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KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
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STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 673,
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 Belatti, Vice-Chair Iwamoto, and Members of the Committee:

Thank you for the opportunity to submit a testimony in **OPPOSITION** of House Bill 673.

During emergencies the ability to respond effectively relies on the immediate authority of the governor of the state and/or the mayors of each county. As this bill suggests, to prematurely end emergency proclamations - would limit executive powers; similarly, there would be limitations to the use of any monies from the Major Disaster Fund.

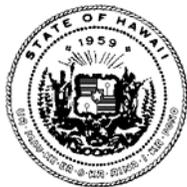
Preserving the unity of command approach is a critical principle in emergency management that ensures a clear chain of authority and responsibility. It enables effective decision-making and coordinated response efforts during crises. In times of emergency, it is essential that executive leaders maintain the ability to execute agile and decisive action during any emergency management crisis or disaster.

Preserving the current structure will ensure effective leadership and timely response to protect our communities.

Thank you for the opportunity to provide testimony on House Bill 673.

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KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 27, 2025

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Public Safety

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 673 – RELATING TO EMERGENCY MANAGEMENT.**

Hearing: January 29, 2025, 9:00 a.m.
Conference Room 411 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the measure's intent, defers to the Hawaii Emergency Management Agency and other impacted departments, and provides comments.

PURPOSE: Amends chapter 127A, HRS, to clarify State and local authority. Prohibits the Governor or Mayor from suspending requests for public records or vital specifics during a state of emergency. Adds definition of the term "severe warning." Allows the Legislature and city councils to terminate a state of emergency, in whole or in part, issued by the Governor or Mayor, respectively.

The suspension of provisions of the Uniform Information Practices Act (UIPA), especially during the initial emergency response, is necessary, as DHS does not have the workforce capacity to review or consider all requests for information in a timely manner. When an emergency declaration is made, the demands on agency leadership and staff can vary depending on the magnitude of the declared emergency. When the emergency requires a complete shift in operations, such as the COVID-19 pandemic, or is entirely devastating, like the 2023 Maui Wildfires, DHS leadership, and

staff are committed to the State's emergency response while maintaining regular programming and operationalizing new disaster-responsive programming.

From a human resource perspective, DHS programs do not have dedicated staff to respond to information requests. DHS has only one public information officer (PIO) who leads the Department's internal and external communications. The PIO and several key staff from the Director's office, administrative officers, and all divisions and attached agencies also participate in emergency support functions, including the Joint Information Center, as part of the State's emergency management response.

Many staff responding to an emergency management incident are the same staff that are called upon to respond to requests for information pursuant to the Uniform Information Practices Act (UIPA) during "blue skies."

The suspension of UIPA per the Governor's emergency proclamations during the COVID-19 pandemic assisted DHS in pivoting its processes and service delivery quickly and providing necessary and updated information to the public, staff, and contracted providers. Without the suspension, DHS would not have been able to meet the UIPA response times, which would have led to additional administrative processes.

The Department experienced historic and dramatic increases in the number of benefits applications when COVID-19 impacted Hawaii in March 2020. Pre-COVID-19, DHS served 1 in 4 Hawaii residents; by late 2020, 1 in 3 Hawaii residents accessed one or more DHS programs. The caseloads remained at historic highs while we were "unwinding" from the federal pandemic program changes in 2023 when the Maui Wildfires happened.

Responding to the Maui Wildfires was on a different scale and magnitude than the COVID-19 response and involved a different level of department resources to respond to the needs of Maui residents; DHS continues significant new programming on Maui. Also, with a federal declaration, specific programs only available during emergencies may have to be stood up. Lastly, we are challenged to fill vacancies as workers seek higher salaries and less stressful positions in the private sector or other departments, and we are losing institutional knowledge through the retirements of long-time staff.

Further, as part of the public's response to emergencies, we experience an increase in call volume and requests for assistance. Residents impacted economically or experiencing a loss of food during an extended power loss, community advocates, legislators, and providers ramp up calls

and emails for immediate assistance or information. Requests for individual assistance take priority over requests for government records. Unless we have additional dedicated resources for information sharing, requests for assistance will continue to be the priority.

During the pandemic, DHS also experienced increased inquiries from information brokers tracking Requests for Proposal dates, winning proposals, and score sheets from winning contracts. Many of these requests were in the broker's interest and not the public interest.

However, DHS received multiple UIPA requests from members of the media for data relating to the public health emergency specific to child abuse and neglect intakes. The Associated Press and other media entities asked, if there are fewer eyes on children (i.e., less interaction with mandated reporters) during stay-at-home orders, would this put more children at risk? DHS made an effort to respond to these inquiries in a timely manner in spite of a heavier workload because of the importance of the particular inquiry. These requests were examples of UIPA requests from media that had the public's interest at the forefront.

During the pandemic, DHS diligently tracked information requests and gathered records to eventually ensure responses to all requests. DHS continues to experience an increase in UIPA requests since the COVID-19 pandemic and Maui Wildfires:

- There was an 89% increase in UIPA requests between 2019 and 2020.
- There was a 77% increase in UIPA requests between 2020 and 2021.
- There was a 43% increase in UIPA requests between 2021 and 2022.
- There was a 30% increase in UIPA requests between 2022 and 2023.

DHS also has concerns with the proposal to allow the Legislature or county councils to terminate a state of emergency declared by the governor or mayor. Undermining the executive's leadership during a declared emergency would further erode the public's trust in the government and may lead residents to respond in ways that may be detrimental to their interests or the interests of others.

Thank you for the opportunity to provide comments on this measure.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Public Safety

From: Carlotta Amerino, Director

Date: January 29, 2025, 9:00 a.m.
State Capitol, Conference Room 411

Re: Testimony on H.B. No. 673
Relating to Emergency Management

Thank you for the opportunity to submit testimony on this bill, which would prohibit the Governor or a mayor from suspending agency response deadlines for requests for public records under chapter 92F, HRS, the Uniform Information Practices Act (UIPA), or for vital statistics, during a declared state of emergency. The Office of Information Practices (**OIP**) **takes no position** on this bill because it is a policy decision for the Legislature to determine what limit, if any, is appropriate and what potential emergencies would warrant the Governor's use of emergency powers. However, OIP can confirm that the two-and-a-half-month full suspension of the UIPA in 2020, and subsequent year-plus partial suspension of only the UIPA's agency response deadlines, had a significant effect on requesters, agencies, and OIP's own operations. During that time, many requesters experienced long delays in receipt of agency responses to their record requests, and the UIPA did not fulfill its stated purpose of giving the public timely access to government records.

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

RE: TESTIMONY IN SUPPORT OF HB673 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair, Vice-Chair and other Committee members,

The Grassroot Institute of Hawaii would like to offer its **strong support** for [HB673](#), which would amend the state's emergency management statute to prohibit the suspension of requests for public records or vital statistics during a state of emergency.

The bill would also require justification for the suspension of laws; limit the length of such suspensions to the times necessary to fulfill the emergency functions; and allow the Legislature and county councils to terminate declared states of emergency, in whole or in part, by an affirmative two-thirds vote.

These are all excellent ways to preserve the intent of the emergency statute while simultaneously protecting the public interest and ensuring that the emergency powers do not become a tool for unchecked executive power.

Regarding the suspension of public records or vital statistics during an emergency, Gov. David Ige at the outset of the COVID-19 crisis suspended Hawaii's open-records and sunshine laws — an extreme response not taken by any other state governor.

Not only did his action raise questions about the health rationale for the suspension, it also undermined public trust in the workings of government at a time when trust was needed most. This bill would address that error by ensuring that government transparency is maintained even during a state of emergency.

Fortunately, there is no reason for any concern that open records requests could hinder government operations during an emergency. Hawaii's [open-records statute](#) already provides flexibility to agencies that require additional time to respond, and this bill would reinforce that provision by expressly giving agencies permission to delay a response under extenuating circumstances.

The addition of reasonable limitations on the ability to suspend laws also helps protect the constitutional balance of powers. The governor and mayors need leeway to handle an emergency as needed, but they should not have carte blanche to suspend laws indefinitely or arbitrarily. Government actions during an emergency should be narrowly tailored and must demonstrate a clear connection between the actions taken and the protection of public health or safety.

As for the duration of the emergencies, Hawaii's emergency statute currently includes a 60-day time limit, but also allows an emergency to be extended by proclamation. Thus, there is no protection against the possibility that the governor or mayors would be able to extend a state of emergency indefinitely, with little input or oversight from the legislative branch.

Given the increased use of emergency orders for situations that do not pose an immediate threat to life, health or property — such as housing policy — the emergency management statute could be abused as a public policy tool that allows the governor to bypass the legislative process.

What is needed is a legislative check on the possibility of an unending emergency — and HB673 would fulfill that purpose by enabling the Legislature and county councils to end emergencies by a two-thirds vote.

In conclusion, it is important that Hawaii's emergency management law reflects the lessons we have learned over the past few years. The main lesson is that there is room to protect open government and the constitutional balance of powers without handicapping the ability of the governor and mayors to respond quickly and effectively to emergency situations.

This bill would correct current deficiencies in the emergency management statute and ensure that Hawaii is better able to address future emergencies.

We urge you to pass HB673.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

HB-673

Submitted on: 1/25/2025 11:56:07 PM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Brett Kulbis | Individual | Support | Written Testimony Only |

Comments:

Chair Della Au Belatti, Committee Members,

My name is Brett Kulbis, I'm a 26yr Navy Veteran and Retired Civil Servant. I live in Ewa Beach.

I SUPPORT HB-673.

Respectfully, I encourage you to vote **YES** on HB-673.



House Committee on Public Safety

Wednesday, January 29, 2025 9 AM Hearing in Conference Room 411 on
HB 673, Relating to Emergency Management

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Belatti, Vice Chair Iwamoto, and Committee Members:

The League of Women Voters of Hawaii supports HB 673. State law should not authorize either the Governor or any county mayor to completely suspend or unreasonably delay public access to public records during an emergency. And state law should authorize the appropriate state or county legislative body to stop arbitrary or abusive executive use of emergency powers under Chapter 127A, Hawaii Revised Statutes.

Thank you for the opportunity to submit testimony.