

Honolulu, Hawaii

APR 28 2022

RE: S.B. No. 3089
S.D. 2
H.D. 2
C.D. 1

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

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3089, S.D. 2, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify that powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of the suspension of laws and require justification for the suspension;
- (3) Authorize the Governor to require counties to obtain the approval of the Governor or Director of the Hawaii Emergency Management Agency before issuing any emergency order, rule, or proclamation;



- (4) Clarify the legal framework governing the extension and termination of emergency periods;
- (5) Authorize the Legislature and county councils to terminate, in part or in whole, a state of emergency or local state of emergency, as applicable, by an affirmative two-thirds vote;
- (6) Clarify that the Governor and mayors may re-declare a state of emergency or local state of emergency, as applicable, that has been terminated; and
- (7) Specify when certain prohibitions during an emergency or severe warning expire.

Your Committee on Conference finds that the coronavirus disease 2019 pandemic has highlighted the importance of clear legal frameworks for state emergency management to ensure that the State is ready for any type of emergency. This measure will protect the health, safety, and welfare of residents by clarifying state emergency management authority, ensuring effective and adaptable emergency responses, and furthering the goals of transparency and democratic accountability inherent within the Hawaii State Constitution.

Your Committee on Conference has amended this measure by:

- (1) Inserting language making public records generated during or containing information from the time of the suspension subject to disclosure requests made after the suspension has terminated;
- (2) Removing language that would have allowed the county councils to terminate a local state of emergency;
- (3) Removing language that would have allowed a mayor to redeclare a local state of emergency that has been terminated;
- (4) Clarifying that if certain prohibitions during a severe warning are continued then the types of commodities affected must be identified in the proclamation or any supplementary proclamation;
- (5) Changing the effective date to upon its approval; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3089, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3089, S.D. 2, H.D. 2, C.D. 1.

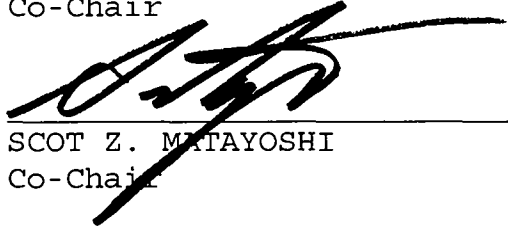
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

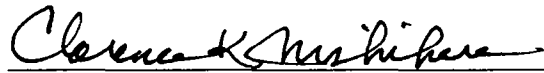
ON THE PART OF THE SENATE



LINDA ICHIYAMA
Co-Chair



SCOT Z. MATAYOSHI
Co-Chair



CLARENCE K. NISHIHARA
Chair



KARL RHOADS
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 3089, SD 2, HD 2	Date/Time: 4/28/22 9:50 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

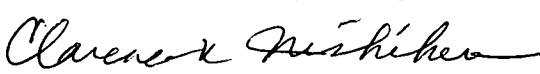

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	/				ICHIYAMA, Linda, Co-Chr.	/			
RHOADS, Karl, Co-Chr.	/				MATAYOSHI, Scot Z., Co-Chr.	/			
FEVELLA, Kurt	/				ELI, Stacelynn K.M.	/			
					WARD, Gene	/			
TOTAL	3	-	-	-	TOTAL	4	-	-	-

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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