
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-3, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) The agency shall perform emergency management
4 functions within the territorial limits of the State. In
5 performing its duties, the agency shall:

6 (1) Prepare a state comprehensive emergency management
7 plan, which shall be integrated into and coordinated
8 with the emergency management plans of the federal
9 government. The plan shall be integrated by a
10 continuous, integrated comprehensive emergency
11 management program. The plan shall contain provisions
12 to ensure that the State [~~is prepared~~] prepares for,
13 mitigates against, responds to, and recovers from
14 emergencies and minor, major, and catastrophic
15 disasters. In preparing and maintaining the plan, the
16 agency shall work closely with agencies and
17 organizations with emergency management
18 responsibilities;

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- 1 (2) Assign lead and support responsibilities to state
2 agencies and personnel for emergency management
3 functions [7] and other support activities;
- 4 (3) Adopt standards and requirements for county emergency
5 management plans. The standards and requirements
6 shall ensure that county plans are coordinated and
7 consistent with the state comprehensive emergency
8 management plan;
- 9 (4) Make recommendations to the legislature, building code
10 organizations, and counties for zoning, building, and
11 other land use controls; and other preparedness,
12 prevention, and mitigation measures designed to
13 eliminate emergencies or reduce their impact;
- 14 (5) Anticipate trends and promote innovations that will
15 enhance the emergency management system;
- 16 (6) Institute statewide public awareness programs. This
17 shall include intensive public educational campaigns
18 on emergency preparedness issues, including but not
19 limited to the personal responsibility of individual
20 citizens to be self-sufficient for up to fourteen days
21 following a natural or human-caused disaster;

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- 1 (7) Coordinate federal, state, and local emergency
2 management activities and take all other steps,
3 including the partial or full mobilization of
4 emergency management forces and organizations in
5 advance of an actual emergency, to ensure the
6 availability of adequately trained and equipped forces
7 of emergency management personnel before, during, and
8 after emergencies and disasters;
- 9 (8) Implement training programs to improve the ability of
10 state and local emergency management personnel to
11 prepare and implement emergency management plans and
12 programs. This shall include a continuous training
13 program for agencies and individuals that will be
14 called on to perform key roles in state and local
15 post-disaster response and recovery efforts and for
16 local government personnel on federal and state post-
17 disaster response and recovery strategies and
18 procedures;
- 19 (9) Adopt standards and requirements for state agency
20 emergency operating procedures and periodically review
21 emergency operating procedures of state agencies and
22 recommend revisions as needed to ensure consistency

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1 with the state comprehensive emergency management plan
2 and program; and

3 (10) Coordinate, in advance whenever possible, such
4 executive orders, proclamations, and rules for
5 issuance by the governor as are necessary or
6 appropriate for coping with emergencies and
7 disasters."

8 SECTION 2. Section 127A-16, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The administrator shall submit requests to the
11 legislature to appropriate from the general revenues of the
12 State sufficient moneys as may be necessary for expenditure by
13 or under the direction of the governor for immediate relief in
14 response to an emergency or disaster in any part of the State;
15 provided that:

16 (1) The governor has issued a proclamation of a state of
17 emergency;

18 (2) The governor shall not expend in excess of \$10,000,000
19 for immediate relief as a result of any single
20 emergency or disaster; and

21 (3) In addition to the funds in paragraph (2), an
22 additional [~~\$5,000,000~~] \$10,000,000 may be made

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1 available solely for the purpose of matching federal
2 disaster relief funds when these funds become
3 available to the State following a [~~presidential~~]
4 federal disaster declaration.

5 In expending the moneys, the governor may allot any portion
6 thereof to any agency, office, or employee of the State or a
7 county for the most efficient relief for the population.

8 Notwithstanding this subsection, the only exception to
9 paragraphs (1), (2), and (3) is that the administrator may use
10 up to \$250,000 per year to support the emergency management
11 reserve corps. The funds identified in this subsection shall be
12 deemed to be trust moneys and shall be deposited into a trust
13 account with and under the control of the Hawaii emergency
14 management agency. These funds may be used for open federally
15 declared disasters that are being managed by the Hawaii
16 emergency management agency."

17 SECTION 3. Section 127A-30, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsections (a) to (c) to read:

20 "(a) Whenever the governor declares a state of emergency
21 for the entire State or any portion thereof, or a mayor declares
22 a local state of emergency for the county or any portion

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1 thereof, or when the State, or any portion thereof, is the
2 subject of a severe [~~weather~~] warning:

3 (1) There shall be prohibited any increase in the selling
4 price of any commodity, whether at the retail or
5 wholesale level, in the area that is the subject of
6 the proclamation or [~~the~~] severe [~~weather~~] warning;
7 and

8 (2) No landlord shall terminate any tenancy for a
9 residential dwelling unit in the area that is the
10 subject of the proclamation or [~~the~~] severe [~~weather~~]
11 warning, except for a breach of a material term of a
12 rental agreement or lease, or if the unit is unfit for
13 occupancy as defined in this chapter; provided that:

14 (A) Nothing in this chapter shall be construed to
15 extend a fixed-term lease beyond its termination
16 date, except that a periodic tenancy for a
17 residential dwelling unit may be terminated by
18 the landlord upon forty-five days' written
19 notice:

20 (i) When the residential dwelling unit is sold
21 to a bona fide purchaser for value; or

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1 (ii) When the landlord or an immediate family
2 member of the landlord will occupy the
3 residential dwelling unit; or

4 (B) Under a fixed-term lease or [a] periodic tenancy,
5 upon forty-five days' written notice, a landlord
6 may require a tenant or tenants to relocate
7 during the actual and continuous period of any
8 repair to render a residential dwelling unit fit
9 for occupancy; provided that:

10 (i) Reoccupancy shall first be offered to the
11 same tenant or tenants upon completion of
12 the repair;

13 (ii) The term of the fixed-term lease or periodic
14 tenancy shall be extended by a period of
15 time equal to the duration of the repair;
16 and

17 (iii) It shall be the responsibility of the tenant
18 or tenants to find other accommodations
19 during the period of repair.

20 (b) Notwithstanding this section, any additional operating
21 expenses incurred by the seller or landlord because of the
22 emergency [~~or~~], disaster, or [~~the~~] severe [~~weather, and which~~]

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1 warning that can be documented[-] may be passed on to the
2 consumer. In the case of a residential dwelling unit, if rent
3 increases are contained in a written instrument that was signed
4 by the tenant [~~prior to~~] before the declaration or severe
5 [~~weather~~] warning, the increases may take place pursuant to the
6 written instrument.

7 (c) The prohibitions under subsection (a) shall remain in
8 effect until twenty-four hours after the severe [~~weather~~]
9 warning is canceled by the [~~National Weather Service;~~] issuing
10 agency; or in the event of a declaration, [~~the later of a date~~
11 ~~specified by the governor or mayor in the declaration or ninety-~~
12 ~~six~~] seventy-two hours after the effective date and time of the
13 declaration, unless [~~such~~] the prohibition is identified and
14 continued [by a supplementary declaration issued] and the types
15 of commodities are identified by the governor or mayor[-] in the
16 proclamation or any supplementary proclamation. Any
17 proclamation issued under this chapter that fails to state the
18 time at which it will take effect, shall take effect at [~~twelve~~]
19 noon [~~of~~] on the day on which it takes effect."

20 2. By amending subsection (f) to read:

21 "(f) As used in this section:

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1 "Breach of a material term" means the failure of a party to
2 perform an obligation under the rental agreement or lease, which
3 constitutes the consideration for entering into the contract and
4 includes the failure to make a timely payment of rent.

5 "Commodity" means any good or service necessary for the
6 health, safety, and welfare of the people of Hawaii; provided
7 that this term shall include[7] but not be limited to:
8 materials; merchandise; supplies; equipment; resources; and
9 other articles of commerce that shall include food; water; ice;
10 chemicals; petroleum products; construction materials; or
11 residential dwellings.

12 "Fixed-term lease" means a lease for real property that
13 specifies its beginning date and its termination date as
14 calendar dates, or contains a formula for determining the
15 beginning and termination dates; and the application of the
16 formula as of the date of the agreement will produce a calendar
17 date for the beginning and termination of the lease.

18 "Periodic tenancy" means a tenancy wherein real property is
19 leased for an indefinite time with monthly or other periodic
20 rent reserved. A periodic tenancy may be created by express
21 agreement of the parties, or by implication upon the expiration
22 of a fixed-term lease when neither landlord nor tenant provides

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1 the other with written notice of termination and the tenant
2 retains possession of the premises for any period of time after
3 the expiration of the original term.

4 "Severe warning" means the issuance by the National Weather
5 Service, Pacific Tsunami Warning Center, United States
6 Geological Survey, or other public authority of a public
7 notification that a dangerous condition exists that could impact
8 the State, or any portion of it, within a specified period of
9 time. "Severe warning" includes but is not limited to warnings
10 of coastal inundation, high surf, flash flooding, volcano,
11 tsunami, or hurricane.

12 "Unfit for occupancy" means that a residential dwelling
13 unit has been damaged to the extent that the appropriate county
14 agency determines that the unit creates a dangerous or
15 unsanitary situation and is dangerous to the occupants or [~~to~~
16 ~~the~~] neighborhood."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

20

21

INTRODUCED BY: 

22

BY REQUEST
JAN 23 2023

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Report Title:

Emergency Management; State of Emergency; Price Control

Description:

Clarifies the scope of the Comprehensive Emergency Management Plan; delineates allowable uses of Major Disaster Fund monies; increases the amount of the additional funds that may be made available for the purpose of matching federal disaster relief fund from \$5,000,000 to \$10,000,000; shortens the duration of price control periods from 96 hours to 72 hours; defines "Severe Warning"; and clarifies that entities other than the National Weather Service issue warnings that may require the activation of the emergency management system.

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

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT.

PURPOSE: To clarify the scope of the Comprehensive Emergency Management Plan; delineate allowable uses of Major Disaster Fund monies; increase the amount of the additional funds that may be made available for the purpose of matching federal disaster relief funds from \$5,000,000 to \$10,000,000; shortens the duration of price control periods from 96 hours to 72 hours; define "Severe Warning"; and clarify that entities other than the National Weather Service issue warnings that may require the activation of the emergency management system.

MEANS: Amend sections 127A-3; 127A-16; 127A-30(a)-(c) and (f) of the Hawaii Revised Statutes.

JUSTIFICATION: Recent incidents, including the COVID-19 pandemic, have proven that certain provisions in chapter 127A, HRS, need to be revised to conform to current emergency management practices, align with federal and state processes, and clarify emergency roles and responsibilities of the Hawaii Emergency Management Agency.

Impact on the public: None.

Impact on the department and other agencies:
The implementation of this bill will align roles and responsibilities of the Hawaii Emergency Management Agency, state emergency management partners, and the county emergency management and civil defense agencies.

GENERAL FUND: None.

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OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: DEF 118.

OTHER AFFECTED
AGENCIES: Emergency management partners in the State.

EFFECTIVE DATE: Upon approval.