

STAND. COM. REP. NO.

90

Honolulu, Hawaii

, 2021

FEB 09

RE: H.B. No. 103

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred H.B. No. 103 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY POWERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Specify when a state of emergency proclamation shall terminate;
- (2) Authorize the Legislature, upon request by the Governor and adoption of a concurrent resolution, to extend or deny an extension of a state of emergency proclamation; and
- (3) Authorize a separate state of emergency proclamation by the Governor for a state of emergency arising from the same emergency or disaster as a previous proclamation that expired upon request of the Governor and adoption of a concurrent resolution by the Legislature.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association and four individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received

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comments on this measure from the Common Cause Hawaii, Grassroot Institute of Hawaii, and one individual.

Your Committee finds that to address the coronavirus disease 2019 (COVID-19) pandemic, the Governor declared a state of emergency on March 4, 2020, and has since issued 17 supplemental proclamations extending the state of emergency and other restrictions. Your Committee believes that there needs to be more checks and balances in regard to the extension of emergency proclamations to ensure the welfare of the residents of the State. Your Committee further finds that the Governor appropriately took action to provide relief for damages to protect the health, safety, and welfare of residents by suspending certain laws. However, as the State enters the eleventh month of the pandemic, it brings into question the need to continuously suspend a variety of state laws.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Providing that any suspension of law due to a state of emergency shall be no broader and for no longer than required for expeditious and efficient execution of emergency functions and any suspension of law shall identify the sections of law suspended, emergency function facilitated by the suspension, and sufficient explanation supporting the basis for the suspension;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 103, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 103, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Pandemic &  
Disaster Preparedness,

  
LINDA ICHIYAMA, Chair



