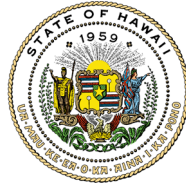


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STEPHEN F. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

JAMES DS. BARROS  
ADMINISTRATOR OF  
EMERGENCY MANAGEMENT  
KAHU HO'OMALU PŌULIA

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
**HAWAII EMERGENCY MANAGEMENT AGENCY**  
4204 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4420

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 353 SD2,  
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON  
**PUBLIC SAFETY**

BY

JAMES DS. BARROS  
ADMINISTRATOR  
HAWAII EMERGENCY MANAGEMENT AGENCY

MARCH 12, 2025

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

Thank you for the opportunity to submit a testimony in **OPPOSITION** of Senate Bill 353 SD2.

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.

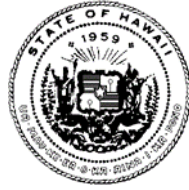
Preserving the unity of command approach is a critical principle in emergency management that ensures a clear chain of authority and responsibility. It enables effective decision-making and coordinates response efforts during crises. In times of emergency, it is essential that executive leaders maintain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

Furthermore, preserving the current structure will ensure effective leadership and a timely response to protect our communities.

Thank you for the opportunity to provide testimony on Senate Bill 353 SD2.

James Barros: [james.barros@hawaii.gov](mailto:james.barros@hawaii.gov); 808-733-4300

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



RYAN I. YAMANE  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

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

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

March 11, 2025

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

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 353 SD2 – RELATING TO EMERGENCY MANAGEMENT.**

Hearing: March 12, 2025, 10:45 a.m.  
Conference Room 411 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent and respectfully opposes the measure as drafted, 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. Effective 7/1/2077. (SD2)

The Committee on Public Safety and Military Affairs amended this measure by:

- (1) Inserting an effective date of July 1, 2077, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The Committee on Judiciary made additional technical amendments.

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 enough staff dedicated to respond to the many information requests received by the department. DHS has only one public information officer (PIO) who leads the Department's 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 applications for benefits 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, and along with the new programs, accurate communications must be developed to inform the public to facilitate access to the new programs. 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:

- (19) FY2019 – (39) FY2020 – increase 105%,
- (39) FY2020 – (64) FY2021 – increase 64%,
- (64) FY2021 – (92) FY2022 – increase 43%,
- (92) FY2022 – (54) FY2023 – decrease 41%, and
- (54) FY2023 – (123) FY2024 – increase 127%.

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: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)

To: House Committee on Public Safety

From: Carlotta Amerino, Director

Date: March 12, 2025, 10:45 a.m.  
State Capitol, Conference Room 411

Re: Testimony on H.B. No. 353, S.D. 2  
Relating to Emergency Management

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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 receiving agency responses to their record requests, and the UIPA did not fulfill its stated purpose of giving the public timely access to government records.



House Committee on Public Safety

Wednesday, March 12, 2025, 10:45 AM Hearing in Conference Room 411 on  
SB 353, SD2, 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 SB 353, SD2.** 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 use of executive emergency powers under Chapter 127A, Hawaii Revised Statutes.

Thank you for the opportunity to submit testimony.



House Committee on Public Safety  
Honorable Della Au Belatti, Chair  
Honorable Kim Coco Iwamoto, Vice Chair

**RE: Testimony in Support of S.B. 353 S.D. 2, Relating to Emergency Management**

Hearing: March 12, 2025 at 10:45 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony **in support** of S.B. 353 S.D. 2. We **recommend an amendment** to better effectuate the intent of this measure.

Public records laws are a critical mechanism to ensure government transparency. This bill seeks to safeguard that promise of openness for the public during government-declared emergencies, when transparency is especially crucial.

But S.B. 353 S.D. 2 only safeguards one part of the public records law. We thus recommend the following amendment (in bold) at page 2, lines 14 – 18, clarifying that *all* of chapter 92F is shielded from suspension:

(a) The governor or mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend **[agency response deadlines for requests] access to: [Public records] Records** pursuant to **[part II of]** chapter 92F . . .

This amendment would ensure that members of the public are still able to access their personal records under part III of chapter 92F. It would also ensure that the Office of Information Practices (OIP) remains empowered, under part IV of chapter 92F, to administer the law, which addresses the operational challenges faced by OIP when former Governor David Ige suspended the entirety of chapter 92F during the COVID-19 pandemic.

Thank you again for the opportunity to testify in support of S.B. 353 S.D. 2.





March 12, 2025

Rep. Della Au Belatti  
House Committee on Public Safety  
State Capitol  
Honolulu, HI 96813

Re: Senate Bill 353, SD2

Chairwoman Belatti and Committee Members:

This bill blocks the governor or a mayor from suspending agency response deadlines for requests for public records or vital statistics during an official state of emergency.

We consider this bill to be a good one because such openness is important particularly during emergencies, and the measure already allows for reasonable delays in responding to such requests because of extenuating circumstances.

Please pass this bill.

Thank you for your attention,

Stirling Morita  
President  
Hawaii Chapter SPJ



March 12, 2025, 10:45 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 SB353 SD2 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair, Vice-Chair and other members of the Committee,

The Grassroot Institute of Hawaii would like to offer its **strong support** for [SB353 SD2](#), which would amend the state's emergency management statute to prohibit the suspension of requests for public records or vital statistics during states 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 states of emergency.

As a practical matter, there really is no reason anyway 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 would help protect Hawaii's constitutional balance of powers. The governor and mayors need leeway to handle emergencies 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 states of emergency, 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 SB353 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 it is possible 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 SB353.

Sincerely,

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

**SB-353-SD-2**

Submitted on: 3/11/2025 6:10:58 AM

Testimony for PBS on 3/12/2025 10:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

We need transparency in our local government after the actions taken during the COVID lockdowns.