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# 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 emergence of  
2        COVID-19 and its variants created a great challenge to global  
3        health, the economy, and our way of life. The governor and  
4        county mayors had to exercise their emergency powers under  
5        chapter 127A, Hawaii Revised Statutes, to impose rules aimed to  
6        control the spread of COVID-19. The enforcement of those rules  
7        was critical to efforts to limit the spread of COVID-19, protect  
8        the health and safety of the community, manage medical  
9        resources, and promote economic recovery. The COVID-19 pandemic  
10      highlights the importance of clear legal frameworks for state  
11      and county emergency management to ensure that the State and  
12      counties are ready for any type of emergency.

13       The legislature finds that chapter 127A, Hawaii Revised  
14      Statutes, should clearly specify and articulate the bases for  
15      emergency actions. To that end, the purpose of this Act is to  
16      clarify state and county emergency management authority, ensure  
17      effective and adaptable emergency responses, and further the



1 goals of transparency and democratic accountability within the  
2 State's constitutional system.

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

6 **"§127A-** **Suspension of certain record requests;**  
7 **prohibited.** (a) The governor or mayor shall not, through any  
8 proclamation or declaration of emergency or any rule or order  
9 adopted pursuant to this chapter, suspend agency response  
10 deadlines for requests for:

11 (1) Public records pursuant to part II of chapter 92F; or  
12 (2) Vital records or statistics pursuant to sections  
13 338-18.

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

18 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is  
19 amended by adding a new definition to be appropriately inserted  
20 and to read as follows:



1       ~~"Severe weather warning" means the issuance of a public~~  
2       ~~notification by the National Weather Service, Pacific Tsunami~~  
3       ~~Warning Center, United States Geological Survey, or other public~~  
4       ~~authority, that a dangerous condition exists that could impact~~  
5       ~~the State, or any portion of it, within a specified period of~~  
6       ~~time. "Severe weather warning" includes but is not limited to~~  
7       ~~warnings of coastal inundation, high surf, flash flooding,~~  
8       ~~volcanic activity, a tsunami, or a hurricane."~~

9           SECTION 4. Section 127A-13, Hawaii Revised Statutes, is  
10       amended to read as follows:

11       **§127A-13 Additional powers in an emergency period.** (a)  
12       In the event of a state of emergency declared by the governor  
13       pursuant to section 127A-14, the governor may exercise the  
14       following additional powers pertaining to emergency management  
15       during the emergency period:

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



1           in the governor's opinion, the existing laws are not  
2           adequate to assure the public health and safety;  
3           provide for the care and treatment of the persons;  
4           supplement the provisions of sections 325-32 to 325-38  
5           concerning compulsory immunization programs; provide  
6           for the isolation or closing of property that is a  
7           source of contamination or is in a dangerous condition  
8           in any case where, in the governor's opinion, the  
9           existing laws are not adequate to assure the public  
10           health and safety, and designate as public nuisances  
11           acts, practices, conduct, or conditions that are  
12           dangerous to the public health or safety or to  
13           property; authorize that public nuisances be summarily  
14           abated and, if need be, that the property be destroyed  
15           by any police officer or authorized person, or provide  
16           for the cleansing or repair of property, and if the  
17           cleansing or repair is to be at the expense of the  
18           owner, the procedure therefor shall follow as nearly  
19           as may be the provisions of section 322-2, which shall  
20           be applicable; and further, authorize without the



1 permission of the owners or occupants, entry on  
2 private premises for any of these purposes;

3 (2) Relieve hardships and inequities, or obstructions to  
4 the public health, safety, or welfare, found by the  
5 governor to exist in the laws and to result from the  
6 operation of federal programs or measures taken under  
7 this chapter, by suspending the laws, in whole or in  
8 part, or by alleviating ~~[the provisions of laws on]~~,  
9 subject to terms and conditions [as] that the governor  
10 may may [impose,] specify, the provisions of laws,  
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; provided that  
19 any suspension of law shall be no broader and last no  
20 longer than the governor deems necessary for the  
21 execution of emergency management functions, and any



1                   suspension of law shall identify the section of law  
2                   suspended and, for each section, shall both specify  
3                   the emergency management functions facilitated and  
4                   justify the suspension based on protecting the public  
5                   health, safety, and welfare; provided further that any  
6                   suspension of law that requires permits,  
7                   authorizations, or approvals from any state or county  
8                   agency may continue beyond the emergency period to  
9                   allow for the completion of any repairs,  
10                   reconstruction, rebuilding, or construction of any  
11                   state or county infrastructure, facilities, or  
12                   properties that would otherwise be delayed by any  
13                   permit, authorization, or approval;

14                   (4) Suspend the provisions of any regulatory law  
15                   prescribing the procedures for out-of-state utilities  
16                   to conduct business in the State including any  
17                   licensing laws applicable to out-of-state utilities or  
18                   their respective employees, as well as any order,  
19                   rule, or regulation of any state agency, if strict  
20                   compliance with the provisions of any law, order,  
21                   rule, or regulation would in any way prevent, hinder,



1                   or delay necessary action of a state utility in coping

2                   with the emergency or disaster with assistance that

3                   may be provided under a mutual assistance agreement;

4                   (5) In the event of disaster or emergency beyond local

5                   control, [or] an event that in the opinion of the

6                   governor[~~, renders~~] makes state operational control or

7                   coordination necessary, or upon request of the [local

8                   entity,] county, and notwithstanding sections 127A-14

9                   and 127A-25, requires the county to obtain the

10                   governor's approval, or the approval of the director

11                   of the Hawaii emergency management agency, before

12                   issuing any emergency order, rule, or proclamation

13                   under this chapter, assume direct operational control

14                   over all or any part of the emergency management

15                   functions within the affected 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.



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

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

(1) Relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the mayor to exist in the laws of the county and to result from the operation of federal programs or measures taken under this chapter, by suspending the county laws, in whole or in part, or by alleviating [the provisions of county laws on], subject to terms and conditions [as] that the mayor may [impose,] specify, the provisions of county laws, including county licensing laws[~~r~~] and county laws relating to labels, grades, and standards;

(2) [Suspend] Except as provided in section 127A- ,  
suspend any county law that impedes or tends to impede  
or be detrimental to the expeditious and efficient  
execution of, or to conflict with, emergency



1                   functions, including laws that by this chapter  
2                   specifically are made applicable to emergency  
3                   personnel; provided that any suspension of law shall  
4                   be no broader and last no longer than the mayor deems  
5                   necessary for the execution of emergency management  
6                   functions, and any suspension of law shall identify  
7                   the section of law suspended and, for each section,  
8                   shall both specify the emergency management functions  
9                   facilitated and justify the suspension based on  
10                   protecting the public health, safety, and welfare;  
11                   provided further that any suspension of law that  
12                   requires permits, authorizations, or approvals from  
13                   any state or county agency may continue beyond the  
14                   emergency period to allow for the completion of any  
15                   repairs, reconstruction, rebuilding, or construction  
16                   of any state or county infrastructure, facilities, or  
17                   properties that would otherwise be delayed by any  
18                   permit, authorization, or approval;  
19                   (3) Shut off water mains, gas mains, or electric power  
20                   connections, or suspend other services;



- (4) Direct and control the mandatory evacuation of the civilian population; and
- (5) Exercise additional emergency functions, to the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require; to investigate; and any other county law to the contrary notwithstanding, to regulate or prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto."

SECTION 5. Section 127A-14, Hawaii Revised Statutes, is

**16** amended to read as follows:

17        **"§127A-14    State of emergency.**    (a)    The governor may  
18    declare the existence of a state of emergency in the State by  
19    proclamation if the governor finds that an emergency or a  
20    disaster has occurred or that there is imminent danger or threat  
21    of an emergency or a disaster in any portion of the State.



6 (c) [The] Except as provided in subsections (e) and (f),  
7 the governor or mayor shall be the sole judge of the existence  
8 of the danger, threat, or circumstances giving rise to a  
9 declaration, an extension, or a termination of a state of  
10 emergency in the State or a local state of emergency in the  
11 county, as applicable. This section shall not limit the power  
12 and authority of the governor under section 127A-13(a)(5).



1        (e) The legislature may, by an affirmative vote of two-  
2        thirds of the members to which each house is entitled, terminate  
3        a state of emergency, in part or in whole, declared by the  
4        governor pursuant to this section.

5        (f) The county council may, by an affirmative vote of two-  
6        thirds, terminate a local state of emergency, in part or in  
7        whole, declared by the mayor pursuant to this section."

8        SECTION 6. Statutory material to be repealed is bracketed  
9        and stricken. New statutory material is underscored.

10       SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Allen A. Weelch

JAN 26 2026



# H.B. NO. 2236

**Report Title:**

Emergency Management; State of Emergency; Local State of Emergency

**Description:**

Clarifies State and local authority during a state or local state of emergency. Adds definition of "severe weather warning". Allows the Legislature to terminate a state of emergency and city councils to terminate a local state of emergency.

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

