
A BILL FOR AN ACT

RELATING TO FEDERAL MILITARY INSTALLATIONS.

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

1 SECTION 1. The legislature finds that, in the event of a
2 natural disaster in Hawaii, federal military facilities located
3 throughout the State may serve as critical lifelines to protect
4 the public's health, safety, and welfare. These facilities
5 frequently provide essential support to disaster response and
6 recovery efforts, including logistics, transportation,
7 communications, and emergency shelter.

8 The legislature further finds that maintaining federal
9 military facilities in fully functional operating condition
10 provides significant benefits not only to the federal
11 government, but also to the people of the State of Hawaii.

12 Ensuring that these facilities remain reliable and capable of
13 supporting disaster response efforts directly promotes public
14 safety and contributes to the resilience of the State during
15 times of emergency.

16 However, the legislature finds that certain federal
17 military facilities in the State are currently in need of timely
18 improvement work that the federal government, for a variety of

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1 reasons, is currently unable to obtain or otherwise provide in a
2 timely manner and that the State may be able to assist with in a
3 specific and limited role. The legislature finds that, in
4 accordance with and subject to the terms and conditions set
5 forth in this Act, it is in the public's interest for the State,
6 through its department of transportation, to assist the federal
7 government with procuring construction services at federal
8 military installations.

9 The legislature finds and declares the following:

10 (1) The State, due to its geographic isolation, is
11 uniquely vulnerable to natural disasters, including
12 hurricanes and tsunamis;

13 (2) In the event of a major disaster, the State relies on
14 a network of public, including both state and federal,
15 and private resources for emergency response and
16 recovery efforts;

17 (3) Federal military installations located throughout the
18 State, such as airfields, harbors, and highways, are
19 an integral part of this network and possess resources
20 critical to disaster response, including logistics,
21 transportation, communication, and emergency shelter;

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1 (4) The operational readiness and sound physical condition
2 of these federal military installations are essential
3 for the timely and effective response to protect the
4 public's health, safety, and welfare;

5 (5) Cooperation between the State and federal government
6 to ensure the construction, maintenance, repair, and
7 functioning of this federal infrastructure is
8 therefore in the public interest of the State of
9 Hawaii;

10 (6) The State possesses personnel and resources that can
11 be efficiently utilized for construction, maintenance,
12 and repair services on federal military facilities;

13 (7) Providing these services utilizing funds provided to
14 the State by the federal government ensures that the
15 State's actions are undertaken for a public purpose,
16 and that the financial burden does not fall on
17 Hawaii's taxpayers; and

18 (8) This authorization for the State to provide these
19 services with the federal government funding such
20 services in advance serves a public purpose, enhancing
21 the State's capacity to respond effectively to
22 emergencies while strengthening the partnership

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1 between the State and the federal government in
2 safeguarding the welfare of Hawaii's people.

3 The purpose of this Act is to establish authority for the
4 department of transportation to enter into agreements with the
5 United States Department of Defense to allow the department of
6 transportation to assist with the provision of any department
7 services, including construction, maintenance, improvement,
8 relocation, or extension service, for federal military
9 installations.

10 SECTION 2. Chapter 261, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§261- Limited agreements for services on federal
14 military installations. (a) Subject to this section, the
15 department may enter into an agreement with the United States
16 Department of Defense to allow the department to assist with the
17 provision of any department service, including road maintenance,
18 improvement, relocation, or extension service, for military
19 installations.

20 (b) State funds may not be used to provide such services
21 under an agreement entered into under this section, which means

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1 that federal funds shall be the direct source of funds for
2 payment for any contract procured for such services.

3 (c) Notwithstanding subsection (a), the department may not
4 enter into an agreement under this section if payment for the
5 services provided under the agreement would be made from funds
6 provided to the State for public roads under title 23 United
7 States Code.

8 (d) The department may charge the United States Department
9 of Defense a fee for the administrative services of the
10 department relating to an agreement under this section, which
11 fee shall be determined based upon the time spent by department
12 staff procuring the subject work."

13 SECTION 3. Chapter 264, Hawaii Revised Statutes, is
14 amended by adding to part I a new section to be appropriately
15 designated and to read as follows:

16 "§264- Limited agreements for services on federal
17 military installations. (a) Subject to this section, the
18 department of transportation may enter into an agreement with
19 the United States Department of Defense to allow the department
20 of transportation to assist with the provision of any department
21 service, including road maintenance, improvement, relocation, or
22 extension service, for military installations.

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1 (b) State funds may not be used to provide such services
2 under an agreement entered into under this section, which means
3 that federal funds shall be the direct source of funds for
4 payment for any contract procured for such services.

5 (c) Notwithstanding subsection (a), the department of
6 transportation may not enter into an agreement under this
7 section if payment for the services provided under the agreement
8 would be made from funds provided to the State for public roads
9 under title 23 United States Code.

10 (d) The department of transportation may charge the United
11 States Department of Defense a fee for the administrative
12 services of the department of transportation relating to an
13 agreement under this section, which fee shall be determined
14 based upon the time spent by department of transportation staff
15 procuring the subject work."

16 SECTION 4. Chapter 266, Hawaii Revised Statutes, is
17 amended by adding to part I a new section to be appropriately
18 designated and to read as follows:

19 "§266- Limited agreements for services on federal
20 military installations. (a) Subject to this section, the
21 department of transportation may enter into an agreement with
22 the United States Department of Defense to allow the department

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1 of transportation to assist with the provision of any department
2 service, including road maintenance, improvement, relocation, or
3 extension service, for military installations.

4 (b) State funds may not be used to provide such services
5 under an agreement entered into under this section, which means
6 that federal funds shall be the direct source of funds for
7 payment for any contract procured for such services.

8 (c) Notwithstanding subsection (a), the department of
9 transportation may not enter into an agreement under this
10 section if payment for the services provided under the agreement
11 would be made from funds provided to the State for public roads
12 under title 23 United States Code.

13 (d) The department of transportation may charge the United
14 States Department of Defense a fee for the administrative
15 services of the department of transportation relating to an
16 agreement under this section, which fee shall be determined
17 based upon the time spent by department of transportation staff
18 procuring the subject work."

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.

21 INTRODUCED BY: W.W.D. W.
22 BY REQUEST

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Report Title:

DOT; Federal Military Facilities; Department Services;
Agreements

Description:

Authorizes the Department of Transportation to enter into agreements with the United States Department of Defense for the provision of services at federal military installations, provided that only federal funds are used and title 23 United States Code federal highway funds are excluded. Authorizes charging an administrative fee.

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

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO FEDERAL MILITARY INSTALLATIONS.

PURPOSE: To authorize the Department to enter into agreements with the United States (U.S.) Department of Defense to provide Department services, including road and related services, at federal military installations, with the stipulation that such services are funded entirely with federal funds and not with state or title 23 United States Code federal highway funds.

MEANS: Add a new section to each of chapter 261, part I of 264 and part I of 266, Hawaii Revised Statutes.

JUSTIFICATION: Federal military facilities in Hawaii may serve as critical lifelines to protect the public's health, safety, and welfare in the event of a natural disaster in the State. These facilities frequently provide essential support to disaster response and recovery efforts as part of a network of public and private resources for emergency response and recovery efforts, including logistics, transportation, communication, and emergency shelter. However, certain military facilities are in need of timely infrastructure improvements that the federal government has been unable to complete in a timely manner. Allowing the Department to enter into agreements with the U.S. Department of Defense to provide Department services, including construction maintenance, improvements, relocation, or extension services will support the optimal functioning of military facilities, which directly benefits both the federal government and the State.

This bill ensures that only federal funds are used to pay for services and contracts

under such agreements, thereby reserving state resources. It also prohibits the use of title 23 United States Code federal highway funds, ensuring compliance with federal law. Additionally, the Department will be authorized to recover the Department's administrative costs by charging fees to the U.S. Department of Defense for time and resources expended in procuring the subject work.

Impact on the public: Improved infrastructure at federal military installations will enhance critical lifelines to protect the public's health, safety, and welfare in the event of a natural disaster in Hawaii.

Impact on the department and other agencies: The Department will have authority to procure services on behalf of the U.S. Department of Defense and will be reimbursed for administrative costs. Other state agencies are not expected to be significantly affected.

GENERAL FUND:

None.

OTHER FUNDS:

Federal funds provided directly by the U.S. Department of Defense.

PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.