

STAND. COM. REP. NO. 3167

Honolulu, Hawaii

MAR 04 2022

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3089, S.D. 1, 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 the Hawaii State Constitution.

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

Your Committee finds that the coronavirus disease 2019 pandemic has highlighted the importance of clear legal frameworks for state and county emergency management to ensure the State and



counties are ready for any type of emergency. Your Committee further finds that chapter 127A, Hawaii Revised Statutes, should clearly specify and articulate the bases for emergency actions. This measure will benefit the Department of Defense, state and county agencies, and the public by clarifying state and county 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 has amended this measure by:

- (1) Prohibiting the Governor or a mayor from suspending requests for public records or vital statistics during a declared state of emergency and allowing for a reasonable delay in an agency's response to a request as a result of extenuated circumstances;
- (2) Changing "severe weather warning" to "severe warning" and broadening the definition to include severe warnings by other entities;
- (3) Eliminating the need for most supplementary proclamations for permits, authorizations, or approvals to allow for repair work to continue beyond the emergency period;
- (4) Clarifying that the Governor's authority to be the sole judge of an emergency is subject to the Legislature's termination of a state of emergency;
- (5) Allowing a county council, by an affirmative vote of two-thirds, to terminate emergency proclamations made by a mayor; and
- (6) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3089, S.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.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3089, SDI	PSM, JDC	03-03-22		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			✓
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt				✓
TOTAL	6	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes