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# A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1           SECTION 1. Section 127A-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§127A-3 Hawaii emergency management agency.** (a) There  
4 is established within the department of defense the Hawaii  
5 emergency management agency. The adjutant general shall serve  
6 as the director of Hawaii emergency management and, subject to  
7 the direction and control of the governor, shall oversee the  
8 agency.

9           (b) There shall be an administrator of emergency  
10 management who shall be appointed, and may be removed, by the  
11 director, and who shall have at least three years of experience  
12 leading emergency management efforts at the local, state, or  
13 federal level. The administrator of emergency management shall  
14 be the civilian head of and responsible for the day-to-day  
15 operations of the agency. The administrator of emergency  
16 management shall report to the director. The administrator of  
17 emergency management shall, in the absence of the director, have



1 all the duties and responsibilities of the director, and shall  
2 report directly to the governor. The administrator of emergency  
3 management shall not be subject to chapter 76.

4 (c) The administrator may, from funds allotted therefor,  
5 employ technical, clerical, administrative, and other personnel  
6 and make such expenditures as may be necessary.

7 (d) The administrator shall coordinate the activities of  
8 the agency with all county emergency management agencies, other  
9 state agencies, other states, or federal agencies involved in  
10 emergency management activities, and all organizations for  
11 emergency management within the State, whether public or  
12 private, and shall maintain liaison and cooperate with all  
13 county emergency management agencies, other state agencies,  
14 other states, or federal agencies involved in emergency  
15 management activities as provided in this chapter.

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

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



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;



- 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          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



1 called on to perform key roles in state and local  
2 post-disaster response and recovery efforts and for  
3 local government personnel on federal and state  
4 post-disaster response and recovery strategies and  
5 procedures;

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

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

16 (f) Except as otherwise provided for in this chapter, the  
17 agency may acquire, or contract to acquire, by grant or purchase  
18 any real, personal, or mixed property or any interest therein  
19 for immediate or future use for the purposes of this chapter;  
20 own, hold, improve, and rehabilitate any real, personal, or  
21 mixed property acquired pursuant to this subsection; and sell,



1 assign, exchange, transfer, convey, lease or otherwise dispose  
2 of, or encumber any real, personal, or mixed property acquired  
3 pursuant to this subsection. Upon making a finding that it is  
4 necessary to acquire any real property for immediate or future  
5 use for the purposes of this chapter, the agency may acquire the  
6 property by condemnation pursuant to chapter 101, including  
7 property already devoted to a public use; provided that the  
8 property shall not thereafter be acquired for any other public  
9 use without the consent of the agency."

10 SECTION 2. Section 171-2, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§171-2 Definition of public lands.** "Public lands" means  
13 all lands or interest therein in the State classed as government  
14 or crown lands previous to August 15, 1895, or acquired or  
15 reserved by the government upon or subsequent to that date by  
16 purchase, exchange, escheat, or the exercise of the right of  
17 eminent domain, or in any other manner; including lands accreted  
18 after May 20, 2003, and not otherwise awarded, submerged lands,  
19 and lands beneath tidal waters that are suitable for  
20 reclamation, together with reclaimed lands that have been given  
21 the status of public lands under this chapter, except:



- 1           (1) Lands designated in section 203 of the Hawaiian Homes  
2           Commission Act, 1920, as amended;
- 3           (2) Lands set aside pursuant to law for the use of the  
4           United States;
- 5           (3) Lands being used for roads and streets;
- 6           (4) Lands to which the United States relinquished the  
7           absolute fee and ownership under section 91 of the  
8           Hawaiian Organic Act before the admission of Hawaii as  
9           a state of the United States unless subsequently  
10          placed under the control of the board of land and  
11          natural resources and given the status of public lands  
12          in accordance with the state constitution, the  
13          Hawaiian Homes Commission Act, 1920, as amended, or  
14          other laws;
- 15          (5) Lands to which the University of Hawaii holds title;
- 16          (6) Non-ceded lands set aside by the governor to the  
17          Hawaii housing finance and development corporation or  
18          lands to which the Hawaii housing finance and  
19          development corporation in its corporate capacity  
20          holds title;



- 1           (7) Lands to which the Hawaii community development  
2           authority in its corporate capacity holds title;
- 3           (8) Lands set aside by the governor to the Hawaii public  
4           housing authority or lands to which the Hawaii public  
5           housing authority in its corporate capacity holds  
6           title;
- 7           (9) Lands to which the department of agriculture holds  
8           title by way of foreclosure, voluntary surrender, or  
9           otherwise, to recover moneys loaned or to recover  
10          debts otherwise owed the department under chapter 167;
- 11          (10) Lands that are set aside by the governor to the Aloha  
12          Tower development corporation, lands leased to the  
13          Aloha Tower development corporation by any department  
14          or agency of the State, or lands to which the Aloha  
15          Tower development corporation holds title in its  
16          corporate capacity;
- 17          (11) Lands that are set aside by the governor to the  
18          agribusiness development corporation, lands leased to  
19          the agribusiness development corporation by any  
20          department or agency of the State, or lands to which



1           the agribusiness development corporation in its  
2           corporate capacity holds title;

3           (12) Lands to which the Hawaii technology development  
4           corporation in its corporate capacity holds title;

5           (13) Lands to which the department of education holds  
6           title;

7           (14) Lands to which the stadium authority holds title;  
8           [and]

9           (15) Lands to which the school facilities authority holds  
10          title; and

11          (16) Lands to which the Hawaii emergency management agency  
12          holds title;

13 provided that, except as otherwise limited under federal law and  
14 except for state land used as an airport as defined in  
15 section 262-1, public lands shall include the air rights over  
16 any portion of state land upon which a county mass transit  
17 project is developed after July 11, 2005; provided further that  
18 if the lands pursuant to paragraph (6) are no longer needed for  
19 housing finance and development purposes, the lands shall be  
20 returned to the agency from which they were obtained; provided  
21 further that if the lands pursuant to paragraph (14) are no



1 longer needed for the stadium development district or related  
2 purposes, the lands shall be returned to the public land trust  
3 administered by the department."

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

6 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Hawaii Emergency Management Agency; Property; Acquisition;  
Condemnation; Public Lands

**Description:**

Authorizes the Hawaii Emergency Management Agency to acquire any real, personal, or mixed property for immediate or future use; own, hold, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or dispose of any real, personal, or mixed property acquired; and acquire by condemnation real property for immediate or future use. Amends the definition of "public lands" to exclude lands to which the Hawaii Emergency Management Agency holds title. Effective 7/1/2050. (SD1)

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

