

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

**LATE**

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

TESTIMONY ON HOUSE BILL 2581 HD1  
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE SENATE COMMITTEE ON  
**PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS**

BY

JAMES DS. BARROS  
ADMINISTRATOR  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

MARCH 11, 2024

Aloha Chair Wakai, Vice-Chair Elefante, and Members of the Committee:

Thank you for the opportunity to submit testimony to **COMMENT** on House Bill 2581 HD1.

I would like to offer **comments** on a bill that was previously supported, which has undergone revisions in language for the current year. HI-EMA believes that initiating the discussion from the framework of last year's bill is essential for a comprehensive understanding of its potential impact.

In 2023, HI-EMA made significant progress on last year's HB 522 HD1 SD1 with input from various stakeholders who supported and agreed on compromise language. We believe it is important to reference the previous bill in order to fully understand the potential impact of the current revision.

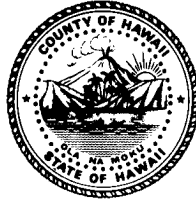
Additionally, referencing last year's bill is crucial as it provides a foundation for building upon existing agreements and compromises. By starting the discussion from the previous language, we can ensure continuity and avoid unnecessary duplication of efforts. This approach will also help streamline the process and focus on making necessary improvements without starting from scratch.

We hope the House committee will consider the framework of last year's bill rather than disregarding the diligent work that was done.

Thank you for the opportunity to provide testimony on House Bill 2581 HD1.

James Barros: [james.barros@hawaii.gov](mailto:james.barros@hawaii.gov); 808-733-4300

**Susan L.K. Lee Loy**  
Council Member  
District 3



Office: (808) 961-8396  
Fax: (808) 961-8912  
Email: [sue.leeloy@hawaiicounty.gov](mailto:sue.leeloy@hawaiicounty.gov)

## **HAWAI‘I COUNTY COUNCIL**

25 Aupuni Street, Hilo, Hawai‘i 96720

March 8, 2024

The Honorable Senator Glenn Wakai, Chair  
The Honorable Senator Brandon Elefante, Vice Chair  
Members of the House Committee on Public Safety and Intergovernmental and Military Affairs

Hawai‘i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

### **Re: Support for HB 2581 Relating to Emergency Management**

Aloha Chair Wakai and Vice Chair Elefante, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs,

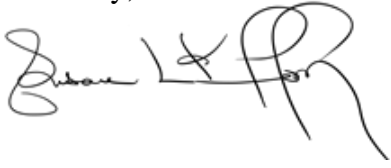
Mahalo for the opportunity to express support for House Bill No. 2581. This bill is of utmost importance in addressing the challenges and concerns regarding electronic media transmission during a state of emergency.

Our County Council has done great policy work to rewrite Hawai‘i County Code Chapter 7 (Disaster and Emergency Management), to be in alignment with HRS 127A and to include lessons learned during previous disaster events. In that process, we discovered an emergency powers section of HRS 127A, which allows the Mayor or Governor to suspend electronic media transmissions in a state of emergency.

We all know from experience that the public requires more information, not less, in times of emergency and crisis. Recognizing this, our Council amended the County Code to state "To the extent permitted by or under Federal law, authorize any actions necessary to ensure continuity of electronic media transmission." However, given that HRS takes precedence over County Code, a statutory amendment is critical, and HB2581 aims to provide this necessary fix.

HB 2581, in concert with Hawai‘i County Code Chapter 7, reflects our local community’s recognition of the urgency to address this critical issue and is a positive step towards protecting the public during a state of emergency. Please support this important piece of legislation for our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L.K. Lee Loy". The signature is fluid and cursive, with a large, stylized "R" at the end.

Susan "Sue" L.K. Lee Loy  
Council Member, County of Hawai'i

Senate Committee on Public Safety and  
Intergovernmental and Military Affairs  
Honorable Glenn Wakai, Chair  
Honorable Brandon J.C. Elefante, Vice Chair

**RE: Testimony in support of H.B. 2581 H.D. 1, Relating to Emergency  
Management**

Hearing: March 11, 2024 at 3:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony **supporting** H.B. 2581 H.D. 1.

This bill proposes to revoke the purported authority of the Governor or a county mayor to “suspend electronic media transmission” during an emergency. The constitutionality of any such authority under existing law is highly questionable. It is commendable that this Committee is taking steps to address the issue before any state action is taken that deprives the press and others of their right to broadcast, and the public of its right to listen to, electronic media under the First Amendment.

Thank you again for the opportunity to testify **supporting** H.B. 2581 H.D. 1.



Testimony of Chris Leonard  
President – Hawai'i Association of Broadcasters, Inc.  
President – New West Broadcasting Corp.  
Chairman – Hawai'i State Emergency Communications Committee (SECC)

Re: HB 2581 H.D. 1  
Hearing: Senate Committee on Public Safety and Intergovernmental Affairs  
3/11/24 – 3:00PM

***In strong support of HB 2581 H.D. 1 Relating to Emergency Management***

Good afternoon Chairman Wakai, Vice Chair Elefante and committee members. For the record, my name is Chris Leonard and I am the President of the Hawai'i Association of Broadcasters. The Association represents over 100 television and radio stations that serve local communities across the State of Hawai'i. I am also the President of New West Broadcasting Corp., a locally-owned broadcast company that owns and operates six radio stations in Hilo and Kona including KWXX, B97/B93 and KPUA. I also serve as the Chairman of the Hawaii State Emergency Communications Committee and as a member of our Local Emergency Planning Committee in Hawai'i County. I am a lifelong broadcaster that has dedicated my professional career to serving the public. I have over 30 years of experience with emergency management communications and significant knowledge of the technical systems and equipment used to provide that communication. We strongly support HB2581 as it addresses a threat to public safety and fixes an unconstitutional provision in HRS § 127A.

As you may know, Hawai'i's radio and television broadcasters and broadcasters across our nation play a vital role in emergency alerting. Our stations are an integral part of the communities that we serve and have proven time and again that we will not hesitate to put ourselves and resources in harm's way to deliver critical emergency information to the public.

Often times, local radio and television stations are the only available communications medium during disasters. Our transmission systems are not subject to outages due to network congestion. The robust "one-to-many" nature of our technology and the redundancy provided by multiple broadcasters who have invested heavily in equipment and generators ensure that we are uniquely situated to remain on air and deliver critical information before, during and after natural disasters. During the tragic Maui fires, mostly all internet, phone and wireless service failed, while broadcast stations remained available for use by emergency management

officials. We are very concerned that we have a law on the books that would jeopardize our ability to deliver a vital lifeline to the public by allowing for the suspension of electronic media transmission under an emergency declaration.

We share your concern about public safety in the State of Hawaii and understand the need to grant additional authority to the Governor and Mayors during a State of Emergency, however HRS § 127A grants unnecessary, unconstitutional and unwarranted additional powers in an emergency period that pose a threat to public safety. The current language in 127A-13(6) states that the Governor may exercise the following additional powers....

*“Shut off water mains, gas mains, electric power connections , and, **to the extent permitted by or under federal law, suspend electronic media transmission.**”*

Subsection (b)(3) contains the same language as subsection (6) but bestows the same power to Mayors.

There are numerous issues with this statute. I have listed a handful of the more significant issues below:

1. The statute is clearly an unconstitutional prior restraint. Prior restraint is censorship that allows the government to prevent publication. Allowing the Governor or Mayors the ability to suspend any all “electronic media transmissions” during a state of emergency, the statute creates a clear prior restraint on lawful free speech and publication and violates the First Amendment. Prior restraints against lawful speech have been resoundingly rejected by the Supreme Court of the United States.
2. The language grants a “blank check” to shut down electronic media transmission (all) without providing for why this would be necessary, what systems, for how long and how the determination would be made. All electronic media potentially includes radio, television, internet, cable, cell service, text messaging, social media, etc.
3. There are jurisdictional issues with the law. I am unaware of any Federal Law that grants this authority at the state or county level. However, multiple federal laws including the Integrated Public Alert and Warning System Modernization Act of 2015 and Executive Order 13407 mandate very specific requirements to ensure that **UNDER ALL CIRCUMSTANCES** the president can communicate with the American People. Furthermore, Sec. 11.51 of the Emergency Alert System Code requires that analog and digital broadcast stations (radio & tv) **MUST** transmit national level EAS messages. A state or county suspension of broadcast feeds would prohibit our ability to be compliant with Federal law and put the public at risk.

4. The Provision is loosely based on a repealed Civil Defense Air Raid law from 1951 that was created to provide power to Governor's during air raids. HRS § 128-6, Civil Defense powers, in general provided:

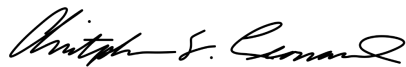
*“The governor may [(1)-(7)] (8) Air raid drills, etc. Direct or control, as may be necessary for civil defense [(A)-(D)] (E) Shutting off water mains, gas mains, . . . suspension of radio transmission.”*

This may have been practical in 1951 to prevent triangulating radio/tv signals to find coordinates for attacks by our enemies but serves no purpose today.

Chairman Wakai, Vice Chair Elefante and committee members, broadcasters, elected officials and emergency managers are bound by a common thread. We all have a duty to serve the public interest. Hawai'i's broadcasters are committed to meet these obligations. HRS § 127A needs to be revised! We strongly support HB2581! A simple edit to HRS § 127A will allow us to continue to deliver potentially life-saving information and keep our communities informed during a state of emergency, a time when we need **MORE**, not less communication.

Thank you for your consideration of this matter.

Sincerely,



Christopher S. Leonard  
President – Hawai'i Association of Broadcasters  
Chairman - Hawai'i State Emergency Communications Committee (SECC)  
President/General Manager - New West Broadcasting Corp.





Joshua L. Mednick  
Regional Vice President – Pacific Media Group  
✉: 1100 Alakea St., 29<sup>th</sup> Floor | Honolulu, HI 96813  
☎: 808.481.7566 cell | 808.947.1500 office  
@: Joshua@PMGHawaii.com



VIA ELECTRONIC MAIL

Monday, March 11, 2024

Testimony of Joshua Mednick  
Member – Hawai'i Association of Broadcasters  
Regional VP/CRO – Pacific Media Group

Re: HB 2581 H.D. 1

***Testimony supporting HB 2581 H.D. 1 Relating to Emergency Management and Broadcasts***

Chairman Wakai, Vice Chair Elefante and committee members:

My name is Joshua Mednick. I am a member of the Board of the Hawai'i Association of Broadcasters (HAB). The HAB represents over 100 television and radio stations that serve local communities across the State of Hawai'i. I am also the Regional VP/CRO for Pacific Media Group, LLC. Pacific Media Group is a locally owned broadcast company that owns and operates 21 radio stations across the state. Our operations include radio stations and studios in Honolulu, Kahului, Lihue, Hilo, and Kona. We are the only statewide audio platform in Hawaii. In my role, I directly manage the operations on Oahu, Kauai and Hawaii Island. I wish to lend my voice and support for HB2581 as it addresses a threat to public safety and fixes an unconstitutional provision in HRS § 127A.

As a broadcast veteran nearing my 40<sup>th</sup> year in the industry, I have had numerous personal experiences with the role of broadcasting during times of natural disaster and crisis. From my role as VP of Sales and Marketing for New York radio stations during the aftermath of 9-11, to my operation of New Orleans radio stations during Hurricane Isaac, to my role as COO of Lazer Media during the devastating Thomas Fires in California, to Pacific Media Group's immediate and invaluable response to the Lahaina Fires, I have literally been a contributor, supervisor, and on-air broadcaster for emergency broadcast operations during periods of significant crisis. Throughout each experience, one theme was constant. The communities we served relied almost exclusively on the vital emergency information provided by local broadcasters.

Local radio and television stations are essentially lifelines during disasters. When power is lost, and cell service is down, over-the-air broadcast often represents the sole point of contact for local emergency management, local relief organizations, and local first responders to provide information to the public at large. The Federal Communications Commission has invested heavily in the Emergency Alert System and conducts annual nationwide tests to ensure that broadcasters stand ready to deliver critical information in times of crisis. For these reasons, Hawaii Broadcasters like me are concerned that we have a law on the books that would jeopardize broadcasters' ability to deliver vital news and information to the public. Currently HRS § 127A allows for the suspension of electronic media transmission under an emergency declaration.

We understand the need to grant additional authority to the Governor and Mayors during a State of Emergency, however HRS § 127A grants unnecessary and unconstitutional powers to the Governor and Mayors during emergency periods that pose a threat to public safety. The current language in 127A-13(6) states that the Governor may exercise the following additional powers....

*“Shut off water mains, gas mains, electric power connections, and, to the extent permitted by or under federal law, suspend electronic media transmission.”*

Subsection (b)(3) contains the same language as subsection (6) but bestows the same power to Mayors.

There are numerous issues with this statute:

1. The statute is clearly an unconstitutional “prior restraint”. Prior restraint is censorship that allows the government to prevent publication. Allowing the Governor or Mayors the ability to suspend any all “electronic media transmissions” during a state of emergency, creates a clear prior restraint on lawful free speech and publication, violating the First Amendment. This specific activity has been rejected by the Supreme Court of the United States.
2. Additionally, the language grants a “blank check” to shut down electronic media transmission (all) without providing for the following:
  - Why would this be necessary?
  - Which electronic media would be suspended?
  - How long would these services be suspended?
  - How will the determination be made?

All electronic media potentially includes radio, television, internet, cable, cell service, text messaging, social media, etc.

3. There are jurisdictional issues with the law. I am unaware of any Federal Law that grants this authority at the state or county level. However, multiple federal laws including the Integrated Public Alert and Warning System Modernization Act of 2015 and Executive Order 13407 mandate specific requirements ensuring that **UNDER ALL CIRCUMSTANCES** the President of the United States can communicate with the American People.

4. Furthermore, Sec. 11.51 of the Emergency Alert System Code requires that analog and digital broadcast stations (radio & tv) **MUST** transmit national level EAS messages. A state or county suspension of broadcast feeds would prohibit our ability to be compliant with Federal law and would put the public at risk should we be unable to disseminate emergency information.

Chairman Wakai, and honorable members of the committee,

With great respect, we are all in the same business... to serve the public interest. Pacific Media Group and our fellow Hawaii Broadcasters are committed to be disciplined stewards of information and public service for the residents of our state. For the reasons previously stated, HRS § 127A must be revised!

As proposed in HB2581, an edit to HRS § 127A allows Hawaii's Broadcasters to deliver on our promise to serve the public interest and provide potentially life-saving information during an emergency, crisis, or natural disaster. As I have seen firsthand during 9-11, Hurricane Issac, the Thomas Fires and most recently with the tragedy in Lahaina, times of crisis are when broadcasters and the vital communication we provide to our communities (your constituents) are needed most.

The wisdom of your decision to pass HB2581 will be proven in the years to come as Hawaii's broadcasters stand prepared to serve the people of this State in times of prosperity and times of crisis.

Mahalo for your time.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Joshua Mednick', with a long horizontal flourish extending to the right.

Joshua Mednick

**LATE**

**Testimony of Scott Hogle**  
President, iHeartMedia Honolulu  
Board Member, Hawai'i Association of Broadcasters

Re: HB 2581 H.D. 1 Hearing: Senate Committee on Public Safety and Intergovernmental Affairs  
March 11, 2024 (3:00 PM)

***In strong support of HB 2581 H.D. 1 Relating to Emergency Management***

Good afternoon, Chairman Wakai, Vice Chair Elefante and Committee members. My name is Scott Hogle and I am the President of iHeartMedia's (iHeart) 7 radio stations in Honolulu, which include 92.3 KSSK, New Radio 830 KHVH, Island 98.5, Pop 101.9, Star 99.1, 93.9 The Beat, and Fox Sports 990AM. I also serve on the Board of the Hawai'i Association of Broadcasters. My career in broadcast radio spans more than 30 years, and I am especially proud that citizens in and around Honolulu turn to our stations, most notably KSSK, as a trusted source of emergency information when disasters occur.

Like all of Hawai'i's radio broadcasters, our stations play a vital role in emergency alerting and ensuring our communities have access to the trusted and accurate information they need before, during and after emergencies. Broadcasters – especially radio broadcasters – have emergency service in our DNA and often are the only available source of national and local emergency alerts and longer-form information when communities lose access to power, digital, cell service and other resources. Our broadcast stations provide listeners with critical information on where to get water, shelter, medical attention, and vital supplies, as well as trusted companionship and reassurance that there are people and services available to help and that we will get through the tough times together.

iHeart-Honolulu applauds and shares your commitment to Hawai'ians' public safety and appreciates the need to grant additional authority to the Governor and local Mayors during a State of Emergency. However, it is essential that any new authority complement, not undermine or hinder, our stations' ability to continue our lifesaving service to communities during times of emergency and crisis.

In that regard, iHeart strongly supports HB 2581 and urges its expeditious adoption. iHeart associates itself with the testimony presented today by the Hawai'i Broadcasters Association (HAB), which states that HRS § 127A grants "...unnecessary, unconstitutional and unwarranted additional powers in an emergency period that pose a threat to public safety." Specifically, the statute:

1. Represents an unconstitutional “prior restraint” of speech, which is violative of the First Amendment, by authorizing the Governor or Mayors to suspend any all “electronic media transmissions” during a state of emergency;
2. Grants broad and unchecked power to shut down all electronic media – including broadcast radio – without showing why taking such drastic action would be necessary, what systems would be affected, how long the shut-down will last, and even how the determination would be made in the first place; and
3. Conflicts with multiple federal laws, including the Integrated Public Alert and Warning System Modernization Act of 2015 and Executive Order 13407 (which mandate very specific requirements to ensure the President can communicate with Americans *under all circumstances* – a capability that broadcast radio is best prepared to effectuate when electric power, cell service and internet access is unavailable) and Section 11.51 of the Emergency Alert System code (which requires broadcasters to transmit national-level EAS messages). A state or county suspension of broadcast services would prohibit our ability to be compliant with these Federal laws and, most importantly, would eliminate potentially the last available source of emergency information for Hawai’ians.

HB 2581 addresses these concerns and, if enacted, would ensure local broadcasters can continue to deliver potentially life-saving information and keep our communities informed during a state of emergency.

Respectfully submitted,

Scott Hogle  
President  
iHeartMedia Honolulu



All Hawaii News \* P.O. Box 612 \* Hilo, HI 96721 \* [www.allhawaiinews.com](http://www.allhawaiinews.com)

March 10, 2024

Senate Committee on Public Safety and Intergovernmental and Military Affairs

From: Nancy Cook Lauer, publisher, All Hawaii News

[www.allhawaiinews.com](http://www.allhawaiinews.com) \* [publisher@allhawaiinews.com](mailto:publisher@allhawaiinews.com) \* 808.781.7945

In STRONG SUPPORT of HB2581 HD1, Relating to Emergency Management

To the Honorable Chairman Glenn Wakai and Vice Chairman Brandon Elefante and the Committee:

All Hawaii News, a state government and political news aggregate and commentary blog covering Hawaii since 2008, supports HB2581 HD1 removing the ability of the governor or a mayor to unilaterally suspend electronic media transmission during a state of emergency.

The hunger for fact-based information is never stronger than during an emergency, and when that information is hard to come by, people often resort to rumors and speculation. One would think that's the last thing the government would want in a declared emergency.

While the First Amendment protects freedom of the press, likely rendering the current law unconstitutional, actions of the state under its current state law could exercise prior restraint on the media as it attempts to do its job covering the emergency and informing the citizenry. It would only be later, in the courts, that the matter would almost certainly be resolved in favor of the media.

Mahalo nui for considering this important bill.



# Big Island Press Club

Since 1967, protecting the public's right to know

Big Island Press Club  
P.O. Box 1920  
Hilo, Hawaii 96721

CONTACT:  
jburnett@hawaii-tribune-herald.com

March 10, 2024

To: Senate Committee on Public Safety and Intergovernmental and Military  
Affairs

From: John Burnett, Immediate Past President Big Island Press Club

## **In SUPPORT of HB 2581 HD1 Relating to Emergency Management**

The Big Island Press Club, Hawaii's oldest press club, continues its strong support of HB 522\_HD1 relating to Emergency Management.

Since 1967, the Big Island Press Club has been protecting the public's right to know. Serving as a watchdog for openness and credibility for Hawaii Island, we believe government agencies exist to aid the people in the formation and conduct of public policy. We also believe that the media is responsible for relaying important information from the government to the people it represents at all times.

Even in times of a declared state of emergency, no government leader or state or county agency should ever be able to suspend media, or as Section 127A-13, Hawaii Revised Statutes, specifically says in its original form, "suspend electronic media transmission," which could have a wide range of interpretation.

The hunger, as well as the need for fact-based information is never higher than during an emergency. And when that information is hard to come by, people will sometimes resort to rumors and speculation. That should be the last thing government would want in a declared emergency.

While we believe rights and protections provided by the Constitution protect the media's right to transmit information at all times, emergency or not, the potential exists that any dispute of the language and its meaning would need to be litigated. In times of emergency, the priority of the press should be to quickly get information out and not be burdened by unnecessary litigation. As such, correcting the language in this statute through this House Bill would eliminate that unnecessary risk and burden.

With that said, we wholeheartedly support HB 2581 HD1. Thank you for the opportunity to testify on this important matter.

Sincerely,

John Burnett  
Immediate Past President, Big Island Press Club



March 11, 2024, 3 p.m.  
Hawaii State Capitol  
Conference Room 225 and Videoconference

**To: Senate Committee on Public Safety and Intergovernmental and Military Affairs**  
**Rep. Glenn Wakai, Chair**  
**Rep. Brandon J.C. Elefante, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: TESTIMONY IN SUPPORT OF HB2581 HD1 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair and Committee Members,

The Grassroot Institute of Hawaii would like to offer its comments in **support** of [HB2581 HD1](#), which would remove the ability of a mayor or governor to suspend electronic media transmissions during a state of emergency.

The current statute dates back to 1951. It was crafted in a very different time when the term “electronic communications” did not encompass the wide range of technologies that it does today.

As written, the law could cover text messaging, phone calls, television, video streaming, email and various forms of social media. Today, these decentralized forms of communication are foundational to the United States’ democratic form of government.

The current statute raises significant questions of constitutionality, and the committee should be commended for acting to address that problem before it can be used to infringe upon civil liberties.

The fact that it remains unclear as to whether a state of emergency could be prolonged indefinitely via supplemental proclamations makes it even more important that the Legislature constrain powers that could affect free speech.

In addition, there is a substantial difference between the suspension of electronic communications as part of a governor or mayor's emergency proclamation and any action required to disrupt cellular transmissions to prevent terrorist attacks.

The latter example, though extreme, has been raised in the past as an objection to this bill. However, suspension of cellular service is the sole prerogative of the federal government and this bill would not prevent federal officials from carrying out activities necessary for public safety.

HB2581 deals only with the powers of a Hawaii executive under the emergency management statute — that is to say, whether the governor can suspend electronic communications for an indefinite amount of time.

In our 2021 policy brief "[Lockdowns Versus Liberty](#)," we looked at how the state's emergency management law could be reformed in light of the lessons learned during the COVID-19 crisis.

One of the points made in that brief is that government accountability is even more important in times of emergency, not less. Instead of imposing blanket prohibitions, government actions during emergencies should be narrowly tailored to demonstrate a connection between the actions and the protection of public health or safety.

Freedom of communication is not only at the core of our constitutional principles, it is also essential to keeping the general public informed on matters of critical importance during crises.

Recent experiences have forced us to reevaluate the state's emergency management statute. This bill would be a good start toward protecting civil rights and accountable government during an emergency.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

**HB-2581-HD-1**

Submitted on: 3/10/2024 1:11:22 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ROBERT DUERR	Testifying for Albatross News	Support	Written Testimony Only

Comments:

We STRONGLY SUPPORT HB2581. Section 127A-13, Hawaii Revised Statutes, specifically says in its original form, “suspend electronic media transmission.” Communication is a fundamental democracy right in both Hawaii and America. Allow media transmission in all formats while the Emergency Act is in force.

Emergency Act guarantees powers to the Governor and Mayors to override freedoms and rights guaranteed by both the US and Hawaii constitution. Granted there are disastrous times when this is necessary. Free speech and freedom of the press which is now electronic media are fundamental democratic rights that must not be silenced.

Citizens, government officials, and emergency responders during a crisis often rely on the free press and media for information and guidance. We know from history how necessary free and independent radio, TV broadcasts and newspapers are for Hawaii disasters.

Communication is now electronic. Allow electronic media transmission during emergencies.

Mahalo Albatross News Hilo, Hawaii

**HB-2581-HD-1**

Submitted on: 3/10/2024 1:27:03 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sylvia Dolena	Testifying for Winning Edge Women's Leadership	Support	Written Testimony Only

Comments:

Please support the ammendment to HB2581 HD1.

The Gov and Mayors should NOT have the authority to suspend electronic transmissions!!

Mahalo,

Sylvia Dolena

Winning Edge Women's Leadership

**HB-2581-HD-1**

Submitted on: 3/9/2024 8:14:14 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Royelen Lee Boykie	Individual	Support	Written Testimony Only

Comments:

**In SUPPORT of HB 2581 Relating to Emergency Management**

Even in times of a declared state of emergency, no government leader or state or county agency should ever be able to suspend media, or “suspend electronic media transmission.

The hunger for fact-based information is never higher than during an emergency, and when that information is hard to come by, people will sometimes resort to rumors and speculation. That should be the last thing government would want in a declared emergency.

Rights and protections provided by the Constitution protect the media’s right to transmit information at all times, emergency or not, the potential exists that any dispute of the language and its meaning would need to be litigated. In times of emergency, the priority of the press should be to quickly get information out.

Please pass HB 2581.

Royelen Lee Boykie

Janice S. Gin

[janicegin@yahoo.com](mailto:janicegin@yahoo.com)

7708 Kalohelani Place, Honolulu, Hawaii 96825

808-395-7574

March 10, 2024

TO: Senate Committee on Public Safety and Intergovernmental and Military Affairs  
Senator Glenn Wakai, Chair  
Senator Brandon Elefante, Vice Chair  
Senator Carol Fukunaga  
Senator Karl Rhoads  
Senator Brenton Awa

**RE: In Support of HB 2581 HD1 Relating to Emergency Management**

Good afternoon, Chairman Wakai, Vice Chair Elefante and committee members. I appreciate the opportunity to submit written testimony in support of HB 2581 HD1 related to Emergency Management. I am asking that you vote yes on HB 2581.

I come to you today as a concerned and informed citizen. Last year, I retired from KITV4 as the News Director. I have been a journalist and broadcaster for more than 40 years and have served on several national/regional industry boards including the Radio Television Digital News Association (RTDNA), an organization that embraces the media's important role and responsibility to serve in the public interest, particularly in the time of an emergency.

Hawai'i's radio and television stations play a vital role in emergency alerting. Radio and television are an integral part of this community. Local broadcasters have proven time and again that they have not hesitated to put themselves and resources in harm's way to deliver critical emergency information to the public. Often times, local radio and television stations are the only available communications medium during disasters.

As noted by the Hawai'i Association of Broadcasters (HAB), radio and television transmission systems are not subject to outages due to network congestion. The robust "one-to-many" nature of our technology and the redundancy provided by multiple broadcasters who have invested heavily in equipment and generators ensure that broadcasters are uniquely situated to remain on air and deliver critical information before, during and after natural disasters. During the tragic Maui fires, most internet, phone and wireless services failed, while broadcast stations remained dependable and available for use by emergency management officials.

Current law, HRS § 127A-13(6) and Subsection (b)(d) respectively, is in need of revision. It allows the Governor and the Mayors unnecessary and far-reaching power related to suspending media transmission. HB 2581 would provide the desired relief by deleting "... *to the extent permitted by or under federal law, suspend electronic media transmission.*" When the statute was enacted in 1951, I doubt that the framers intended to silence broadcasters, nor did they realize at the time that media transmission (broadcasting) would grow into a vital and reliable method to get potentially life-saving information quickly to the public that it has become today.

Written Testimony in Support of HB 2581

Page 2

Chairman Wakai, Vice Chair Elefante and committee members, HRS § 127A needs to be revised to ensure that broadcasters can continue to fulfill their public and essential duty without fear of interference by the Governor or a Mayor. Please vote in support of HB 2581.

Mahalo for the opportunity to testify before your committee and for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Janice S. Gin". The signature is written in black ink and is positioned above the printed name.

Janice S. Gin

Michael J. Konowicz  
68-1845 Waikoloa Road, Suite 106-228  
Waikoloa HI 96738

March 10, 2024

Senate Committee on  
Public Safety and Intergovernmental & Military Affairs  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

**RE: SUPPORT FOR HB 2581 HD1**

Aloha Senators--

I'm writing to you today encouraging you to support HB 2581 HD1 , "Emergency Management; State of Emergency; Electronic Media Transmission."

This bill corrects a flaw with Section 127A-13, Hawaii Revised Statutes, which unconstitutionally gives the Governor and Mayors the ability to "suspend electronic media transmission", a broad and vague phrase that infringes on freedom of press and speech.

As we saw with the tragedy that impacted the state on August 8, 2023, as wildfires ravaged our communities, misinformation and speculation fills the void when media is not able to communicate the facts on the ground immediately. Because of limited access and information coming from sites burned by fire, incredulous rumors about lasers from space, government land grabs, and kidnapped and/or killed children flooded social media; some of those harmful lies continue to spread on social media today, spreading discontent and mistrust of the officials employed to keep people safe.

In an emergency, electronic media transmission should never be suspended. The government needs to facilitate fair and open access to everything it does, including how it responds to any emergency facing it.

Please pass HB 2581 HD1 as written so this wrong in legislation can be righted.

Signed,



Michael J. Konowicz  
Big Island Resident



**HB-2581-HD-1**

Submitted on: 3/10/2024 1:53:27 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Janice Palma-Glennie	Individual	Support	Written Testimony Only

Comments:

aloha,

this bill provides an important protection of freedom of press and connection of residents in an emergency. no one person should be able to cut that connectivity when it could mean not only the difference between life and death but also truth and untruth.

mahalo for passing this simple but important bill that will protect civil liberties.

janice palma-glennie

kailua-kona

**LATE**

**HB-2581-HD-1**

Submitted on: 3/10/2024 10:28:01 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

**LATE**

**HB-2581-HD-1**

Submitted on: 3/11/2024 7:51:13 AM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jim Scancella	Individual	Support	Written Testimony Only

Comments:

I support this bill. The governor or the Mayor doesn't need to have this much power

**LATE**

**HB-2581-HD-1**

Submitted on: 3/11/2024 11:27:16 AM

Testimony for PSM on 3/11/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roger Christie	Testifying for The Hawai'i Cannabis THC Ministry	Support	Written Testimony Only

Comments:

I'm in strong SUPPORT of this bill.

Thanks for keeping freedom of speech alive!

**HB-2581-HD-1**

Submitted on: 3/11/2024 12:58:26 PM

Testimony for PSM on 3/11/2024 3:00:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Support	Written Testimony Only

Comments:

The Govenor or the Mayor should not be able to stop the News from comeing out to the People in any emergene stiuation!!!