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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT POWERS.

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

1           SECTION 1. Section 127A-12, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

5           (1) Support requests from a mayor for assistance in  
6 preparing for, mitigating against, responding to, and  
7 recovering from any emergency or disaster or threat  
8 thereof;

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

16           (3) Enter into, participate in, or carry out mutual aid  
17 agreements or compacts for emergency management or



1 emergency management functions with the federal  
2 government and with other states;

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

18 (5) Take possession of, use, manage, control, and  
19 reallocate any public property of the State, real or  
20 personal, required by the governor for the purposes of  
21 this chapter, including airports, parks, playgrounds,



1 and schools, and other public buildings. Whenever the  
 2 property is so taken, the governor may [~~make such~~  
 3 ~~provisions~~] provide for the temporary accommodation of  
 4 the government service affected thereby as the  
 5 governor may deem advisable;

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

10 (7) Receive, expend, or use contributions or grants [~~7~~  
 11 ~~which~~] that shall be deemed to be trust funds, in  
 12 money, property, or services, or loans of property, or  
 13 special contributions or grants in money, property, or  
 14 services, or loans of property, for special purposes  
 15 provided for by this chapter; establish funds in the  
 16 state treasury for the deposit and expenditure of the  
 17 moneys; procure federal aid as the same may be  
 18 available; and apply the provisions of chapter 29 in  
 19 cases of federal aid, even though not in the form of  
 20 money [~~.—The~~]; provided that the contributions or  
 21 grants are appropriated for the purposes of this



1           chapter, or for the special purposes[~~7~~]. The governor  
2           shall provide notice to the legislature not less than  
3           fourteen days before the date of transfer and shall  
4           submit a report to the legislature within five days of  
5           each use of this authority; provided that the report  
6           shall include the date of transfer, the amount of the  
7           transfer, the program identification from which funds  
8           are transferred, the impacts to the program  
9           identifications from which funds are transferred, and  
10          a detailed explanation of the public purpose served by  
11          the transfer of resources; provided further that no  
12          later than thirty days prior to the convening of each  
13          regular session, the governor shall submit to the  
14          legislature a summary report containing the  
15          aforementioned information for each use of this  
16          authority during the preceding twelve-month period  
17          from December 1 to November 30;

18          (8) 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 the governor to the extent that the governor finds  
8 that the provisions, in whole or in part, impede or  
9 tend to impede the expeditious discharge of those  
10 functions, or that compliance therewith is  
11 impracticable due to existing conditions;

12 (9) 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]~~ the  
16 agencies, officers, and other persons as the governor  
17 deems necessary to carry out the purposes of this  
18 chapter; to determine to what extent any law  
19 prohibiting the holding of more than one office or  
20 employment applies to the agencies, officers, and  
21 other persons; and subject to ~~[provisions of]~~ this



1 chapter, to provide for the interchange of personnel,  
2 by detail, transfer, or otherwise, between agencies or  
3 departments of the State;

4 (10) Make charges in [~~such~~] cases and in amounts as the  
5 governor deems advisable, for any property sold, work  
6 performed, services rendered, or accommodations or  
7 facilities furnished by the State under this chapter;

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

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

12 (13) Require each public utility, or any person owning,  
13 controlling, or operating a critical infrastructure  
14 facility as identified by the governor, to protect and  
15 safeguard its or the person's property, or to provide  
16 for the protection and safeguarding thereof; and  
17 provide for the protection and safeguarding of all  
18 critical infrastructure and key resources; provided  
19 that without prejudice to the generality of the  
20 foregoing two clauses, the protecting and safeguarding  
21 may include the regulation or prohibition of public



1 entry thereon, or the permission of the entry upon  
2 terms and conditions as the governor may 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 action  
9 and employ measures for law enforcement, medical,  
10 health, firefighting, traffic control, warnings and  
11 signals, engineering, rescue, construction, emergency  
12 housing, other welfare, hospitalization,  
13 transportation, water supply, public information,  
14 training, and other emergency functions as may be  
15 necessary, and utilize the services, materials, and  
16 facilities of the agencies and officers. All agencies  
17 and officers shall cooperate with and extend their  
18 services, materials, and facilities to the governor as  
19 the governor may request;  
20 (17) Provide for the repair and maintenance of public  
21 property, whenever adequate provision therefor is not



1 otherwise made; insure the property against any  
 2 emergency or disaster; provide for the restoration,  
 3 renovation, replacement, or reconstruction of insured  
 4 property [~~in the event of~~] if damage or loss[+] occurs, and [~~make temporary restoration of~~]  
 5 temporarily restore public utilities and other  
 6 critical infrastructure facilities [~~in the event of~~]  
 7 if an emergency or disaster[+] occurs;

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

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

14 SECTION 2. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

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

19 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Governor; Emergency Management Powers; Disaster Management;  
Preparedness; Transfer of Funds; Notice; Reports

**Description:**

Establishes notice and reporting requirements for the transfer  
of public moneys by the Governor, pursuant to the Governor's  
emergency powers. Effective 7/1/3000. (HD1)

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

