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

TESTIMONY ON HOUSE BILL 596,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON
PUBLIC SAFETY

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

JANUARY 29, 2025

Aloha Chair Bellatti, Vice-Chair Iwamoto, and Members of the Committee:

Thank you for the opportunity to submit a testimony to **OPPOSE** House Bill 596.

The Hawai'i Emergency Management Agency expresses its opposition for House Bill 596, which defines specific categories of events recognized as disasters and emergencies within the framework of emergency management.

Although we appreciate the intent, the bill's specificity will restrict our capacity to respond effectively to unforeseen events. The original language allows for greater flexibility, enabling HIEMA to address a wider array of potential disasters, emergencies, and threats, and will ensure that those with executive powers have the capability to take prompt action when necessary.

Thank you for the opportunity to provide a testimony on House Bill 596.

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

Jan. 29, 2025, 9 a.m.
Hawaii State Capitol
Conference Room 411 and Videoconference

To: House Committee on Public Safety
Rep. Della Au Belatti, Chair
Rep. Kim Coco Iwamoto, Vice-Chair

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

TESTIMONY IN SUPPORT OF HB596 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chairs and Committee Members,

The Grassroot Institute of Hawaii would like to offer its **support** for [HB596](#), which would clarify the definitions of “emergency” and “disaster” for the purposes of Hawaii’s emergency management statute.

By specifying what constitutes an “emergency” or “disaster” under chapter 127A, this bill would go a long way toward addressing a growing problem in the application of the emergency management statute — the unchecked expansion of executive power via emergency proclamations.

As we discussed in our January 2021 policy brief, “[Lockdowns Versus Liberty: How Hawaii’s Experience in 2020-2021 Demonstrates the Need to Revise the State’s Emergency Powers](#),” the governor has extremely broad powers to define what constitutes an emergency under the current law.¹

This has resulted in an ever-growing list of “emergencies” outside of the “immediate” and “catastrophic” threats described in this bill. Thus, important social issues such as homelessness or the lack of affordable housing have been declared “emergencies” so as to benefit from the broad powers granted to the executive under the statute.

¹ Malia Hill, “[Lockdowns Versus Liberty: How Hawaii’s Experience in 2020-2021 Demonstrates the Need to Revise the State’s Emergency Powers](#),” Grassroot Institute of Hawaii, January 2021.

This use of emergency power might be an effective way to streamline decision-making and cut through red tape. However, it also upsets the state’s constitutional balance of powers; allows the governor to act as a “super legislator” by waiving or suspending statewide laws; deprives the Legislature of its constitutional prerogative in the crafting of state policy; and frustrates efforts to enact permanent reforms.

Governing via executive order also has the effect of denying the public a voice on important issues, forcing the people to rely on the courts for redress — a slow and expensive process that acts as an additional barrier to public input.

Even those who agree with the goals or actions of these questionable emergency orders have expressed concern about the methodology behind them.

This problem is compounded by the lack of any meaningful time limit on emergency orders. The executive’s ability to extend emergencies via supplemental proclamation means that an abuse of executive power could be extended indefinitely.

By creating a clear definition of the events that constitute an “emergency” or “disaster” under the law, HB596 would limit the potential for executive overreach via emergency orders.

The bill’s list of emergency events, combined with its emphasis on immediate danger and timely action, gives a clear indication of legislative intent and would bring the statute in line with the common understanding of an emergency.

The experiences of the past few years have given us a better understanding of the need to reform Hawaii’s emergency management statute. There is room to restore the constitutional balance of powers without handicapping the executive’s ability to respond quickly and effectively to emergency situations.

By providing guidance on what an emergency is, HB596 would help reassert the Legislature’s role in the use of emergency powers.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

HB-596

Submitted on: 1/27/2025 2:13:19 PM

Testimony for PBS on 1/29/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Individual	Support	Written Testimony Only

Comments:

Strong support for HB596 to clarify the types of events that constitute disasters and emergencies for the purposes of emergency management.

Mahalo



January 28, 2025

Honorable, Jackson Sayama, House Committee on Labor, Chair
Honorable, Mike Lee, House Committee on Labor, Vice Chair
Honorable Members of the House Committee on Labor

RE: HB956- Prohibits any person from disassembling, dismantling, or demolishing iron projects unless the person has completed an apprenticeship program for ironworkers approved and registered with the Director of Labor and Industrial Relations. Establishes penalties. Requires the Department of Labor and Industrial Relations to adopt rules.

Chair Sayama, Vice Chair Lee, and Members of the House Committee on Labor,

My name is Ana Tuiasosopo. I am the District Representative and Trustee for Operating Engineers Local 3. We are the largest Construction Trades Local in the United States. I and the members of Operating Engineers Local 3 strongly oppose HB 956.

First, the Hawaii Revised Statutes 372, regarding "Apprenticeships" provides the framework, duties, and laws for the State of Hawaii's Apprenticeships, under the Department of Labor and Industrial Relations. This bill adds a definition on an "Iron Worker's" scope of work. It specifically states "placing steel" is an iron workers job. That is not the case if it is done with a machine (i.e. Forklift, crane, or motorized equipment). Any machine run on a construction site falls under the scope of Operating Engineers Local 3.

Second, the definition of "Iron Project" references article IV of the 2021 Constitution of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. This section states the Iron Worker's Craft Jurisdiction, regarding the erection and dismantling of Cranes. The erection and dismantling of cranes is also work claimed by Operating Engineers Local 3.

Lastly, no other construction trade has ever tried to codify their scope of work/jurisdiction into HRS 372. This will give an unfair advantage to one trade over the other. If this bill passes, then all trades will lobby bills to codify their scope of work/jurisdiction. Normally, jurisdictional disputes that come up on public works projects are already handled by Collective Bargain Agreements with the contractor, or via PLAs.

We humbly ask you to amend the HB956 to protect the jobs of the members of Operating Engineers Local 3 or defer HB956.

Sincerely,


Ana Tuiasosopo
Hawaii District Representative, Trustee
Hawaii Operating Engineers Local #3