

JAN 20 2017

A BILL FOR AN ACT

RELATING TO MEDIA ACCESS.

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

1 SECTION 1. Section 127A-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+] §127A-12~~ ~~[+]~~ Emergency management powers, in general.

4 (a) The governor or mayor, as applicable, may exercise the
5 following powers pertaining to emergency management:

6 (1) Prepare comprehensive plans and programs for the
7 protection of the State or county against all hazards,
8 which shall be integrated into and coordinated with
9 the emergency management plans of the State, counties,
10 the federal government, other states, and private-
11 sector and nonprofit organizations;

12 (2) Identify emergency workers required to report for duty
13 as directed by the department head regardless of the
14 availability of any type of leave;

15 (3) Institute training, preparedness, and public-
16 information programs in coordination with the State,



1 counties, the federal government, other states, and
2 private-sector and nonprofit organizations;

3 (4) Provide or authorize suitable insignia of authority
4 for all authorized emergency management personnel; and

5 (5) Direct or control as may be necessary for emergency
6 management:

7 (A) Alerts, warnings, notifications, activations,
8 exercises, drills, and tests;

9 (B) Warnings and signals for alerts or exercises, and
10 any type of warning device, system, or method to
11 be used in connection therewith;

12 (C) Partial or full mobilization of personnel for
13 exercises or training, in advance of, or in
14 response to, an actual emergency or disaster; and

15 (D) The conduct of civilians and the movement and
16 cessation of movement of pedestrians and
17 vehicular traffic during, before, and after
18 alerts, exercises, training, emergencies, or
19 disasters.

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



- 1 (1) Support requests from a mayor for assistance in
2 preparing for, responding to, and recovering from any
3 emergency or disaster or threat thereof;
- 4 (2) Lease, lend, or otherwise furnish, on such terms and
5 conditions as the governor may consider necessary to
6 promote the public welfare and protect the interest of
7 the State, any real or personal property of the state
8 government, to the President of the United States, the
9 armed forces, or to the emergency management agency of
10 the United States;
- 11 (3) Enter into, participate in, or carry out mutual aid
12 agreements or compacts for emergency management or
13 emergency management functions with the federal
14 government and with other states;
- 15 (4) Sponsor and develop mutual aid plans and agreements
16 for emergency management between the State, one or
17 more counties, and other governmental, private-sector,
18 and nonprofit organizations, for the furnishing or
19 exchange of food, clothing, medicine, and other
20 materials; engineering services; emergency housing;
21 police services; health, medical, and related



1 services; firefighting, rescue, transportation, and
2 construction services and facilities; personnel
3 necessary to provide or conduct these services; and
4 such other materials, facilities, personnel, and
5 services as may be needed. The mutual aid plans and
6 agreements may be made with or without provisions for
7 reimbursement of costs and expenses, and on such terms
8 and conditions as are deemed necessary;

9 (5) Take possession of, use, manage, control, and
10 reallocate any public property of the State, real or
11 personal, required by the governor for the purposes of
12 this chapter, including airports, parks, playgrounds,
13 and schools, and other public buildings. Whenever the
14 property is so taken, the governor may make such
15 provision for the temporary accommodation of the
16 government service affected thereby as the governor
17 may deem advisable;

18 (6) Utilize all services, materials, and facilities of
19 nongovernmental agencies, relief organizations,
20 community associations, and other private-sector and
21 nonprofit organizations that may be made available;



- 1 (7) Receive, expend, or use contributions or grants, which
2 shall be deemed to be trust funds, in money, property,
3 or services, or loans of property, or special
4 contributions or grants in money, property, or
5 services, or loans of property, for special purposes
6 provided for by this chapter; establish funds in the
7 state treasury for the deposit and expenditure of the
8 moneys; procure federal aid as the same may be
9 available; and apply the provisions of chapter 29 in
10 cases of federal aid, even though not in the form of
11 money. The contributions or grants are appropriated
12 for the purposes of this chapter, or for the special
13 purposes;
- 14 (8) Purchase, make, produce, construct, rent, lease, or
15 procure by condemnation or otherwise, transport,
16 store, install, maintain, and insure, repair,
17 renovate, restore, replace or reconstruct, and
18 distribute, furnish or otherwise dispose of, with or
19 without charges, materials and facilities for
20 emergency management; and to procure federal aid
21 therefor whenever feasible. Chapter 103D and sections



1 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
2 shall not apply to any emergency management functions
3 of the governor to the extent that the governor finds
4 that the provisions, in whole or in part, impede or
5 tend to impede the expeditious discharge of those
6 functions, or that compliance therewith is
7 impracticable due to existing conditions;

- 8 (9) Provide for the appointment, employment, training,
9 equipping, and maintaining with compensation, or on a
10 volunteer basis without compensation and without
11 regard to chapters 76, 78, and 88, of such agencies,
12 officers, and other persons as the governor deems
13 necessary to carry out the purposes of this chapter;
14 to determine to what extent any law prohibiting the
15 holding of more than one office or employment applies
16 to the agencies, officers, and other persons; and
17 subject to provisions of this chapter, to provide for
18 the interchange of personnel, by detail, transfer, or
19 otherwise, between agencies or departments of the
20 State;



- 1 (10) Make charges in such cases and in [~~sueh~~] amounts as
2 the governor deems advisable, for any property sold,
3 work performed, services rendered, or accommodations
4 or facilities furnished by the State under this
5 chapter;
- 6 (11) Make or authorize [~~sueh~~] contracts as may be necessary
7 to carry out this chapter;
- 8 (12) Establish special accounting forms and practices
9 whenever necessary;
- 10 (13) Require each public utility, or any person owning,
11 controlling, or operating a critical infrastructure
12 facility as identified by the governor, to protect and
13 safeguard its or the person's property, or to provide
14 for the protection and safeguarding thereof; and
15 provide for the protection and safeguarding of all
16 critical infrastructure and key resources; provided
17 that without prejudice to the generality of the
18 foregoing two clauses, the protecting and safeguarding
19 may include the regulation or prohibition of public
20 entry thereon, or the permission of the entry upon



1 [~~such~~] terms and conditions as the governor may
2 prescribe;

3 (14) Restrict the congregation of the public in stricken or
4 dangerous areas or under dangerous conditions;

5 (15) Direct and control the non-compulsory evacuation of
6 the civilian population;

7 (16) Order and direct government agencies, officials,
8 officers, and employees of the State, to take [~~such~~]
9 action and employ [~~such~~] measures for law enforcement,
10 medical, health, firefighting, traffic control,
11 warnings and signals, engineering, rescue,
12 construction, emergency housing, other welfare,
13 hospitalization, transportation, water supply, public
14 information, training, and other emergency functions
15 as may be necessary, and utilize the services,
16 materials, and facilities of the agencies and
17 officers. All [~~such~~] agencies and officers shall
18 cooperate with and extend their services, materials,
19 and facilities to the governor as the governor may
20 request;



1 (17) Provide for the repair and maintenance of public
2 property, whenever adequate provision therefor is not
3 otherwise made; insure the property against any
4 emergency or disaster; provide for the restoration,
5 renovation, replacement, or reconstruction of insured
6 property in the event of damage or loss; and make
7 temporary restoration of public utilities and other
8 critical infrastructure facilities in the event of an
9 emergency or disaster;

10 (18) Fix or revise the hours of government business; and

11 (19) Take any and all steps necessary or appropriate to
12 carry out the purposes of this chapter notwithstanding
13 that those powers in section 127A-13(a) may only be
14 exercised during an emergency period.

15 (c) The mayor may exercise the following powers pertaining
16 to emergency management:

17 (1) Lease, lend, or otherwise furnish, on [~~such~~] terms and
18 conditions as the mayor may consider necessary to
19 promote the public welfare and protect the interest of
20 the county, any real or personal property of the
21 county government, to the governor of the State, to



1 the mayors of the other counties of the State, or to
2 the agency;

3 (2) Sponsor and develop mutual aid plans and agreements
4 for emergency management between one or more counties,
5 and other governmental, private-sector, or nonprofit
6 organizations, for the furnishing or exchange of food,
7 clothing, medicine, and other materials; engineering
8 services; emergency housing; police services; health,
9 medical, and related services; firefighting, rescue,
10 transportation, and construction services and
11 facilities; personnel necessary to provide or conduct
12 these services; and [~~such~~] other materials,
13 facilities, personnel, and services as may be needed.
14 The mutual aid plans and agreements may be made with
15 or without provisions for reimbursement of costs and
16 expenses, and on [~~such~~] terms and conditions as are
17 deemed necessary;

18 (3) Take possession of, use, manage, control, and
19 reallocate any public property of the county, real or
20 personal, required by the mayor for the purposes of
21 this chapter, including parks, playgrounds, and other



1 public buildings. Whenever the property is so taken,
2 the mayor may make such provision for the temporary
3 accommodation of the government service affected as
4 the mayor may deem advisable;

5 (4) Utilize all services, materials, and facilities of
6 nongovernmental agencies, relief organizations,
7 community associations, and other private-sector and
8 nonprofit organizations that may be made available;

9 (5) Receive, expend, or use contributions or grants, which
10 shall be deemed to be trust funds, in money, property,
11 or services, or loans of property, or special
12 contributions or grants in money, property, or
13 services, or loans of property, for special purposes
14 provided for by this chapter; establish funds in the
15 treasury for the deposit and expenditure of the
16 moneys; and procure federal aid as [~~the same~~] may be
17 available. The contributions or grants are
18 appropriated for the purposes of this chapter, or for
19 the special purposes;

20 (6) Purchase, make, produce, construct, rent, lease, or
21 procure by condemnation or otherwise, transport,



1 store, install, maintain, and insure, repair,
2 renovate, restore, replace or reconstruct, and
3 distribute, furnish or otherwise dispose of, with or
4 without charges, materials and facilities for
5 emergency management; and to procure federal aid
6 therefor whenever feasible. Chapter 103D and sections
7 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
8 shall not apply to any emergency management functions
9 of and to the extent that the mayor finds that the
10 provisions, in whole or in part, impede or tend to
11 impede the expeditious discharge of the functions, or
12 that compliance therewith is impracticable due to
13 existing conditions;

- 14 (7) Provide for the appointment, employment, training,
15 equipping, and maintaining, with compensation, or on a
16 volunteer basis without compensation and without
17 regard to chapters 76, 78, and 88, of such agencies,
18 officers, and other persons as the mayor deems
19 necessary to carry out this chapter; to determine to
20 what extent any law prohibiting the holding of more
21 than one office or position of employment applies to



- 1 the agencies, officers, and other persons; and subject
2 to provisions of this chapter, to provide for the
3 interchange of personnel, by detail, transfer, or
4 otherwise, between agencies or departments of the
5 county;
- 6 (8) Make charges in such cases and in [such] amounts as
7 the mayor deems advisable, for any property sold, work
8 performed, services rendered, or accommodations or
9 facilities furnished by the county under this chapter;
- 10 (9) Make or authorize such contracts as may be necessary
11 to carry out this chapter;
- 12 (10) Establish special accounting forms and practices
13 whenever necessary;
- 14 (11) Require each public utility, or any person owning,
15 controlling, or operating a critical infrastructure
16 facility as identified by the mayor, to protect and
17 safeguard ~~[its]~~ the public utility's or the person's
18 property, or to provide for such protection and
19 safeguarding; and provide for the protection and
20 safeguarding of all critical infrastructure and key
21 resources; provided that ~~[without prejudice to the~~



1 ~~generality of the foregoing two clauses,]~~ the
2 protection and safeguarding may include the regulation
3 or prohibition of public entry thereon, or the
4 permission of the entry upon [such] terms and
5 conditions as the mayor may prescribe;

6 (12) Restrict the congregation of the public in stricken or
7 dangerous areas or under dangerous conditions;

8 (13) Direct and control the non-compulsory evacuation of
9 the civilian population of the county;

10 (14) Order and direct government agencies, officials,
11 officers, and employees of the county, to take [such]
12 action and employ [such] measures for law enforcement,
13 medical, health, firefighting, traffic control,
14 warnings and signals, engineering, rescue,
15 construction, emergency housing, and other welfare,
16 hospitalization, transportation, water supply, public
17 information, training, and other emergency functions
18 as may be necessary, and utilize the services,
19 materials, and facilities of the agencies and
20 officers. All [such] agencies and officers shall



1 cooperate with and extend their services, materials,
2 and facilities to the mayor as the mayor may request;

3 (15) Provide for the repair and maintenance of public
4 property, whenever adequate provision therefor is not
5 otherwise made; insure the property against any
6 emergency or disaster; provide for the restoration,
7 renovation, replacement, or reconstruction of insured
8 property in the event of damage or loss; and make
9 temporary restoration of public utilities and other
10 critical infrastructure facilities in the event of an
11 emergency or disaster;

12 (16) Fix or revise the hours of county government business;
13 and

14 (17) Take any and all steps necessary or appropriate to
15 carry out the purposes of this chapter notwithstanding
16 that those powers in section 127A-13(b) may only be
17 exercised during an emergency period.

18 (d) Nothing in this section shall prevent a duly
19 authorized representative of any news service, newspaper, radio
20 station, television station, or online news distribution network
21 from entering an area closed pursuant to this section. News



1 media shall be given all reasonable access and assistance in
2 accessing the area closed pursuant to this section. When full
3 access cannot be reasonably granted, a pool writer, pool
4 photographer, and pool videographer shall be designated to
5 gather and disseminate information."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.
9

INTRODUCED BY:

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S.B. NO. 465

Report Title:

Emergency Management; News Media Access

Description:

Allows the news media to access areas that are closed pursuant to emergency management powers of the governor and mayor.

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