

STAND. COM. REP. NO.

1252

Honolulu, Hawaii

MAR 22 2023

RE: H.B. No. 522

H.D. 1

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

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred H.B. No. 522, H.D. 1, entitled:

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

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; League of Women Voters of Hawaii; Civil Beat Law Center for the Public Interest; Hawaii Bulletin; For Our Rights; Society of Professional Journalists, Hawaii Chapter; Big Island Press Club; All Hawaii News; Hawaii Association of Broadcasters, Inc.; National Association of Broadcasters; and three individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Emergency Management Agency and twenty-four individuals. Your Committee received comments on this measure from the Grassroot Institute of Hawaii and one individual.

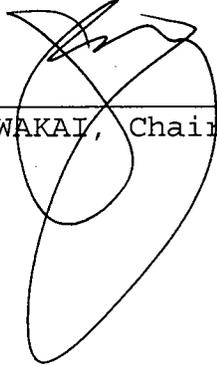
Your Committee finds that the power of a mayor or the Governor to suspend the transmission of electronic media during a state of emergency is overly broad and vague. Electronic media could include not only all radio and television broadcasts, but



also text messages, emails, and posts to social media platforms. Your Committee believes that suspensions of electronic media transmission may unduly restrain lawful free speech and publication and violate the First Amendment of the United States Constitution during a period of emergency. This measure will ensure that the public's First Amendment rights remain protected during a state of emergency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 522, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Intergovernmental and Military  
Affairs,

  
\_\_\_\_\_  
GLENN WAKAI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB522 HD1	PSM, JDC	3/17/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
MCKELVEY, Angus L.K.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	4	ϕ	ϕ	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes