S.B. NO. ²⁵¹² S.D. 2 H.D. 2 C.D. 1

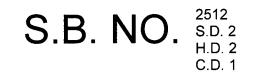
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT POWERS.

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

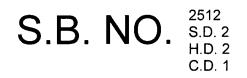
1	SECT	ION 1. Section 127A-12, Hawaii Revised Statutes, is
2	amended by	y amending subsection (b) to read as follows:
3	"(b)	The governor may exercise the following powers
4	pertainin	g to emergency management:
5	(1)	Support requests from a mayor for assistance in
6		preparing for, mitigating against, 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] <u>that</u> 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;

17 (3) Enter into, participate in, or carry out mutual aid 18 agreements or compacts for emergency management or 2024-2612 SB2512 CD1 SMA.docx



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





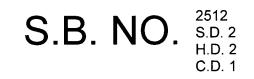
1		and schools, and other public buildings. Whenever the
2		property is so taken, the governor may [make such
3		provisions] provide for the temporary accommodation of
4		the government service affected thereby as the
5		governor may deem advisable;
6	(6)	Utilize all services, materials, and facilities of
7		nongovernmental agencies, relief organizations,
8		community associations, and other private-sector and
9		nonprofit organizations that may be made available;
10	(7)	Receive, expend, or use contributions or grants, which
11		shall be deemed to be trust funds, in money, property,
12		or services, or loans of property, or special
13		contributions or grants in money, property, or
14		services, or loans of property, for special purposes
15		provided for by this chapter; establish funds in the
16		state treasury for the deposit and expenditure of the
17		moneys; procure federal aid as the same may be
18		available; and apply the provisions of chapter 29 in
19		cases of federal aid, even though not in the form of
20		money[. The]; provided that the contributions or
21		grants are appropriated for the purposes of this



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1		chapter, or for the special purposes $[+]$. The governor
2		shall provide notice to the legislature not less than
3		fourteen days before the date of expenditure or use
4		and shall submit a report to the legislature within
5		five days of each exercise of this authority; provided
6		that the report shall include the date of expenditure
7		or use, the amount of the expenditure or use, the
8		program identification from which resources are
9		expended or used, the impacts to the program from
10		which resources are expended or used, and a detailed
11		explanation of the public purpose served by the
12		expenditure or use of the resources; provided further
13		that no later than thirty days prior to the convening
14		of each regular session, the governor shall submit to
15		the legislature a summary report containing the
16		aforementioned information for each exercise of this
17		authority during the preceding twelve-month period
18		from December 1 to November 30;
19	(8)	Purchase, make, produce, construct, rent, lease, or
20		procure by condemnation or otherwise, transport,
21		store, install, maintain, and insure, repair,





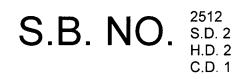
1		renovate, restore, replace <u>,</u> or reconstruct, and
2		distribute, furnish, or otherwise dispose of, with or
3		without charges, materials and facilities for
4		emergency management; and [to] procure federal aid
5		therefor whenever feasible. Chapter 103D and sections
6		103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
7		shall not apply to any emergency management functions
8		of the governor to the extent that the governor finds
9		that the provisions, in whole or in part, impede or
10		tend to impede the expeditious discharge of those
11		functions, or that compliance therewith is
12		impracticable due to existing conditions;
13	(9)	Provide for the appointment, employment, training,
14		equipping, and maintaining with compensation, or on a
15		volunteer basis without compensation and without
16		regard to chapters 76, 78, and 88, of [such] <u>the</u>
17		agencies, officers, and other persons [as] <u>that</u> the
18		governor deems necessary to carry out the purposes of
19		this chapter; $[to]$ determine to what extent any law
20		prohibiting the holding of more than one office or
21		employment applies to the agencies, officers, and

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1		other persons; and subject to [provisions of] this
2		chapter, $[to]$ provide for the interchange of
3		personnel, by detail, transfer, or otherwise, between
4		agencies or departments of the State;
5	(10)	Make charges in [such] cases and in amounts [as] <u>that</u>
6		the governor deems advisable, for any property sold,
7		work performed, services rendered, or accommodations
8		or facilities furnished by the State under this
9		chapter;
10	(11)	Make or authorize contracts as may be necessary to
11		carry out this chapter;
12	(12)	Establish special accounting forms and practices
13		whenever necessary;
14	(13)	Require each public utility, or any person owning,
15		controlling, or operating a critical infrastructure
16		facility as identified by the governor, to protect and
17		safeguard its or the person's property, or to provide
18		for the protection and safeguarding thereof; and
19		provide for the protection and safeguarding of all
20		critical infrastructure and key resources; provided
21		that without prejudice to the generality of the





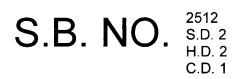
1		foregoing two clauses, the protecting and safeguarding
2		may include the regulation or prohibition of public
3		entry thereon, or the permission of the entry upon
4		terms and conditions as the governor may prescribe;
5	(14)	Restrict the congregation of the public in stricken or
6		dangerous areas or under dangerous conditions;
7	(15)	Direct and control the non-compulsory evacuation of
8		the civilian population;
9	(16)	Order and direct government agencies, officials,
10		officers, and employees of the State[$_7$] to take action
11		and employ measures for law enforcement, medical,
12		health, firefighting, traffic control, warnings and
13		signals, engineering, rescue, construction, emergency
14		housing, other welfare, hospitalization,
15		transportation, water supply, public information,
16		training, and other emergency functions as may be
17		necessary, and utilize the services, materials, and
18		facilities of the agencies and officers. All agencies
19		and officers shall cooperate with and extend their
20		services, materials, and facilities to the governor as
21		the governor may request;

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1	(17)	Provide for the repair and maintenance of public
2		property, whenever adequate provision therefor is not
3		otherwise made; insure the property against any
4		emergency or disaster; provide for the restoration,
5		renovation, replacement, or reconstruction of insured
6		property [in the event of] <u>if</u> damage or loss[;]
7		occurs, and [make temporary restoration of]
8		temporarily restore public utilities and other
9		critical infrastructure facilities [in the event of]
10		if an emergency or disaster[+] occurs;
11	(18)	Fix or revise the hours of government business; and
12	(19)	Take any and all steps necessary or appropriate to
13		carry out the purposes of this chapter notwithstanding
14		that those powers in section 127A-13(a) may only be
15		exercised during an emergency period."
16	SECT	ION 2. This Act does not affect rights and duties that
17	matured,	penalties that were incurred, and proceedings that were
18	begun bef	ore its effective date.
19	SECT	ION 3. Statutory material to be repealed is bracketed
20	and stric	ken. New statutory material is underscored.
21	SECT	ION 4. This Act shall take effect upon its approval.





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. (CD1)

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

