

JAN 19 2023

A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1 SECTION 1. Section 127A-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§127A-3 Hawaii emergency management agency.** (a) There
4 is established within the department of defense the Hawaii
5 emergency management agency. The adjutant general shall serve
6 as the director of Hawaii emergency management and, subject to
7 the direction and control of the governor, shall oversee the
8 agency.

9 (b) There shall be an administrator of emergency
10 management who shall be appointed, and may be removed, by the
11 director, and who shall have at least three years of experience
12 leading emergency management efforts at the local, state, or
13 federal level. The administrator of emergency management shall
14 be the civilian head of and responsible for the day-to-day
15 operations of the agency. The administrator of emergency
16 management shall report to the director. The administrator of
17 emergency management shall, in the absence of the director, have



1 all the duties and responsibilities of the director, and shall
2 report directly to the governor. The administrator of emergency
3 management shall not be subject to chapter 76.

4 (c) The administrator may, from funds allotted therefor,
5 employ technical, clerical, administrative, and other personnel
6 and make such expenditures as may be necessary.

7 (d) The administrator shall coordinate the activities of
8 the agency with all county emergency management agencies, other
9 state agencies, other states, or federal agencies involved in
10 emergency management activities, and all organizations for
11 emergency management within the State, whether public or
12 private, and shall maintain liaison and cooperate with all
13 county emergency management agencies, other state agencies,
14 other states, or federal agencies involved in emergency
15 management activities as provided in this chapter.

16 (e) The agency shall perform emergency management
17 functions within the territorial limits of the State. In
18 performing its duties, the agency shall:

19 (1) Prepare a state comprehensive emergency management
20 plan, which shall be integrated into and coordinated
21 with the emergency management plans of the federal



1 government. The plan shall be integrated by a
2 continuous, integrated comprehensive emergency
3 management program. The plan shall contain provisions
4 to ensure that the State is prepared for emergencies
5 and minor, major, and catastrophic disasters. In
6 preparing and maintaining the plan, the agency shall
7 work closely with agencies and organizations with
8 emergency management responsibilities;

9 (2) Assign lead and support responsibilities to state
10 agencies and personnel for emergency management
11 functions and other support activities;

12 (3) Adopt standards and requirements for county emergency
13 management plans. The standards and requirements
14 shall ensure that county plans are coordinated and
15 consistent with the state comprehensive emergency
16 management plan;

17 (4) Make recommendations to the legislature, building code
18 organizations, and counties for zoning, building, and
19 other land use controls; and other preparedness,
20 prevention, and mitigation measures designed to
21 eliminate emergencies or reduce their impact;



S.B. NO. 298

- 1 (5) Anticipate trends and promote innovations that will
2 enhance the emergency management system;
- 3 (6) Institute statewide public awareness programs. This
4 shall include intensive public educational campaigns
5 on emergency preparedness issues, including but not
6 limited to the personal responsibility of individual
7 citizens to be self-sufficient for up to fourteen days
8 following a natural or human-caused disaster;
- 9 (7) Coordinate federal, state, and local emergency
10 management activities and take all other steps,
11 including the partial or full mobilization of
12 emergency management forces and organizations in
13 advance of an actual emergency, to ensure the
14 availability of adequately trained and equipped forces
15 of emergency management personnel before, during, and
16 after emergencies and disasters;
- 17 (8) Implement training programs to improve the ability of
18 state and local emergency management personnel to
19 prepare and implement emergency management plans and
20 programs. This shall include a continuous training
21 program for agencies and individuals that will be



1 called on to perform key roles in state and local
2 post-disaster response and recovery efforts and for
3 local government personnel on federal and state post-
4 disaster response and recovery strategies and
5 procedures;

6 (9) Adopt standards and requirements for state agency
7 emergency operating procedures and periodically review
8 emergency operating procedures of state agencies and
9 recommend revisions as needed to ensure consistency
10 with the state comprehensive emergency management plan
11 and program; and

12 (10) Coordinate, in advance whenever possible, such
13 executive orders, proclamations, and rules for
14 issuance by the governor as are necessary or
15 appropriate for coping with emergencies and disasters.

16 (f) Except as otherwise limited by this chapter, the
17 agency may acquire or contract to acquire by grant or purchase
18 any real, personal, or mixed property or any interest therein
19 for its immediate or future use for the purposes of this
20 chapter; own, hold, improve, and rehabilitate any real,
21 personal, or mixed property acquired; and sell, assign,



1 exchange, transfer, convey, lease or otherwise dispose of, or
2 encumber the same. The agency, upon making a finding that it is
3 necessary to acquire any real property for its immediate or
4 future use for the purposes of this chapter, may acquire the
5 property by condemnation pursuant to chapter 101, including
6 property already devoted to a public use. Such property shall
7 not thereafter be taken for any other public use without the
8 consent of the agency."

9 SECTION 2. Section 171-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§171-2 Definition of public lands. "Public lands" means
12 all lands or interest therein in the State classed as government
13 or crown lands previous to August 15, 1895, or acquired or
14 reserved by the government upon or subsequent to that date by
15 purchase, exchange, escheat, or the exercise of the right of
16 eminent domain, or in any other manner; including lands accreted
17 after May 20, 2003, and not otherwise awarded, submerged lands,
18 and lands beneath tidal waters that are suitable for
19 reclamation, together with reclaimed lands that have been given
20 the status of public lands under this chapter, except:



S.B. NO. 298

- 1 (1) Lands designated in section 203 of the Hawaiian Homes
2 Commission Act, 1920, as amended;
- 3 (2) Lands set aside pursuant to law for the use of the
4 United States;
- 5 (3) Lands being used for roads and streets;
- 6 (4) Lands to which the United States relinquished the
7 absolute fee and ownership under section 91 of the
8 Hawaiian Organic Act before the admission of Hawaii as
9 a state of the United States unless subsequently
10 placed under the control of the board of land and
11 natural resources and given the status of public lands
12 in accordance with the state constitution, the
13 Hawaiian Homes Commission Act, 1920, as amended, or
14 other laws;
- 15 (5) Lands to which the University of Hawaii holds title;
- 16 (6) Non-ceded lands set aside by the governor to the
17 Hawaii housing finance and development corporation or
18 lands to which the Hawaii housing finance and
19 development corporation in its corporate capacity
20 holds title;



- 1 (7) Lands to which the Hawaii community development
2 authority in its corporate capacity holds title;
- 3 (8) Lands set aside by the governor to the Hawaii public
4 housing authority or lands to which the Hawaii public
5 housing authority in its corporate capacity holds
6 title;
- 7 (9) Lands to which the department of agriculture holds
8 title by way of foreclosure, voluntary surrender, or
9 otherwise, to recover moneys loaned or to recover
10 debts otherwise owed the department under chapter 167;
- 11 (10) Lands that are set aside by the governor to the Aloha
12 Tower development corporation, lands leased to the
13 Aloha Tower development corporation by any department
14 or agency of the State, or lands to which the Aloha
15 Tower development corporation holds title in its
16 corporate capacity;
- 17 (11) Lands that are set aside by the governor to the
18 agribusiness development corporation, lands leased to
19 the agribusiness development corporation by any
20 department or agency of the State, or lands to which



1 the agribusiness development corporation in its
2 corporate capacity holds title;

3 (12) Lands to which the Hawaii technology development
4 corporation in its corporate capacity holds title;

5 (13) Lands to which the department of education holds
6 title;

7 (14) Lands to which the stadium authority holds title;
8 [and]

9 (15) Lands to which the school facilities authority holds
10 title; and

11 (16) Lands to which the Hawaii emergency management agency
12 holds title;

13 provided that, except as otherwise limited under federal law and
14 except for state land used as an airport as defined in section
15 262-1, public lands shall include the air rights over any
16 portion of state land upon which a county mass transit project
17 is developed after July 11, 2005; provided further that if the
18 lands pursuant to paragraph (6) are no longer needed for housing
19 finance and development purposes, the lands shall be returned to
20 the agency from which they were obtained; provided further that
21 if the lands pursuant to paragraph (14) are no longer needed for



S.B. NO. 298

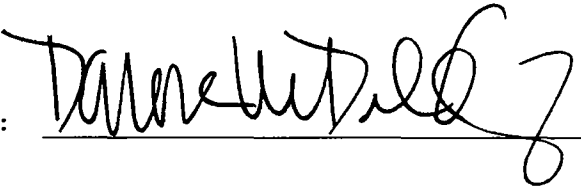
1 the stadium development district or related purposes, the lands
2 shall be returned to the public land trust administered by the
3 department."

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

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

7

INTRODUCED BY:





S.B. NO. 298

Report Title:

Hawaii Emergency Management Agency; Property; Acquisition;
Condemnation; Public Lands

Description:

Authorizes the Hawaii Emergency Management Agency to acquire any real, personal, or mixed property for its immediate or future use; own, hold, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or dispose of any real, personal, or mixed property acquired; and acquire by condemnation real property for its immediate or future use. Amends the definition of "public lands" to exclude lands to which the Hawaii Emergency Management Agency holds title.

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