
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 contributions or grants are appropriated
21 for the purposes of this chapter, or for the special



1 purposes; provided that the governor shall provide
2 notice to the legislature not less than fourteen days
3 before the date of transfer and shall submit a report
4 to the legislature within five days of each use of
5 this authority; provided further that the report shall
6 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 for the previous twelve-month period from
17 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 [~~+~~]
5 occurs, and [~~make temporary restoration of~~]
6 temporarily restore public utilities and other
7 critical infrastructure facilities [~~in the event of~~]
8 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 upon its approval.



Report Title:

Governor; Emergency Management Powers; Disaster Management;
Preparedness; Reporting Requirement for Transfer of Funds

Description:

Establishes a reporting requirement for the transfer of public
moneys by the Governor, pursuant to the Governor's emergency
powers. (SD1)

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not legislation or evidence of legislative intent.*

