STAND. COM. REP. NO. 1925-22

Honolulu, Hawaii

APR 08 ' 2022

RE: S.B. No. 3089

S.D. 2 H.D. 2

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 S.B. No. 3089, S.D. 2, 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:

- (1) Prohibit the Governor or mayor from suspending requests for public records or vital statistics records during an emergency;
- (2) Allow for a reasonable delay in a department's or agency's response to a request for records as a result of extenuating circumstances;
- (3) Clarify that powers granted for emergency purposes shall not be inconsistent with the state constitution;
- (4) Provide parameters for the duration of the suspension of laws and require justification for the suspension;
- (5) 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;

- (6) Clarify the legal framework governing the extension and termination of emergency periods;
- (7) Authorize the Legislature to terminate a state of emergency, in part or in whole, by an affirmative two-thirds vote; and
- (8) Specify when certain prohibitions during an emergency or a severe warning expire.

Your Committee received testimony in support of this measure from the Department of Human Services; Department of Defense; Hawai'i Emergency Management Agency; State of Hawaii Organization of Police Officers; Society of Professional Journalists Hawaii Chapter; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; United Public Workers, AFSCME Local 646, AFL-CIO; and three individuals. Your Committee received comments on this measure from the Office of Information Practices, League of Women Voters, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, Chamber of Commerce Hawaii, Grassroot Institute of Hawaii, and two individuals.

Your Committee finds that it has been two years since the Governor issued the first emergency proclamation declaring a state of emergency to support ongoing State and county responses to coronavirus disease 2019 (COVID-19). Your Committee further finds that the dire impacts of the COVID-19 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 believes 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.

Your Committee has amended this measure by:

(1) Deleting language that:

- (A) Prohibited the Governor or mayor from suspending requests for public records or vital statistics records during an emergency; and
- (B) Allowed for a reasonable delay in a department's or agency's response to a request as a result of extenuating circumstances;
- (2) Authorizing the county councils to terminate a local state of emergency, in part or in whole, by an affirmative two-thirds vote;
- (3) Clarifying that the Governor and mayors may re-declare a state of emergency or local state of emergency, as applicable, that has been terminated; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 3089, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3089, S.D. 2, H.D. 2.

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



State of Hawaii House of Representatives The Thirty-first Legislature

HSCR 1922-33

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 3089, SD2, HD1	Committee Referral: PDP, JHA		HA	Date: 3-30-22		
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
JHA Members		Ayes	Ayes (W	R) Nays	Excused	
1. NAKASHIMA, Mark M. (C)						
2. MATAYOSHI, Scot Z. (VC)						
3. ICHIYAMA, Linda						
J. Tellitawa, Emua						
4. KOBAYASHI, Dale T.		and the second s		Karana da marangan karangan k		
5. LoPRESTI, Matthew S.	.54					
6. LOWEN, Nicole E.						
U. DOWEN, NICOLE.						
7. McKELVEY, Angus L.K.			Prof. of mileonrose 20	The Late Committee of the Committee of t	printing the state of the state	
8. NAKAMURA, Nadine K.						
9. TAKUMI, Roy M.	<u> </u>					
7. TAKOWII, Ruy W.						
10. TOKIOKA, James Kunane	54. <u>93 i</u>	1. A. Sarran 1.17	isha wakalikilimiineedika	iniminima di salamana di s		
11. WARD, Gene						
TOTAL (11)		9	と	ξ Ø	2	
The recommendation is: Adopted If joint referral, committee acronym(s) Adopted did not support recommendation.						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						