

Honolulu, Hawaii
, 2022

MAR 03

RE: H.B. No. 1585
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1585, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to reform the legal framework governing emergency management in the State by:

- (1) Clarifying that the powers granted for emergency purposes shall not be inconsistent with the state constitution;
- (2) Providing parameters for the duration of the suspension of laws and require justification for the suspension;
- (3) Authorizing the Governor to require counties to obtain the Governor's approval or the approval of the Director of the Hawaii Emergency Management Agency before issuing any emergency order, rule, or proclamation;
- (4) Clarifying that a state of emergency may be extended or terminated by a separate or supplementary proclamation;

- (5) Authorizing the Legislature to terminate a state of emergency, in part or in whole, by a two-thirds vote of each legislative house; and
- (6) Specifying that prohibitions on price increases of essential commodities during a severe weather warning expire seventy-two hours after the effective date and time of the initial declaration or any supplemental proclamation.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; State of Hawaii Organization of Police Officers; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party. Your Committee received comments on this measure from the Hawaii Emergency Management Agency, Common Cause Hawaii, Grassroot Institute of Hawaii, and one individual.

Your Committee finds that come March 2022, it will be two years since the Governor issued the first emergency proclamation declaring a state of emergency to support ongoing State and county responses to COVID-19. Your Committee further finds that the dire impacts of the pandemic on all aspects of everyday life, as well as the economic, social, and health disruptions caused by the pandemic, were unprecedented and necessitated certain emergency actions to deal with the pandemic. However, your Committee finds that the broad emergency powers of the Governor during a state of emergency and extended emergency period warrant scrutiny. This measure will ensure that there are checks and balances in place during a state of emergency to protect the health, safety, and welfare of residents.

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. 1585, H.D. 1, and recommends that it pass Third Reading.



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


MARK M. NAKASHIMA, Chair



