
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

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

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

14 (1) To provide for emergency management by the State, and
15 to authorize the creation of local organizations for
16 emergency management in the counties of the State;



1 (2) To confer upon the governor and upon the mayors of the
2 counties of the State the emergency powers necessary
3 to prepare for and respond to emergencies or
4 disasters;

5 (3) To provide for the rendering of mutual aid among the
6 counties of the State and with other states and in
7 cooperation with the federal government with respect
8 to the carrying out of emergency management functions;

9 (4) To permit out-of-state utilities to provide services
10 in the State pursuant to a mutual assistance agreement
11 with a state utility to repair, renovate, or install
12 electrical or natural gas facilities that have been
13 damaged, impaired, or destroyed due to or in
14 connection with such disasters or emergencies; and

15 (5) To provide programs, in cooperation with other
16 governmental agencies, the private sector, and
17 nonprofit organizations, to educate and train the
18 public to be prepared for emergencies and disasters."

19 SECTION 2. Section 127A-2, Hawaii Revised Statutes is
20 amended by amending the definition of "disaster" to read as
21 follows:



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

6 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is
7 amended by amending the definition of "emergency" to read as
8 follows:

9 ""Emergency" means any occurrence, or imminent threat
10 thereof, which results or may likely result in substantial
11 injury or harm to the population or substantial damage to or
12 loss of property[~~-~~] or substantial damage to or loss of the
13 environment."

14 SECTION 4. Section 127A-2, Hawaii Revised Statutes, is
15 amended by amending the definition of "hazard" to read as
16 follows:

17 ""Hazard" means an event or condition of the physical
18 environment that results or may likely result in damage to
19 property [~~or~~], injuries or death to individuals [~~and which~~], or
20 damage to the environment that may result in an emergency or
21 disaster."



1 SECTION 5. Section 127A-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "local state of emergency"
3 to read as follows:

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

9 SECTION 6. Section 127A-2, Hawaii Revised Statutes, is
10 amended by amending the definition of "state of emergency" to
11 read as follows:

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

18 SECTION 7. Section 127A-3, Hawaii Revised Statutes, is
19 amended by amending subsection (e) to read as follows:



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

4 (1) Prepare a state comprehensive emergency management
5 plan, which shall be integrated into and coordinated
6 with the emergency management plans of the federal
7 government. The plan shall be integrated by a
8 continuous, integrated comprehensive emergency
9 management program. The plan shall contain provisions
10 to ensure that the State is prepared for emergencies
11 and minor, major, and catastrophic disasters. In
12 preparing and maintaining the plan, the agency shall
13 work closely with agencies and organizations with
14 emergency management responsibilities;

15 (2) Assign lead and support responsibilities to state
16 agencies and personnel for emergency management
17 functions, and other support activities;

18 (3) Adopt standards and requirements for county emergency
19 management plans. The standards and requirements
20 shall ensure that county plans are coordinated and



1 consistent with the state comprehensive emergency
2 management plan;

3 (4) Make recommendations to the legislature, building code
4 organizations, and counties for zoning, building, and
5 other land use controls; and other preparedness,
6 prevention, and mitigation measures designed to
7 eliminate emergencies or reduce their impact;

8 (5) Anticipate trends and promote innovations that will
9 enhance the emergency management system;

10 (6) Institute statewide public awareness programs. This
11 shall include intensive public educational campaigns
12 on emergency preparedness issues, including but not
13 limited to the personal responsibility of individual
14 citizens to be self-sufficient for up to fourteen days
15 following a natural or human-caused disaster;

16 (7) Coordinate federal, state, and local emergency
17 management activities and take all other steps,
18 including the partial or full mobilization of
19 emergency management forces and organizations in
20 advance of an actual emergency, to ensure the
21 availability of adequately trained and equipped forces



1 of emergency management personnel before, during, and
2 after emergencies and disasters;

3 (8) Implement training programs to improve the ability of
4 the state and local emergency management personnel to
5 prepare and implement emergency management plans and
6 programs. This shall include a continuous training
7 program for agencies and individuals that will be
8 called on to perform key roles in state and local
9 post-disaster response and recovery efforts and for
10 local government personnel on federal and state post-
11 disaster response and recovery strategies and
12 procedures;

13 (9) Adopt standards and requirements for state agency
14 emergency operating procedures and periodically review
15 emergency operating procedures of state agencies and
16 recommend revisions as needed to ensure consistency
17 with the state comprehensive emergency management plan
18 and program; and

19 (10) Coordinate, in advance whenever possible, such
20 executive orders, proclamations, and rules for
21 issuance by the governor as are necessary or



1 appropriate for coping with emergencies and
2 disasters."

3 SECTION 8. Section 127A-12, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

7 (1) Support requests from a mayor for assistance in
8 preparing for, mitigating against, responding to, and
9 recovering from any emergency or disaster or threat
10 thereof[~~-~~];

11 (2) Lease, lend, or otherwise furnish, on such terms and
12 conditions as the governor may consider necessary to
13 promote the public welfare and protect the interest of
14 the State, any real or personal property of the state
15 government, to the President of the United States, the
16 armed forces, or to the emergency management agency of
17 the United States;

18 (3) Enter into, participate in, or carry out mutual aid
19 agreements or compacts for emergency management or
20 emergency management functions with the federal
21 government and with other states;



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

16 (5) Take possession of, use, manage, control, and
17 reallocate any public property of the State, real or
18 personal, required by the governor for the purposes of
19 this chapter, including airports, parks, playgrounds,
20 and schools, and other public buildings. Whenever the
21 property is so taken, the governor may make such



1 provision for the temporary accommodation of the
2 government service affected thereby as the governor
3 may deem advisable;

4 (6) 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 (7) 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 state treasury for the deposit and expenditure of the
15 moneys; procure federal aid as the same may be
16 available; and apply the provisions of chapter 29 in
17 cases of federal aid, even though not in the form of
18 money. The contributions or grants are appropriated
19 for the purposes of this chapter, or for the special
20 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;



1 to determine to what extent any law prohibiting the
2 holding of more than one office or employment applies
3 to the agencies, officers, and other persons; and
4 subject to provisions of this chapter, to provide for
5 the interchange of personnel, by detail, transfer, or
6 otherwise, between agencies or departments of the
7 State;

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

12 (11) Make or authorize contracts as may be necessary to
13 carry out this chapter;

14 (12) Establish special accounting forms and practices
15 whenever necessary;

16 (13) Require each public utility, or any person owning,
17 controlling, or operating a critical infrastructure
18 facility as identified by the governor, to protect and
19 safeguard its or the person's property, or to provide
20 for the protection and safeguarding thereof; and
21 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



1 services, materials, and facilities to the governor as
2 the governor may request;

3 (17) 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 (18) Fix or revise the hours of government business; and

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

17 SECTION 9. Section 127A-16, Hawaii Revised Statutes, is
18 amended by amending subsection (e) to read as follows:

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



1 SECTION 10. Section 127A-19, Hawaii Revised Statutes, is
2 amended by amending subsections (a), (b), and (c) to read as
3 follows:

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

8 (b) County emergency management agencies shall [~~identify,~~
9 ~~in~~] be responsible for the identification, operation, and
10 coordination of sheltering with private and nonprofit
11 organizations engaged in emergency management functions relating
12 to providing shelter or the management or operation of a public
13 shelter under this chapter, locations and facilities suitable
14 for the sheltering of the public and locations and facilities
15 suitable for the sheltering of pet animals.

16 (c) The administrator or director of the county emergency
17 management agency [~~may identify, in~~] shall be responsible for
18 the identification, coordination [with], and integration of
19 private owners, operators, or controllers of real property,
20 private locations [~~and~~], or facilities that are suitable for use



1 as shelters of the public or of pet animals[-] into emergency
2 sheltering operations."

3 SECTION 11. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 12. This Act shall take effect upon its approval.



Report Title:

Department of Defense; Hawaii Emergency Management Agency

Description:

Amends sections 127A-1(a), -2, -3(e), - 12(b), - 16(e), -19(a), (b), and (c), Hawaii Revised Statutes, to be consistent with the current practices, policies, and procedures of the State Emergency Management Program and with the prevailing emergency management best practices. Adds wordings that highlight the intent of the State, Governor, and emergency management agencies to address environmental and climate impacts on emergency management. (SD1)

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

