

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2828
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Public Safety & Military Affairs, to which
was referred S.B. No. 2828, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DISASTER RELIEF,"

begs leave to report as follows:

The purpose of this bill is to ensure a timely response and
prevent the misuse of the power to suspend laws during periods of
natural or manmade disaster or enemy or terrorist attack, as
authorized under Chapter 128, Hawaii Revised Statutes (the Civil
Defense and Emergency Act), by:

- (1) Specifying that the "Disaster Relief Agency" and the
"Director of Disaster Relief" under Chapter 127, Hawaii
Revised Statutes (the Disaster Relief Law), is the state
Civil Defense Agency and the state Director of Civil
Defense;
- (2) Specifying that the limitations on the Governor's
emergency powers do not apply to disasters caused by
fire, flood, tidal wave, volcanic eruption, pandemic
illness, earthquake, or other natural causes, or manmade
disasters, including massive oil spills, nuclear
accidents, airplane crashes, civil disturbances, and
enemy attacks or acts of terrorism;



- (3) Providing for action to be taken by the Governor to prevent or mitigate disasters that may happen in the immediate future;
- (4) Clarifying under what circumstances the Governor may suspend laws under the Civil Defense and Emergency Act and requiring the Governor to report to the Legislature to authorize the continuance of disaster relief actions provided under such a suspension of laws;
- (5) Establishing that certain provisions of the State's Disaster Relief Law are operative and supersede provisions of the Civil Defense and Emergency Act in times when an emergency arises that is not considered a civil defense emergency;
- (6) Specifying that the term "other disaster relief" does not include remedying periodic or longstanding societal inequities or circumstances that could otherwise be remedied through the legislative process; and
- (7) Providing that, in certain cases, emergency powers in force prior to the effective date of this measure expire at the end of the Regular Session of 2008 unless reauthorized by the Legislature through adoption of a concurrent resolution or enactment of law.

The Governor, Department of the Attorney General, Department of Defense, Department of Agriculture, Department of Land and Natural Resources, Department of Transportation, Department of Accounting and General Services, and the Friends of Pai'olu Kaiaulu, Inc., opposed this bill.

Your Committee finds that activating the Disaster Relief Law creates confusion because the Civil Defense Agency and the Disaster Relief Agency become the same agency. Therefore, your Committee has amended this bill by, among other things:

- (1) Deleting the provision that equates the Disaster Relief Agency and the Director of Disaster Relief with the Civil Defense Agency and the Director of Civil Defense, respectively;
- (2) Applying limitations on the Governor's emergency powers to disasters caused by fire, flood, tidal wave, volcanic eruption, pandemic illness, earthquake, or other natural



causes, or manmade disasters, including massive oil spills, nuclear accidents, airplane crashes, and civil disturbances, or acts of terrorism;

- (3) Removing the provision that the term "other disaster relief" does not include remedying periodic or longstanding societal inequities or circumstances that could otherwise be remedied through the legislative process;
- (4) Limiting the term "tangible and measurable harm or damage" to, among other factors, harm or damage that has already occurred; and
- (5) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2828, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2828, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety &
Military Affairs,


CINDY EVANS, Chair



