



**HAWAI'I COMMUNITY
DEVELOPMENT AUTHORITY**

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JOSH GREEN, M.D.
GOVERNOR

CHASON ISHII
CHAIRPERSON

CRAIG K. NAKAMOTO
EXECUTIVE DIRECTOR

Statement of
Craig K. Nakamoto, Executive Director
Hawai'i Community Development Authority

HOUSE COMMITTEE ON FINANCE

Monday, April 3, 2023
2:30 PM
Via Videoconference, State Capitol, Conference Room 308

In consideration of
SB 1332, SD1, HD1
RELATING TO EMERGENCY MANAGEMENT.

Chair Yamashita, Vice Chair Kitagawa, and members of the Committee.

The Hawai'i Community Development Authority (HCDA) **supports SB 1332, SD1, HD1**, that clarifies the scope of the Comprehensive Emergency Management Plan; and among other things appropriates moneys to the Hawai'i Emergency Management Agency for the planning and design of a new facility.

HCDA has been working with the Hawai'i Technology Development Corporation (HTDC) and the Hawai'i Emergency Management Agency (HI-EMA) in the planning and project management of the First Responders Technology Campus, and can assist HI-EMA in the planning and design of its new facility in any location.

HCDA has successfully worked with HTDC in the past to construct the popular Entrepreneurs' Sandbox facility in Kaka'ako.

Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL
KA 'AKUKANA KENELALA

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL
KA HOPE 'AKUKANA KENELALA

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAI'I 96816-4495

STATE OF HAWAI'I
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 1332 SD1
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON FINANCE

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

APRIL 2, 2023

Aloha Chair Yamashita, Vice-Chair Kitagawa, and members of the committee:

I am MG Kenneth S. Hara, Adjutant General, Director of Emergency Management and Homeland Security Advisor, State of Hawaii, Department of Defense.

The Department of Defense provides written testimony in **SUPPORT** of SB1332 SD1.

This bill, amending chapter 127A, Hawaii Revised Statutes (HRS), more clearly defines and delineates aspects of the authority governing emergency management in the State; clarifies emergency roles and responsibilities; and delineates allowable uses of the Major Disaster Fund more clearly.

The proposed changes would clarify the scope of the state's Comprehensive Emergency Management Plan, which addresses not only how Hawaii responds to emergencies and disasters, but also how it prepares for, mitigates against, and recovers from them.

In addition, the bill would modify the duration of price gouging controls during an emergency which was a highlighted issue during the COVID-19 state emergency; define a "severe warning;" and clarify that entities other than the National Weather Service may issue warnings that require activation of the emergency management system.

These modifications will better enable the Hawaii Department of Defense and the Hawaii Emergency Management Agency to fulfill their mission and improve our ability to protect the people of Hawaii.

This bill was amended to include an appropriation for the planning and design of a new HI-EMA facility at the proposed First Responder Technology Campus. We support this new provision, provided they do not conflict with the priorities set in the executive budget proposal.

We appreciate the committees support of this Governor Administration Bill and for the opportunity to provide testimony.

MG Kenneth S. Hara: kenneth.s.hara@hawaii.gov; 808-672-1001

James Barros: james.barros@hawaii.gov; 808-733-4300

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KENNETH S. HARA
DIRECTOR OF EMERGENCY
MANAGEMENT

JAMES DS. BARROS
ADMINISTRATOR OF
EMERGENCY MANAGEMENT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
HAWAI'I EMERGENCY MANAGEMENT AGENCY
4204 DIAMOND HEAD ROAD
HONOLULU, HAWAI'I 96816-4420

STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 1332 SD1
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE SENATE COMMITTEE ON **FINANCE**

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

APRIL 2, 2023

Aloha Chair Yamashita, Vice-Chair Kitagawa, and members of the committee:

I am James Barros, Administrator of the Hawai'i Emergency Management Agency (HI-EMA).

HI-EMA provides written testimony in **SUPPORT** of SB1332 SD1.

This bill amends chapter 127A, Hawaii Revised Statutes (HRS), to more clearly define and delineate aspects of the authority governing emergency management in the State; to align with federal and state processes in that field; and to clarify emergency roles and responsibilities.

The proposed changes would clarify the scope of the state's Comprehensive Emergency Management Plan, which addresses not only how Hawaii responds to emergencies and disasters, but also how it prepares for, mitigates against, and recovers from them.

The bill also would more clearly delineate allowable uses of the Major Disaster Fund, and increase the amount of additional funding that may be made available to match federal disaster relief funds, from \$5 million to \$10 million. These proposals reflect the effects of inflation over time and the larger scale and cost of emergencies in recent years, and more effectively align the state with federal disaster funding policies and practices.

In addition, the bill would modify the duration of price gouging controls during an emergency; define a "severe warning;" clarify that entities other than the National Weather Service issue warnings that may require activation of the emergency management system; and appropriates

an unspecified amount of money, discussed in the committee report, for planning and design of a new State Emergency Operations Center facility.

Recent emergencies, including the COVID-19 pandemic, have highlighted the importance of clear legal frameworks for State and county emergency management to ensure that the State and counties are ready for any types of emergencies, and to align the State with federal processes. This bill would improve and further clarify those frameworks.

We support this bill and respectfully request that the committee support it.

Thank you for the opportunity to provide testimony.

James Barros: james.barros@hawaii.gov; 808-733-4300



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Monday, April 3, 2023, at 2:30 P.M.
Conference Room 308 & Videoconference**

RE: SB 1332 SD1 HD1 Relating to Emergency Management

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports SB 1332 SD1 HD1**, which clarifies the scope of the Comprehensive Emergency Management Plan; delineates allowable uses of Major Disaster Fund monies; increases the amount of the additional funds that may be made available for the purpose of matching federal disaster relief fund from \$5,000,000 to \$10,000,000; shortens the duration of price control periods from 96 hours to 72 hours; defines "Severe Warning"; and clarifies that entities other than the National Weather Service issue warnings that may require the activation of the emergency management system; appropriates moneys to the Hawaii Emergency Management Agency for the planning and design of a new facility in Mililani, Oahu.

When an emergency proclamation is issued, HRS 127A-30 is invoked that requires pricing on all commodities to not raise as the date of proclamation. What we saw during the pandemic was that the emergency proclamation lasted for months and months on end, freezing the price on commodities that would normally fluctuate in price.

Hawaii's economy is seasonal for some industries, and if we have another emergency declaration like we saw during COVID, the law on the books would slow our economy down.

Our small businesses and industries do not price gauge based on uncertainty or when people are in distress. This bill would just avoid a long term freeze in prices and freeze in our economic growth to a long term emergency declaration.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.



April 3, 2023

2:30 p.m.

VIA VIDEOCONFERENCE

Conference Room 308

To: House Committee on Finance

Rep. Kyle T. Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB1332 SD1 HD1— RELATING TO EMERGENCY MANAGEMENT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB1332 SD1 HD1](#), which includes amendments to the state’s emergency-management statute to clarify that the powers granted for emergency purposes should not be inconsistent with the Hawaii Constitution and modify the statute’s “automatic termination” clause to specify that an emergency ends after 60 days unless extended by a supplementary proclamation .

We have grave concerns about the effect of one of these amendments. The clarification regarding the requirement that the powers be consistent with the Hawaii Constitution is a welcome one, but we think it does not go far enough to protect civil liberties.

In addition, the clause allowing the governor or mayor to extend an emergency via proclamation would exacerbate a problem in the state’s current emergency-management law that was not apparent until the COVID-19 lockdowns: the lack of a meaningful legislative check on the governor’s emergency powers.

Currently, the law includes a 60-day limit on emergencies, but does not address what should happen if an emergency exceeds that limit. This bill makes that problem even more severe by

guaranteeing that the governor would be able to extend an emergency period indefinitely, with little input or oversight from the legislative branch.

What is needed is a legislative check on the possibility of an unending emergency arising from the governor's or a mayor's ability to issue supplemental proclamations extending the original emergency period. That check would be more meaningful if multiple extensions of an emergency required legislative approval, regardless of whether the Legislature is in session.

Here are some proposed amendments that would make the bill better.

1. In Section 3, amend Section 127A-14, subsection (d) to read:

(d) A state of emergency and a local state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, ~~[or]~~ unless extended or terminated by a separate or supplementary proclamation of the governor or mayor, ~~[whichever occurs first]~~ provided that the proclamation extending the emergency meets the following qualifications:

- (1) It is the first extension of the emergency period issued by the governor or mayor and extends that emergency by no more than 60 days.
- (2) The Legislature has approved the extension by concurrent resolution.
- (3) The Legislature has not convened a special session to debate the extension of the emergency within 10 days of the issue date of the proclamation extending the emergency.
 - (a) Pursuant to the Legislature's rules governing petition for a special session, the House and Senate may petition the President of the Senate and Speaker of the House to convene a special session for the purpose of debating the extension of the emergency. The petition and special session must occur within 10 days of the issue date of the proclamation extending the emergency. If the special session does not convene within 10 days, the extension is deemed approved by the Legislature.
 - (b) If the Speaker of the House or President of the Senate notifies the governor or mayor of the need for a special session to debate the extension of an emergency, the governor or mayor may withdraw the proclamation extending the emergency and allow the emergency to terminate.

2. In addition, add the following after Section 127-A14 (e):

(f) A proclamation by the governor declaring the existence of a state of emergency arising from the same emergency or disaster for which a previous emergency proclamation was terminated by the Legislature may be authorized for a period of up to sixty days only upon request of the governor and adoption of a concurrent resolution by the Legislature.

(g) The governor or mayor shall proclaim the termination of a state of emergency or local state of emergency, respectively, at the earliest possible date that conditions warrant

During the COVID-19 emergency, we had the opportunity to learn more about what we do well and what could be improved. These amendments would be a good start toward making our state better-equipped to handle future emergencies.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii