
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



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



1 citizens to be self-sufficient for up to fourteen days
2 following a natural or human-caused disaster;

3 (7) Coordinate federal, state, and local emergency
4 management activities and take all other steps,
5 including the partial or full mobilization of
6 emergency management forces and organizations in
7 advance of an actual emergency, to ensure the
8 availability of adequately trained and equipped forces
9 of emergency management personnel before, during, and
10 after emergencies and disasters;

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



1 (9) Adopt standards and requirements for state agency
2 emergency operating procedures and periodically review
3 emergency operating procedures of state agencies and
4 recommend revisions as needed to ensure consistency
5 with the state comprehensive emergency management plan
6 and program; and

7 (10) Coordinate, in advance whenever possible, [~~such~~] any
8 executive orders, proclamations, and rules for
9 issuance by the governor as are necessary or
10 appropriate for coping with emergencies and
11 disasters."

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

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

20 (1) The governor has issued a proclamation of a state of
21 emergency;



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

4 (3) In addition to the funds in paragraph (2), an
5 additional [~~\$5,000,000~~] \$10,000,000 may be made
6 available solely for the purpose of matching federal
7 disaster relief funds when these funds become
8 available to the State following a [~~presidential~~]
9 federal disaster declaration.

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

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



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

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

4 "(a) [~~Whenever~~] If the governor declares a state of
5 emergency for the entire State or any portion thereof, or a
6 mayor declares a local state of emergency for the county or any
7 portion thereof, or when the State, or any portion thereof, is
8 the subject of a severe [~~weather~~] warning:

9 (1) There shall be prohibited any increase in the selling
10 price of any commodity, whether at the retail or
11 wholesale level, in the area that is the subject of
12 the proclamation or [~~the~~] severe [~~weather~~] warning;
13 and

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

20 (A) Nothing in this chapter shall be construed to
21 extend a fixed-term lease beyond its termination



1 date, except that a periodic tenancy for a
2 residential dwelling unit may be terminated by
3 the landlord upon forty-five days' written
4 notice:

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

7 (ii) When the landlord or an immediate family
8 member of the landlord will occupy the
9 residential dwelling unit; or

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

16 (i) Reoccupancy shall first be offered to the
17 same tenant or tenants upon completion of
18 the repair;

19 (ii) The term of the fixed-term lease or periodic
20 tenancy shall be extended by a period of



1 time equal to the duration of the repair;

2 and

3 (iii) It shall be the responsibility of the tenant
4 or tenants to find other accommodations
5 during the period of repair.

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

15 (c) The prohibitions under subsection (a) shall remain in
16 effect until twenty-four hours after the severe [~~weather~~]
17 warning is canceled by the [~~National Weather Service,~~] issuing
18 agency; or in the event of a declaration, [~~the later of a date~~
19 ~~specified by the governor or mayor in the declaration or ninety-~~
20 ~~six~~] seventy-two hours after the effective date and time of the
21 declaration, unless [~~such~~] the prohibition is identified and



1 continued [~~by a supplementary declaration issued~~] and the types
2 of commodities are identified by the governor or mayor[-] in the
3 proclamation or any supplementary proclamation. Any
4 proclamation issued under this chapter that fails to state the
5 time at which it will take effect, shall take effect at [twelve]
6 noon [of] on the day on which it takes effect."

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

8 "(f) As used in this section:

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

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

20 "Fixed-term lease" means a lease for real property that
21 specifies its beginning date and its termination date as



1 calendar dates, or contains a formula for determining the
2 beginning and termination dates; and the application of the
3 formula as of the date of the agreement will produce a calendar
4 date for the beginning and termination of the lease.

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

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



1 "Unfit for occupancy" means that a residential dwelling
2 unit has been damaged to the extent that the appropriate county
3 agency determines that the unit creates a dangerous or
4 unsanitary situation and is dangerous to the occupants or [~~to~~
5 ~~the~~] neighborhood."

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$12,000,000 or so
8 much thereof as may be necessary for fiscal year 2023-2024 and
9 the same sum or so much thereof as may be necessary for fiscal
10 year 2024-2025 for the planning and design of a new Hawaii
11 emergency management agency facility to be built at the First
12 Responders Technology Campus in Mililani on the island of Oahu.

13 The sums appropriated shall be expended by the Hawaii
14 emergency management agency for the purposes of this Act.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Emergency Management; State of Emergency; Price Control;
Appropriation

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; appropriates moneys to the Hawaii Emergency Management Agency for the planning and design of a new facility in Mililani, Oahu. Effective 7/1/2050. (SD1)

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