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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~~] that the governor [~~may consider~~]  
11 considers necessary to promote the public welfare and  
12 protect the interest of the State, any real or  
13 personal property of the state government, to the  
14 President of the United States, the armed forces, or  
15 [~~to~~] the emergency management agency of the United  
16 States;

17           (3) Enter into, participate in, or carry out mutual aid  
18 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~~]  
17 terms 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, which  
11 shall be deemed to be trust funds, in money, property,  
12 or services, or loans of property, or special  
13 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 expenditure or use  
4           and shall submit a report to the legislature within  
5           five days of each exercise of this authority; provided  
6           that the report shall include the date of expenditure  
7           or use, the amount of the expenditure or use, the  
8           program identification from which resources are  
9           expended or used, the impacts to the program from  
10          which resources are expended or used, and a detailed  
11          explanation of the public purpose served by the  
12          expenditure or use of the resources; provided further  
13          that no later than thirty days prior to the convening  
14          of each regular session, the governor shall submit to  
15          the legislature a summary report containing the  
16          aforementioned information for each exercise of this  
17          authority during the preceding twelve-month period  
18          from December 1 to November 30;

19          (8) Purchase, make, produce, construct, rent, lease, or  
20          procure by condemnation or otherwise, transport,  
21          store, install, maintain, and insure, repair,



1 renovate, restore, replace, or reconstruct, and  
2 distribute, furnish, or otherwise dispose of, with or  
3 without charges, materials and facilities for  
4 emergency management; and ~~to~~ procure federal aid  
5 therefor whenever feasible. Chapter 103D and sections  
6 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4  
7 shall not apply to any emergency management functions  
8 of the governor to the extent that the governor finds  
9 that the provisions, in whole or in part, impede or  
10 tend to impede the expeditious discharge of those  
11 functions, or that compliance therewith is  
12 impracticable due to existing conditions;

13 (9) Provide for the appointment, employment, training,  
14 equipping, and maintaining with compensation, or on a  
15 volunteer basis without compensation and without  
16 regard to chapters 76, 78, and 88, of ~~such~~ the  
17 agencies, officers, and other persons ~~as~~ that the  
18 governor deems necessary to carry out the purposes of  
19 this chapter; ~~to~~ determine to what extent any law  
20 prohibiting the holding of more than one office or  
21 employment applies to the agencies, officers, and



1 other persons; and subject to [~~provisions of~~] this  
2 chapter, [~~to~~] provide for the interchange of  
3 personnel, by detail, transfer, or otherwise, between  
4 agencies or departments of the State;

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

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

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

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



1           foregoing two clauses, the protecting and safeguarding  
2           may include the regulation or prohibition of public  
3           entry thereon, or the permission of the entry upon  
4           terms and conditions as the governor may prescribe;  
5       (14) Restrict the congregation of the public in stricken or  
6           dangerous areas or under dangerous conditions;  
7       (15) Direct and control the non-compulsory evacuation of  
8           the civilian population;  
9       (16) Order and direct government agencies, officials,  
10           officers, and employees of the State[7] to take action  
11           and employ measures for law enforcement, medical,  
12           health, firefighting, traffic control, warnings and  
13           signals, engineering, rescue, construction, emergency  
14           housing, other welfare, hospitalization,  
15           transportation, water supply, public information,  
16           training, and other emergency functions as may be  
17           necessary, and utilize the services, materials, and  
18           facilities of the agencies and officers. All agencies  
19           and officers shall cooperate with and extend their  
20           services, materials, and facilities to the governor as  
21           the governor may request;



- 1           (17) Provide for the repair and maintenance of public  
2           property, whenever adequate provision therefor is not  
3           otherwise made; insure the property against any  
4           emergency or disaster; provide for the restoration,  
5           renovation, replacement, or reconstruction of insured  
6           property [~~in the event of~~] if damage or loss [~~+~~]  
7           occurs, and [~~make temporary restoration of~~]  
8           temporarily restore public utilities and other  
9           critical infrastructure facilities [~~in the event of~~]  
10          if an emergency or disaster [~~+~~] occurs;
- 11          (18) Fix or revise the hours of government business; and
- 12          (19) Take any and all steps necessary or appropriate to  
13          carry out the purposes of this chapter notwithstanding  
14          that those powers in section 127A-13(a) may only be  
15          exercised during an emergency period."

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

19          SECTION 3. Statutory material to be repealed is bracketed  
20          and stricken. New statutory material is underscored.

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





**S.B. NO.** 2512  
S.D. 2  
H.D. 2  
C.D. 1

**Report Title:**

Governor; Emergency Management Powers; Public Resources;  
Expenditure or Use; Notice; Reports

**Description:**

Establishes notice and reporting requirements for the  
expenditure or use of public resources by the Governor, pursuant  
to the Governor's emergency powers. (CD1)

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

