

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: oip@hawaii.gov

To: House Committee on Judiciary & Hawaiian Affairs

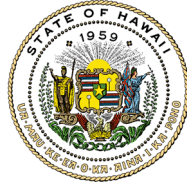
From: Carlotta Amerino, Director

Date: April 8, 2026, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 2151, S.D. 2, H.D. 1
Relating to Emergency Management

Thank you for the opportunity to submit testimony on this bill, which among other things, would prohibit the Governor or a mayor from suspending access to public records under chapter 92F, HRS, the Uniform Information Practices Act (UIPA), or to 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 in receipt of agency responses to their record requests, and the UIPA did not fulfill its stated purpose of giving the public timely access to government records.

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 PŪLIA

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

STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 2151 SD2 HD1,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON
JUDICIARY AND HAWAIIAN AFFAIRS

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

April 8, 2026

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Hawai'i Emergency Management Agency (HIEMA) respectfully submits this testimony in opposition to Senate Bill 2151 SD2 HD1. While we appreciate the Legislature's intent to clarify emergency management powers and preserve constitutional checks and balances, we have serious concerns that this bill, as currently drafted, could undermine the state's ability to respond effectively and efficiently to emergencies and disasters:

Reduced Operational Flexibility and Timeliness

Emergencies demand rapid, decisive actions. The bill's provisions allowing the Legislature and county councils to terminate emergency declarations by simple majority vote may politicize emergency management decisions, potentially interrupting or prematurely ending critical response and recovery operations. This could hinder HIEMA's coordination role and delay essential actions that protect lives and property.

Ambiguity and Narrowing of Emergency Definitions

The redefined terms “catastrophic harm” and “emergency” emphasize immediate danger and widespread severe damage, which may inadvertently narrow the scope for activating emergency powers. This could prevent HIEMA and the governor from addressing evolving or less acute but still serious threats effectively.

Limitations on Suspension of Laws and Access to Records

The prohibition on suspending access to certain records and the requirement for detailed justification before suspending laws may restrict HIEMA’s ability to manage information flows and regulatory relief during emergencies, impacting operational efficiency.

HIEMA urges the Legislature to reconsider the provisions in SB2151 SD2 HD1 that could constrain emergency response capabilities and introduce political interference into urgent decision-making processes. We recommend working collaboratively to ensure that emergency powers remain robust, clear, and balanced with appropriate oversight without compromising public safety or operational effectiveness.

Thank you for the opportunity to provide testimony in opposition to Senate Bill 2151 SD2 HD1.

James Barros: james.barros@hawaii.gov; 808-733-4300



House Committee on Judiciary & Hawaiian Affairs

Wednesday, April 8, 2026, 2 PM Hearing in Conference Room 325 on
SB 2151, SD2, HD1 Relating to Emergency Management

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii supports SB 2151, SD2, HD1. State law should not authorize either the Governor or any county mayor to completely suspend or unreasonably delay public access to public records. 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 JUDICIARY & HAWAIIAN AFFAIRS

April 8, 2026

2:00 PM

Conference Room 325

In **SUPPORT** of **SB2151 SD1 HD1**: RELATING TO EMERGENCY MANAGEMENT

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** SB2151 SD2 HD1, which will protect the public interest and our very system of constitutional democracy from the potential misuse of state and county executive branch leaders' emergency powers.

As we have seen in recent years, the lack of clear statutory guardrails for the Governor's sweeping emergency powers has resulted in emergency proclamations that have significantly undermined the public interest, the public trust in government, and the separation of powers that is a foundation of our democracy. This includes an emergency proclamation on housing that attempted to use a century-long problem, rooted in nuanced economic policies and myriad social and historical factors, to broadly suspend and/or rewrite a suite of laws protecting our environmental and cultural integrity, food security, climate resilience, the public's right-to-know, fiscal transparency and accountability, and even collective bargaining rights - without any actual mechanisms to ensure that housing developed under the proclamation would be affordable, or reserved for current Hawai'i residents.

While this latter emergency proclamation was substantially scaled back in its subsequent iterations, significant concerns remain about the potential for any administration to declare long-standing and admittedly serious social challenges - such as housing, criminal activity, or poverty - as "emergencies," and thereby exercise their power to repeal or rewrite legislation for an indefinite length of time. Without the transparency and public accountability of the normal, democratic lawmaking process, this could easily lead to significant and long-lasting changes to public policy that unduly benefit politically connected special interests, at the expense of the public interest - and our very democracy itself.

This measure would help to mitigate the risk of executive overreach by more clearly defining the situations where the Governor and mayors may declare an emergency and invoke their broad emergency powers; by requiring the Governor and mayors to explicitly and narrowly tailor the use of their emergency authority to suspend laws, to directly addressing the emergency situation at hand; to require emergency declarations to be terminated as soon as conditions warrant; and to provide the state legislature and county councils the ability to end emergency declarations that may be arbitrarily and inappropriately used by the leaders of their respective executive branches. These common sense guardrails for our emergency powers statutes will go a long way to protecting our laws and democratic processes, while maintaining a high level of flexibility to address the myriad emergency situations that may require expedited executive action.



Accordingly, the Sierra Club respectfully urges the Committee to **PASS** SB2151 SD2 HD1.

Mahalo nui for the opportunity to testify on this critical measure.

SB-2151-HD-1

Submitted on: 4/6/2026 7:32:11 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition continues to support SB2151 to maintain balance between the Executive, Legislative, and Judiciary government.

Democracy's life is tied in the balance with guiderails on the Executive branch. Let's keep our public access to free and democratic government clear.

Mahalo for your time.

SB-2151-HD-1

Submitted on: 4/6/2026 8:47:36 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nakoolani Warrington	Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

STRONG SUPPORT of SB 2151 SD2 HD1

We, Kūpuna for the Mo‘opuna, a hui of Hawaiian Homes Commission Act kūpuna beneficiary farmers from Pana‘ewa, Hawai‘i, **testify in STRONG SUPPORT of SB 2151 SD2 HD1.**

SB 2151 SD2 HD1 will establish much-needed guardrails on the definition of an “emergency,” and ensure that the use of sweeping emergency powers by our Governor and mayors are to actually protect our health and safety, rather than to evade our democratic lawmaking process. This bill will prevent current and future Governors and mayors from arbitrarily calling long-standing and complex societal challenges, such as unaffordable housing or “illegal” activity, as “emergencies” in order to suspend our environmental, cultural protection, good governance, procurement, and labor laws indefinitely

SUPPORT and PASS SB 2151 SD2 HD1. Mahalo.

SB-2151-HD-1

Submitted on: 4/6/2026 10:08:04 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Kauai Women's Caucus	Support	Written Testimony Only

Comments:

Prevent current and future Governors and mayors from arbitrarily calling long-standing and complex societal challenges, such as unaffordable housing or “illegal” activity, as “emergencies” in order to suspend our environmental, cultural protection, good governance, procurement, and labor laws indefinitely by PASSING SB2151. Protect our Democracy.

April 8, 2026, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice-Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF SB2151 SD2 HD1 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **strongly supports** [SB2151 SD2 HD1](#), which would amend the state's emergency management statute to prohibit the suspension of requests for public records or vital statistics during a state of emergency.

The bill would also clarify the definitions of "catastrophic harm," a "severe weather warning," "disaster" and "emergency," 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 vote of a simple majority.

These are all excellent ways to preserve the intent of the emergency statute while simultaneously protecting the public interest and ensuring that 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 undermined public trust in the workings of government at a time when trust was needed most. This bill would ensure that government transparency is maintained even during a state of emergency.

There is no reason to worry that open records requests submitted during an emergency could hinder government operations. 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 would also help protect the constitutional balance of powers. The governor and mayors need leeway to handle an emergency 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 emergencies, Hawaii's emergency statute currently features a 60-day time limit, but it allows an emergency to be extended by proclamation. Thus, there is no protection against the governor or a mayor extending a state of emergency indefinitely, with little input or oversight from the legislative branch.

In the past few years, we have seen emergency orders used increasingly more often to address situations that do not pose an immediate threat to life, health or property — such as the housing crisis. Because the statute lacks a mechanism that would force an end to the governor's ability to rule via emergency proclamation, the governor could use his or her emergency powers to bypass the legislative process for years on end.

A legislative check on the executive's ability to extend an emergency would correct this problem and preserve the constitutional balance of powers. SB2151 would fulfill that purpose by enabling the Legislature and county councils to end emergencies by a majority vote.

It is important that Hawaii's emergency management law reflect the lessons we have learned over the past few years. The main lesson is that there is room 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.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



House Committee on Judiciary and Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair

RE: Testimony in Support of S.B. 2151 S.D. 2 H.D. 1, Relating to Emergency Management
Hearing: April 8, 2026 at 2:00 p.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 open government in Hawai`i. Thank you for the opportunity to submit testimony in **support** of S.B. 2151 S.D. 2 H.D. 1.

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.

We strongly support the language of this draft clarifying that *all* of chapter 92F is shielded from suspension, as prior drafts only shielded one part of the law. Section 2 now ensures that members of the public are able to access their personal records under part III of chapter 92F. It also ensures 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.

Concerns raised by opposition testimony are already addressed by existing disclosure exemptions under section 92F-13 and the provision of section 2 allowing reasonable response delays if extenuating circumstances exist.

Thank you again for the opportunity to testify in support of S.B. 2151 S.D. 2 H.D. 1.





REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE MAHINA POEPOE, VICE-CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL NO. 2151 SD2, HD1
RELATING TO EMERGENCY MANAGEMENT

Wednesday, April 6, 2026, 2:00 p.m.
Conference Room 325
State Capitol
415 South Beretania Street

Aloha e Chair Tarnas, Vice-Chair Poepoe, and members of the committee:

Earthjustice supports Senate Bill 2151, SD2, HD1, which seeks to place guardrails on the governor’s and mayors’ use of emergency powers by amending HRS Chapter 127A. These amendments are necessary to reestablish the proper constitutional balance of powers between the legislature and the executive branch with respect to the enactment of laws to address important issues of public policy.

SB 2151, SD2, HD1 seeks to rein in the use of emergency powers by amending HRS § 127A-14 to empower the legislature to terminate a state of emergency declared by the governor, in whole or in part, “by an affirmative vote of a simple majority of the members.” The measure would further amend the statutory definitions of “emergency” and “disaster” in HRS § 127A-2 to limit the use of extraordinary emergency powers to true emergency situations, as the legislature originally intended.

These amendments are necessary in light of the Hawai’i Supreme Court’s recent decision in *Nakoa v. Governor of Hawai’i*, 156 Hawai’i 416, 575 P.3d 506 (2025), published last September. The Court interpreted HRS Chapter 127A to grant the governor emergency powers — including the extraordinary power to suspend *any* law enacted by the legislature — to address any situation “rationally related to the health, safety, and welfare of the public.” *Nakoa v. Governor of Hawai’i*, 156 Hawai’i 416, 424, 575 P.3d 506, 514 (2025). The Court’s interpretation of the current statute allows for the governor issue emergency proclamations that address “not only discrete events,” but also “long-term issues” of public policy. *Id.* at 435, 575 P.3d at 525. This broad grant of authority undermines the balance of power enshrined in our Constitution by authorizing the executive branch to make wholly new decisions about long-standing problems without the consent of lawmakers.

In the wake of the Supreme Court’s ruling, it is vital for the legislature to clarify that the emergency powers that HRS Chapter 127A grants to the governor and the mayors are strictly

Earthjustice Testimony in Support of Senate Bill 2151, SD2, HD1

April 6, 2026

Page 2

limited to situations that involve responding to the sudden “occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from natural or human-caused hazards.” HRS § 127A-1(a). SB2151, SD2, HD1 would accomplish this.

Mahalo for the opportunity to offer this testimony.

Dru N. Hara, Esq.

Earthjustice, Mid-Pacific Office



Hawai'i Christian Coalition

4/08/26

Aloha Chair, Vice Chair & Members of the Committee,

My name is Margaret Mejia, and I am submitting testimony on behalf of ***Hawai'i Christian Coalition***.

We oppose SB2151, relating to Emergency Management.

I have been told by Legislators and Attorneys that this bill was written to curb the powers of the Governor. However, the exact opposite is true. Chapter 127A grants the Governor sweeping powers and without repealing that statute, SB2151 cannot curb the Governor's powers.

First, it should be acknowledged that since March 2020, Governors Ige (40+) and Green (90+) have issued over 130 emergency proclamations and that is way too many "emergencies"!

Second, it should be noted that **SB2151** contains the following wording:

1. "in the governor's opinion" four (4) times Page 5, Line 13; Page 5, Line 16; Page 6, Line 2 and Page 10, Lines 20 & 21
2. "the governor deems necessary" Page 7, Line 13
3. "in the opinion of the governor" Page 8, Line 19
4. "mayor deems necessary" Page 12, Lines 17 & 18

5. “the governor or mayor shall be the sole judge” Page 14, Line 19
6. “believed to have been exposed” Page 5, Lines 11 & 12

Because of the words that were chosen here, it looks like the **Legislature is putting the governor’s opinion (and the mayor’s opinion) above the law.**

The Governor cannot predict the future. However, this bill contains words like:

1. “imminent threat” Page 4, Line 3; Page 4, Line 17 & 18; Page 14, Line 16
2. “imminent danger” Page 14, Line 16
3. “likely to cause” Page 4, Line 20

This wording should be removed.

Also, **suspending laws should not be tolerated:**

- “suspending the laws” Page 6, Line 21; Page 7, Line 12, Line 13, Line 15, Line 16, Line 18, Line 20; All of Section 4 on Page 8 (in the opinion of the governor); Page 12, Lines 3 & 4; Page 12, Line 11; Page 13, Line 3

For the people of Maui and for all the people of the State of Hawai’i, the Governor should NOT be allowed to turn off water mains, in the case of a fire! Page 9, Line 9; Page 13, Line 11

After thorough review of the existing statute (Chapter 127A, Hawai’i Revised Statutes), **SB2151**, and the Hawai’i Constitution, we strongly urge the Legislature to repeal and replace Chapter 127A in its entirety.

Chapter 127A is critically flawed and fundamentally dangerous in its current form: its overall structure concentrates extraordinary, unilateral authority in the executive branch in ways that are gravely imbalanced, inconsistent with meaningful legislative oversight, and incompatible with the separation of powers.

The statute grants the governor sweeping powers during a declared emergency, including:

- Suspending current laws
- Requiring quarantines, even for people who are “believed to be exposed to any infectious...disease...in the governor’s opinion...”
- Authorizing entry on private property without a warrant
- Seizing firearms
- Authorizing taking over infrastructure facilities, even if they are privately owned.
- Regulating or prohibiting business transactions
- Enabling the Governor to force vaccinations

These provisions violate fundamental rights protected under the Hawai’i Constitution, including due process and equal protection (Article I, Section 5), the right to privacy (Article I, Section 6), and protection against unreasonable searches, seizures, and invasions of privacy (Article I, Section 7).

Similarly, they violate rights under the United States Constitution, including protection against unreasonable searches and seizures (Fourth Amendment), due process protections for life, liberty, and property (Fifth and Fourteenth Amendments), the right to keep and bear arms (Second Amendment), freedoms of speech and the press (First Amendment, particularly in the case of media or communication restrictions), and—through broad implementation of emergency rules, law suspensions, or movement/evacuation

controls—potential restrictions on the freedom of assembly and association (First Amendment).

Crucially, §127A-14(c) states: “The governor... shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration.” This unilateral trigger activates all the above powers without objective checks or mandatory legislative ratification.

These authorities were exercised extensively during the multi-year COVID-19 emergency proclamations, where Former Governor Ige proclaimed over 40 emergencies and Governor Green has proclaimed over 90 emergencies (and running), resulting in extended suspensions of laws, prolonged business restrictions, **mandatory quarantines based on exposure alone**, and widespread public concern about unchecked executive power. Recent testimony on SB2151 reflects ongoing citizen unease with the breadth of these provisions, with dozens of submissions describing them as enabling governmental overreach without sufficient accountability.

SB2151 acknowledges structural deficiencies in Chapter 127A by amending definitions, reorganizing provisions, and—most importantly—adding a mechanism for the Legislature to terminate an emergency by a simple majority vote of both chambers.

While we appreciate the amendment from a super majority vote to a simple majority vote, it simply is not enough to make this bill acceptable for the people of Hawai'i to enjoy their Life, Liberty and Property per the Due Process Clause.

Meaningful reform to this bill is not only constitutionally achievable but politically realistic in this current session if amendments are made NOW. ***Hawai'i Christian Coalition*** is willing to work with

you on amendments. The one significant amendment that was made regarding the simple majority is a step forward, but only one step of many that are needed. **We can only support this bill if further significant amendments are made.**

Article III, Section 1 of the Hawai'i Constitution states: "The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States."

Emergency management is a rightful subject of legislation. The Legislature therefore has full constitutional authority—and responsibility—to repeal a framework that delegates indefinite, unilateral suspension of law and override of rights to the executive.

There has to be a time limit on how long an emergency can be declared!

Hawai'i has a unique opportunity to lead the nation in restoring meaningful legislative oversight to emergency powers. By repealing and replacing Chapter 127A, the Legislature could set a precedent for other states still grappling with the lessons of prolonged emergencies, demonstrating that representative government can adapt and correct structural imbalances while remaining prepared for genuine crises.

Repealing Chapter 127A and replacing it with a narrowly tailored statute that contains no authority whatsoever to **suspend or modify laws** protecting fundamental constitutional rights (under Hawai'i Constitution Article I or U.S. Constitution), **even temporarily** or with legislative approval, would restore proper

separation of powers without impairing genuine emergency response.

Please avoid any further avoid any further expansion of the existing critically flawed framework by:

- **Rejecting any new or expanded definition of “disaster”** that broadens the legal triggers for declaring an emergency and activating these powers;
- Removing or rejecting any new language in the amendments that reaffirms, clarifies, or expands the governor’s authority to **“suspend” laws**;

Amending the proposed termination mechanism to require that any emergency declaration by the governor shall **automatically expire after a defined initial period of one week**, during which the Legislature must convene in an emergency session to evaluate the information presented (including bipartisan expert witness input) and decide by simple majority vote of both chambers whether the declaration may continue—and if extended, any such and subsequent extension shall last no longer than two weeks (requiring further legislative approval for any continuation beyond that period); and

- Requiring that any compulsory immunizations and all countermeasures (including medical or any other emergency response interventions, emergency mandates) must be justified by documented scientific evidence presented in the emergency session hearings. Add "...documented scientific evidence by both those who are pro-vax and those who are anti-vax."

- Explicitly prohibiting any suspension, modification, or override of laws protecting fundamental constitutional rights (under Hawaii Constitution Article I or U.S. Constitution) under any emergency declaration or extension, with no exceptions or ratification process permitted.

These steps would at minimum prevent the codification of additional legal protections for unilateral executive action and would represent meaningful progress toward restoring balance and legislative accountability.

Hawai'i Christian Coalition OPPOSES SB2151 in its current written form. However, if you are willing to make significant amendments to this bill, we will work with you. I am available for questions.

Sincerely,

Margaret Mejia, Vice President
Hawai'i Christian Coalition

SB-2151-HD-1

Submitted on: 4/6/2026 3:41:25 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Miyata	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose SB 2151 SD2 HD1

This bill gives the Governor too much power.

Please vote NO on SB 2151 SD2 HD1

Linda

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

April 6, 2026

**TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

ON

SB 2151, SD 2, HD 1, RELATING TO EMERGENCY MANAGEMENT

House Committee on Judiciary & Hawaiian Affairs

Wednesday, April 8, 2026

2:00 p.m.

Conference Room 325

Via Videoconference

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2151, SD 2, HD 1, relating to Emergency Management, along with a suggested final amendment. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council and as the Public Safety & Human Services Committee Chair.

I support SB 2151, SD 2, HD 1, because it represents an important and valued step toward constraining the overreach of authority embedded in Hawai'i Revised Statutes (HRS) Chapter 127A.

The recent amendments in Section 2, Chapter 127A-2, that define "catastrophic harm" and "severe weather warning" while outlining the "occurrence or imminent threat," work to create better policy that helps to preserve the true intent of the emergency statute while simultaneously protecting the public interest by ensuring that emergency powers do not become a tool for unchecked executive power. The amendments requiring emergency declarations to be terminated as soon as conditions warrant, in addition to the State Legislature and county councils having the ability to end emergency proclamations or declarations that risk being inappropriately used by the leader of the respective executive branch, are valued corrections. These crucial changes to HRS Section 127A provide an essential mechanism for the State Legislature and county councils to function as a check on the Executive Branch.

These statutory guardrails for the Governor's sweeping emergency powers will help to limit emergency proclamations that risk significantly undermining the public interest, public trust and faith in government, as well as the separation of powers that are foundational to our democracy. The changes in HRS Chapter 127A help to reduce critical flaws in its current form such that its overall structure concentrates extraordinary and unilateral authority in the Executive Branch to the extent that emergency mandates are imbalanced and inconsistent with meaningful legislative

Chair Tarnas and Members of the Committee
Re: Testimony in Support of SB 2151, SD 2, HD 1
April 6, 2026
Page 2

oversight, disallowing any real check on executive power by the legislative branch of government.

However, the governmental overreach of authority remains where compulsory immunization is a violation of an individual's fundamental and inalienable human rights. Changes need to occur to remove the ability of emergency proclamations to require any forced medical procedures. Accordingly, I respectfully urge the Committee to pass SB 2151, SD 2, HD 1, with the highlighted amendment to HRS Section 127A-13 as detailed below, which further protects basic human freedoms.

“(1) Provide for and require the quarantine or segregation of persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease that is, in the governor's opinion, dangerous to the public health and safety, or persons who are the source of other contamination, in any case where, 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 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 of these purposes;”

Mahalo nui loa for this opportunity to provide testimony in support of this critical measure, SB 2151, SD 2, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,



FELICIA COWDEN
Councilmember, Kaua'i County Council

RM:mn

SB-2151-HD-1

Submitted on: 4/6/2026 5:12:15 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Strongly support

SB-2151-HD-1

Submitted on: 4/6/2026 5:22:19 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Kau'i Young	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Kau'i Young and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai'i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial "checks and balances" against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai'i's own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai'i Supreme Court recognized that this did push the limits of the Governor's emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or "illegal activity" -- to declare an "emergency" and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of "disaster" and "emergency" along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1.** Mahalo nui for the opportunity to testify.

Sincerely,
Kau'i Young

SB-2151-HD-1

Submitted on: 4/6/2026 5:32:44 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Wassell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is JJ Wassell and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,
JJ Wassell

SB-2151-HD-1

Submitted on: 4/6/2026 5:40:56 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Shaver	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Christy and I STRONGLY SUPPORT SB2151 SD2 HD1.

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to PASS SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,
Christy Shaver

TESTIMONY IN STRONG SUPPORT

SB2151 SD2 HD1 — Emergency Powers Reform

House Judiciary & Hawaiian Affairs Committee

Wednesday, April 8, 2025, 2:00 PM — Room 325

Submitted by: Benton K. Pang, Ph.D. | mokumanamana@gmail.com | 808-349-3636

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Benton K. Pang, Ph.D., and I am a retired federal biologist with 26 years of service at the Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service. I currently serve as Board President of Ka'ala Farm, Inc., a Native Hawaiian cultural education nonprofit in Wai'anae, O'ahu. I submit this testimony as a private citizen. It does not represent the positions of Ka'ala Farm, Inc., or any other organization with which I am affiliated. I strongly support SB2151 SD2 HD1.

Why This Bill Matters

Throughout my career, I worked to protect Hawai'i's natural and cultural resources through science, law, and democratic process. I have seen firsthand how environmental, cultural, and community interests depend on transparent governance and meaningful checks on executive authority.

SB2151 SD2 HD1 would establish clear definitions of "disaster" and "emergency," and put modest, common-sense guardrails on how our Governor and mayors exercise emergency powers. These guardrails protect the people of Hawai'i from executive overreach, while still allowing government to respond swiftly to genuine crises.

The Risk of Unchecked Emergency Powers

In 2021, Governor Green issued an emergency proclamation on housing that suspended numerous environmental, cultural, transparency, procurement, and labor laws. The Hawai'i Supreme Court recognized that this proclamation pushed the limits of the Governor's emergency authority. Yet the underlying statutory framework remains unchanged, leaving the door open for future misuse.

Long-standing and complex societal challenges — such as housing affordability or "illegal" activity — are not emergencies in the traditional sense. Treating them as emergencies to bypass legislative process undermines the democratic institutions that protect all of us, including those of us who dedicate our lives to conservation, cultural integrity, and community wellbeing.

A Personal Perspective

Through my work in conservation and my personal involvement with Native Hawaiian cultural organizations, I have seen how environmental review, cultural protections, and procurement integrity serve real communities. These laws are not bureaucratic obstacles. They are the legal foundation that gives communities a voice in decisions affecting their land, water, and culture.

I have also submitted legislative testimony this session on SMA permitting, aquarium collection, biosecurity, and coastal management — areas where the integrity of our regulatory processes matters enormously. SB2151 SD2 HD1 strengthens the framework that makes that integrity possible.

The Need to Act Now

The temptation to declare an emergency to bypass difficult legislative tradeoffs will not disappear. Without guardrails, future executives may attempt the same or more expansive use of emergency powers. Do not wait for a constitutional, civil, or environmental crisis. By then, the damage may be done.

This bill does not prevent the Governor or mayors from acting in genuine emergencies. It simply defines what a genuine emergency is and ensures that complex societal problems get the deliberate, democratic attention they deserve.

I urge the Committee to PASS SB2151 SD2 HD1.

Me ka 'oia'i'o,

Benton K. Pang, Ph.D.
Kaimukī, O'ahu

SB-2151-HD-1

Submitted on: 4/6/2026 6:22:00 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tia pearson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Tia Pearson and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,
Tia Pearson

SB-2151-HD-1

Submitted on: 4/6/2026 9:26:04 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Reese Liggett	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is William Reese Liggett and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1.** Mahalo nui for the opportunity to testify.

Sincerely,
William Reese Liggett

SB-2151-HD-1

Submitted on: 4/6/2026 9:27:10 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2151 SD2 HD1.

The survival of our democracy depends on a meaningful separation of powers that maintains legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may disrespect and actively challenge the foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of our state’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this pushed the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use complex societal challenges (such as unaffordable housing or “illegal activity”) to declare an “emergency” and indefinitely bypass checks and balances.

This bill provides common sense definitions of “disaster” and “emergency” along with guardrails to better prevent misuse of executive emergency authorities. Please, do not wait for a crisis before adopting the critical guidance proposed in this measure. By then, it may be too late.

SB-2151-HD-1

Submitted on: 4/6/2026 9:29:51 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Nanea Lo and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1.**

Me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai‘i Member

Hawai'i Workers Center Board Member

Clean Elections Hawai'i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

SB-2151-HD-1

Submitted on: 4/7/2026 3:21:39 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Jodi Rodar and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Thank you.

Sincerely,

SB-2151-HD-1

Submitted on: 4/7/2026 8:23:31 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Kehau Lucas and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1.** Mahalo nui for the opportunity to testify.

SB-2151-HD-1

Submitted on: 4/7/2026 8:40:57 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am testifying in support of SB2151 because I believe it codifies the separation of powers in our state government and protects checks and balances. Mahalo for your consideration.

SB-2151-HD-1

Submitted on: 4/7/2026 9:07:51 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Lorenzo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Anne M. Lorenzo and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,
Anne M. Lorenzo

SB-2151-HD-1

Submitted on: 4/7/2026 9:50:01 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Emily Gambnio and I **STRONGLY SUPPORT SB2151 SD2 HD1**.

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1**. Mahalo nui for the opportunity to testify.

Sincerely,
Emily Gambnio

SB-2151-HD-1

Submitted on: 4/7/2026 10:13:20 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB2151 SD2 HD1.

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

SB-2151-HD-1

Submitted on: 4/7/2026 12:54:26 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Thank you.

SB-2151-HD-1

Submitted on: 4/7/2026 1:20:41 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine L. Andrews, J.D.	Individual	Support	Written Testimony Only

Comments:

I respectfully request that you SUPPORT SB2151 SD2 HD1 to establish much-needed guardrails on the definition of an “emergency,” and ensure that the use of sweeping emergency powers by our Governor and mayors are to actually protect our health and safety, rather than to evade our democratic lawmaking process.

Mahalo.

SB-2151-HD-1

Submitted on: 4/7/2026 1:47:07 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Support	Written Testimony Only

Comments:

/Cmd+VAloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Diane Choy Fujimura and I **STRONGLY SUPPORT SB2151 SD2 HD1**.

Our elected officials do not always make the right decisions, nor do they respect the power of the people to make informed, correct decision. Emergency powers must always be tempered with consultation and adherence to the people's wishes.

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

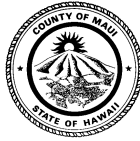
Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1**. Mahalo nui for the opportunity to testify.

Sincerely,
Diane Choy Fujimura

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Councilmembers
Kauanoë Batangan
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

April 7, 2026

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

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF APRIL 8, 2026; TESTIMONY IN SUPPORT OF SB 2151, SD2, HD1, RELATING TO EMERGENCY MANAGEMENT**

I **support** this measure to clarify state and local authority during a state or local state of emergency and to allow the Legislature to terminate a state of emergency and county councils to terminate a local state of emergency.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. This bill correctly clarifies that emergency powers are reserved for sudden, catastrophic events, ensuring that long-term public policy challenges remain within the exclusive province of the legislative process.
2. By allowing a simple majority of a County Council to terminate a local state of emergency, the measure establishes a practical and necessary check on executive authority that reflects the will of the community's direct representatives.
3. Prohibiting the suspension of public records access during an emergency safeguards government accountability and ensures the public's right to information is protected, even during times of crisis.

Thank you for your consideration.

ocs:proj:legis:26legis:26testimony:sb2151sd2hd1_paf25-331(23)_kjh

SB-2151-HD-1

Submitted on: 4/7/2026 2:36:49 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa Armbruster	Individual	Oppose	In Person

Comments:

OPPOSE SB2151 SD2 HD1

Narrow definition of "disaster" to list only major events: hurricanes, wildfires, floods tsunamis, earthquakes, bioterrorism

Repeal entire section of HRS 127A-13, Or substantially Amend/Rewrite; Remove "in Governor's opinion" throughout this section--Governor Must provide evidence to justify actions taken; Explicitly state that the Governor's exercise of emergency powers shall Not, in any way, infringe on a person's Constitutional Rights!!! Amend 127A-14: Remove "sole judge" language for Governor & Mayor in determining that an emergency exists--decision must be evidence-based, & after consulting with appropriate agency/source of expertise to determine that actual emergency exists. Also, Governor may Not suspend laws without citing specific justification, & only allow suspension for a specified period of time--Not "as long as he deems necessary", and Add: any extension must be approved by legislature. Amend 127A-14(d) to read: a state of emergency shall automatically end in 30 days after initial emergency proclamation. Governor or Mayor may not extend or make subsequent emergency proclamations without prior legislative approval.

Vote No on SB2151 SD2 HD1; please make these amendments that provide legislative oversight, prevent executive overreach, rein in governors emergency powers, & Protect Constitutional Rights, even in emergency!!!

Mahalo for your consideration...

SB-2151-HD-1

Submitted on: 4/7/2026 5:09:48 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Bo Breda and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,
Bo Breda

SB-2151-HD-1

Submitted on: 4/7/2026 5:13:02 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Peter Wilson and I STRONGLY SUPPORT SB2151 SD2 HD1.

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly

support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to PASS SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

*Sincerely,
Peter Wilson*

SB-2151-HD-1

Submitted on: 4/7/2026 5:22:46 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Keri, and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS SB2151 SD2 HD1.** Mahalo nui for the opportunity to testify.

Sincerely,
Keri Zacher

SB-2151-HD-1

Submitted on: 4/7/2026 7:22:33 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
malcolm mackey	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Malcolm Mackey and I **STRONGLY SUPPORT SB2151 SD2 HD1.**

As we have seen in Hawai‘i and across the continent, the survival of our democracy may hinge upon a meaningful separation of powers, one that includes keeping legislative and judicial “checks and balances” against executive overreach. Unfortunately, executive branch leaders may not always have the same level of respect for this foundational limitation on their authority, and may be tempted to use their emergency statutory authorities to create, amend, or suspend policies that should be developed through the democratic legislative process.

Recent circumstances have highlighted the vulnerability of Hawai‘i’s own emergency powers statutes to potential misuse by local executive leadership. This includes an emergency proclamation on housing that initially suspended numerous environmental, cultural, good governance, public transparency, procurement, and labor laws, to purportedly support housing construction without any affordability or meaningful residency requirements. While the Hawai‘i Supreme Court recognized that this did push the limits of the Governor’s emergency authorities, the potential still exists for a future executive to attempt to use long-standing and complex societal challenges – such as unaffordable housing or “illegal activity” -- to declare an “emergency” and thereby indefinitely bypass the checks and balances that protect vital public interests, including in our environment, cultural integrity, and democracy itself.

This measure accordingly provides common sense definitions of “disaster” and “emergency” along with modest guardrails to better protect against the misuse of executive emergency authorities, whether now or in the years and decades to come. Please, do not wait for a constitutional, civil, or environmental crisis before adopting the critical guidance proposed in this measure - by then, it may be too late.

Accordingly, I urge the Committee to **PASS** SB2151 SD2 HD1. Mahalo nui for the opportunity to testify.

Sincerely,

Malcolm Mackey

SB-2151-HD-1

Submitted on: 4/8/2026 7:45:55 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this tyrannical bill. The Governor has way too much power as it is. He needs to be reigned in. This is completely unconstitutional! I urge you to kill this bill.

SB-2151-HD-1

Submitted on: 4/8/2026 11:16:11 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heidi Hirsh	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I wholeheartedly oppose this egregios bill that is against our constitutional rights. There is no need for this kind of control by Gov GangGreen!

This proposed biil is in direct confilict with the rights of the Hawaii community and is total Communisim.

Do not pass this bill!

Heidi Hirsh

SB-2151-HD-1

Submitted on: 4/8/2026 1:04:23 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michdelle Melendez	Individual	Support	Written Testimony Only

Comments:

I support SB2151 because it restores balance, transparency, and accountability to the use of emergency powers.

This bill helps ensure that emergencies are clearly defined, that the suspension of laws is justified, and that these powers are not extended indefinitely without oversight. It also gives the Legislature and county councils a role in reviewing and ending emergency proclamations when appropriate.

Emergency powers are important—but they must have limits and checks. SB2151 helps protect the public while maintaining the integrity of our system of government.

For these reasons, I respectfully urge you to pass SB2151.