

STAND. COM. REP. NO. 1105

Honolulu, Hawaii

MAR 24 2021

RE: H.B. No. 103
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 103, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that the powers granted for emergency purposes shall not be inconsistent with the Hawaii State Constitution;
- (2) Provide parameters for the duration of suspension of laws and require justification for the suspension;
- (3) Provide for the termination or extension of a proclamation of a state of emergency; and
- (4) Allow a separate proclamation 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 League of Women Voters of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and one



individual. Your Committee received testimony in opposition of this measure from the Hawaii Emergency Management Agency, Maui Chamber of Commerce, and one individual. Your Committee received comments on this measure from Common Cause Hawaii and Grassroot Institute of Hawaii.

Your Committee finds that this measure addresses the lack of legislative oversight on the Governor's emergency powers under the State's existing emergency management law. Your Committee notes the concerns in the testimony regarding the prolonged suspension of sunshine laws and open record laws during the coronavirus disease 2019 pandemic and recognizes that there needs to be a balance between flexibility and transparency to provide and protect the public health, safety, and welfare during times of emergency.

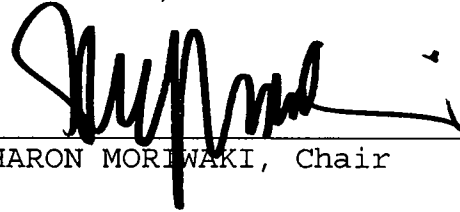
Accordingly, your Committee has amended this measure by:

- (1) Requiring any suspension of law during a state of emergency to specify the emergency functions facilitated with justification based on protecting the public health, safety, and welfare, and careful regard to the public right to know under chapters 92 and 92F, Hawaii Revised Statutes;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 103, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 103, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,

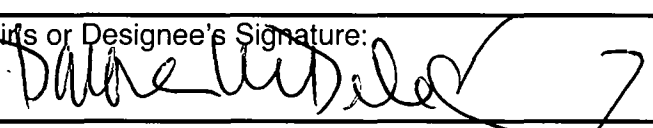


SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 103, HD1	GVO, JDC/WAM	3/16/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley	/			
GABBARD, Mike	/			
FEVELLA, Kurt		/		
TOTAL	4	1		
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes