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# 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



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

10 The legislature finds and declares the following:

- 11 (1) The State, due to its geographic isolation, is  
12 uniquely vulnerable to natural disasters, including  
13 hurricanes and tsunamis;
- 14 (2) In the event of a major disaster, the State relies on  
15 a network of public, including both state and federal,  
16 and private resources for emergency response and  
17 recovery efforts;
- 18 (3) Federal military installations located throughout the  
19 State, including airfields, harbors, and highways, are  
20 an integral part of this network and possess resources



- 1 critical to disaster response, including logistics,  
2 transportation, communication, and emergency shelter;
- 3 (4) The operational readiness and sound physical condition  
4 of these federal military installations are essential  
5 for the timely and effective response to protect the  
6 public's health, safety, and welfare;
- 7 (5) Cooperation between the State and federal government  
8 to ensure the construction, maintenance, repair, and  
9 functioning of this federal infrastructure is  
10 therefore in the public interest of the State;
- 11 (6) The State possesses personnel and resources that can  
12 be efficiently utilized for construction, maintenance,  
13 and repair services on federal military facilities;
- 14 (7) Providing these services utilizing funds provided to  
15 the State by the federal government ensures that the  
16 State's actions are undertaken for a public purpose,  
17 and that the financial burden does not fall on the  
18 State's taxpayers; and
- 19 (8) This authorization for the State to provide these  
20 services with the federal government funding such  
21 services in advance serves a public purpose, enhancing



1 the State's capacity to respond effectively to  
2 emergencies while strengthening the partnership  
3 between the State and the federal government in  
4 safeguarding the welfare of the State's people.

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

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

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



1        (b) State funds shall not be used to provide the services  
2 under an agreement entered into under this section. Federal  
3 funds shall be the direct source of funds for payment for any  
4 contract procured for these services.

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

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

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

18       **"§264- Limited agreements for services on federal**  
19 **military installations.** (a) Subject to this section, the  
20 department of transportation may enter into an agreement with  
21 the United States Department of Defense to allow the department



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 shall not be used to provide the services  
5 under an agreement entered into under this section. Federal  
6 funds shall be the direct source of funds for payment for any  
7 contract procured for these 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 4. Chapter 266, Hawaii Revised Statutes, is  
20 amended by adding a new section to part I to be appropriately  
21 designated and to read as follows:



1           "§266- Limited agreements for services on federal  
2 military installations. (a) Subject to this section, the  
3 department of transportation may enter into an agreement with  
4 the United States Department of Defense to allow the department  
5 of transportation to assist with the provision of any department  
6 service, including road maintenance, improvement, relocation, or  
7 extension service, for military installations.

8           (b) State funds shall not be used to provide the services  
9 under an agreement entered into under this section. Federal  
10 funds shall be the direct source of funds for payment for any  
11 contract procured for these services.

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

17           (d) The department of transportation may charge the United  
18 States Department of Defense a fee for the administrative  
19 services of the department of transportation relating to an  
20 agreement under this section, which fee shall be determined



1 based upon the time spent by department of transportation staff  
2 procuring the subject work."

3 SECTION 5. New statutory material is underscored.

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



S.B. NO. 3156  
S.D. 1

**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. (SD1)

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