

JAN 25 2023

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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-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;

S.B. NO. 1332

- 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;

§.B. NO. 1332

- 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

S.B. NO. 1332

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

S.B. NO. 1332

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

S.B. NO. 1332

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

S.B. NO. 1332

- 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~~]

S.B. NO. 1332

1 warning that can be documented[~~7~~] 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:

S.B. NO. 1332

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

S.B. NO. 1332

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 [~~te~~  
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

# S.B. NO. 1332

**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

**SB. NO. 1332**

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.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: DEF 118.

OTHER AFFECTED  
AGENCIES: Emergency management partners in the State.

EFFECTIVE DATE: Upon approval.