
A BILL FOR AN ACT

RELATING TO EMERGENCY POWERS.

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

1 SECTION 1. The purpose of this Act is to amend the
2 emergency management powers of the governor and mayors under
3 chapter 127A, Hawaii Revised Statutes, to restore constitutional
4 balance, establish legislative oversight, and create a
5 foundation of rights that shall not be suspended during an
6 emergency.

7 SECTION 2. Chapter 127A, Hawaii Revised Statutes, is
8 amended by adding two new sections to be appropriately
9 designated and to read as follows:

10 "§127A- Emergency proclamations; non-suspendable
11 rights. No emergency proclamation under this chapter shall
12 suspend or impair:

13 (1) Due process rights, including access to courts and
14 hearings;
15 (2) Any provision of chapter 92;
16 (3) Any judicial timeline;
17 (4) The right of any person to petition the government;



- 1 (5) Property rights requiring a warrant or compensation;
- 2 (6) Native Hawaiian rights that are protected by law; or
- 3 (7) Any laws regarding environmental protection.

4 **§127A- Emergency powers oversight committee;**

5 **established.** (a) There is established within the agency the
6 emergency powers oversight committee.

7 (b) The committee shall comprise:

- 8 (1) Two members appointed by the president of the senate;
- 9 (2) Two members appointed by the speaker of the house of
10 representatives; and
- 11 (3) One member selected by a majority of the members
12 appointed pursuant to paragraphs (1) and (2).

13 (c) The committee may:

- 14 (1) Solicit public testimony regarding any emergency;
- 15 (2) Subpoena evidence from any department regarding any
16 emergency declaration; and
- 17 (3) Issue recommendations regarding the termination or
18 modification of any emergency proclamation.

19 (d) Each member shall be appointed for a four-year term;
20 provided that each member shall hold office until reappointed by
21 the member's respective appointing authority at the end of the



1 member's term or until the member's successor is appointed.
2 Vacancies shall be filled in the same manner. The committee
3 shall elect a chairperson from among its members. A majority of
4 all members to which the committee is entitled shall constitute
5 a quorum to do business.

6 (e) The members of the committee shall serve without
7 compensation but shall be reimbursed for expenses, including
8 travel expenses, necessary for the performance of their duties.

9 (f) The committee may adopt rules under chapter 91 as
10 necessary to carry out the purposes of this section."

11 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Committee" means the emergency powers oversight committee
16 established under section 127A- ."

17 2. By amending the definition of "emergency" to read:

18 "Emergency" means [any occurrence, or imminent threat
19 thereof, which results or may likely result in substantial
20 injury or harm to the population or substantial damage to or
21 loss of property or substantial damage to or loss of the

1 environment.] a sudden, unforeseeable, and immediate threat to
2 life, health, or safety that requires temporary executive action
3 and cannot be adequately addressed through ordinary legislative
4 or administrative processes. Ongoing, foreseeable,
5 administrative, or chronic conditions shall not constitute an
6 emergency."

7 SECTION 4. Section 127A-14, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

9 "(d) A state of emergency [and a] or local state of
10 emergency shall terminate automatically [~~sixtythirty days
11 after the issuance of a proclamation of a state of emergency or
12 local state of emergency, respectively, unless extended for up
13 to an additional thirty days or terminated by a separate or
14 supplementary proclamation of the governor or mayor. No state
15 of emergency or local state of emergency shall have a total
16 duration of longer than sixty days unless approved by a
17 concurrent resolution of the legislature."~~

18 SECTION 5. Section 127A-15, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]S127A-15[+] **Proclamations, how made; service of**
21 **papers.** (a) Every proclamation of the governor or mayor for



1 which provision is made by this chapter, shall be promulgated by
2 posting on the applicable state or county emergency management
3 agency website and by means calculated to bring its contents to
4 the attention of the general public, including by official
5 announcement by means of television or radio broadcast, or both,
6 or by Internet, or such other means as may be available. The
7 proclamation shall remain posted on the agency website until the
8 state of emergency terminates automatically or by subsequent
9 proclamation.

10 (b) The suspension of any statute under this chapter shall
11 be narrowly tailored; provided that any proclamation that
12 suspends any statute shall:

13 (1) Specify the statute that is suspended;
14 (2) Set forth the factual basis for why the threat is an
15 emergency; and
16 (3) Provide an explanation as to why allowing the statute
17 to remain in effect would prevent or substantially
18 hinder the state or county emergency response.

19 [+b}] (c) Any process, notice, or order, service of which
20 is provided for by this chapter, may be served by any law
21 enforcement officer or person authorized by the governor or



1 mayor, any other provision of law to the contrary
2 notwithstanding."

3 SECTION 6. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 7. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY:

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JAN 27 2026



H.B. NO. 2449

Report Title:

Emergency Management; Constitutional Limits; Oversight

Description:

Places limits on emergency management powers of the governor and mayors. Establishes the Emergency Powers Oversight Committee to oversee emergency proclamations. Provides that a state of emergency or local state of emergency terminates automatically after 30 days, rather than 60 days. Limits the total duration of a state of emergency or local state of emergency to 60 days unless approved by a Concurrent Resolution of the Legislature. Requires any proclamation suspending a statute to be narrowly tailored and supported by a written justification.

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