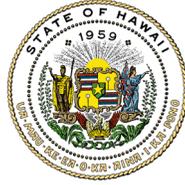


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STEPHEN F. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

JAMES DS. BARROS  
ADMINISTRATOR OF  
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KAHU HO'OMALU PŪULIA

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF DEFENSE**  
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STATE OF HAWAI'I  
DEPARTMENT OF DEFENSE  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2236,  
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON  
PUBLIC SAFETY

BY

JAMES DS. BARROS  
ADMINISTRATOR  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

February 11, 2026

Aloha Chair Belatti, Vice-Chair Iwamoto, and Members of the Committee:

The Hawai'i Emergency Management Agency (HIEMA) respectfully submits this testimony in **OPPOSITION** to House Bill 2236.

HIEMA shares concerns that HB2236 may unduly narrow or constrain executive authorities under Chapter 127A, Hawai'i Revised Statutes. Disasters and emergencies require the Governor and county mayors—and by extension, HIEMA and county emergency management agencies—to operate with sufficient flexibility to make rapid, time-critical decisions under conditions of uncertainty. This flexibility is essential to effectively protect lives, property, and infrastructure during emergencies.

HIEMA is apprehensive about the bill's approach to definitions, as this measure is restrictive to the emergency management enterprise's ability to respond to events that are unknown yet still pose significant threats to life and property. It is essential to maintain adaptability in the face of unforeseen challenges.

Though we firmly believe in the importance of checks and balances to ensure effective governance while safeguarding public safety, imposing additional statutory constraints, as proposed by this bill, risks hindering timely and effective responses while offering limited additional accountability.

HIEMA recommends legislature to reconsider HB2236's limitations on emergency powers and its restrictive definitions of disasters and emergencies. Maintaining sufficient executive flexibility and a broad, adaptive understanding of disasters and emergencies is vital to safeguarding Hawai'i's communities in an evolving and complex threat environment.

We appreciate the opportunity to provide input and stand ready to collaborate on solutions that balance constitutional concerns with operational realities.

Thank you for the opportunity to provide testimony in opposition of House Bill 2236.

James Barros: [james.barros@hawaii.gov](mailto:james.barros@hawaii.gov); 808-733-4300

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Emergency Management

From: Carlotta Amerino, Director

Date: February 11, 2026, 8:40 a.m.  
State Capitol, Conference Room 411

Re: Testimony on H.B. No. 2236  
Relating to Emergency Management

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Thank you for the opportunity to submit testimony on this bill, which among other things would prohibit the Governor or a mayor from suspending agency response deadlines for requests for public records under chapter 92F, HRS, the Uniform Information Practices Act (UIPA), or for 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.

Feb 11, 2026, 8:40 a.m.  
Hawaii State Capitol  
Conference Room 411 and Videoconference

**To: House Committee on Public Safety**  
**Rep. Della Au Belatti, Chair**  
**Rep. Kim Coco Iwamoto, Vice-Chair**

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

RE: TESTIMONY IN SUPPORT OF HB2236 — RELATING TO EMERGENCY MANAGEMENT

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **strongly supports** [HB2236](#), 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 definition of a "severe weather warning;" 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 two-thirds vote.

These are all excellent ways to preserve the 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.

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, which was 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. HB2236 would fulfill that purpose by enabling the Legislature and county councils to end emergencies by a two-thirds 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