

STAND. COM. REP. NO. 3453

Honolulu, Hawaii

MAR 24 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations, to which was referred H.B. No. 1585, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent 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 prior to 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 the members 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 Committees received testimony in support of this measure from one member of the Kaua'i County Council; State of Hawaii Organization of Police Officers; United Public Workers, AFSCME Local 646, AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and three individuals. Your Committees received comments on this measure from the Hawai'i Emergency Management Agency, Chamber of Commerce Hawaii, Common Cause Hawaii, Grassroot Institute of Hawaii, and one individual.

Your Committees find that the emergence of the coronavirus disease 2019 (COVID-19) and its variants created a great challenge to global health and the economy. The Governor and county mayors have exercised their emergency powers under chapter 127A, Hawaii Revised Statutes, to impose rules to combat the SARS-CoV-2 virus. Your Committees further find that the enforcement of these rules has been critical to efforts limit the spread of the virus, protect the health and safety of the community, manage medical resources, and promote economic recovery. However, the COVID-19 pandemic has also highlighted the importance of clear legal frameworks for state and county emergency management to ensure the State and counties are prepared for any type of emergency. Your Committees believe that existing law relating to emergency management should clearly specify and articulate the bases for emergency actions.

Your Committees have amended this measure by:

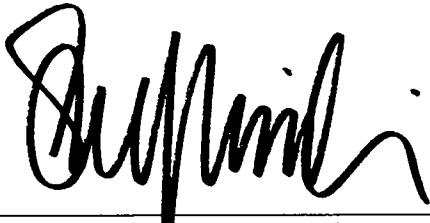
- (1) Changing the term "severe weather warning" to "severe warning" to include severe hazard warning messages from the Pacific Tsunami Warning Center, United States Geological Survey, and other public authorities;



- (2) Excluding seasonal price increases from being interpreted as "price gouging"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1585, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1585, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Government
Operations,



SHARON MORIWAKI, Chair



CLARENCE K. NISHIHARA, Chair



