

JAN 21 2022

A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. The legislature finds that Governor Ige's
2 twenty-first proclamation relating to the coronavirus disease
3 2019 (COVID-19) emergency included a suspension of the Uniform
4 Information Practices Act to the extent that it contains any
5 deadlines for agencies or the office of information practices,
6 relating to requests for government records or complaints to the
7 office of information practices, subject to minimum
8 requirements. One such requirement is that the completion of the
9 request must directly impair the agency's COVID-19 response
10 effort. This requirement lets government agencies freely deny
11 access to public information for an indefinite time period even
12 as COVID-19 vaccination rates increase and the economy begins to
13 reopen.

14 The purpose of this Act is to prevent future suspensions of
15 the acquisition of critical public records.



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

"§127A- Suspension of certain record requests; prohibited. The governor or the mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend requests for:

(1) Public records pursuant to part II of chapter 92F; or

(2) Vital records or statistics pursuant to

sections 338-18 or 338-18.5."

SECTION 3. Section 127A-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In the event of a state of emergency declared by the governor pursuant to section 127A-14, the governor may exercise the following additional powers pertaining to emergency management during the emergency period:

(1) Provide for and require the quarantine or segregation of persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease that is, in the governor's opinion, dangerous to the public health and safety, or persons who are



1 the source of other contamination, in any case where,
2 in the governor's opinion, the existing laws are not
3 adequate to assure the public health and safety;
4 provide for the care and treatment of the persons;
5 supplement the provisions of sections 325-32 to 325-38
6 concerning compulsory immunization programs; provide
7 for the isolation or closing of property which is a
8 source of contamination or is in a dangerous condition
9 in any case where, in the governor's opinion, the
10 existing laws are not adequate to assure the public
11 health and safety, and designate as public nuisances
12 acts, practices, conduct, or conditions that are
13 dangerous to the public health or safety or to
14 property; authorize that public nuisances be summarily
15 abated and, if need be, that the property be
16 destroyed, by any police officer or authorized person,
17 or provide for the cleansing or repair of property,
18 and if the cleansing or repair is to be at the expense
19 of the owner, the procedure therefor shall follow as
20 nearly as may be the provisions of section 322-2,
21 which shall be applicable; and further, authorize



1 without the permission of the owners or occupants,

2 entry on private premises for any such purposes;

3 (2) Relieve hardships and inequities, or obstructions to
4 the public health, safety, or welfare, found by the
5 governor to exist in the laws and to result from the
6 operation of federal programs or measures taken under
7 this chapter, by suspending the laws, in whole or in
8 part, or by alleviating the provisions of laws on such
9 terms and conditions as the governor may impose,
10 including licensing laws, quarantine laws, and laws
11 relating to labels, grades, and standards;

12 (3) [~~Suspend~~] Except as provided in section 127A- ,
13 suspend any law that impedes or tends to impede or be
14 detrimental to the expeditious and efficient execution
15 of, or to conflict with, emergency functions,
16 including laws which by this chapter specifically are
17 made applicable to emergency personnel;

18 (4) Suspend the provisions of any regulatory law
19 prescribing the procedures for out-of-state utilities
20 to conduct business in the State including any
21 licensing laws applicable to out-of-state utilities or



1 their respective employees, as well as any order,
2 rule, or regulation of any state agency, if strict
3 compliance with the provisions of any such law, order,
4 rule, or regulation would in any way prevent, hinder,
5 or delay necessary action of a state utility in coping
6 with the emergency or disaster with assistance that
7 may be provided under a mutual assistance agreement;

8 (5) In the event of disaster or emergency beyond local
9 control, or an event which, in the opinion of the
10 governor, is such as to make state operational control
11 necessary, or upon request of the local entity, assume
12 direct operational control over all or any part of the
13 emergency management functions within the affected
14 area;

15 (6) Shut off water mains, gas mains, electric power
16 connections, or suspend other services, and, to the
17 extent permitted by or under federal law, suspend
18 electronic media transmission;

19 (7) Direct and control the mandatory evacuation of the
20 civilian population;



1 (8) Exercise additional emergency functions to the extent
2 necessary to prevent hoarding, waste, or destruction
3 of materials, supplies, commodities, accommodations,
4 facilities, and services, to effectuate equitable
5 distribution thereof, or to establish priorities
6 therein as the public welfare may require; to
7 investigate; and notwithstanding any other law to the
8 contrary, to regulate or prohibit, by means of
9 licensing, rationing, or otherwise, the storage,
10 transportation, use, possession, maintenance,
11 furnishing, sale, or distribution thereof, and any
12 business or any transaction related thereto;

13 (9) Suspend section 8-1, relating to state holidays,
14 except the last paragraph relating to holidays
15 declared by the president, which shall remain
16 unaffected, and in the event of the suspension, the
17 governor may establish state holidays by proclamation;

18 (10) Adjust the hours for voting to take into consideration
19 the working hours of the voters during the emergency
20 period, and suspend those provisions of section 11-131
21 that fix the hours for voting, and fix other hours by



1 stating the same in the election proclamation or
2 notice, as the case may be;

3 (11) Assure the continuity of service by critical
4 infrastructure facilities, both publicly and privately
5 owned, by regulating or, if necessary to the
6 continuation of the service thereof, by taking over
7 and operating the same; and

8 (12) Except as provided in section 134-7.2, whenever in the
9 governor's opinion, the laws of the State do not
10 adequately provide for the common defense, public
11 health, safety, and welfare, investigate, regulate, or
12 prohibit the storage, transportation, use, possession,
13 maintenance, furnishing, sale, or distribution of, as
14 well as any transaction related to, explosives,
15 firearms, and ammunition, inflammable materials and
16 other objects, implements, substances, businesses, or
17 services of a hazardous or dangerous character, or
18 particularly capable of misuse, or obstructive of or
19 tending to obstruct law enforcement, emergency
20 management, or military operations, including
21 intoxicating liquor and the liquor business; and



1 authorize the seizure and forfeiture of any such
2 objects, implements, or substances unlawfully
3 possessed, as provided in this chapter."

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY:

DKA



S.B. NO. 2916

Report Title:

Public Records; Vital Statistics; Requests; Suspension
Prohibited

Description:

Prohibits the governor or the mayor from suspending requests for public records or vital statistics during a declared state of emergency.

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

