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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 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)

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

