
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 Hawaii. Ensuring that
12 these facilities remain reliable and capable of supporting
13 disaster response efforts directly promotes public safety and
14 contributes to the resilience of the State during times of
15 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 it is in
5 the public's interest for the State, through its department of
6 transportation, to assist the federal government with procuring
7 construction services at federal military installations.

8 The legislature finds and declares the following:

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

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

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



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;

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

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

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



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 authorize the department of
4 transportation to enter into agreements with the United States
5 Department of Defense to allow the department of transportation
6 to assist with the provision of any department services,
7 including construction, maintenance, improvement, relocation, or
8 extension service, for federal military installations.

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

12 "§261- Limited agreements for services on federal
13 military installations. (a) Subject to this section, the
14 department may enter into an agreement with the United States
15 Department of Defense to allow the department to assist with the
16 provision of any department service, including road maintenance,
17 improvement, relocation, or extension service, for military
18 installations.

19 (b) State funds shall not be used to provide such services
20 under an agreement entered into under this section; provided



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 shall
4 not enter into an agreement under this section if payment for
5 the services provided under the agreement would be made from
6 funds provided to the State for public roads under title 23
7 United 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; provided
11 that the fee shall be determined based upon the time spent by
12 department staff procuring the subject work."

13 SECTION 3. Chapter 264, Hawaii Revised Statutes, is
14 amended by adding a new section to part I 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



1 service, including road maintenance, improvement, relocation, or
2 extension service, for military installations.

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

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

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

18 SECTION 4. Chapter 266, Hawaii Revised Statutes, is
19 amended by adding a new section to part I to be appropriately
20 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 such services
9 under an agreement entered into under this section; provided
10 that federal funds shall be the direct source of funds for
11 payment for any contract procured for such services.

12 (c) Notwithstanding subsection (a), the department of
13 transportation shall 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; provided that the fee shall be



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

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect on July 1, 3000.



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, under certain conditions. Authorizes charging an administrative fee. Effective 7/1/3000. (HD1)

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