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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 (e) The legislature, by two-thirds vote of both the senate  
 8 and house of representatives, may terminate or extend a state of  
 9 emergency sixty days after the issuance of a proclamation of a  
 10 state of emergency."

11 SECTION 4. Section 127A-30, Hawaii Revised Statutes, is  
 12 amended by amending subsections (a) to (c) to read as follows:

13 "(a) Whenever the governor declares a state of emergency  
 14 for the entire State or any portion thereof, or a mayor declares  
 15 a local state of emergency for the county or any portion  
 16 thereof, or when the State, or any portion thereof, is the  
 17 subject of a severe weather warning:

18 (1) There shall be prohibited any increase in the selling  
 19 price of any commodity, whether at the retail or  
 20 wholesale level, in the area that is the subject of  
 21 the proclamation or [~~the~~] severe weather warning;



1 provided that the prohibition may be restricted to  
2 particular commodities in the proclamation; and

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

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

- 15 (i) When the residential dwelling unit is sold  
16 to a bona fide purchaser for value; or  
17 (ii) When the landlord or an immediate family  
18 member of the landlord will occupy the  
19 residential dwelling unit; or

20 (B) Under a fixed-term lease or [a] periodic tenancy,  
21 upon forty-five days' written notice, a landlord



1           may require a tenant or tenants to relocate  
2           during the actual and continuous period of any  
3           repair to render a residential dwelling unit fit  
4           for occupancy; provided that:

5           (i) Reoccupancy shall first be offered to the  
6           same tenant or tenants upon completion of  
7           the repair;

8           (ii) The term of the fixed-term lease or periodic  
9           tenancy shall be extended by a period of  
10          time equal to the duration of the repair;  
11          and

12          (iii) It shall be the responsibility of the tenant  
13          or tenants to find other accommodations  
14          during the period of repair.

15          (b) Notwithstanding this section, any additional operating  
16          expenses incurred by the seller or landlord because of the  
17          emergency [~~or~~], disaster, or [~~the~~] severe weather [~~, and which~~]  
18          warning that can be documented[~~7~~] may be passed on to the  
19          consumer. In the case of a residential dwelling unit, if rent  
20          increases are contained in a written instrument that was signed  
21          by the tenant [~~prior to~~] before the declaration or severe



1 weather warning, the increases may take place pursuant to the  
2 written instrument.

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

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

18 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Emergency Management Powers; State of Emergency; Price Control

**Description:**

Clarifies that the Governor's and mayors' emergency management powers shall be consistent with the Hawaii 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. Shortens the duration of price control periods from ninety-six hours to seventy-two hours. (SD1)

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

