

STAND. COM. REP. NO. 1820

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 522  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 522, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to remove the ability of the Governor or a mayor to suspend electronic media transmission during a state of emergency.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; League of Women Voters of Hawaii; Hawaii Bulletin; Civil Beat Law Center for the Public Interest; Hawaii Association of Broadcasters, Inc.; and Big Island Press Club. Your Committee received testimony in opposition to this measure from the Hawai'i Emergency Management Agency. Your Committee received comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that allowing a mayor or the Governor to suspend the transmission of electronic media during a state of emergency could be perceived as unconstitutional by restraining free speech and publication. Prior restraints against lawful speech have been resoundingly rejected by the Supreme Court of the United States. This measure will ensure that the public's



constitutional rights remain protected during a state of emergency.

Your Committee has amended this measure by inserting an effective date of March 22, 2075, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 522, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 522, H.D. 1, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 522 H01</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>4/5/23</b>		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes