

STAND. COM. REP. NO.

402

Honolulu, Hawaii

, 2021

FEB 18

RE: H.B. No. 103

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 103, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY POWERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of suspension of laws and require justification for the suspension;
- (3) Provide for the termination or extension of a proclamation of a state of emergency; and
- (4) Allow a separate proclamation arising from the same emergency or disaster as a previous proclamation that expired, upon request of the Governor and adoption of a concurrent resolution by the Legislature.

Your Committee received testimony in support of this measure from the State of Hawaii Organization of Police Officers; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and

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three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Emergency Management Agency, Maui Chamber of Commerce, and one individual. Your Committee received comments on this measure from Common Cause Hawaii and Grassroot Institute of Hawaii.

Your Committee finds that to address the coronavirus disease 2019 (COVID-19) pandemic, the Governor declared a state of emergency on March 4, 2020, and has since issued 17 supplemental proclamations extending the state of emergency and other restrictions. Your Committee believes that there needs to be more checks and balances with regard to the extension of emergency proclamations to ensure the welfare of the residents of the State. Your Committee further finds that the Governor appropriately took action to provide relief for damages to protect the health, safety, and welfare of residents by suspending certain laws, however, as the State enters the eleventh month of the pandemic, it brings into question the need to continuously suspend a variety of state laws.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 103, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSCR 402**

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 103 HDI	Committee Referral: PDP, JHA, FIN	Date: 2-11-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	12	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
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