

Honolulu, Hawaii

FEB 14 2022

RE: S.B. No. 3089
S.D. 1

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

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 3089 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify state and county emergency management authority;
- (2) Ensure effective and adaptable emergency responses; and
- (3) Further the goals of transparency and democratic accountability inherent within our constitution.

Your Committee received testimony in support of this measure from the Department of Defense, Hawai'i Emergency Management Agency, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; State of Hawaii Organization of Police Officers; Common Cause Hawaii; For Our Rights; Grassroot Institute of Hawaii; and three individuals.

Your Committee finds that the emergence of coronavirus disease 2019 (COVID-19) and its variants created a great challenge to global health, the economy, and our way of life. The Governor



and county mayors have had to exercise their emergency powers under chapter 127A, Hawaii Revised Statutes, to impose rules aimed to control the spread of COVID-19. The enforcement of those rules has been critical to efforts to limit the spread of COVID-19, protect the health and safety of the community, manage medical resources, and promote economic recovery. The COVID-19 pandemic has highlighted the importance of clear legal frameworks for state and county emergency management to ensure the State and counties are ready for all types of emergencies. Your Committee believes that chapter 127A, Hawaii Revised Statutes, should clearly specify and articulate the bases and parameters for emergency actions. This measure will benefit the public, the Department of Defense, and other state and county agencies by increasing transparency, adaptability, and clarity in emergency management functions, and affirmatively state that such functions must occur within the framework of both the U.S. and Hawaii State Constitutions.

Your Committee has amended this measure by:

- (1) Allowing the Legislature to, by an affirmative vote of two-thirds of the members to which each house is entitled, terminate a state of emergency, in part or in whole, declared by the Governor; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3089, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3089, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

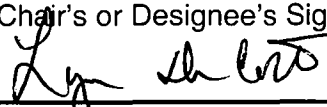
Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3089	PSM, JDC	2/8/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312				
<input checked="" type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes