materials, and
21 facilities of the agencies and officers. All agencies



1 and officers shall cooperate with and extend their
2 services, materials, and facilities to the governor as
3 the governor may request;

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

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

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

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Governor; Emergency Management Powers; Public Resources;
Expenditure or Use; Notice; Reports

Description:

Establishes notice and reporting requirements for the
expenditure or use of public resources by the Governor, pursuant
to the Governor's emergency powers. Effective 7/1/3000. (HD2)

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not legislation or evidence of legislative intent.*

