

ACT 99

H.B. NO. 2120

A Bill for an Act Relating to Emergency Management.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 127A-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from natural or ~~[man-made]~~ human-caused hazards, and in order to ensure that the preparations of this State will be adequate to deal with such disasters or emergencies; to ensure the administration of state and federal programs providing disaster relief to individuals; and generally to protect the public health, safety, and welfare, and to preserve the lives ~~[and]~~, property ~~[of the people]~~, and environment of the State, it is hereby found and declared to be necessary:

- (1) To provide for emergency management by the State, and to authorize the creation of local organizations for emergency management in the counties of the State;
- (2) To confer upon the governor and upon the mayors of the counties of the State the emergency powers necessary to prepare for and respond to emergencies or disasters;
- (3) To provide for the rendering of mutual aid among the counties of the State and with other states and in cooperation with the federal government with respect to the carrying out of emergency management functions;
- (4) To permit out-of-state utilities to provide services in the State pursuant to a mutual assistance agreement with a state utility to repair, renovate, or install electrical or natural gas facilities that have been damaged, impaired, or destroyed due to or in connection with such disasters or emergencies; and
- (5) To provide programs, in cooperation with other governmental agencies, the private sector, and nonprofit organizations, to educate and train the public to be prepared for emergencies and disasters.”

SECTION 2. Section 127A-2, Hawaii Revised Statutes is amended as follows:

1. By amending the definition of “disaster” to read:

““Disaster” means any emergency, or imminent threat thereof, which results or may likely result in loss of life ~~[or]~~, property, or environment and requires, or may require, assistance from other counties ~~[or]~~, states ~~[or from]~~, the federal government~~[,]~~, or from private agencies.”

2. By amending the definition of “emergency” to read:

““Emergency” means any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property~~[-]~~ or substantial damage to or loss of the environment.”

3. By amending the definition of “hazard” to read:

““Hazard” means an event or condition of the physical environment that results or may likely result in damage to property ~~[or]~~, injuries or death to individuals ~~[and which]~~, or damage to the environment that may result in an emergency or disaster.”

4. By amending the definition of “local state of emergency” to read:

““Local state of emergency” means the occurrence in any part of a county that requires efforts by the county government to save lives, and to protect property, environment, public health, welfare, or safety in the event of an emergency or disaster, or to reduce the threat of an emergency or disaster.”

5. By amending the definition of “state of emergency” to read:

““State of emergency” means an occurrence in any part of the State that requires efforts by state government to save lives and protect property, environment, public health, welfare, or safety in the event of an emergency or disaster, or to reduce the threat of an emergency or disaster, or to supplement the local efforts of the county.”

SECTION 3. Section 127A-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The agency shall perform emergency management functions within the territorial limits of the State. In performing its duties, the agency shall:

- (1) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans of the federal government. The plan shall be integrated by a continuous, integrated comprehensive emergency management program. The plan shall contain provisions to ensure that the State is prepared for emergencies and minor, major, and catastrophic disasters. In preparing and maintaining the plan, the agency shall work closely with agencies and organizations with emergency management responsibilities;
- (2) Assign lead and support responsibilities to state agencies and personnel for emergency management functions, and other support activities;
- (3) Adopt standards and requirements for county emergency management plans. The standards and requirements shall ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan;
- (4) Make recommendations to the legislature, building code organizations, and counties for zoning, building, and other land use controls; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (5) Anticipate trends and promote innovations that will enhance the emergency management system;
- (6) Institute statewide public awareness programs. This shall include intensive public educational campaigns on emergency preparedness issues, including but not limited to the personal responsibility of individual citizens to be self-sufficient for up to fourteen days following a natural or human-caused disaster;

- (7) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;
- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters.”

SECTION 4. Section 127A-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The governor may exercise the following powers pertaining to emergency management:

- (1) Support requests from a mayor for assistance in preparing for, mitigating against, responding to, and recovering from any emergency or disaster or threat thereof;
- (2) Lease, lend, or otherwise furnish, on such terms and conditions as the governor may consider necessary to promote the public welfare and protect the interest of the State, any real or personal property of the state government, to the President of the United States, the armed forces, or to the emergency management agency of the United States;
- (3) Enter into, participate in, or carry out mutual aid agreements or compacts for emergency management or emergency management functions with the federal government and with other states;
- (4) Sponsor and develop mutual aid plans and agreements for emergency management between the State, one or more counties, and other governmental, private-sector, and nonprofit organizations, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering services; emergency housing; police services; health, medical, and related services; firefighting, rescue, transportation, and construction services and facilities; personnel necessary to provide or conduct these services; and such other materials, facilities, personnel, and services as may be needed. The mutual aid plans and agreements may be made with or without provisions for reimbursement of costs and expenses, and on such terms and conditions as are deemed necessary;
- (5) Take possession of, use, manage, control, and reallocate any public property of the State, real or personal, required by the governor for the purposes of this chapter, including airports, parks, playgrounds,

and schools, and other public buildings. Whenever the property is so taken, the governor may make such provision for the temporary accommodation of the government service affected thereby as the governor may deem advisable;

- (6) Utilize all services, materials, and facilities of nongovernmental agencies, relief organizations, community associations, and other private-sector and nonprofit organizations that may be made available;
- (7) Receive, expend, or use contributions or grants, which shall be deemed to be trust funds, in money, property, or services, or loans of property, or special contributions or grants in money, property, or services, or loans of property, for special purposes provided for by this chapter; establish funds in the state treasury for the deposit and expenditure of the moneys; procure federal aid as the same may be available; and apply the provisions of chapter 29 in cases of federal aid, even though not in the form of money. The contributions or grants are appropriated for the purposes of this chapter, or for the special purposes;
- (8) Purchase, make, produce, construct, rent, lease, or procure by condemnation or otherwise, transport, store, install, maintain, and insure, repair, renovate, restore, replace or reconstruct, and distribute, furnish or otherwise dispose of, with or without charges, materials and facilities for emergency management; and to procure federal aid therefor whenever feasible. Chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4 shall not apply to any emergency management functions of the governor to the extent that the governor finds that the provisions, in whole or in part, impede or tend to impede the expeditious discharge of those functions, or that compliance therewith is impracticable due to existing conditions;
- (9) Provide for the appointment, employment, training, equipping, and maintaining with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, of such agencies, officers, and other persons as the governor deems necessary to carry out the purposes of this chapter; to determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to provisions of this chapter, to provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State;
- (10) Make charges in such cases and in amounts as the governor deems advisable, for any property sold, work performed, services rendered, or accommodations or facilities furnished by the State under this chapter;
- (11) Make or authorize contracts as may be necessary to carry out this chapter;
- (12) Establish special accounting forms and practices whenever necessary;
- (13) Require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the governor, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting and safeguarding may include

- the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as the governor may prescribe;
- (14) Restrict the congregation of the public in stricken or dangerous areas or under dangerous conditions;
  - (15) Direct and control the non-compulsory evacuation of the civilian population;
  - (16) Order and direct government agencies, officials, officers, and employees of the State, to take action and employ measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers. All agencies and officers shall cooperate with and extend their services, materials, and facilities to the governor as the governor may request;
  - (17) Provide for the repair and maintenance of public property, whenever adequate provision therefor is not otherwise made; insure the property against any emergency or disaster; provide for the restoration, renovation, replacement, or reconstruction of insured property in the event of damage or loss; and make temporary restoration of public utilities and other critical infrastructure facilities in the event of an emergency or disaster;
  - (18) Fix or revise the hours of government business; and
  - (19) Take any and all steps necessary or appropriate to carry out the purposes of this chapter notwithstanding that those powers in section 127A-13(a) may only be exercised during an emergency period.”

SECTION 5. Section 127A-16, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Any unspent funding under \$2,500,000 shall be rolled over to the next fiscal year to support current and future emergencies and disasters.”

SECTION 6. Section 127A-19, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) The ~~[governor]~~ agency may establish guidelines for providing suitable arrangements and accommodations for the sheltering of the public and the sheltering of pet animals in public shelters under this chapter.

(b) County emergency management agencies shall ~~[identify, in coordination]~~ be responsible for identifying and operating locations and facilities suitable for sheltering:

- (1) The public; and
- (2) Pet animals,

and coordinating sheltering efforts with private and nonprofit organizations engaged in emergency management functions relating to providing shelter or the management or operation of a public shelter under this chapter~~[- locations and facilities suitable for the sheltering of the public and locations and facilities suitable for the sheltering of pet animals].~~

(c) The administrator or director of the county emergency management agency ~~[may identify, in]~~ shall be responsible for the identification, coordination [with], and cooperation of private owners, operators, or controllers of real property, private locations ~~[and]~~ or facilities that are suitable for use as shelters of the public or of pet animals[-] into emergency sheltering operations.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 17, 2022.)