
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 v. Governor of State*, 156 Hawaii
12 416, 575 P.3d 506 (2025), threatens to upset this vital
13 constitutional balance. The Hawaii Supreme Court interpreted
14 chapter 127A, Hawaii Revised Statutes, to grant the governor
15 emergency powers, including the power to suspend laws enacted by
16 the legislature, to address "conditions that threaten
17 substantial harm to Hawai'i's people, property, or environment",



1 including but not only discrete, sudden events, but also "long-
2 term issues", such as the nearly century-long shortage of
3 affordable housing 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 adding a new definition to be appropriately inserted
17 and to read:

18 "Catastrophic harm" means extraordinary levels of loss of
19 life, mass casualties, or life-threatening physical injury to a
20 large number of persons, or the sudden failure or destruction of



1 critical infrastructure essential to immediate public safety or
2 life-sustaining public health functions."

3 2. By amending the definition of "disaster" to read:

4 ""Disaster" means [~~any emergency,~~] the occurrence or
5 imminent threat [~~thereof, which results or may likely result in~~]
6 of widespread or severe damage, injury, or loss of life,
7 property, or environment [~~and~~] resulting from any sudden natural
8 or artificial cause, including hurricanes, windstorms, floods,
9 extreme rain events, earthquakes, landslides, mudslides,
10 volcanic activity, tsunamis, fires, explosions, air or water
11 contamination, blight, droughts, infestations, riots, sabotage,
12 hostile military or paramilitary action, hazardous material
13 accidents, disease or contagion outbreaks, bioterrorism,
14 cyberterrorism, terrorism, or incidents involving weapons of
15 mass destruction, that requires, or may require, assistance from
16 other counties, states, the federal government, or from private
17 agencies."

18 3. By amending the definition of "emergency" to read:

19 ""Emergency" means [~~any~~] the occurrence [~~,~~] or imminent
20 threat [~~thereof, which results or may likely result in~~
21 substantial injury or] of a disaster that causes or may be



1 likely to cause catastrophic harm and immediate danger to the
2 population [~~or~~], substantial damage to or loss of property, or
3 substantial damage to or loss of the environment[-] and that
4 timely action can avert or minimize."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 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. (HD2)

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