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## A BILL FOR AN ACT

RELATING TO PUBLIC RECORDS.

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

1           SECTION 1. Chapter 92F, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§92F-           Prohibition against the suspension of this  
5 chapter. Notwithstanding any provision of chapter 127A or any  
6 other law to the contrary, the governor shall not suspend any  
7 provision of this chapter, or any rule adopted pursuant to this  
8 chapter, during any emergency period, as defined in section  
9 127A-2."

10           SECTION 2. Section 127A-13, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

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

16           (1) Provide for and require the quarantine or segregation  
17           of persons who are affected with or believed to have



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



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1 of the owner, the procedure therefor shall follow as  
2 nearly as may be the provisions of section 322-2,  
3 which shall be applicable; and further, authorize  
4 without the permission of the owners or occupants,  
5 entry on private premises for any such purposes;

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

15 (3) Suspend any law that impedes or tends to impede or be  
16 detrimental to the expeditious and efficient execution  
17 of, or to conflict with, emergency functions,  
18 including laws which by this chapter specifically are  
19 made applicable to emergency personnel; provided that  
20 the governor shall not suspend any provision under



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1           chapter 92F, or any rule adopted pursuant to chapter  
2           92F, during any emergency period;

3           (4) Suspend the provisions of any regulatory law  
4           prescribing the procedures for out-of-state utilities  
5           to conduct business in the State including any  
6           licensing laws applicable to out-of-state utilities or  
7           their respective employees, as well as any order,  
8           rule, or regulation of any state agency, if strict  
9           compliance with the provisions of any such law, order,  
10          rule, or regulation would in any way prevent, hinder,  
11          or delay necessary action of a state utility in coping  
12          with the emergency or disaster with assistance that  
13          may be provided under a mutual assistance agreement;

14          (5) In the event of disaster or emergency beyond local  
15          control, or an event which, in the opinion of the  
16          governor, is such as to make state operational control  
17          necessary, or upon request of the local entity, assume  
18          direct operational control over all or any part of the  
19          emergency management functions within the affected  
20          area;



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- 1           (6) Shut off water mains, gas mains, electric power  
2           connections, or suspend other services, and, to the  
3           extent permitted by or under federal law, suspend  
4           electronic media transmission;
- 5           (7) Direct and control the mandatory evacuation of the  
6           civilian population;
- 7           (8) Exercise additional emergency functions to the extent  
8           necessary to prevent hoarding, waste, or destruction  
9           of materials, supplies, commodities, accommodations,  
10          facilities, and services, to effectuate equitable  
11          distribution thereof, or to establish priorities  
12          therein as the public welfare may require; to  
13          investigate; and notwithstanding any other law to the  
14          contrary, to regulate or prohibit, by means of  
15          licensing, rationing, or otherwise, the storage,  
16          transportation, use, possession, maintenance,  
17          furnishing, sale, or distribution thereof, and any  
18          business or any transaction related thereto;
- 19          (9) Suspend section 8-1, relating to state holidays,  
20          except the last paragraph relating to holidays  
21          declared by the president, which shall remain



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1 unaffected, and in the event of the suspension, the  
2 governor may establish state holidays by proclamation;  
3 (10) Adjust the hours for voting to take into consideration  
4 the working hours of the voters during the emergency  
5 period, and suspend those provisions of section 11-131  
6 that fix the hours for voting, and fix other hours by  
7 stating the same in the election proclamation or  
8 notice, as the case may be;  
9 (11) Assure the continuity of service by critical  
10 infrastructure facilities, both publicly and privately  
11 owned, by regulating or, if necessary to the  
12 continuation of the service thereof, by taking over  
13 and operating the same; and  
14 (12) Except as provided in section 134-7.2, whenever in the  
15 governor's opinion, the laws of the State do not  
16 adequately provide for the common defense, public  
17 health, safety, and welfare, investigate, regulate, or  
18 prohibit the storage, transportation, use, possession,  
19 maintenance, furnishing, sale, or distribution of, as  
20 well as any transaction related to, explosives,  
21 firearms, and ammunition, inflammable materials and



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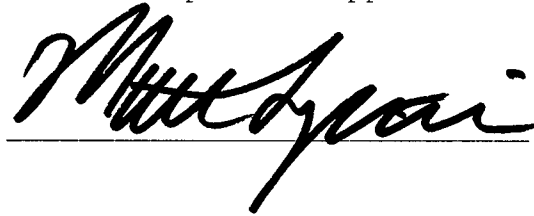
1 other objects, implements, substances, businesses, or  
2 services of a hazardous or dangerous character, or  
3 particularly capable of misuse, or obstructive of or  
4 tending to obstruct law enforcement, emergency  
5 management, or military operations, including  
6 intoxicating liquor and the liquor business; and  
7 authorize the seizure and forfeiture of any such  
8 objects, implements, or substances unlawfully  
9 possessed, as provided in this chapter."

10 SECTION 3. New statutory material is underscored.

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

12

INTRODUCED BY:



JAN 25 2021



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**Report Title:**

Uniform Information Practices Act; Emergency Period; Governor

**Description:**

Prohibits the governor from suspending any provision under Hawaii's Uniform Information Practices Act, or any rule adopted pursuant thereto, during any emergency period.

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

