
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that it is necessary to
2 reestablish the proper constitutional framework of checks and
3 balances and separation of powers between the legislature and
4 the executive branch with respect to the enactment of laws to
5 address important issues of public policy. Article III, section
6 1, of the Hawaii State Constitution vests the "legislative power
7 of the State" in the legislature. Article V, section 5, of the
8 Hawaii State Constitution gives the governor the responsibility
9 "for the faithful execution of the laws" that are enacted.

10 The legislature further finds that the decision of the
11 Hawaii Supreme Court in *Nakoa III v. Governor of the State of*
12 *Hawaii*, 156 Hawaii 416, 575 P.3d 506 (2025), threatens to upset
13 this vital constitutional balance. The Hawaii Supreme Court
14 interpreted chapter 127A, Hawaii Revised Statutes, to grant the
15 governor emergency powers, including the power to suspend laws
16 enacted by the legislature, to address "not only discrete
17 events" that suddenly "threaten substantial harm to Hawai'i's



1 people, property, or environment", but also "long-term issues",
2 such as the nearly century-long shortage of affordable housing
3 in Hawaii.

4 The legislature additionally finds that in order to
5 preserve the separation of powers and avoid executive overreach,
6 it must remain the exclusive province of the legislature to
7 address longstanding public-policy challenges.

8 Therefore, the purpose of this Act is to clarify that the
9 emergency powers granted by chapter 127A, Hawaii Revised
10 Statutes, to the governor and county mayors are strictly limited
11 to situations that involve responding to the sudden occurrence
12 of disasters or emergencies of unprecedented size and
13 destructiveness resulting from natural or human-caused hazards.

14 SECTION 2. Section 127A-2, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending the definition of "disaster" to read:
17 ""Disaster" means ~~[any emergency,]~~ the occurrence or
18 ~~imminent threat [thereof, which results or may likely result in]~~
19 of widespread or severe damage, injury, or loss of life,
20 property, or environment [and] resulting from any sudden natural
21 or artificial cause, including hurricanes, windstorms, floods,



1 extreme rain events, earthquakes, landslides, mudslides,
2 volcanic activity, tsunamis, fires, explosions, air or water
3 contamination, blight, droughts, infestations, riots, sabotage,
4 hostile military or paramilitary action, hazardous material
5 accidents, disease or contagion outbreaks, bioterrorism,
6 cyberterrorism, terrorism, or incidents involving weapons of
7 mass destruction, that requires, or may require, assistance from
8 other counties, states, the federal government, or from private
9 agencies."

10 2. By amending the definition of "emergency" to read:

11 ~~""Emergency" means [any] the occurrence[–] or imminent~~
12 ~~threat [~~thereof, which results or may likely result in~~~~
13 ~~substantial injury or] of a disaster that causes or may be~~
14 ~~likely to cause catastrophic harm and immediate danger to the~~
15 ~~population [~~or~~], substantial damage to or loss of property, or~~
16 ~~substantial damage to or loss of the environment[–] and that~~
17 ~~timely action can avert or minimize."~~

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Emergency Management; Emergency Powers; Disasters; Emergencies

Description:

Clarifies the types of events that constitute disasters and emergencies for the purposes of emergency management. Effective 7/1/3000. (HD1)

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