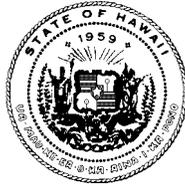


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February 11, 2024

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 2429 HD1 – RELATING TO EMERGENCY PUBLIC ASSISTANCE.**

Hearing: February 13, 2024, 2:00 p.m.
Conference Room 325, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this administration measure.

PURPOSE: This bill authorizes the Department of Human Services to provide temporary emergency assistance, case management, and other recovery services following the period covered by an emergency proclamation and establishes an emergency management program within the Director's office. Effective 7/1/3000. (HD1)

The Committees on Water & Land and Human Services amended the measure by:

- (1) Specifying that the procurement exemption applies until June 30, 2029;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Department appreciates the amendments and requests that the eventual effective date be effective upon approval.

The Department requires the authority to provide temporary emergency public assistance, when funded, to those who do not qualify for DHS means-tested programs and to continue to assist survivors, including organizations, through their recovery process after the emergency proclamation or disaster declaration period ends.

Over the past five years, the Department has responded to various emergency management incidents, including the COVID-19 pandemic, volcanic eruptions, hurricanes, flooding events, and now the devastating Maui Wildfires.

Pursuant to President Biden's disaster declaration and Governor Green's emergency proclamations, in response to the Maui Wildfires, DHS expanded its activities and responsibilities by assisting with sheltering survivors, working with Airbnb to house families, rapidly setting up a temporary field shelter, and conducting a Disaster SNAP program. DHS also provided additional programs to expand access to child care subsidies, financial assistance through Temporary Assistance for Needy Families with federal and philanthropic funds, a rental assistance program, and an interim disaster case management program with philanthropic funds. DHS is also engaged in setting up a 500-unit group housing site with Maui County at Launiupoko.

Notably, DHS applied, on behalf of the State, for the Federal Emergency Management Agency's (FEMA) Disaster Case Management (DCM) Program that aims to assist all survivors in achieving their recovery plans. The current FEMA DCM program will build off of the interim DCM program and launch in February 2024 and will last through 2025. We anticipate that the recovery process for many survivors will take several years and will likely require continued assistance and services beyond the last emergency proclamation period. Further, we included a budget request in the executive budget for funds for three temporary emergency management professionals to support the efforts on Maui and to assist those who are not eligible to receive federal disaster assistance.

Additionally, DHS facilitates, as part of the State's response, the Emergency Support Function 6, Mass Care and Feeding, and leads the Recovery Support Function for social services. These support functions include multiple government agencies, community providers, and

legislators. We are currently in transition from the response to the recovery phase of the Maui Wildfire incident.

DHS needs permanent staff dedicated to lead and coordinate the Department's emergency management program and activities. The permanent emergency management program administrator will plan, prepare, train, and implement emergency management programs and activities for DHS staff and providers so the Department and its vendors are better prepared to respond to major disasters. The program administrator will work to improve upon the Department's expanded roles and responsibilities with mass care and sheltering and is needed to participate in federal, State, and county emergency management planning and exercise activities, assist with developing communication resources that provide real-time information to populations who have language access needs, or other vulnerable populations like Kupuna, or those with communication or mobility needs. The program administrator will also have the task of establishing and maintaining memorandums of agreement and data-sharing agreements amongst response agencies and community providers to improve responsiveness.

Various staff are currently deployed to emergency management duties and are still required to maintain their current job duties. Inevitably, the "blue sky" duties and responsibilities are delayed while staff support the State's emergency response. Having a dedicated emergency management program with permanent staff and the authority to serve survivors equitably after the emergency proclamation period ends will have a positive impact on the State as DHS will be more prepared to help residents recover and build community capacity and resiliency.

Regarding the 1 FTE position, we are currently working to vary an existing and funded position into the emergency management program administrator position; however, the program administrator will require funds to administer the program, develop communication materials and protocols, and attend and conduct training.

Lastly, regarding the request for an exemption from the competitive processes of procurement, DHS would greatly appreciate and prefer the exemption for five years following the effective date of this measure should it pass so that following the end of the current

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emergency disaster proclamations, DHS may continue to procure services expeditiously to stand up programs, distribute funds, and modify IT systems. As our staff and the community gain experience and capacity to respond to major disasters, we can imagine at some point in the future, that we will be able to procure disaster-responsive services through the competitive process.

Thank you for the opportunity to provide testimony in support of this measure.



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TESTIMONY
OF
BONNIE KAHAKUI, ACTING ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE HOUSE COMMITTEE
ON
JUDICIARY & HAWAIIAN AFFAIRS

FEBRUARY 13, 2024, 2:00 PM

HOUSE BILL 2429, HD1
RELATING TO EMERGENCY PUBLIC ASSISTANCE

Chair Tarnas, Vice Chair Takayama, and members of the committee, thank you for the opportunity to submit testimony on House Bill 2429, HD1. The State Procurement Office (SPO) supports the intent to provide temporary emergency public assistance and recovery services beyond an emergency declaration and to establish an emergency management program within the Department of Human Services (DHS) and provides the following comments.

Comments: Once the emergency proclamation period has ended, the department should comply with Chapters 103D and 103F, Hawaii Revised Statutes (HRS), to ensure that all vendors are given fair and equal opportunity to provide goods and services in an open and transparent environment, to prevent favoritism, collusion, or fraud in awarding contracts, and to hold the department accountable for all procurements.

While the SPO understands the need for continuity of goods and services to those impacted by an emergency event and the concern that competitive procurement processes may be perceived as impeding the delivery of such goods and services, the language exempting procurement from procurement processes in Chapters 103D and 103F, HRS, until June 30, 2029, a period of five years, seems excessive. There is no compelling reason or justification why procurement should be exempted from procurement processes in Chapters 103D and 103F, HRS, for that long of a period. Chapters 103D and 103F, HRS, provides guidelines to ensure oversight, accountability, and transparency in the procurement and contracting process which is vital to good government.

The SPO understands that conducting procurement while establishing an emergency management program may be challenging. Therefore, the SPO recommends that the procurement exemption should not exceed two years to allow the agency time to establish the program with appropriate staff and to allow them to be familiar with Chapters 103D and 103F, HRS.

Also, the bill does not define or clarify what is “temporary,” and may go beyond the immediate needs and have negative impacts on the procurement of goods and services. The SPO recommends the following revision to Section 1, page 2, lines 12 to 14:

“(c) ...Any procurement executed pursuant to this section shall be exempt from the procurement processes in chapters 103D and 103F ~~until June 30, 2029~~, not to exceed two years upon approval of this Act.”

Thank you.