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## A BILL FOR AN ACT

RELATING TO EMERGENCIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to define the events  
2 for which the governor may exercise emergency powers.

3 SECTION 2. Section 127-10, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§127-10 Disaster relief during suspension of preceding**  
6 **sections.** (a) During any period in which sections 127-1 to  
7 127-9 are not in effect, the governor and political subdivisions  
8 may exercise any and all of their powers that relate to  
9 disasters resulting from enemy attacks, in order to provide  
10 other disaster relief. All provisions of law that relate to  
11 disasters resulting from enemy attacks during such period are  
12 made applicable to other disaster relief, including without  
13 limitation, provisions making or authorizing appropriations or  
14 expenditures.

15 (b) As used in this section [~~"other~~]:

16 "Act of God" means an act occasioned exclusively by the  
17 violence of nature without human interference.



1       "Major accident" means a sudden and unexpected event with  
2 substantial detrimental effect that takes place immediately upon  
3 the occurrence of the event, as opposed to an event with  
4 insubstantial detrimental effect or substantial detrimental  
5 effect that has accumulated over time.

6       "Other disaster relief" means the preparation for and the  
7 carrying out of all functions, other than functions for which  
8 military forces are primarily responsible, to minimize and  
9 repair injury and damage resulting from disasters caused by  
10 [fire, flood, tidal wave, volcanic eruption, earthquake, or  
11 other natural causes and] acts of God or major [disasters caused  
12 by acts of man, including but not limited to, massive oil  
13 spills, nuclear accidents, airplane crashes and civil  
14 disturbances.] accidents.

15       "Substantial detrimental effect" means actual or potential  
16 detrimental effect to:

- 17       (1) The health and safety of the majority of residents of  
18       at least one representative district;  
19       (2) The income or structures of a majority of businesses  
20       located in at least one representative district; or



1       (3) The physical environment of a majority of the land  
2           area or coastline of at least one representative  
3           district.

4       (c) The governor may make a determination of "substantial  
5       detrimental effect" by a reasonable estimate of the actual or  
6       potential effect of an accident. A quantification of the effect  
7       shall not be necessary."

8           SECTION 3. Statutory material to be repealed is bracketed  
9       and stricken. New statutory material is underscored.

10          SECTION 4. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

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JAN 18 2008



**Report Title:**

Emergency Executive Powers

**Description:**

Clarifies when the governor may exercise emergency powers.

