
A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Suspension of certain record requests;
5 prohibited. The governor or the mayor shall not, through any
6 proclamation or declaration of emergency or any rule or order
7 adopted pursuant to this chapter, suspend requests for:
8 (1) Public records pursuant to part II of chapter 92F; or
9 (2) Vital records or statistics pursuant to
10 sections 338-18 or 338-18.5."

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

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



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



1 or provide for the cleansing or repair of property,
2 and if the cleansing or repair is to be at the expense
3 of the owner, the procedure therefor shall follow as
4 nearly as may be the provisions of section 322-2,
5 which shall be applicable; and further, authorize
6 without the permission of the owners or occupants,
7 entry on private premises for any such purposes;

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

17 (3) [~~Suspend~~] Except as provided in section 127A- ,
18 suspend any law that impedes or tends to impede or be
19 detrimental to the expeditious and efficient execution
20 of, or to conflict with, emergency functions,



1 including laws which by this chapter specifically are
2 made applicable to emergency personnel;

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;



- 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



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



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

12 SECTION 4. This Act shall take effect on July 1, 2050.



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. Effective 7/1/2050. (HD1)

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

