



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 3089,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
BY

Luke P. Meyers
Administrator, Hawaii Emergency Management Agency (HI-EMA)

FEBRUARY 8, 2022

Aloha Chair Nishihara, Vice-Chair DeCoite, and Members of the Committee:

Thank you for the opportunity to submit testimony in **SUPPORT** of SB3089.

Senate Bill 3089 Amends chapter 127A, Hawaii Revised Statutes (HRS), to clarify State and local authority, ensure effective and adaptable emergency response, and further the goals of transparency and democratic accountability. Clarifies that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution. Amends chapter 127A, HRS, to provide for greater clarity and specificity regarding the scope of suspensions of law. Clarifies that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate. Clarifies the legal framework governing the extension and termination of emergency periods. Adds the definition of the term "severe weather warning" as used in section 127A-30, HRS.

The Governor and county mayors have had to exercise their emergency powers under chapter 127A, HRS, to impose rules aimed to control the spread of COVID-19. The enforcement of these rules has been critical to efforts to limit the spread of COVID-19, protect the health and safety of the community, manage medical resources, and promote economic recovery.

The COVID-19 pandemic has highlighted the importance of clear legal frameworks for State and county emergency management to ensure that the State and counties are ready for any types of emergencies. This bill would improve and further clarify those frameworks.

Senate Bill 3089 will benefit the public, the department, and other state and county agencies by providing more transparency, adaptability, and clarity in emergency management functions., and affirmatively state that such functions must occur within the framework of both the U.S. and Hawai'i state constitutions.

Thank you for the opportunity to provide testimony on Senate Bill 3089.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
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TESTIMONY ON SENATE BILL 3089,
RELATING TO EMERGENCY MANAGEMENT

PRESENTED TO THE SENATE COMMITTEE ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

FEBRUARY 8, 2022

Chair Nishihara, Vice Chair DeCoite, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs.

I am Major General Kenneth Hara, Adjutant General, Director of the Hawaii Emergency Management Agency and Homeland Security Advisor.

The Department of Defense (DOD) provides written testimony in **SUPPORT** of SB 3089.

This measure, if passed, amends chapter 127A, Hawaii Revised Statutes (HRS), to clarify State and local authority, ensure effective and adaptable emergency response, and furthers the goals of transparency and democratic accountability. It clarifies that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution. It amends chapter 127A, HRS, to provide for greater clarity and specificity regarding the scope of suspensions of law and clarifies that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate. It also clarifies the legal framework governing the extension and termination of emergency periods and adds the definition of the term "severe weather warning" as used in section 127A-30, HRS.

The Governor and county mayors have had to exercise their emergency powers under chapter 127A, HRS, to impose rules aimed to control the spread of COVID-19. The enforcement of these rules have been critical to the efforts to limit the spread of COVID-19, protect the health and safety of the community, manage medical resources, and promote economic recovery.

The COVID-19 pandemic has highlighted the importance of clear legal frameworks to ensure the State and counties are ready for any type of emergency. This bill would improve and further clarify those frameworks.

Senate Bill 3089 will benefit the public, the department, and other state and county agencies by providing more transparency, adaptability, and clarity in emergency management functions, and affirmatively state that such functions must occur within the framework of both the U.S. and Hawai'i state constitutions.

Thank you for this opportunity to provide testimony in support of of SB 3089.

MG Kenneth Hara, kenneth.s.hara@hawaii.gov; 808-672-1001

Administrator Luke Meyers, luke.p.meyers@hawaii.gov; 808-733-4300



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
The Senate
Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony by
Hawaii Government Employees Association
February 8, 2022

S.B. 3089 – RELATING TO EMERGENCY MANAGEMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 3089 which clarifies state and local authority, ensures that the powers granted for emergency purpose shall not be inconsistent with the state constitution, and provides parameters and justification for the suspension of laws. **However, we respectfully request a proposed amendment to authorize the legislature to terminate a state of emergency by an affirmative two-thirds vote.**

The COVID-19 worldwide pandemic immediately and significantly impacted every person in our state, therefore it was appropriate for the Governor to take action to provide relief for damages and to protect our health, safety, and welfare by suspending some laws via emergency proclamation in March 2020. However, as we embark on nearly two years of the pandemic and yet another extension of an emergency proclamation, the great majority of us are now functioning in a “new normal,” therefore we respectfully question the need to continuously suspend a wide variety of state laws.

While this Administration-proposed bill includes several essential changes, including ensuring consistency with our state constitution and providing justification for the suspension of laws, it is glaringly obvious that it lacks the most important amendment of all: a necessary legislative check and balance to the executive that empowers the legislature to terminate a state of emergency. We respectfully request the Committee amend Section 5 of this measure to authorize the legislature to terminate, in part or in whole, a state of emergency by two-thirds affirmative vote of both chambers and propose the following language be included in a proposed draft:

Amend Section 5 of S.B. 3089, Page 11, beginning at line 6: §127A-14 State of emergency, add: (e) The legislature may, by an affirmative vote of two—thirds of the members to which each house is entitled, terminate a state of emergency, in part or in whole, declared by the governor pursuant to this section.

It is contrary to our democracy for any one individual to have unilateral authority to suspend laws indefinitely without a mechanism for public input and review. Passage of this measure with the proposed amendment will ensure that emergency actions are balanced, constitutional, and justifiable. Thank you for the opportunity to testify in strong support of S.B. 3089.

Respectfully submitted,


Randy Perreira
Executive Director



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

February 3, 2022

Online / Fax: 808-586-6879

The Honorable Clarence Nishihara, Chair
The Honorable Lynn DeCoite, Vice-Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
Hawaii State Capitol, Rooms 214, 231
415 South Beretania Street
Honolulu, HI 96813

Re: **SB3089 Relating to Emergency Management**

Dear Chair Nishihara, Vice-Chair DeCoite, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union to express our strong reservations regarding SB3089. This bill will amend HRS §127A, however, unlike SB3285 and HB1585 it omits critical language that would ensure the executive powers exercised by the governor and mayors during a crisis, including the current Covid-19 pandemic, have certain protections in place to prevent the potential abuse of those powers.

SB3285 and HB1585 are similar bills on this same issue, however, the glaring difference between those bills and SB3089 is that SB3089 omits the following language contained in those other two bills that would amend HRS §127A-14 by adding subsection (e):

(e) The legislature may, by an affirmative vote of two-thirds of the members to which each house is entitled, terminate a state of emergency, in part or in whole, declared by the governor pursuant to this section.

The aforementioned language provides a safeguard against the abuse and prolonged exercise of emergency management powers that are vested in the executive branch at the State and county levels. It has been suggested that Chapter 127A provides the governor and county mayors with unilateral and unbridled power to indefinitely suspend "any law" during a declared emergency. While we certainly agree that the executive branch must and should have certain powers that can be immediately and freely invoked in response to a genuine emergency and crisis, such as the current Covid-19 pandemic and Kauai floods, at the same time vesting such ominous powers in the hands of one executive head should nonetheless be subject to appropriate checks and balances by the collective legislative body.

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The Honorable Clarence Nishihara, Chair
The Honorable Lynn DeCoite, Vice-Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
February 3, 2022
Page 2
Re: SB3089 Relating to Emergency Management

SB3089 does not provide a check and balance on the executive branch's broad emergency powers whereas SB3285 and HB1585 do. Providing the legislature with a safety valve to terminate a state of emergency that has been extended beyond reason by the governor or mayor will ensure that the prolonged declaration of an emergency and the exercise of the executive's emergency powers related to that emergency, including the suspension of laws by the governor and county mayors, is subject to an appropriate review and backstop by the legislature.

During the pandemic and beyond, the executive branch can and has suspended without justification various collective bargaining laws provided for in HRS Chapter §89 even after government operations resumed, tourism reopened, businesses restarted, and children returned to school. The breath of the executive branch's suspension of collective bargaining laws essentially stripped the public unions of their constitutional right to bargain collectively. It further resulted in the State and the county employers asserting the position that they were not obligated to engage in collective bargaining nor required to process grievances filed by the public unions during the pandemic, even after governmental operations resumed. For these reasons, we submit that the current bill should be amended to include a subsection (e) as set forth above.

We thank you for allowing us to be heard on this very important issue and hope your committee will amend SB3089 as we have suggested.

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President

Hawaii*Holding Power Accountable***Statement Before The
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

Tuesday, February 8, 2022

1:00 PM

Via Video Conference

in consideration of

SB 3089**RELATING TO EMERGENCY MANAGEMENT.**Chair NISHIHARA, Vice Chair DeCOITE, and Members of the
Senate Public Safety, Intergovernmental, and Military Affairs Committee

Common Cause Hawaii provides written comments on SB 3089, which (1) amends chapter 127A, Hawaii Revised Statutes (HRS), to clarify State and local authority, ensure effective and adaptable emergency response, and further the goals of transparency and democratic accountability, (2) clarifies that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution, (3) amends chapter 127A, HRS, to provide for greater clarity and specificity regarding the scope of suspensions of law, (4) clarifies that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate, (5) clarifies the legal framework governing the extension and termination of emergency periods, and (6) adds the definition of the term "severe weather warning" as used in section 127A-30, HRS.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through promoting ethics, accountability, and transparency in our democratic form of government.

When the COVID-19 pandemic first impacted Hawaii, Governor Ige partially suspended the Sunshine Law (HRS Chapter 92) and completely suspended the public records law (HRS Chapter 92F). See Supplementary Proclamation Related to the COVID-19 Emergency dated March 16, 2020 https://governor.hawaii.gov/wp-content/uploads/2020/03/2003109-ATG_COVID-19-Supplementary-Proclamation-signed.pdf (retrieved Feb. 4, 2022). By Governor Ige's Seventh Emergency Proclamation, guidance was provided for the Sunshine Law to allow for remote meetings, but the public records law was still suspended "to the extent they contain any deadlines for agencies, including deadlines for the OIP, relating to requests for government records and/or complaints to OIP." See Seventh Supplementary Proclamation Related to the COVID-19 Emergency dated May 5, 2020 https://governor.hawaii.gov/wp-content/uploads/2020/05/2005024-ATG_Seventh-Supplementary-Proclamation-for-COVID-19-distribution-signed-1.pdf at Exhibit H (retrieved Feb. 4, 2022). The public records law was suspended through the Twenty-First Proclamation Related To The COVID-19 Emergency dated June 7, 2021, which expired August 6, 2021. See https://governor.hawaii.gov/wp-content/uploads/2021/06/2106080-ATG_21st-Emergency-Proclamation-for-COVID-19-distribution-signed.pdf (retrieved Feb. 4, 2022). The Sunshine Law continues to be impacted by the pandemic. On December 29, 2021, Gov. Ige issued an Emergency Proclamation Related To Sunshine Law In-Person Meetings, which will expire February 28, 2022, suspending only that portion of the law requiring at least one physical meeting location to be open to the public. See https://governor.hawaii.gov/wp-content/uploads/2021/12/2112177-ATG_Emergency-Proclamation-Related-to-Sunshine-Law-In-Person-Meetings-distribution-signed.pdf (retrieved Feb. 4, 2022). The remainder of the Sunshine Law is currently in effect. Id.

These actions are why Hawaii is known to have adopted the most extreme open records limits during the ongoing pandemic. See <https://www.usnews.com/news/best-states/hawaii/articles/2021-03-15/hawaii-adopts-most-extreme-open-records-limits-amid-pandemic> (retrieved Feb. 4, 2022).

During regular times and especially during these pandemic times, it is vitally important that the people be able to have access to their government and know that their government is functioning properly and in the best interest of the people. Without being able to request public records and timely receive them for over one year, government is shutoff from public oversight and accountability, which are necessary for a functioning democracy. HRS Chapter 92F, the public records law, should not be suspended, if we are to have any trust and confidence in our government. HRS Chapter 92F and our Sunshine Law, which properly allows for remote meetings, should also not be suspended by any governor without thorough justification and unless absolutely necessary and for the minimum time necessary. Unfortunately, SB 3089 does not provide any real guidelines for open government and records protections and is insufficient to keep executive power overreach in check during emergency situations.

Thank you for the opportunity to provide comments on SB 3089. If you have questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii





For Our Rights

a non-profit organization

P.O. Box 1633
Kapa'a, Hi. 96746
www.forourrights.org

February 7, 2022

COMMENTS ON SENATE BILL 3089 RELATING TO EMERGENCY MANAGEMENT

To: Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair
Committee on Public Safety, Intergovernmental, and Military Affairs

Dear Committee Chair and Vice Chair,

For Our Rights is a non-profit organization that has brought a number of lawsuits against our government in relation to the seemingly permanent emergency known as the “Covid-19 pandemic”. One of these lawsuits was brought in the Fifth Circuit court arguing a matter of legal construction of the Hawai’i Emergency Statute 127-A under section 14(d) which declares a “state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, or by a separate proclamation of the governor or mayor, whichever occurs first.” This lawsuit that challenges the governor’s legal authority to extend a state of emergency beyond the statutory sixty day time limit was brought before the Intermediate Court of Appeals on January 26, 2022 for oral arguments and is pending a decision.¹

It is clear that Senate Bill 3089, which “amends chapter 127A to require specificity when suspending provisions of law during an emergency; clarify when and how Hawaii's emergency

¹ <https://drive.google.com/file/d/15XaQIJQg8f19ozsUoqD6nJKFaZ81LApz/view>

management system involves coordination between state and county emergency management functions; and clarify the legal framework governing the extension and termination of states of emergency[.]” is a necessary attempt to clarify and reconstruct our laws relating to emergency management in order to ensure constitutionality and create more defined boundaries in the exercise of emergency powers. Public trust in government is clearly waning as our current laws seem to allow dictatorial power with no end in sight. There is clearly a need to address the fact that our laws on emergency management must be rewritten in order to adhere to the separation of powers doctrines of our state and federal constitutions.

On behalf of our organization and the people we serve, I urge you to consider the addition of provisions which offer more protection to civil liberties, such as an amendment which calls for a concurrent resolution from the legislature in order to extend a state of emergency. When the fundamental rights of the public are at stake due to the existence of an emergency it is vitally important that the people are given a greater opportunity to participate in the rulemaking process through their representatives in order to maintain a proper balance of power.

Thank you for allowing me to comment on Senate Bill 3089. Your consideration of the recommended amendment is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'LL' or 'Levana Lomma', with a stylized flourish at the end.

Levana Lomma
CEO and President

Feb. 8, 2022

1 p.m.

VIA VIDEOCONFERENCE

To: Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: SB3089 — RELATING TO EMERGENCY MANAGEMENT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on SB3089, which would amend the state's emergency-management statute to clarify that the powers granted for emergency purposes should not be inconsistent with the Hawaii Constitution, require statements of justification for the suspension of laws and place parameters on such suspensions, and allow the governor or mayors to extend an emergency by supplemental proclamation.

While this bill does make a laudable effort to reinforce that the emergency powers must be exercised constitutionally, it fails to address an oversight in the state's current emergency-management law that was not apparent until the COVID-19 pandemic: the lack of a meaningful legislative check on the governor's emergency powers.

At present, the law includes a 60-day limit on emergencies, but does not address what should happen if an emergency exceeds that limit. Thus, it is possible for the governor to extend an emergency period indefinitely, with little input or oversight from the legislative branch. Given that the emergency-management law already gives broad legislative powers to the executive, the result is an upsetting of the balance of powers in the state for an extended period of time.

Without a voice in government via their elected representatives, the people lose trust in their elected officials. It is clear that the Legislature must play a larger role in any proposed extension of an emergency period and act as a safeguard for the rights, safety and health of the public.

Unfortunately, this bill perpetuates this problem by giving the executive the power to extend an emergency without limit. The inclusion of this provision implicitly acknowledges the problematic nature of the current extensions of an emergency via proclamation, which has happened many times over the course of the coronavirus crisis. However, it fails to restore the balance of powers by requiring legislative approval to extend an emergency, nor does it allow the Legislature to vote to terminate an emergency.

We suggest that the committee make a few changes in order to address the shortcomings of this bill.

For example, the bill addresses the problem of the statute's vague "automatic termination" clause by specifying that the governor may extend the emergency by supplementary proclamation. While this does clarify the issue, it does little to discourage extended/perpetual emergencies. We suggest adding a provision stating that supplementary proclamations extending an emergency must be approved by the Legislature via concurrent resolution.

In addition, the Legislature should be given the power to terminate an emergency by concurrent resolution. Moreover, the bill should also provide an avenue for the Legislature to act while not in session. This could be addressed via a requirement that the governor obtain legislative approval for before extending an emergency by supplemental proclamation. Given the need to create a streamlined approval process in an emergency, the bill could include a mechanism whereby the Legislature could approve or deny extension through the use of remote technology.

We appreciate that there might be occasions where the Legislature wouldn't hesitate to approve the governor's proclamation, but there is still a useful purpose to requiring official approval via concurrent resolution.

These changes would ensure that Hawaii's residents always have the chance to weigh in on the governor's actions. They also would emphasize the importance of maintaining the constitutional balance of powers, even in an emergency.

Finally, we ask that the committee to consider how to better protect civil liberties during an emergency. In the Grassroot Institute policy brief "[Lockdowns Versus Liberty](#)," we looked at how

the state's emergency-management law could be reformed in light of lessons learned during the coronavirus lockdowns.

In addition to the need for a legislative check and restoring the balance of powers, we identified three principles that should be considered while dealing with emergencies touching on public health:

>> Ensure that restrictions and regulations are narrowly tailored, with a clear connection between the restriction and the public health aim.

>> Reinforce the importance of due process standards by requiring the government to bear the burden of proving that an order that closes a business or deprives an individual of a right is both necessary and reasonable.

>> Strive for more transparency in decision-making and directives, including protections for existing sunshine and open-records laws.

Finally, it would be good to see a firmer statement in favor of preserving government transparency, especially the state's sunshine laws and open records laws, as well as stronger guarantees that emergency orders that close a business or deprive an individual of a right would also have to demonstrate a rational basis for the restriction.

Throughout the COVID-19 emergency, we have had the opportunity to learn more about what we do well and what could be improved. Unfortunately, this bill does not go far enough to put those lessons into place and restore the balance of powers to our emergency management statute.

Thank you for the opportunity to submit our comments.

Sincerely,

Joe Kent
Executive Vice President
Grassroot Institute of Hawaii

**Senate Committee on Public Safety, Intergovernmental
and Military Affairs**

Clarence K. Nishihara, Chair
Lynn DeCoite, Vice-chair

Committee Members
Senators: Rosalyn H. Baker, Gil Riviere and Kurt Fevella

Hearing for SB 3089 RELATING TO EMERGENCY MANAGEMENT

Committee members, please note that I support the intent of this bill SB3089. However, I also agree with following, keeping in mind the first three words of our constitution “We the People”. In the last two years the will of the people, the voices of the people have been lost/ignored.

Please note that I support the following to:

“AMEND THE BILL TO BE A CONSTITUTIONAL AMENDMENT”:

Article I Section1 shall be amended as follows:

Section 1. All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. Any exercise of emergency powers must automatically terminate on the 60th day after the initiation of the first action pursuant to emergency power unless both the executive and legislative branches act to extend the emergency powers for that specific emergency.

I thank you for your time and for implementing these changes.

**Respectfully,
Rita Kama-Kimura**

SB-3089

Submitted on: 2/5/2022 10:54:33 PM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr Marion Ceruti	Individual	Oppose	No

Comments:

I oppose SB3089 as it is written, but this bill can be improved considerably with the appropriate corrections. I agree with the spirit of the bill; it is totally unacceptable to have an emergency that never ends. SB 3089 is an attempt to improve emergency powers but it has a completely wrong approach because it will weaken the people's political power. Whereas some emergencies can require drastic action, such action must be limited to a period of time, which is absolutely necessary to protect against infringement on our fundamental rights. The statute, Chapter 127A, should be amended to ensure that emergency powers are not abused. However, to ensure the proper balance between the political power of government and the rights of the citizens, a constitutional amendment is a better answer than only a statutory approach. Therefore, delete the changes to Section 127A-14 in Section 5 of the bill and, instead, insert the following paragraphs into SB 3089:

To clarify, in the strongest possible terms, that abuse of emergency powers occurs beyond the first 60 days after the emergency is proclaimed, the following amendment to the Hawai'i State Constitution is proposed:

Article I Section 1 shall be amended as follows:

Section 1. All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. Any exercise of emergency powers must automatically terminate on the 60th day after the initiation of the first action pursuant to emergency power unless both the executive and legislative branches act to extend the emergency powers for that specific emergency.

With these revisions, SB3089 presents an opportunity to make a difference. Please, kokua, rewrite the bill to include the suggested improvements described above.

JAN 26 2022

A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the emergence of
2 coronavirus disease 2019 (COVID-19) and its variants created a
3 great challenge to global health, the economy, and our way of
4 life. The Governor and county mayors have had to exercise their
5 emergency powers under chapter 127A, Hawaii Revised Statutes, to
6 impose rules aimed to control the spread of COVID-19. The
7 enforcement of those rules has been critical to efforts to limit
8 the spread of COVID-19, protect the health and safety of the
9 community, manage medical resources, and promote economic
10 recovery. The COVID-19 pandemic has highlighted the importance
11 of clear legal frameworks for State and county emergency
12 management to ensure the State and counties are ready for any
13 type of emergency. The purpose of this Act is to clarify State
14 and county emergency management authority, ensure effective and
15 adaptable emergency responses, and further the goals of
16 transparency and democratic accountability within our
17 constitutional system.

1 The legislature finds that chapter 127A, Hawaii Revised
2 Statutes, should clearly specify and articulate the bases for
3 emergency actions. To that end, this Act amends chapter 127A to
4 require specificity when suspending provisions of law during an
5 emergency; clarify when and how Hawaii's emergency management
6 system involves coordination between state and county emergency
7 management functions; and clarify the legal framework governing
8 the extension and termination of states of emergency.

9 SECTION 2. Section 127A-1, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) It is the intent of the legislature to provide for
12 and confer comprehensive powers for the purposes stated herein.
13 This chapter shall be liberally construed to effectuate its
14 purposes; provided that this chapter shall not be construed as
15 conferring any power or permitting any action ~~[which]~~ that is
16 inconsistent with the Constitution and laws of the United
17 States~~[,]~~ or the constitution of the State of Hawaii, but, in so
18 construing this chapter, due consideration shall be given to the
19 circumstances as they exist from time to time. This chapter
20 shall not be deemed to have been amended by any act hereafter
21 enacted at the same or any other session of the legislature,
22 unless this chapter is amended by express reference."

1 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Severe weather warning" means the issuance by the
5 National Weather Service of a public notification that a
6 dangerous weather condition exists that could impact the State,
7 or any portion of it, within a specified period of time. This
8 term includes but is not limited to, warnings of coastal
9 inundation, high surf, flash flooding, tsunami, or hurricane."

10 SECTION 4. Section 127A-13, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§127A-13 Additional powers in an emergency period. (a)**
13 In the event of a state of emergency declared by the governor
14 pursuant to section 127A-14, the governor may exercise the
15 following additional powers pertaining to emergency management
16 during the emergency period:

- 17 (1) Provide for and require the quarantine or segregation
18 of persons who are affected with or believed to have
19 been exposed to any infectious, communicable, or other
20 disease that is, in the governor's opinion, dangerous
21 to the public health and safety, or persons who are
22 the source of other contamination, in any case where,
23 in the governor's opinion, the existing laws are not

adequate to assure the public health and safety;
provide for the care and treatment of the persons;
supplement the provisions of sections 325-32 to 325-38
concerning compulsory immunization programs; provide
for the isolation or closing of property ~~[which]~~ that
is a source of contamination or is in a dangerous
condition in any case where, in the governor's
opinion, the existing laws are not adequate to assure
the public health and safety, and designate as public
nuisances acts, practices, conduct, or conditions that
are dangerous to the public health or safety or to
property; authorize that public nuisances be summarily
abated and, if need be, that the property be
destroyed, by any police officer or authorized person,
or provide for the cleansing or repair of property,
and if the cleansing or repair is to be at the expense
of the owner, the procedure therefor shall follow as
nearly as may be the provisions of section 322-2,
which shall be applicable; and further, authorize
without the permission of the owners or occupants,
entry on private premises for any such purposes;
(2) Relieve hardships and inequities, or obstructions to
the public health, safety, or welfare, found by the

1 governor to exist in the laws and to result from the
2 operation of federal programs or measures taken under
3 this chapter, by suspending the laws, in whole or in
4 part, or by alleviating, ~~[the provisions of laws on~~
5 ~~such]~~ subject to terms and conditions ~~[as]~~ that the
6 governor may ~~[impose]~~ specify, the provisions of laws,
7 including licensing laws, quarantine laws, and laws
8 relating to labels, grades, and standards;

- 9 (3) Suspend any law that impedes or tends to impede or be
10 detrimental to the expeditious and efficient execution
11 of, or to conflict with, emergency functions,
12 including laws ~~[which]~~ that by this chapter
13 specifically are made applicable to emergency
14 personnel; provided that any suspension of law shall
15 be no broader and last no longer than the governor
16 deems necessary for the execution of emergency
17 management functions, and any suspension of law shall
18 identify the section of law suspended and, for each
19 section, shall both specify the emergency management
20 functions facilitated and justify the suspension based
21 on protecting the public health, safety, and welfare;
22 (4) Suspend the provisions of any regulatory law
23 prescribing the procedures for out-of-state utilities

1 to conduct business in the State including any
2 licensing laws applicable to out-of-state utilities or
3 their respective employees, as well as any order,
4 rule, or regulation of any state agency, if strict
5 compliance with the provisions of any such law, order,
6 rule, or regulation would in any way prevent, hinder,
7 or delay necessary action of a state utility in coping
8 with the emergency or disaster with assistance that
9 may be provided under a mutual assistance agreement;

- 10 (5) In the event of disaster or emergency beyond local
11 control, or an event which, in the opinion of the
12 governor, is such as to make state operational control
13 or coordination necessary, or upon request of the
14 [~~local entity,~~] county, assume direct operational
15 control over all or any part of the emergency
16 management functions within the affected area; and
17 notwithstanding sections 127A-14 and 127A-25, require
18 the county to obtain the governor's approval, or the
19 approval of the director of the Hawaii emergency
20 management agency, prior to issuing any emergency
21 order, rule, or proclamation under this chapter;
22 (6) Shut off water mains, gas mains, electric power
23 connections, or suspend other services, and, to the

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1 extent permitted by or under federal law, suspend
2 electronic media transmission;

3 (7) Direct and control the mandatory evacuation of the
4 civilian population;

5 (8) Exercise additional emergency functions to the extent
6 necessary to prevent hoarding, waste, or destruction
7 of materials, supplies, commodities, accommodations,
8 facilities, and services, to effectuate equitable
9 distribution thereof, or to establish priorities
10 therein as the public welfare may require; to
11 investigate; and notwithstanding any other law to the
12 contrary, to regulate or prohibit, by means of
13 licensing, rationing, or otherwise, the storage,
14 transportation, use, possession, maintenance,
15 furnishing, sale, or distribution thereof, and any
16 business or any transaction related thereto;

17 (9) Suspend section 8-1, relating to state holidays,
18 except the last paragraph relating to holidays
19 declared by the president, which shall remain
20 unaffected, and in the event of the suspension, the
21 governor may establish state holidays by proclamation;

22 (10) Adjust the hours for voting to take into consideration
23 the working hours of the voters during the emergency

1 period, and suspend those provisions of section 11-131
2 that fix the hours for voting, and fix other hours by
3 stating the same in the election proclamation or
4 notice, as the case may be;

5 (11) Assure the continuity of service by critical
6 infrastructure facilities, both publicly and privately
7 owned, by regulating or, if necessary to the
8 continuation of the service thereof, by taking over
9 and operating the same; and

10 (12) Except as provided in section 134-7.2, whenever in the
11 governor's opinion, the laws of the State do not
12 adequately provide for the common defense, public
13 health, safety, and welfare, investigate, regulate, or
14 prohibit the storage, transportation, use, possession,
15 maintenance, furnishing, sale, or distribution of, as
16 well as any transaction related to, explosives,
17 firearms, and ammunition, inflammable materials and
18 other objects, implements, substances, businesses, or
19 services of a hazardous or dangerous character, or
20 particularly capable of misuse, or obstructive of or
21 tending to obstruct law enforcement, emergency
22 management, or military operations, including
23 intoxicating liquor and the liquor business; and

1 authorize the seizure and forfeiture of any such
2 objects, implements, or substances unlawfully
3 possessed, as provided in this chapter.

4 (b) In the event of a local state of emergency declared by
5 the mayor pursuant to [†]section[†] 127A-14, the mayor may
6 exercise the following additional powers pertaining to emergency
7 management during the emergency period:

8 (1) Relieve hardships and inequities, or obstructions to
9 the public health, safety, or welfare, found by the
10 mayor to exist in the laws of the county and to result
11 from the operation of federal programs or measures
12 taken under this chapter, by suspending the county
13 laws, in whole or in part, or by alleviating, ~~[the~~
14 ~~provisions of county laws on such]~~ subject to terms
15 and conditions ~~[as]~~ that the mayor may ~~[impose]~~
16 specify, the provisions of county laws, including
17 county licensing laws[†] and county laws relating to
18 labels, grades, and standards;

19 (2) Suspend any county law that impedes or tends to impede
20 or be detrimental to the expeditious and efficient
21 execution of, or to conflict with, emergency
22 functions, including laws ~~[which]~~ that by this chapter
23 specifically are made applicable to emergency

1 personnel; provided that any suspension of law shall
2 be no broader and last no longer than the mayor deems
3 necessary for the execution of emergency management
4 functions, and any suspension of law shall identify
5 the section of law suspended and, for each section,
6 shall both specify the emergency management functions
7 facilitated and justify the suspension based on
8 protecting the public health, safety, and welfare;

9 (3) Shut off water mains, gas mains, electric power
10 connections, or suspend other services; and, to the
11 extent permitted by or under federal law, suspend
12 electronic media transmission;

13 (4) Direct and control the mandatory evacuation of the
14 civilian population; and

15 (5) Exercise additional emergency functions, to the extent
16 necessary to prevent hoarding, waste, or destruction
17 of materials, supplies, commodities, accommodations,
18 facilities, and services, to effectuate equitable
19 distribution thereof, or to establish priorities
20 therein as the public welfare may require; to
21 investigate; and any other county law to the contrary
22 notwithstanding, to regulate or prohibit, by means of
23 licensing, rationing, or otherwise, the storage,

1 transportation, use, possession, maintenance,
2 furnishing, sale, or distribution thereof, and any
3 business or any transaction related thereto."

4 SECTION 5. Section 127A-14, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§127A-14 State of emergency.** (a) The governor may
7 declare the existence of a state of emergency in the State by
8 proclamation if the governor finds that an emergency or disaster
9 has occurred or that there is imminent danger or threat of an
10 emergency or disaster in any portion of the State.

11 (b) A mayor may declare the existence of a local state of
12 emergency in the county by proclamation if the mayor finds that
13 an emergency or disaster has occurred or that there is imminent
14 danger or threat of an emergency or disaster in any portion of
15 the county.

16 (c) The governor or mayor shall be the sole judge of the
17 existence of the danger, threat, or circumstances giving rise to
18 a declaration, extension, or termination of a state of emergency
19 in the State or a local state of emergency in the county, as
20 applicable. This section shall not limit the power and
21 authority of the governor under section 127A-13(a)(5).

22 (d) A state of emergency and a local state of emergency
23 shall terminate automatically sixty days after the issuance of a

1 proclamation of a state of emergency or local state of
2 emergency, respectively, [~~or~~] unless extended or terminated by a
3 separate or supplementary proclamation of the governor or
4 mayor[, ~~whichever occurs first~~]. The governor or mayor shall
5 proclaim the termination of a state of emergency or local state
6 of emergency, respectively, at the earliest possible date that
7 conditions warrant."

8 SECTION 6. Section 127A-30, Hawaii Revised Statutes, is
9 amended by amending subsection (c) to read as follows:

10 "(c) The prohibitions under subsection (a) shall remain in
11 effect until twenty-four hours after the severe weather warning
12 is canceled by the National Weather Service; or in the event of
13 a declaration, [~~the later of a date specified by the governor or~~
14 ~~mayor in the declaration or ninety-six~~] seventy-two hours after
15 the effective date and time of the declaration, unless such
16 prohibition is identified and continued [~~by a supplementary~~
17 ~~declaration issued~~] by the governor or mayor[~~-~~] in the
18 proclamation or any supplementary proclamation. Any
19 proclamation issued under this chapter that fails to state the
20 time at which it will take effect, shall take effect at twelve
21 noon of the day on which it takes effect."

22 SECTION 7. Statutory material to be repealed is bracketed
23 and stricken. New statutory material is underscored.

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1 SECTION 8. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: 

4

BY REQUEST

5

Report Title:

Emergency Management

Description:

Amends chapter 127A, Hawaii Revised Statutes (HRS), to clarify State and local authority, ensure effective and adaptable emergency response, and further the goals of transparency and democratic accountability. Clarifies that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution. Amends chapter 127A, HRS, to provide for greater clarity and specificity regarding the scope of suspensions of law. Clarifies that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate. Clarifies the legal framework governing the extension and termination of emergency periods. Adds the definition of the term "severe weather warning" as used in section 127A-30, HRS.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT.

PURPOSE: To amend chapter 127A Hawaii Revised Statutes (HRS), to clarify State and county authority, ensure effective and adaptable emergency response, and further the goals of transparency and democratic accountability; to clarify that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution; to provide for greater clarity and specificity regarding the scope of suspensions of law under chapter 127A, HRS; to clarify that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate; to clarify the legal framework governing the extension and termination of emergency periods, and to add the definition of the term "severe weather warning" as used in section 127A-30, HRS.

MEANS: Amend sections 127A-1,-2,-13,-14, and -30, HRS.

JUSTIFICATION: The Legislature finds that the emergence of Coronavirus disease 2019 (COVID-19) and its variants has created a great challenge to global health, the economy, and our way of life. The Governor and county mayors have had to exercise their emergency powers under chapter 127A, HRS, to impose rules aimed to control the spread of COVID-19. The enforcement of these rules has been critical to efforts to limit the spread of COVID-19, protect the health and safety of the community, manage medical resources, and promote economic recovery. The COVID-19 pandemic has highlighted the importance of clear legal frameworks for State and county emergency management to ensure that the

State and counties are ready for any types of emergencies.

The purpose of this measure is to amend chapter 127A, HRS, to clarify State and local authority, ensure effective and adaptable emergency response, and further the goals of transparency and democratic accountability within our constitutional system.

This measure would clarify that powers granted for emergency purposes shall not be construed as permitting actions inconsistent with the state constitution. It would also clarify chapter 127A, HRS, by defining the term "severe weather warning" as used in section 127A-30, HRS.

The measure would also require the State and counties to provide greater justification and specificity than currently required when provisions of law are suspended pursuant to chapter 127A, HRS. Additionally, the measure would clarify that Hawaii's emergency management system includes coordination between State and county emergency management functions, where appropriate.

Impact on the public: The public would benefit from increased clarity and transparency into how emergency management authority is exercised and the scope of emergency powers, thus increasing public confidence and understanding.

Impact on the department and other agencies: The Department and other State and county agencies would benefit from increased clarity in the legal framework governing emergency management functions. Increased statutory clarity will mitigate litigation risk associated with the application of chapter 127A, HRS.

GENERAL FUND:

None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: DEF 118.

OTHER AFFECTED
AGENCIES: State and county agencies.

EFFECTIVE DATE: Upon approval.

SB-3089

Submitted on: 2/7/2022 12:08:24 PM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Kaneko	Individual	Comments	No

Comments:

I agree that the statute, Chapter 127A, must be amended to ensure that emergency powers are not abused. However, in order to protect the proper balance between the political power of government and the citizens, **a constitutional amendment is the better answer.**

Therefore, I suggest that you delete the changes to Section 127A-14 in Section 5 of the bill and instead insert the language below in SB 3089:

In order to clarify in the strongest possible terms that abuse of emergency powers occurs beyond the first 60 days after the emergency is proclaimed, the following amendment to the Hawaii Constitution is proposed:

Article I Section 1 shall be amended as follows:

Section 1. All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. **Any exercise of emergency powers must automatically terminate on the 60th day after the initiation of the first action pursuant to emergency power unless both the executive and legislative branches act to extend the emergency powers for that specific emergency.**

LATE

SB-3089

Submitted on: 2/7/2022 10:11:48 PM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alice Abellanida	Individual	Support	No

Comments:

This issue needs to be addressed. The Governor is not a king and needs to be reigned in immediately.

LATE

SB-3089

Submitted on: 2/7/2022 1:02:30 PM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sharon Martin	Individual	Comments	No

Comments:

Dear Senate Legislators:

While I agree that the HRS Chapter 127A must be amended to ensure that emergency powers are not abused, I believe in order to protect the proper balance between the political power of government and the citizens a constitutional amendment is the preferred change.

Therefore, I suggest that you delete the changes to Section 127A-14 in Section 5 of the bill and instead insert this language in SB 3089:

In order to clarify in the strongest possible terms that abuse of emergency powers occurs beyond the first 60 days after the emergency is proclaimed, the following amendment to the Hawaii Constitution is proposed:

Article I Section 1 shall be amended as follows:

Section 1. All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. *Any exercise of emergency powers must automatically terminate on the 60th day after the initiation of the first action pursuant to emergency power unless both the executive and legislative branches act to extend the emergency powers for that specific emergency.*

A state of emergency is for a defined period and not a persistent extension. If the defined period is no longer defined then how does an emergency proclamation end? It is my hope that you not only consider but also make the necessary amended change to end the governors overreaching powers.

Mahalo for your consideration,

Mrs. Sharon Martin

LATE

SB-3089

Submitted on: 2/8/2022 8:42:11 AM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Strider Didymus	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE this bill (SB3088) as written due to the following scientific, medical, historical and legal facts:

First, it is an established SCIENTIFIC FACT as censored by corrupt government officials and agencies, greedy corporations, and the media that the alleged “coronavirus 2019 (COVID-19)” was never isolated in any lab worldwide; nor provided to such by any governmental agency claiming such and as a result the existence of “variants” do not exist either.

In reality, it is a confirmed SCIENTIFIC AND MEDICAL FACT that a chimeric bioweapon was created (documented patents) in violation of U.S. law and treaties, and is an active ingredient in the so called “vaccines” to help depopulate the planet and to be used for social control (like Communist China) to implement the new world order (NWO).

Such is not a “conspiracy theory,” but a conspiracy as fully documented as a HISTORICAL FACT by various individuals and entities from all walks of life, and as prophesied throughout the Holy Bible.

Second, it is an established SCIENTIFIC FACT by the inventor of the PCR test (Microbiologist Dr. Katy Mullis), that it was never designed for the purposes utilized today and to which the C.D.C. themselves have officially confirmed that these tests promote a “97% false positive.”

Yet, the continuance of such to detect a non-existent virus and the faulty statistics resulting from such has created the illusion of an ongoing “emergency” with no end in sight; thus prompting violations to human rights, perpetuated fear, degradation of society, and economic collapse.

LATE

Third, it is an established LEGAL FACT, as provided by the testimony of censored medical and scientific personnel, astute attorneys and documentation in various lawsuits throughout the world, that the above is true.

Please be advised that currently evidence is being presented by such world rebound experts to bring criminal charges against the perpetrators (Fauci, Gates, Tedros, etc.) of this greatest hoax and crimes against humanity in a Grand Jury indictment by The Peoples Court of Opinion - some are calling it "Nuremberg 2.0."

Therefore, this bill has been formulated upon a foundation of faulty premises and lies, and is a means to further erode our God given rights; despite the language inserted into SECTION 2 (c) stating in part that "this chapter shall not be construed as conferring any power or permitting and action that is inconsistent with the Constitution and laws of the United States or the constitution of the State of Hawaii..."

Yet, upon reading the bill further, it actually does the complete opposite and confers "additional" tyrannical powers to the already existing unlawful measures taken by the governor and mayors the last two years, and to which has been brought before numerous courts.

Specifically, all throughout SECTION 4 (1) are found violations of people rights, based upon "the governor's opinion" (cited 3 times).

He and others may have consulted various individuals or entities for advise to render such "opinion," but like most other politicians in "lock step" with each other in order to facilitate their NWO agenda, they have flagrantly disregarded the documented evidence and sound advise of real SCIENTIST AND MEDICAL EXPERTS who are without any conflict of interest.

It is an established LEGAL FACT that the C.D.C., the F.D.A., the W.H.O., the N.I.H., and Dr. Anthony Fauci owns hundreds of patents pertaining to this so called "virus and safe and effective vaccines," and "newly approved PCR tests" (which they also own patent and stock) still gives false positives in the majority of cases.

LATE

Further, many of the entities above receives the vast majority of funds from special interest groups (specifically big pharma) and secretive defence agencies (DARPA, etc.). Is this not a conflict of interest?

Yet, our government officials totally disregards and censors legitimate entities in order to render their “opinion” to further violate people’s rights, all the while as hundreds of thousands of human beings are literally being killed and injured (MEDICAL FACT supported by the C.D.C.’s own VAERS system) by the “biological weapons” jabs pushed upon society.

This is an evil in violation of the God’s and man’s laws, and the Nuremberg Code - it is in FACT democide.

“Democide is a concept proposed by American political scientist Rudolph Rummel to describe "the intentional killing of an unarmed or disarmed person by government agents acting in their authoritative capacity and pursuant to government policy or high command." According to Rummel, this definition covers a wide range of deaths, including forced labor and concentration camp victims, killings by mercenaries and unofficial private groups, extrajudicial summary killings, and mass deaths due to governmental acts of criminal omission and neglect, such as in deliberate famines, as well as killings by de facto governments, i.e. civil war killings. This definition covers any murder of any number of persons by any government.” (Wikipedia)

And you want to delegate complete power to one man to decide what constitutes an alleged “emergency;” such is a dictatorship and has proven to be tyrannical in nature to date?

The Governor is NOT our king, Yeshua (Jesus) is the KING OF KINGS AND LORD OF LORDS” (Revelation 19:16) and there are many of us who listen to him.

My sincerely religious beliefs are counter to the many tyrannical measures enacted by the government of late (including this bill) and is in violation of such; specifically:

LATE

FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION

Section 4. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances. [Ren and am Const Con 1978 and election Nov 7, 1978]

If you don't honour that, how will you honour the following?

DUE PROCESS AND EQUAL PROTECTION

Section 5. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry. [Ren and am Const Con 1978 and election Nov 7, 1978]

RIGHT TO PRIVACY

Section 6. The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right. [Add Const Con 1978 and election Nov 7, 1978]

SEARCHES, SEIZURES AND INVASION OF PRIVACY

Section 7. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted. [Am Const Con 1968 and election Nov 5, 1968; ren and am Const Con 1978 and election Nov 7, 1978]

RIGHTS OF CITIZENS

Section 8. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land. [Ren Const Con 1978 and election Nov 7, 1978]

LATE

Yet, your proposed bill would “require the quarantine” of someone “believed” (without any proof) to have been “exposed to ANY (emphasis added) infectious, communicable, or other disease that is the governor’s option, dangerous to the public health and safety...”

Is the suspected individual given a written court order?

What constitutes “believed” here? Did they show signs of any of the alleged symptoms or just suspected of such?

Got a runny nose (one of the alleged symptoms of the alleged virus)? Is it the flu, an allergy, hay fever, going to “quarantine” everyone exhibiting such based upon one’s belief?

What qualifies that person to hold such a belief and who are they?

Are those “believed” to be pariahs allowed to quarantine in their own home or be taken against their will elsewhere, like how those with leprosy (a confirmed MEDICAL bacteria, unlike the so called “COVID-19”) - actually the flu rebranded) were taken to Kalaupapa in the days of old?

Where does it stop; after all isn’t sexually transmitted diseases or staff infections communicable, going to isolate them too in all fairness or destroy their livelihood or property for being a “public nuisance”?

For the bill further states SECTION 4 (1): “if need be, that property be destroyed, by any police officer or authorized person...”

Has such provisions been approved by any law enforcement bargaining union or agreement first, have they been legally exempt from liability or vicarious liability associated with destroying one’s property without due process in a court of law?

LATE

Besides a judge having authority to exercise a written order upon a plaintiff exhausting their rights, who else would this bill deem as an “authorized person”?

Can a bulldozer operator hired to destroy one’s property or janitor to clean up afterwards be given such authority, and shielded from liability by the State?

SECTION 4 (2) also cites “quarantine laws,” but it doesn’t define such.

Are we referring to what’s already on the books or additional mandates (NOT “law”) given during an alleged and totally unfounded “emergency” here?

One that can now at the “governor’s opinion” and SECTION 4(1) of this bill: “supplement the provisions of section 325-32 to 325-38 concerning **COMPULSORY** (emphasis added) immunization (i.e. “vaccination”) programs...”

What if the person already has immunity, are you going to provide a provision for such here to be exempt?

What if they have a medical condition, are you going to provide a provision for such here to be exempt as well?

What about ones sincerely held religious beliefs against the jab confirmed to contain the tissue of aborted humans and identified as “MRNA gene therapy” which alters one’s DNA, will this bill provide exemption?

I believe we are made in the image of God, that he has made me his temple as a follower of such and it would not only be blasphemous to violate such, but that the altering of my very being with this entire agenda from hell would subject me to eternal torment for violating such.

LATE

No, I do not see any of those exemptions here.

Now as stated above, the entirety of SECTION 4 (3) only legalizes what illegal measures the governor and mayors have already been doing in suspending “We The People(s)” rights under both Constitutions, The Declaration of Independence, and Supreme Court rulings against such.

Specifically, Marbury vs Madison, 5 U.S. (1 Cranch) 137 (1803), page 144 which states in part:

“It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the constitution itself is first mentioned ; and not the laws of the United States generally, but those only which shall be made in pursuance of the constitution, have that rank.

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void ; and that courts, as well as other departments, are bound by that instrument.

‘The rule must be discharged.’”

In other words, everything that has occurred during the last two years and what is proposed here is contrary to above and legally made void.

In final, in lieu of giving the governor or mayors the right to “extension” of an emergency by way of a “separate or supplementary proclamation” after such is required (“SHALL”) to “terminate sixty days after the issuance of such” in SECTION 5 (c) & (d); please rather have the legislature convene (in or out of session) to legally review the full facts by all voices surrounding the alleged “emergency” and to provide for limited “extension” or termination.

Do NOT give them carte blanc without confirmed evidence by all parties to substantiate such claims or recommendations.

For, it is already an established fact that the so called experts cited above has a vested financial interest in perpetuating the lies parroted to the world.

LATE

Last session the legislature dropped the ball in reigning in the governor and mayors at the last hours, and we shall remember such at the polls.

Do your job now, “Kill the bill” forthright.

Strider Didymus - Man of God and disciple for Christ

LATE

SB-3089

Submitted on: 2/8/2022 10:28:50 AM

Testimony for PSM on 2/8/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Aprill Wilson	Individual	Comments	No

Comments:

I fully support the suggestion of an amendment to the language in SB 3089 to protect the people of Hawaii from the (continuing) abuse of emergency powers that has been going on during the Covid-19 emergency. New language should state that any exercise of emergency powers must automatically terminate on the 60th day after the initiation of the first action pursuant to emergency power unless both the executive and legislative branches act to extend the emergency powers for that specific emergency. I do not support the language in SB 3089 that seeks to weaken the current limits on the exercise of emergency powers.