H.B. NO. ²⁵⁸¹ H.D. 1 S.D. 1 C.D. 1

A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

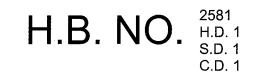
1 SECTION 1. The legislature finds that the power of the 2 governor or a mayor to suspend the transmission of electronic 3 media during a state of emergency is overly broad and vague. 4 Electronic media could include not only all radio and television 5 broadcasts, but also could potentially include text messages, emails, and posts to social media platforms, which would 6 7 restrain lawful free speech and publication and violate the 8 First Amendment of the United States Constitution.

9 The purpose of this Act is to remove the ability of the
10 governor or a mayor to suspend electronic media transmission
11 during a state of emergency.

SECTION 2. Section 127A-13, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows: "(a) In the event of a state of emergency declared by the governor pursuant to section 127A-14, the governor may exercise the following additional powers pertaining to emergency management during the emergency period:



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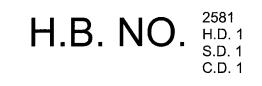
1 (1) Provide for and require the quarantine or segregation 2 of persons who are affected with or believed to have 3 been exposed to any infectious, communicable, or other disease that is, in the governor's opinion, dangerous 4 5 to the public health and safety, or persons who are 6 the source of other contamination, in any case where, 7 in the governor's opinion, the existing laws are not 8 adequate to assure the public health and safety; 9 provide for the care and treatment of the persons; 10 supplement the provisions of sections 325-32 to 325-38 11 concerning compulsory immunization programs; provide 12 for the isolation or closing of property [which] that 13 is a source of contamination or is in a dangerous 14 condition in any case where, in the governor's 15 opinion, the existing laws are not adequate to assure 16 the public health and safety, and designate as public 17 nuisances acts, practices, conduct, or conditions that 18 are dangerous to the public health or safety or to 19 property; authorize that public nuisances be summarily 20 abated and, if need be, that the property be 21 destroyed $[\tau]$ by any police officer or authorized

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1 person, or provide for the cleansing or repair of 2 property, and if the cleansing or repair is to be at 3 the expense of the owner, the procedure therefor shall follow as nearly as may be the provisions of section 4 322-2, which shall be applicable; and further, 5 authorize without the permission of the owners or 6 7 occupants, entry on private premises for any [such] of 8 these purposes; Relieve hardships and inequities, or obstructions to 9 (2) 10 the public health, safety, or welfare, found by the 11 governor to exist in the laws and to result from the 12 operation of federal programs or measures taken under this chapter, by suspending the laws, in whole or in 13 14 part, or by alleviating the provisions of laws on 15 [such] terms and conditions as the governor may impose, including licensing laws, quarantine laws, and 16 17 laws relating to labels, grades, and standards; 18 (3) Suspend any law that impedes or tends to impede or be 19 detrimental to the expeditious and efficient execution 20 of, or to conflict with, emergency functions, 21 including laws [which] that by this chapter

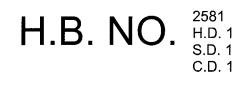
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1		specifically are made applicable to emergency
2		personnel;
3	(4)	Suspend the provisions of any regulatory law
4		prescribing the procedures for out-of-state utilities
5		to conduct business in the State including any
6		licensing laws applicable to out-of-state utilities or
7		their respective employees, as well as any order,
8		rule, or regulation of any state agency, if strict
9		compliance with the provisions of any [such] law,
10		order, rule, or regulation would in any way prevent,
11		hinder, or delay necessary action of a state utility
12		in coping with the emergency or disaster with
13		assistance that may be provided under a mutual
14		assistance agreement;
15	(5)	In the event of disaster or emergency beyond local
16		control, or an event [which,] <u>that</u> in the opinion of
17		the governor, [is such as to make] <u>renders</u> state
18		operational control necessary, or upon request of the
19		local entity, assume direct operational control over
20		all or any part of the emergency management functions
21		within the affected area;

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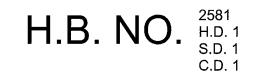
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1	(6)	Shut off water mains, gas mains, <u>or</u> electric power
2		connections, or suspend other services[, and, to the
3		extent permitted by or under federal law, suspend
4		electronic media transmission];
5	(7)	Direct and control the mandatory evacuation 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

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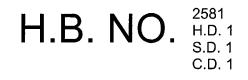
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1		unaffected, and in the event of the suspension, the
2		governor may establish state holidays by proclamation;
3	(10)	Adjust the hours for voting to take into consideration
4		the working hours of the voters during the emergency
5		period, and suspend 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

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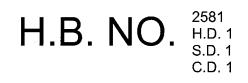
1 other objects, implements, substances, businesses, or 2 services of a hazardous or dangerous character, or 3 particularly capable of misuse, or obstructive of or 4 tending to obstruct law enforcement, emergency 5 management, or military operations, including intoxicating liquor and the liquor business; and 6 7 authorize the seizure and forfeiture of any [such] objects, implements, or substances unlawfully 8 9 possessed, as provided in this chapter. 10 (b) In the event of a local state of emergency declared by

11 the 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 Relieve hardships and inequities, or obstructions to (1)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 21 conditions as the mayor may impose, including county

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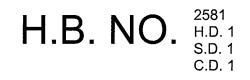
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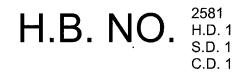
1		licensing laws, and county laws relating to labels,
2		grades, and standards;
3	(2)	Suspend any county law that impedes or tends to impede
4		or be detrimental to the expeditious and efficient
5		execution of, or to conflict with, emergency
6		functions, including laws [which] <u>that</u> by this chapter
7		specifically are made applicable to emergency
8		personnel;
9	(3)	Shut off water mains, gas mains, <u>or</u> electric power
10		connections, or suspend other services; [and, to the
11		extent permitted by or under federal law, suspend
12		electronic media transmission;]
13	(4)	Direct and control the mandatory evacuation of the
14		civilian population; and
15	(5)	Exercise additional emergency functions, to the extent
16		necessary to prevent hoarding, waste, or destruction
17		of materials, supplies, commodities, accommodations,
18		facilities, and services, to effectuate equitable
19		distribution thereof, or to establish priorities
20		therein as the public welfare may require; to
21		investigate; and any other county law to the contrary

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1	notwithstanding, to regulate or prohibit, by means of
2	licensing, rationing, or otherwise, the storage,
3	transportation, use, possession, maintenance,
4	furnishing, sale, or distribution thereof, and any
5	business or any transaction related thereto."
6	SECTION 3. Statutory material to be repealed is bracketed
7	and stricken. New statutory material is underscored.
8	SECTION 4. This Act shall take effect upon its approval.



Report Title:

Emergency Management; State of Emergency; Electronic Media Transmission

Description:

Removes the ability of the Governor or a mayor to suspend electronic media transmission during a state of emergency or local state of emergency, respectively. (CD1)

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

