

Honolulu, Hawaii

Aj-14, 2008

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

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 2828, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to prevent the misuse of the power to suspend laws during periods of natural or manmade disaster as authorized under Chapter 127, Hawaii Revised Statutes (HRS), relating to Disaster Relief, by, among other things:

- (1) Establishing that disaster relief under Chapter 127, HRS, is available, as well as all powers under Chapter 128, HRS (the Civil Defense and Emergency Act), and any other laws relating to Chapter 127, HRS, when an emergency arises that is not considered a civil defense emergency;
- (2) Allowing the Governor to exercise powers under Chapter 127, HRS, only if tangible and measurable harm or damage has resulted as a consequence of the disaster; and
- (3) Requiring that any of the Governor's emergency powers under an emergency proclamation in effect prior to the effective date of this measure expire when this measure becomes law, unless reauthorized by the Legislature.



The Governor, Department of Defense, Department of the Attorney General, Department of Accounting and General Services, Department of Agriculture, and Department of Land and Natural Resources opposed this bill.

Your Committee has amended this bill by reinstating the S.D. 2 version of this measure and making technical, nonsubstantive changes for clarity, consistency, and style. As amended, this bill differs from the H.D. 1 in that it:

- (1) Specifies that the "Disaster Relief Agency" and the "Director of Disaster Relief" under Chapter 127, HRS, is the state Civil Defense Agency and the state Director of Civil Defense;
- (2) Specifies 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
- (3) Limits the expiration of the Governor's powers under an emergency proclamation in effect prior to the effective date of this measure to proclamations that are:
 - (A) Not issued for drainage improvements, earthquake damage, slope erosion, culvert repairs, boat ramp dredging, dam spillage repairs, or stream or river restoration; and
 - (B) Not in compliance with the provisions of this bill.

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

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



