
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-30, Hawaii Revised Statutes, is
8 amended by amending subsections (a) to (c) to read as follows:

9 "(a) Whenever the governor declares a state of emergency
10 for the entire State or any portion thereof, or a mayor declares
11 a local state of emergency for the county or any portion
12 thereof, or when the State, or any portion thereof, is the
13 subject of a severe weather warning:

14 (1) There shall be prohibited any increase in the selling
15 price of any commodity, whether at the retail or
16 wholesale level, in the area that is the subject of
17 the proclamation or [~~the~~] severe weather warning;
18 provided that the prohibition may be restricted to
19 particular commodities in the proclamation; and

20 (2) No landlord shall terminate any tenancy for a
21 residential dwelling unit in the area that is the



1 subject of the proclamation or [~~the~~] severe weather
2 warning, except for a breach of a material term of a
3 rental agreement or lease, or if the unit is unfit for
4 occupancy as defined in this chapter; provided that:

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

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

13 (ii) When the landlord or an immediate family
14 member of the landlord will occupy the
15 residential dwelling unit; or

16 (B) Under a fixed-term lease or [~~a~~] periodic tenancy,
17 upon forty-five days' written notice, a landlord
18 may require a tenant or tenants to relocate
19 during the actual and continuous period of any
20 repair to render a residential dwelling unit fit
21 for occupancy; provided that:



1 (i) Reoccupancy shall first be offered to the
2 same tenant or tenants upon completion of
3 the repair;

4 (ii) The term of the fixed-term lease or periodic
5 tenancy shall be extended by a period of
6 time equal to the duration of the repair;
7 and

8 (iii) It shall be the responsibility of the tenant
9 or tenants to find other accommodations
10 during the period of repair.

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

20 (c) The prohibitions under subsection (a) shall remain in
21 effect until twenty-four hours after the severe weather warning



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

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 3000.



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 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. Effective 7/1/3000. (HD1)

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