

JAN 24 2019

A BILL FOR AN ACT

RELATING TO DISASTER RELIEF.

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

1 SECTION 1. The legislature finds that the State is
2 vulnerable to catastrophic natural disasters such as Hurricane
3 Lane, a category four hurricane which could have devastated
4 communities in 2018 if it had taken a slightly different path.
5 Hawaii is also vulnerable to earthquakes, tsunamis, floods, and
6 other natural disasters of equal destructive capacity.

7 The legislature finds there is a need for all sectors of
8 Hawaii's communities to prepare for and perform relief
9 activities after a catastrophic natural disaster. Community
10 members are often the first on the scene of a natural disaster,
11 and incorporating multi-sector community groups into disaster
12 preparedness plans will increase the scope and efficacy of their
13 disaster relief activities.

14 The purpose of this Act is to improve the State's natural
15 disaster response by:

16 (1) Enabling the Hawaii emergency management agency to
17 coordinate with non-profit and business entities;



1 (2) Authorizing government employees to be compensated for
2 performing disaster relief activities within their
3 communities; and

4 (3) Permitting county emergency management agencies to
5 encourage the formation of multi-sector disaster
6 relief community networks and incorporate them into
7 emergency management plans.

8 SECTION 2. Section 127A-3, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) The director shall coordinate the activities of the
11 agency with all county emergency management agencies, other
12 state agencies, other states, or federal agencies involved in
13 emergency management activities, and all organizations for
14 emergency management within the State, whether public or
15 private, and shall maintain liaison and cooperate with all
16 county emergency management agencies, other state agencies,
17 other states, [~~or~~] federal agencies, private-sector entities,
18 nonprofit organizations, or any other organization determined by
19 the director to be useful for disaster preparedness or disaster
20 relief, involved in emergency management activities as provided
21 in this chapter."



1 SECTION 3. Section 127A-5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Each county emergency management agency shall perform
4 emergency management functions within the territorial limits of
5 the county within which it is organized, coordinate all
6 emergency management plans within the county, encourage the
7 formation of multi-sector disaster relief community networks and
8 registration of the networks with the county emergency
9 management agency, incorporate registered multi-sector disaster
10 relief community networks into emergency management plans, and
11 cooperate as closely as possible with the agency and emergency
12 management agencies in the other counties in all aspects of
13 emergency management."

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

16 "(b) The governor may exercise the following powers
17 pertaining to emergency management:

- 18 (1) Support requests from a mayor for assistance in
19 preparing for, responding to, and recovering from any
20 emergency or disaster or threat thereof;



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



1 such other materials, facilities, personnel, and
2 services as may be needed. The mutual aid plans and
3 agreements may be made with or without provisions for
4 reimbursement of costs and expenses, and on such terms
5 and conditions as are deemed necessary;

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

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

19 (7) Receive, expend, or use contributions or grants, which
20 shall be deemed to be trust funds, in money, property,
21 or services, or loans of property, or special



1 contributions or grants in money, property, or
2 services, or loans of property, for special purposes
3 provided for by this chapter; establish funds in the
4 state treasury for the deposit and expenditure of the
5 moneys; procure federal aid as the same may be
6 available; and apply the provisions of chapter 29 in
7 cases of federal aid, even though not in the form of
8 money. The contributions or grants are appropriated
9 for the purposes of this chapter, or for the special
10 purposes;

11 (8) Purchase, make, produce, construct, rent, lease, or
12 procure by condemnation or otherwise, transport,
13 store, install, maintain, and insure, repair,
14 renovate, restore, replace or reconstruct, and
15 distribute, furnish or otherwise dispose of, with or
16 without charges, materials and facilities for
17 emergency management; and to procure federal aid
18 therefor whenever feasible. Chapter 103D and sections
19 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
20 shall not apply to any emergency management functions
21 of the governor to the extent that the governor finds



1 that the provisions, in whole or in part, impede or
2 tend to impede the expeditious discharge of those
3 functions, or that compliance therewith is
4 impracticable due to existing conditions;

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

18 (10) Make charges in such cases and in amounts as the
19 governor deems advisable, for any property sold, work
20 performed, services rendered, or accommodations or
21 facilities furnished by the State under this chapter;



- 1 (11) Make or authorize contracts as may be necessary to
2 carry out this chapter;
- 3 (12) Establish special accounting forms and practices
4 whenever necessary;
- 5 (13) Require each public utility, or any person owning,
6 controlling, or operating a critical infrastructure
7 facility as identified by the governor, to protect and
8 safeguard its or the person's property, or to provide
9 for the protection and safeguarding thereof; and
10 provide for the protection and safeguarding of all
11 critical infrastructure and key resources; provided
12 that without prejudice to the generality of the
13 foregoing two clauses, the protecting and safeguarding
14 may include the regulation or prohibition of public
15 entry thereon, or the permission of the entry upon
16 terms and conditions as the governor may prescribe;
- 17 (14) Restrict the congregation of the public in stricken or
18 dangerous areas or under dangerous conditions;
- 19 (15) Direct and control the non-compulsory evacuation of
20 the civilian population;



- 1 (16) Order and direct government agencies, officials,
2 officers, and employees of the State, to take action
3 and employ measures for law enforcement, medical,
4 health, firefighting, traffic control, warnings and
5 signals, engineering, rescue, construction, emergency
6 housing, other welfare, hospitalization,
7 transportation, water supply, public information,
8 training, and other emergency functions as may be
9 necessary, and utilize the services, materials, and
10 facilities of the agencies and officers. All agencies
11 and officers shall cooperate with and extend their
12 services, materials, and facilities to the governor as
13 the governor may request;
- 14 (17) Provide for the repair and maintenance of public
15 property, whenever adequate provision therefor is not
16 otherwise made; insure the property against any
17 emergency or disaster; provide for the restoration,
18 renovation, replacement, or reconstruction of insured
19 property in the event of damage or loss; and make
20 temporary restoration of public utilities and other



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critical infrastructure facilities in the event of an emergency or disaster;

(18) Authorize state employees living in any portion of the State for which a disaster has been declared to perform, with compensation, recovery and relief activities in the community where they reside for a period of time to be determined by the governor;

~~(18)~~ (19) Fix or revise the hours of government business; and

~~(19)~~ (20) 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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY:

S.B. NO. 1420

Report Title:

Disaster Preparedness; Community Networks; County Emergency Management Agency; Hawaii Emergency Management Agency

Description:

Enables the Hawaii emergency management agency to coordinate with non-profit and business entities; enables the governor to authorize payment to state employees for performing disaster relief activities within their communities; and authorizes county emergency management agencies to encourage the formation and registration of multi-sector disaster relief community networks and incorporate registered networks into emergency management plans.

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

