

JAN 17 2025

A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. The legislature finds that transparency and
2 accountability are foundational principles of good governance.
3 Access to public records and vital statistics ensures that the
4 public remains informed about government actions, promotes
5 trust, and facilitates community involvement in decision-making
6 processes.

7 The legislature further finds that during the COVID-19
8 pandemic, there were instances where access to public records
9 and vital statistics was suspended, limiting the public's
10 ability to monitor government decision-making and obtain
11 essential documents. Vital records, such as birth certificates,
12 death certificates, and marriage licenses are crucial for
13 individuals to access health care services, enroll in schools,
14 obtain government benefits, and conduct personal or business-
15 related legal transactions. The suspension of access to these
16 records during the COVID-19 pandemic created unnecessary
17 hardships for Hawaii residents already grappling with the



1 challenges of the emergency, undermined public confidence, and
2 greatly exacerbated misinformation.

3 The legislature acknowledges that emergencies can create
4 operational challenges for state agencies in responding to
5 public records and vital statistics requests. Nevertheless, the
6 legislature believes that a complete suspension of these
7 services is neither necessary nor justified. Allowing for
8 reasonable delays due to extenuating circumstances strikes an
9 appropriate balance between ensuring transparency and addressing
10 the practical constraints state agencies face during
11 emergencies.

12 Accordingly, the purpose of this Act is to prohibit the
13 governor or a mayor from suspending requests for public records
14 or vital statistics during a declared state of emergency, while
15 allowing for a reasonable delay in an agency's response to a
16 request as a result of extenuating circumstances.

17 SECTION 2. Chapter 127A, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§127A- Suspension of certain record requests;
21 prohibited. (a) The governor or a mayor shall not, through any



1 proclamation or declaration of emergency or any rule or order
2 adopted pursuant to this chapter, suspend agency response
3 deadlines for requests to:

- 4 (1) Public records pursuant to part II of chapter 92F; or
5 (2) Vital records or statistics pursuant to sections
6 338-18.

7 (b) Due to extenuating circumstances, there may be a
8 reasonable delay in an agency's response to a request; provided
9 that an agency shall not reject a request at any time,
10 regardless of whether an emergency has been declared."

11 SECTION 3. Section 127A-13, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§127A-13 Additional powers in an emergency period. (a)
14 In the event of a state of emergency declared by the governor
15 pursuant to section 127A-14, the governor may exercise the
16 following additional powers pertaining to emergency management
17 during the emergency period:

- 18 (1) Provide for and require the quarantine or segregation
19 of persons who are affected with or believed to have
20 been exposed to any infectious, communicable, or other
21 disease that is, in the governor's opinion, dangerous



1 to the public health and safety, or persons who are
2 the source of other contamination, in any case where,
3 in the governor's opinion, the existing laws are not
4 adequate to assure the public health and safety;
5 provide for the care and treatment of the persons;
6 supplement the provisions of sections 325-32 to 325-38
7 concerning compulsory immunization programs; provide
8 for the isolation or closing of property that is a
9 source of contamination or is in a dangerous condition
10 in any case where, in the governor's opinion, the
11 existing laws are not adequate to assure the public
12 health and safety, and designate as public nuisances
13 acts, practices, conduct, or conditions that are
14 dangerous to the public health or safety or to
15 property; authorize that public nuisances be summarily
16 abated and, if need be, that the property be destroyed
17 by any police officer or authorized person, or provide
18 for the cleansing or repair of property, and if the
19 cleansing or repair is to be at the expense of the
20 owner, the procedure therefor shall follow as nearly
21 as may be the provisions of section 322-2, which shall



1 be applicable; and further, authorize without the
2 permission of the owners or occupants, entry on
3 private premises for any of these purposes;

4 (2) Relieve hardships and inequities, or obstructions to
5 the public health, safety, or welfare, found by the
6 governor to exist in the laws and to result from the
7 operation of federal programs or measures taken under
8 this chapter, by suspending the laws, in whole or in
9 part, or by alleviating the provisions of laws on
10 terms and conditions as the governor may impose,
11 including licensing laws, quarantine laws, and laws
12 relating to labels, grades, and standards;

13 (3) [~~Suspend~~] Except as provided in section 127A- ,
14 suspend any law that impedes or tends to impede or be
15 detrimental to the expeditious and efficient execution
16 of, or to conflict with, emergency functions,
17 including laws that by this chapter specifically are
18 made applicable to emergency personnel;

19 (4) Suspend the provisions of any regulatory law
20 prescribing the procedures for out-of-state utilities
21 to conduct business in the State including any



1 licensing laws applicable to out-of-state utilities or
2 their respective employees, as well as any order,
3 rule, or regulation of any state agency, if strict
4 compliance with the provisions of any law, order,
5 rule, or regulation would in any way prevent, hinder,
6 or delay necessary action of a state utility in coping
7 with the emergency or disaster with assistance that
8 may be provided under a mutual assistance agreement;

9 (5) In the event of disaster or emergency beyond local
10 control, or an event that in the opinion of the
11 governor, renders state operational control necessary,
12 or upon request of the local entity, assume direct
13 operational control over all or any part of the
14 emergency management functions within the affected
15 area;

16 (6) Shut off water mains, gas mains, or electric power
17 connections, or suspend other services;

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

20 (8) Exercise additional emergency functions to the extent
21 necessary to prevent hoarding, waste, or destruction



1 of materials, supplies, commodities, accommodations,
2 facilities, and services, to effectuate equitable
3 distribution thereof, or to establish priorities
4 therein as the public welfare may require; to
5 investigate; and notwithstanding any other law to the
6 contrary, to regulate or prohibit, by means of
7 licensing, rationing, or otherwise, the storage,
8 transportation, use, possession, maintenance,
9 furnishing, sale, or distribution thereof, and any
10 business or any transaction related thereto;

11 (9) Suspend section 8-1, relating to state holidays,
12 except the last paragraph relating to holidays
13 declared by the president, which shall remain
14 unaffected, and in the event of the suspension, the
15 governor may establish state holidays by proclamation;

16 (10) Adjust the hours for voting to take into consideration
17 the working hours of the voters during the emergency
18 period, and suspend those provisions of section 11-131
19 that fix the hours for voting, and fix other hours by
20 stating the same in the election proclamation or
21 notice, as the case may be;



- 1 (11) Assure the continuity of service by critical
2 infrastructure facilities, both publicly and privately
3 owned, by regulating or, if necessary to the
4 continuation of the service thereof, by taking over
5 and operating the same; and

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



1 implements, or substances unlawfully possessed, as
2 provided in this chapter.

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

7 (1) Relieve hardships and inequities, or obstructions to
8 the public health, safety, or welfare, found by the
9 mayor to exist in the laws of the county and to result
10 from the operation of federal programs or measures
11 taken under this chapter, by suspending the county
12 laws, in whole or in part, or by alleviating the
13 provisions of county laws on terms and conditions as
14 the mayor may impose, including county licensing laws,
15 and county laws relating to labels, grades, and
16 standards;

17 (2) ~~[Suspend]~~ Except as provided in section 127A-
18 suspend any county law that impedes or tends to impede
19 or be detrimental to the expeditious and efficient
20 execution of, or to conflict with, emergency
21 functions, including laws that by this chapter



1 specifically are made applicable to emergency
2 personnel;
3 (3) Shut off water mains, gas mains, or electric power
4 connections, or suspend other services;
5 (4) Direct and control the mandatory evacuation of the
6 civilian population; and
7 (5) 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 any other county law to the contrary
14 notwithstanding, 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 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "D. Kin", is written over a horizontal line. The signature is stylized and cursive.



S.B. NO. 846

Report Title:

Emergency Management; State of Emergency; Public Records; Vital Statistics

Description:

Prohibits the Governor or a Mayor from suspending requests for public records or vital statistics during a declared state of emergency. Allows for a reasonable delay in an agency's response to a request as a result of extenuating circumstances.

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

