

JAN 19 2024

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Section 127A-13, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) In the event of a state of emergency declared by the
4 governor pursuant to section 127A-14, the governor may exercise
5 the following additional powers pertaining to emergency
6 management during the emergency period:

7 (1) Provide for and require the quarantine or segregation
8 of persons who are affected with or believed to have
9 been exposed to any infectious, communicable, or other
10 disease that is, in the governor's opinion, dangerous
11 to the public health and safety, or persons who are
12 the source of other contamination, in any case where,
13 in the governor's opinion, the existing laws are not
14 adequate to assure the public health and safety;
15 provide for the care and treatment of the persons;
16 supplement the provisions of sections 325-32 to 325-38
17 concerning compulsory immunization programs; provide



1 for the isolation or closing of property which is a
2 source of contamination or is in a dangerous condition
3 in any case where, in the governor's opinion, the
4 existing laws are not adequate to assure the public
5 health and safety, and designate as public nuisances
6 acts, practices, conduct, or conditions that are
7 dangerous to the public health or safety or to
8 property; authorize that public nuisances be summarily
9 abated and, if need be, that the property be
10 destroyed[~~r~~] by any police officer or authorized
11 person, or provide for the cleansing or repair of the
12 property, and if the cleansing or repair is to be at
13 the expense of the owner, the procedure [~~therefor~~]
14 shall follow as nearly as may be the provisions of
15 section 322-2, which shall be applicable; and further,
16 authorize, without the permission of the owners or
17 occupants, entry on private premises for any [~~such~~] of
18 these purposes;

19 (2) Relieve hardships and inequities, or obstructions to
20 the public health, safety, or welfare, found by the
21 governor to exist in the laws and to result from the



1 operation of federal programs or measures taken under
 2 this chapter, by suspending the laws, in whole or in
 3 part, or by alleviating the provisions of laws on
 4 [~~such~~] terms and conditions as the governor may
 5 impose, including licensing laws, quarantine laws, and
 6 laws relating to labels, grades, and standards;

7 (3) Suspend any law that impedes, ~~[or]~~ tends to impede or
 8 be detrimental to the expeditious and efficient
 9 execution of, or [~~to conflict~~] conflicts with,
 10 emergency functions, including laws which by this
 11 chapter specifically are made applicable to emergency
 12 personnel; provided that the governor may suspend the
 13 laws under chapter 6E, relating to historic
 14 preservation requirements, only when there is an
 15 imminent or presently occurring emergency that
 16 threatens health and safety;

17 (4) Suspend the provisions of any regulatory law
 18 prescribing the procedures for out-of-state utilities
 19 to conduct business in the State, including any
 20 licensing laws applicable to out-of-state utilities or
 21 their respective employees~~[, as well as]~~ and any



1 order, rule, or regulation of any state agency, if
2 strict compliance with the provisions of [~~any such~~]
3 the law, order, rule, or regulation would in any way
4 prevent, hinder, or delay necessary action of a state
5 utility in coping with the emergency or disaster with
6 assistance that may be provided under a mutual
7 assistance agreement;

8 (5) In the event of disaster or emergency beyond local
9 control, [~~or~~] an event which, in the opinion of the
10 governor, [~~is such as to~~] would make state operational
11 control necessary, or upon request of the local
12 entity, assume direct operational control over all or
13 any part of the emergency management functions within
14 the affected area;

15 (6) Shut off water mains, gas mains, electric power
16 connections, or suspend other services, and, to the
17 extent permitted by or under federal law, suspend
18 electronic media transmission;

19 (7) Direct and control the mandatory evacuation of the
20 civilian population;



- 1 (8) Exercise additional emergency functions to the extent
2 necessary to prevent hoarding, waste, or destruction
3 of materials, supplies, commodities, accommodations,
4 facilities, and services, to effectuate equitable
5 distribution thereof, or to establish priorities
6 [~~therein~~] as the public welfare may require; to
7 investigate; and notwithstanding any other law to the
8 contrary, to regulate or prohibit, by means of
9 licensing, rationing, or otherwise, the storage,
10 transportation, use, possession, maintenance,
11 furnishing, sale, or distribution thereof, and any
12 business or any transaction related thereto;
- 13 (9) Suspend section 8-1, relating to state holidays,
14 except the last paragraph relating to holidays
15 declared by the president, which shall remain
16 unaffected, and, in the event of the suspension, the
17 governor may establish state holidays by proclamation;
- 18 (10) Adjust the hours for voting to take into consideration
19 the working hours of the voters during the emergency
20 period, [~~and~~] suspend those provisions of section 11-
21 131 that fix the hours for voting, and fix other hours



1 by stating the same in the election proclamation or
2 notice, as the case may be;

3 (11) Assure the continuity of service by critical
4 infrastructure facilities, both publicly and privately
5 owned, by regulating or, if necessary [~~to~~] for the
6 continuation of the service [~~thereof~~], by taking over
7 and operating the same; and

8 (12) Except as provided in section 134-7.2, whenever, in
9 the governor's opinion, the laws of the State do not
10 adequately provide for the common defense, public
11 health, safety, and welfare, investigate, regulate, or
12 prohibit the storage, transportation, use, possession,
13 maintenance, furnishing, sale, or distribution of, as
14 well as any transaction related to, explosives,
15 firearms, [~~and~~] ammunition, inflammable materials and
16 other objects, implements, substances, businesses, or
17 services of a hazardous or dangerous character, [~~or~~]
18 that are particularly capable of misuse, or
19 [~~obstructive of~~] that obstruct or [~~tending~~] tend to
20 obstruct law enforcement, emergency management, or
21 military operations, including intoxicating liquor and



S.B. NO. 2331

Report Title:

Governor; Emergency Powers; Historic Preservation

Description:

Clarifies that the Governor may waive historic preservation requirements in an emergency proclamation only when there is an imminent or presently occurring emergency which threatens health and safety.

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

