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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-1, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) It is the intent of the legislature to provide for  
4 and confer comprehensive powers for the purposes stated herein.  
5 This chapter shall be liberally construed to effectuate its  
6 purposes; provided that this chapter shall not be construed as  
7 conferring any power or permitting any action [~~which~~] that is  
8 inconsistent with the Constitution and laws of the United  
9 States[~~7~~] or the Hawaii State Constitution, but, in so  
10 construing this chapter, due consideration shall be given to the  
11 circumstances as they exist from time to time. This chapter  
12 shall not be deemed to have been amended by any act hereafter  
13 enacted at the same or any other session of the legislature,  
14 unless this chapter is amended by express reference."

15 SECTION 2. Section 127A-3, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:



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

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

17           (2) Assign lead and support responsibilities to state  
18 agencies and personnel for emergency management  
19 functions[7] and other support activities;

20           (3) Adopt standards and requirements for county emergency  
21 management plans. The standards and requirements



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



1 availability of adequately trained and equipped forces  
2 of emergency management personnel before, during, and  
3 after emergencies and disasters;

4 (8) Implement training programs to improve the ability of  
5 state and local emergency management personnel to  
6 prepare and implement emergency management plans and  
7 programs. This shall include a continuous training  
8 program for agencies and individuals that will be  
9 called on to perform key roles in state and local  
10 post-disaster response and recovery efforts and for  
11 local government personnel on federal and state post-  
12 disaster response and recovery strategies and  
13 procedures;

14 (9) Adopt standards and requirements for state agency  
15 emergency operating procedures and periodically review  
16 emergency operating procedures of state agencies and  
17 recommend revisions as needed to ensure consistency  
18 with the state comprehensive emergency management plan  
19 and program; and

20 (10) Coordinate, in advance whenever possible, such  
21 executive orders, proclamations, and rules for



1 issuance by the governor as are necessary or  
2 appropriate for coping with emergencies and  
3 disasters."

4 SECTION 3. Section 127A-14, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 **"§127A-14 State of emergency.** (a) The governor may  
7 declare the existence of a state of emergency in the State by  
8 proclamation if the governor finds that an emergency or a  
9 disaster has occurred or that there is imminent danger or threat  
10 of an emergency or a disaster in any portion of the State.

11 (b) A mayor may declare the existence of a local state of  
12 emergency in the county by proclamation if the mayor finds that  
13 an emergency or a disaster has occurred or that there is  
14 imminent danger or threat of an emergency or a disaster in any  
15 portion of the county.

16 (c) The governor or mayor shall be the sole judge of the  
17 existence of the danger, threat, or circumstances giving rise to  
18 a declaration, an extension, or a termination of a state of  
19 emergency in the State or a local state of emergency in the  
20 county, as applicable. This section shall not limit the power  
21 and authority of the governor under section 127A-13(a) (5).



1 (d) A state of emergency and a local state of emergency  
2 shall terminate automatically sixty days after the issuance of a  
3 proclamation of a state of emergency or local state of  
4 emergency, respectively, [~~or~~] unless extended or terminated by a  
5 separate or supplementary proclamation of the governor or  
6 mayor[~~, whichever occurs first~~]."

7 SECTION 4. Section 127A-16, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

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

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

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

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



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 5. 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



1 a local state of emergency for the county or any portion  
2 thereof, or when the State, or any portion thereof, is the  
3 subject of a severe [~~weather~~] warning:

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

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

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



- 1 (i) When the residential dwelling unit is sold
- 2 to a bona fide purchaser for value; or
- 3 (ii) When the landlord or an immediate family
- 4 member of the landlord will occupy the
- 5 residential dwelling unit; or
- 6 (B) Under a fixed-term lease or [a] periodic tenancy,
- 7 upon forty-five days' written notice, a landlord
- 8 may require a tenant or tenants to relocate
- 9 during the actual and continuous period of any
- 10 repair to render a residential dwelling unit fit
- 11 for occupancy; provided that:
- 12 (i) Reoccupancy shall first be offered to the
- 13 same tenant or tenants upon completion of
- 14 the repair;
- 15 (ii) The term of the fixed-term lease or periodic
- 16 tenancy shall be extended by a period of
- 17 time equal to the duration of the repair;
- 18 and
- 19 (iii) It shall be the responsibility of the tenant
- 20 or tenants to find other accommodations
- 21 during the period of repair.



1 (b) Notwithstanding this section, any additional operating  
2 expenses incurred by the seller or landlord because of the  
3 emergency [~~or~~], disaster, or [~~the~~] severe [~~weather, and which~~]  
4 warning that can be documented[~~7~~] may be passed on to the  
5 consumer. In the case of a residential dwelling unit, if rent  
6 increases are contained in a written instrument that was signed  
7 by the tenant [~~prior to~~] before the declaration or severe  
8 [~~weather~~] warning, the increases may take place pursuant to the  
9 written instrument.

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



1 time at which it will take effect, shall take effect at [~~twelve~~]  
2 noon [~~o~~] on the day on which it takes effect."

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

4 "(f) As used in this section:

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

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

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



1 "Periodic tenancy" means a tenancy wherein real property is  
2 leased for an indefinite time with monthly or other periodic  
3 rent reserved. A periodic tenancy may be created by express  
4 agreement of the parties, or by implication upon the expiration  
5 of a fixed-term lease when neither landlord nor tenant provides  
6 the other with written notice of termination and the tenant  
7 retains possession of the premises for any period of time after  
8 the expiration of the original term.

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

17 "Unfit for occupancy" means that a residential dwelling  
18 unit has been damaged to the extent that the appropriate county  
19 agency determines that the unit creates a dangerous or  
20 unsanitary situation and is dangerous to the occupants or [~~te~~  
21 ~~the~~] neighborhood."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on June 30, 3000.

4



**Report Title:**

Emergency Management Powers; State of Emergency; Price Control;  
Severe Warning

**Description:**

Clarifies that the Governor's and mayors' emergency management powers shall be consistent with the state constitution. Clarifies the scope of the comprehensive emergency management plan. Clarifies the powers of the Governor and mayors to extend or terminate a state of emergency. Specifies the status and the allowable uses of Major Disaster Fund moneys, including increasing 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 ninety-six hours to seventy-two hours. Defines the term "severe warning", clarifying that entities other than the National Weather Service issue warnings that may require the activation of the emergency management system. Effective 6/30/3000. (HD1)

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

