
A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Restrictions on public congregation; limited
5 duration; extension. (a) In the event of a state of emergency
6 declared by the governor pursuant to section 127A-14, a
7 restriction on public congregation, pursuant to the authority
8 under section 127A-12(b)(14), may include imposition of a
9 restriction that requires restaurants, bars, and other retail
10 food establishments to limit service to those individuals who
11 provide proof of vaccination status or proof that the individual
12 has not tested positive for a specific contagious disease;
13 provided that this restriction shall remain in place for no more
14 than thirty days in a calendar year.

15 (b) In the event of a local state of emergency declared by
16 the mayor pursuant to section 127A-14, a restriction on public
17 congregation, pursuant to the authority granted under section



1 127A-12(c) (12), may include imposition of a restriction that
2 requires restaurants, bars, and other retail food establishments
3 to limit service to those individuals who provide proof of
4 vaccination status or proof that the individual has not tested
5 positive for a specific contagious disease; provided that this
6 restriction shall remain in place for no more than thirty days
7 in a calendar year.

8 (c) The legislature may, by an affirmative vote of
9 two-thirds of the members to which each house is entitled,
10 extend a restriction on public congregation imposed by the
11 governor or mayor pursuant to subsection (a) or (b).

12 (d) If the legislature is not in session when the thirty-
13 day time limit for a restriction on public congregation imposed
14 by the governor or mayor pursuant to subsection (a) or (b) has
15 expired, then at the written request of two-thirds of the
16 members to which each house of the legislature is entitled, the
17 presiding officers of both houses may convene the legislature in
18 special session to vote on the matter of extending the
19 restriction."

20 SECTION 2. Section 127A-12, Hawaii Revised Statutes, is
21 amended by amending subsections (b) and (c) 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, 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



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

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

20 (6) Utilize all services, materials, and facilities of
21 nongovernmental agencies, relief organizations,



1 community associations, and other private-sector and
2 nonprofit organizations that may be made available;

3 (7) Receive, expend, or use contributions or grants, which
4 shall be deemed to be trust funds, in money, property,
5 or services, or loans of property, or special
6 contributions or grants in money, property, or
7 services, or loans of property, for special purposes
8 provided for by this chapter; establish funds in the
9 state treasury for the deposit and expenditure of the
10 moneys; procure federal aid as the same may be
11 available; and apply the provisions of chapter 29 in
12 cases of federal aid, even though not in the form of
13 money. The contributions or grants are appropriated
14 for the purposes of this chapter, or for the special
15 purposes;

16 (8) Purchase, make, produce, construct, rent, lease, or
17 procure by condemnation or otherwise, transport,
18 store, install, maintain, and insure, repair,
19 renovate, restore, replace or reconstruct, and
20 distribute, furnish or otherwise dispose of, with or
21 without charges, materials and facilities for



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

10 (9) Provide for the appointment, employment, training,
11 equipping, and maintaining with compensation, or on a
12 volunteer basis without compensation and without
13 regard to chapters 76, 78, and 88, of such agencies,
14 officers, and other persons as the governor deems
15 necessary to carry out the purposes of this chapter;
16 to determine to what extent any law prohibiting the
17 holding of more than one office or employment applies
18 to the agencies, officers, and other persons; and
19 subject to provisions of this chapter, to provide for
20 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]~~ Except as otherwise provided in section
127A- , 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.

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

(1) Lease, lend, or otherwise furnish, on terms and conditions as the mayor may consider necessary to promote the public welfare and protect the interest of the county, any real or personal property of the 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 other materials, facilities,
13 personnel, and services as may be needed. The mutual
14 aid plans and agreements may be made with or without
15 provisions for reimbursement of costs and expenses,
16 and on terms and conditions as are deemed necessary;

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



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1 the mayor may make such provision for the temporary
2 accommodation of the government service affected as
3 the mayor may deem advisable;

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

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

16 The contributions or grants are appropriated for the
17 purposes of this chapter, or for the special purposes;

18 (6) Purchase, make, produce, construct, rent, lease, or
19 procure by condemnation or otherwise, transport,
20 store, install, maintain, and insure, repair,
21 renovate, restore, replace or reconstruct, and



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

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



1 interchange of personnel, by detail, transfer, or
2 otherwise, between agencies or departments of the
3 county;

4 (8) Make charges in such cases and in amounts as the mayor
5 deems advisable, for any property sold, work
6 performed, services rendered, or accommodations or
7 facilities furnished by the county under this chapter;

8 (9) Make or authorize such contracts as may be necessary
9 to carry out this chapter;

10 (10) Establish special accounting forms and practices
11 whenever necessary;

12 (11) Require each public utility, or any person owning,
13 controlling, or operating a critical infrastructure
14 facility as identified by the mayor, to protect and
15 safeguard the public utility's or the person's
16 property, or to provide for such protection and
17 safeguarding; and provide for the protection and
18 safeguarding of all critical infrastructure and key
19 resources; provided that the protection and
20 safeguarding may include the regulation or prohibition
21 of public entry thereon, or the permission of the



1 entry upon terms and conditions as the mayor may
2 prescribe;

3 (12) [~~Restrict~~] Except as otherwise provided in section
4 127A- , restrict the congregation of the public in
5 stricken or dangerous areas or under dangerous
6 conditions;

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

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



(15) 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;

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

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: 

JAN 18 2022



H.B. NO. 1496

Report Title:

Public Congregations; State of Emergency; Local State of
Emergency; Restrictions; Limitations; Legislative Approval

Description:

Authorizes a restriction on public congregation, imposed as part of a declared state of emergency or local state of emergency, to include a requirement for restaurants, bars, and other retail food establishments to limit service to vaccinated patrons or patrons with proof of negative test for a specific contagious disease; provided that this restriction lasts no more than thirty days in a calendar year. Requires legislative approval in either regular or special session for any extension of the restriction.

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

Signature:

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