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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. Section 127A-13, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~In the event of~~] If a state of emergency is declared  
4 by the governor pursuant to section 127A-14, the governor may  
5 exercise the following additional powers pertaining to emergency  
6 management during the emergency period:

7 (1) Provide for and require the quarantine or segregation  
8 of persons who are affected with or believed to have  
9 been exposed to any infectious, communicable, or other  
10 disease that is, in the governor's opinion, dangerous  
11 to the public health and safety, or persons who are  
12 the source of other contamination, in any case where,  
13 in the governor's opinion, the existing laws are not  
14 adequate to assure the public health and safety;  
15 provide for the care and treatment of the persons;  
16 supplement the provisions of sections 325-32 to 325-38  
17 concerning compulsory immunization programs; provide



1 for the isolation or closing of property [~~which~~] that  
2 is a source of contamination or is in a dangerous  
3 condition in any case where, in the governor's  
4 opinion, the existing laws are not adequate to assure  
5 the public health and safety, and designate as public  
6 nuisances acts, practices, conduct, or conditions that  
7 are dangerous to the public health or safety or to  
8 property; authorize that public nuisances be summarily  
9 abated and, if [~~need be,~~] necessary, that the property  
10 be destroyed, by any police officer or authorized  
11 person, or provide for the cleansing or repair of  
12 property, and if the cleansing or repair is to be at  
13 the expense of the owner, the procedure therefor shall  
14 follow as nearly as may be the provisions of  
15 section 322-2, which shall be applicable; and further,  
16 authorize without the permission of the owners or  
17 occupants, entry on private premises for any [~~such~~  
18 ~~purposes,~~] purpose described herein;

19 (2) Relieve hardships and inequities, or obstructions to  
20 the public health, safety, or welfare, found by the  
21 governor to exist in the laws and to result from the



1 operation of federal programs or measures taken under  
 2 this chapter, by suspending the laws, in whole or in  
 3 part, or by alleviating the provisions of laws on  
 4 [~~such~~] any terms and conditions as the governor may  
 5 impose, including licensing laws, quarantine laws, and  
 6 laws relating to labels, grades, and standards;

7 (3) Suspend [~~any~~]:

8 (A) Any law that impedes or tends to impede or be  
 9 detrimental to the expeditious and efficient  
 10 execution of, or to conflict with, emergency  
 11 functions, including laws which by this chapter  
 12 specifically are made applicable to emergency  
 13 personnel;

14 [~~(4) Suspend the~~] (B) The provisions of any  
 15 regulatory law prescribing the procedures for  
 16 out-of-state utilities to conduct business in the  
 17 State including any licensing laws applicable to  
 18 out-of-state utilities or their respective  
 19 employees, as well as any order, rule, or  
 20 regulation of any state agency, if strict  
 21 compliance with the provisions of any [~~such~~] law,



1 order, rule, or regulation would in any way  
 2 prevent, hinder, or delay necessary action of a  
 3 state utility in coping with the emergency or  
 4 disaster with assistance that may be provided  
 5 under a mutual assistance agreement; and  
 6 (C) For a period of up to \_\_\_\_\_, the mortgage  
 7 foreclosure provisions of chapter 667 for any  
 8 property having substantial damage resulting from  
 9 a disaster under a state of emergency proclaimed  
 10 by the governor pursuant to section 127A-14;

11 ~~[-5-]~~ (4) ~~[In the event of]~~ If a disaster or emergency  
 12 beyond local control, or an event ~~[which,~~ occurs  
 13 that, in the opinion of the governor, ~~[is such as to]~~  
 14 shall make state operational control necessary, or  
 15 upon request of the local entity, assume direct  
 16 operational control over all or any part of the  
 17 emergency management functions within the affected  
 18 area;

19 ~~[-6-]~~ (5) Shut off water mains, gas mains, electric power  
 20 connections, or suspend other services, and, to the



1 extent permitted by or under federal law, suspend  
2 electronic media transmission;

3 ~~[(7)]~~ (6) Direct and control the mandatory evacuation of  
4 the civilian population;

5 ~~[(8)]~~ (7) Exercise additional emergency functions to the  
6 extent necessary to prevent hoarding, waste, or  
7 destruction of materials, supplies, commodities,  
8 accommodations, facilities, and services, to  
9 effectuate equitable distribution thereof, or to  
10 establish priorities therein as the public welfare may  
11 require; to investigate; and notwithstanding any other  
12 law to the contrary, to regulate or prohibit, by means  
13 of licensing, rationing, or otherwise, the storage,  
14 transportation, use, possession, maintenance,  
15 furnishing, sale, or distribution thereof, and any  
16 business or any transaction related thereto;

17 ~~[(9)]~~ (8) Suspend section 8-1, relating to state holidays,  
18 except the last paragraph relating to holidays  
19 declared by the president, which shall remain  
20 unaffected, and ~~[in the event of]~~ if the suspension~~[7]~~



1           occurs, the governor may establish state holidays by  
2           proclamation;

3       ~~[(+10)]~~ (9) Adjust the hours for voting to take into  
4           consideration the working hours of the voters during  
5           the emergency period, and suspend those provisions of  
6           section 11-131 that fix the hours for voting, and fix  
7           other hours by stating the same in the election  
8           proclamation or notice, as the case may be;

9       ~~[(+11)]~~ (10) 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)]~~ (11) Except as provided in section 134-7.2, whenever  
15           in the governor's opinion, the laws of the State do  
16           not 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~~] the  
 8 objects, implements, or substances unlawfully  
 9 possessed, as provided in this chapter."

10 SECTION 2. Section 127A-14, Hawaii Revised Statutes, is  
 11 amended by amending subsection (c) to read as follows:

12 "(c) The governor or mayor shall be the sole judge of the  
 13 existence of the danger, threat, or circumstances giving rise to  
 14 a declaration of a state of emergency in the State or a local  
 15 state of emergency in the county, as applicable. This section  
 16 shall not limit the power and authority of the governor under  
 17 section [~~127A-13(a)(5).~~] 127A-13(a)(4)."

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

20 SECTION 4. This Act shall take effect on July 1, 2040.



**Report Title:**

Hawaii Association of Counties Package; Governor; Emergency Powers; Mortgage Foreclosures; Suspension

**Description:**

Authorizes the Governor to suspend the mortgage foreclosure provisions of chapter 667, HRS, for properties having substantial damage resulting from a Governor-declared state of emergency. Takes effect 7/1/2040. (SD1)

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

