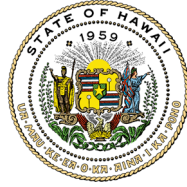


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

JAMES DS. BARROS
ADMINISTRATOR OF
EMERGENCY MANAGEMENT
KAHU HO'OMALU PŪULIA

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 HOUSE BILL 2581 HD2,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE SENATE COMMITTEE ON
PUBLIC SAFETY AND MILITARY AFFAIRS

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

March 20, 2026

Aloha Chair Fukunaga, Vice-Chair Lee, and Members of the Committee:

The Hawai'i Emergency Management Agency (HIEMA) respectfully submits this testimony in **OPPOSITION** to HB2581 HD2.

We understand the importance of checks and balances between the legislature and the governor. However, this bill limits the governor's emergency powers too much by only allowing action in sudden, catastrophic events. Many emergencies develop over time but still pose serious risks to people, property, and public health.

Emergency management needs flexibility to respond quickly to all kinds of emergencies, not just sudden ones. The restrictions in this bill could slow down important responses and make it harder for the governor, mayors, and emergency officials to handle ongoing or complex situations.

Also, this bill's narrow definition of emergencies might make it harder to work with federal and private partners who have broader definitions, which could hurt coordination and resource sharing.

HIEMA supports the legislature's role in making laws, but emergency situations require fast and flexible decisions. We ask that the committee reconsider this bill to allow enough flexibility for the governor and officials to protect Hawai'i's people, property, and environment.

Thank you for the opportunity to provide testimony in opposition to HB2581 HD2. We look forward to working with the legislature to find a good balance between oversight and effective emergency response.

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

DEPARTMENT OF EMERGENCY MANAGEMENT
KA 'OIHANA HO'OKELE ULIA PŌPILIKIA
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, BASEMENT • HONOLULU, HAWAII 96813
PHONE: (808) 723-8960 • FAX: (808) 524-3439 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



RANDAL A. COLLINS
DIRECTOR
PO'O

JENNIFER WALTER
DEPUTY DIRECTOR
HOPE PO'O

March 18, 2026

The Honorable Carol Fukunaga, Chair
The Honorable Chris Lee, Vice-Chair
and Members of the Committee on Public Safety and Military Affairs
The Senate
State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Fukunaga, Vice-Chair Lee, and members of the Committee on Public Safety and Military Affairs:

SUBJECT: Honolulu Department of Emergency Management Opposing Comments for House Bill 2581 HD2: Relating to Emergency Management

I am Dr. Randal Collins, director of the Department of Emergency Management (DEM), City and County of Honolulu. DEM respectfully **opposes** House Bill 2581 HD2. HB 2581 HD2 seeks to clarify the types of events that constitute disasters and emergencies for the purposes of emergency management. This bill narrows emergency management authority by raising the legal threshold for emergency powers to events of "unprecedented size and destructiveness," and by restructuring the definitions of "disaster" and "emergency" around "catastrophic harm."

This narrowing of emergency management authority is problematic because response to a disaster on O'ahu has a better chance of success when action is taken as early as possible. Early action saves lives, lowers costs, and reduces time complications.

The purpose of emergency authorities is to expedite the response to events that require swift action to reduce harm to the population and minimize damage to our communities. The exercise of emergency authorities allows temporarily altering processes designed for day-to-day operations during actual or threatening emergencies, thereby allowing government agencies to act more quickly and decisively than what normal business processes allow. As written, the bill forces delayed action during slow-onset threats by preventing the early exercise of emergency authorities that could help reduce or avoid more serious impacts. Wildfire conditions can build over days, then shift in minutes with the wind. Disease outbreaks build over weeks, and hospitals reach surge capacity. A drought can build over months, then water, power, and other service demands become overwhelming. An agricultural infestation starts with minimal invasive species, but over time, it can turn into a significant incident with cascading effects. A higher legal threshold

The Honorable Chris Fukunaga, Chair
The Honorable Jenna Lee, Vice-Chair
and Members of the Committee on Public Safety and Military Affairs
March 21, 2026
Page 2

pressures leaders to wait until visible catastrophic harm occurs. Waiting increases risk and strains social systems until it is too late.

Additionally, the bill increases legal uncertainty at the worst time. Emergency decisions occur with incomplete information. A narrower legal test invites litigation during response. Hesitation increases exposure for residents and responders.

Further, the bill also degrades emergency procurement speed. Should we wait for catastrophic impacts, we are already behind on procuring emergency services and pre-positioning materials and supplies including, but not limited to, generators, preparatory debris work, temporary facilities, shelter supplies, security, and technical services. Further, a narrowed activation threshold delays early procurement actions. Delays drive shortages, longer outages, and longer shelter operations.

Importantly, these constraints are particularly acute due to O'ahu's risk profile. O'ahu holds ports, airports, hospitals, fuel distribution, power grid nodes, and statewide logistics links. Small disruptions can cascade fast. A statute built around "unprecedented size" does not adequately account for our island's infrastructure interdependencies and system fragility which can lead to cascading failures.

Given the information above, DEM respectfully **opposes** HB 2581 HD2 as written. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randal A. Collins".

Dr. Randal A. Collins, CEM
Director

OFFICE OF THE MAYOR
KE KE'ENA O KA MEIA
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



MICHAEL D. FORMBY
MANAGING DIRECTOR
PO'O HO'OKELE

KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

March 19, 2026

The Honorable Della Au Belatti, Chair
The Honorable Kim Coco Iwamoto, Vice Chair
and Members of the Committee on Public Safety
415 S. Beretania St., Room 411
Honolulu, Hawaii 96813

Dear Chair Belatti, Vice Chair Iwamoto and Members of the Committee:

The City and County of Honolulu (City) would like to offer **comments** on HB2581 HD2, Relating to Emergency Management, which would clarify the types of events that constitute disasters and emergencies for the purposes of emergency management.

The City has concerns that as written, this bill would eliminate the Governor and Mayor's ability to declare a state of emergency relating to certain emergencies, such as housing and homelessness, which greatly impact our residents. While these emergencies do not comport with the proposed definitions in HB2581, they are serious crises facing our State and Counties and the ability of the executive to act swiftly, effectively and without unnecessary delay is critical.

Among the many valuable uses, the current housing emergency, as declared by the Governor, has given the City the opportunity to adequately staff our newly created Department of Housing and Land Management with qualified individuals who are committed to addressing the State and City's housing crises and allowed the City to expedite land leases and transactions to be able to deliver new housing to our residents.

Additionally, the City has concerns that by limiting the scope and definitions relating to emergencies, this bill may hamper the City and State's ability to proactively prepare for emergencies and constrain effective emergency management after the event.

The Honorable Della Au Belatti, Chair
The Honorable Kim Coco Iwamoto, Vice-Chair
And Members of The Committee on Public Safety
March 17, 2026
Page 2

Mahalo for the opportunity to provide testimony. Should there be any questions, please contact Anthony Miranda, Legislative Liaison, at 808-768-6608 or via email at anthony.miranda@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Formby', with a long horizontal stroke extending to the right.

Michael D. Formby
Managing Director



www.AlohaILHawaii.org

Mar 20, 2026

MISSION

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We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

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Jennifer Hartssock

The Honorable Carol Fukunaga, Chair
Senate Committee on Public Safety and Military Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: HB2581 HD2 – Relating to Emergency Management

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) is a statewide, cross-disability, non-residential Center for Independent Living (CIL) that supports people with all types of disabilities to live, work, and participate fully in their communities in Hawaii. **We support HB2581 HD2.**

HB2581 HD2 clarifies that the emergency powers granted to the Governor and county mayors under Chapter 127A are strictly limited to responding to the sudden occurrence of disasters or emergencies of tremendous severity and destructiveness resulting from natural or human-caused hazards. The bill tightens the definitions of “disaster” and “emergency” so they require abrupt, catastrophic harm and immediate danger, rather than allowing long-standing public policy challenge—such as unaffordable housing or “illegal activity” —to be treated as indefinite “emergencies”.

From an Independent Living and disability-rights perspective, emergency powers are a double-edged sword. When used for true disasters, they can save disabled lives by enabling rapid sheltering, medical care, and accommodations. But when used for long-term policy issues, they can bypass public input, environmental and cultural safeguards, and disability protections that are vital to our community’s safety and rights.

Why guardrails matter for people with disabilities



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The House Finance Committee report notes that HB2581 HD2's purpose is to strictly limit emergency powers to sudden disasters and emergencies of tremendous severity and destructiveness from natural or human-caused hazards. Supporters—including the ACLU of Hawai'i, Earthjustice, Sierra Club of Hawai'i, Grassroot Institute of Hawai'i, Free Access Coalition, Kupuna for the Mo'opuna, Kaua'i Climate Action Coalition, and many individuals—argue that this is needed to restore the constitutional balance of powers after the Hawaii Supreme Court's Nakoa decision.

Nakoa interpreted Chapter 127A broadly, allowing the Governor to treat long-term crises such as the “affordable housing crisis” as “emergencies,” thereby using emergency powers—including the suspension of statutes—to address policy challenges that have developed over decades. Civil society testimony describes how recent emergency proclamations on housing were used to temporarily suspend environmental, cultural, good-governance, procurement, and labor laws without guarantees of affordability, residency, or disability access. For disabled people who rely on those protections, the risk is clear: if any long-term social problem can be declared an “emergency,” our civil rights and participation can be sidelined indefinitely.

HB2581 HD2 responds to that problem by re-aligning “disaster” and “emergency” with their commonly understood meaning: sudden, severe events requiring immediate action, such as hurricanes, wildfires, floods, severe storms, disease outbreaks, and similar hazards listed in the bill. For people with disabilities, this helps ensure that emergency powers are reserved for situations where they are truly necessary to protect life and safety—not to short-circuit democratic processes on long-standing policy issues that require deliberation, community input, and careful attention to disability rights.

Respecting emergency managers' concerns while preserving early action

We appreciate and take seriously the concerns raised in opposition by the Honolulu Department of Emergency Management (DEM) and the Hawaii Emergency Management Agency (HI-EMA). They warn that HB2581 HD2 could:



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- Raise the legal threshold for emergency powers to events of “unprecedented size and destructiveness” and “catastrophic harm,” which they fear will delay early action for slow-onset hazards like wildfire conditions, disease outbreaks, droughts, infrastructure stress, and agricultural infestations.
- Increase legal uncertainty and invite litigation during response, if decisions about “catastrophic harm” or “unprecedented size” are second-guessed.
- Complicate coordination with federal and private partners that use broader emergency definitions.

As an organization focused on public safety for disabled people, we share the priority of early, proactive action on hazards that clearly threaten life, health, and access—especially because disasters disproportionately harm people with disabilities, who are more likely to experience mobility barriers, communication barriers, and disruptions in critical services. Our support for HB2581 HD2 is not a call to delay or weaken real disaster response.

However, the extensive testimony in support from ACLU Hawaii, Earthjustice, Sierra Club, Grassroot Institute, and others make a compelling case that the greater danger to democratic checks and balances comes from **expanding** emergency powers into long-term policy domains, not from clarifying that emergencies should involve abrupt, severe threats where timely action can meaningfully reduce harm. The bill’s supporters also point out that the list of emergency events in HB2581 and its emphasis on immediate danger and timely action are designed to accommodate a wide range of natural and human-caused hazards—including many climate-related and public-health events—so long as they present imminent catastrophic risks that can actually be mitigated by prompt intervention.

AILH believes that HB2581 HD2 can both:

- Prevent the misuse of emergency powers to address long-standing social issues (like general housing unaffordability, poverty, or undefined “illegal activity”) in ways that bypass disability protections



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and public participation.

- Allow early, flexible action for genuine hazards—such as escalating wildfire conditions, emerging disease outbreaks, or infrastructure failures—when those conditions clearly threaten catastrophic harm and immediate danger to the population, including disabled people.

We respectfully encourage this Committee, in its report, to explicitly acknowledge emergency managers' concerns and clarify that HB2581 HD2 is not intended to prevent early activation of emergency powers where credible evidence shows that prompt action can prevent or reduce catastrophic harm from an emerging threat.

Independent Living principles in emergency powers

Emergency proclamations directly affect people with disabilities: they shape how shelters operate, how healthcare and support services are maintained, and how communication, transportation, and housing systems function during crises. When emergency powers are used for long-term policy issues without clear guardrails, disabled people can lose legal protections and access without having had meaningful input.

From an Independent Living perspective, HB2581 HD2 is an opportunity to reaffirm that:

- Emergency powers should be extraordinary and time-limited, focused on sudden disasters and emergencies where immediate action can protect life and safety.
- Long-term public policy challenges—including housing, homelessness, crime, and systemic poverty—must be addressed through normal legislative processes that allow disability and cross-disability communities to participate, rather than through repeated emergency proclamations that suspend key laws.
- Any use of emergency powers should continue to incorporate disability-inclusive planning and consultation, consistent with federal



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guidance on involving people with disabilities in all phases of emergency management.

We urge the Committee to highlight in its report that nothing in HB2581 HD2 lessens the obligation of state and county agencies to plan with, and not merely for, disabled residents when preparing for disasters and emergencies.

Requested Committee Action

For these reasons, AILH respectfully urges the committee to pass HB2581 HD2. In doing so, we respectfully request that the Committee:

- Affirm that the clarified definitions of “disaster” and “emergency” are meant to prevent the use of emergency powers for long-term policy challenges, not to block early action on genuine hazards where prompt intervention can prevent catastrophic harm.
- Emphasize that emergency planning and any future emergency proclamations must continue to include and protect people with disabilities, in line with federal disability-rights principles and Independent Living values.

Mahalo for the opportunity to testify on this important measure and for your efforts to balance effective emergency response with constitutional safeguards and the rights of disabled residents.

Aloha,

Roxanne Bolden
Executive Director



SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

March 20, 2026

3:15 PM

Conference Room 016

In **SUPPORT** of **HB2581 HD2**: RELATING TO EMERGENCY MANAGEMENT

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** HB2581 HD2, 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 simply ensuring that the use of executive emergency authorities of "disaster" and "emergency" are limited to actual, bona fide disasters and emergencies that require and that can actually be addressed by expedient responses.

Notably, concerns regarding the narrowness of this measure appear unfounded. This measure includes a wide range of unpredictable "climate hazards" as well as "disease or contagion outbreaks" in the definition of "disaster," and emergency responses to "infrastructure failures" due to extreme weather events, mudslides, fires, or any other conceivable cause other than deferred maintenance would likewise be covered within its provisions. There is also no arbitrary time limit to emergency responses that could address



these situations, only a requirement that timely emergency action is in fact able to minimize the impacts of any declared emergency. Should an “emergency” extend beyond a period of several months, the legislature can and should exercise its policymaking and budget-setting prerogatives to address such a prolonged situation, to the extent that longer term and nuanced solutions may be necessary.

Accordingly, the Sierra Club respectfully urges the Committee to **PASS** HB2581 HD2.

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



Committee: Senate Committee on Public Safety and Military Affairs
Hearing Date/Time: Friday, March 20, 2026 at 3:15PM
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2581 HD2 Relating to Emergency Management**

Dear Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The ACLU of Hawai'i **supports HB2581 HD2**, which clarifies definitions for “disaster” and “emergency” in Hawai'i’s emergency management statute, HRS Chapter 127A.

Chapter 127A was enacted to address hurricanes, wildfires, floods, and other sudden disasters—not longstanding public policy challenges. But in *Nakoa v. Governor of State*, the Hawai'i Supreme Court rejected a “narrow reading” of the statute and construed “emergency” to encompass “[l]ongstanding issues that escalate or reach crisis-levels” (including, in that case, the ongoing “affordable housing crisis”).¹

That interpretation is deeply problematic because it disturbs the constitutional balance between the Legislature and the Executive. Emergency powers are extraordinary powers. They allow the Governor to suspend statutes and bypass ordinary lawmaking processes. When those powers are stretched to cover policy challenges that have lasted for decades, that risks normalizing executive “lawmaking” over legislative lawmaking.

As one U.S. Supreme Court Justice recently observed in a separation-of-powers case,² “most major decisions affecting the rights and responsibilities of the American people...are funneled through the legislative process for a reason.” And while “legislating can be hard and take time”—and it may be “tempting to bypass” the Legislature when “some pressing problem arises”—it is “the deliberative nature of the legislative process” that allows the public to “tap the combined wisdom of the people’s elected representatives, not just that of one faction or man.”

This measure restores that balance so that the Legislature legislates and the Executive executes. It clarifies that a “disaster” or “emergency” must involve a sudden event causing catastrophic harm—and not an open-ended public policy issue, no matter how pressing or longstanding.

¹ 156 Haw. 416, 427, 575 P.3d 506, 517 (2025).

² *Learning Resources, Inc. v. Trump*, 24-1287, slip op. at 46 (Gorsuch, J., concurring) (Feb. 20, 2026), https://www.supremecourt.gov/opinions/25pdf/24-1287_4gcj.pdf.

To be clear, Hawai‘i’s affordable housing shortage is real and urgent. But so are many other serious challenges we face: overcrowded jails, houselessness, the high cost of living, and climate change. Many public policy issues may (and do) reach “crisis” levels. But our constitutional system does not allow the Executive Branch to decide, on its own, that a long-standing public problem should be addressed by suspending statutes and bypassing the democratic process simply by labeling it an “emergency.”

The ACLU of Hawai‘i has been directly engaged on this issue. We were a plaintiff organization in *Nā ‘Ohana o Lele Housing Committee v. Green*, a lawsuit challenging an earlier emergency proclamation “Related to Housing.”³ We also joined an amicus brief in *Nakoa* urging a narrower reading of Chapter 127A. We believe clear guardrails are needed to preserve the separation of powers and our democratic system.

HB2581 HD2 strikes the right balance between empowering the Governor to act swiftly and flexibly in the face of true disasters and emergencies, while reaffirming that policymaking authority rightfully rests with the Legislature.

For these reasons, the ACLU of Hawai‘i respectfully asks that you pass HB2581 HD2.

Sincerely,



Jongwook “Wookie” Kim

Legal Director

ACLU of Hawai‘i

wkim@acluhawaii.org

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.

³ The August 2023 suit was filed as case #1CCV-23-0001140. <https://earthjustice.org/press/2023/broad-coalition-challenges-governor-greens-controversial-emergency-proclamation-on-housing>.



SENATOR CAROL FUKUNAGA, CHAIR
SENATOR CHRIS LEE, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

TESTIMONY IN SUPPORT OF HOUSE BILL 2581 HD2
RELATING TO EMERGENCY MANAGEMENT

Friday, March 20, 2026, 3:15 p.m.
Conference Room 016
State Capitol
415 South Beretania Street

Dear Chair Fukunaga, Vice Chair Lee, and Committee Members:

Earthjustice **supports** House Bill 2581 HD2, which seeks to place guardrails on the governor’s and mayors’ use of emergency powers under HRS Chapter 127A by amending the definitions of “disaster” and “emergency” under that statute. 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.

In a recent decision, *Nakoa v. Governor of Hawai‘i*, 156 Hawai‘i 416, 575 P.3d 506 (2025), the Hawai‘i Supreme Court interpreted HRS Chapter 127A to grant the governor extraordinary emergency powers – including the power to suspend *any* law enacted by the legislature – to address any situation “rationally related to the health, safety, and welfare of the public.” *Id.* at 424, 575 P.3d at 514. This interpretation allows for the governor to 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 to the executive branch undermines the balance of power enshrined in the Hawai‘i Constitution, which vests the “legislative power of the State” in the legislature. Haw. Const. art. III, § 1.

To preserve the constitutional balance of powers and to avoid executive overreach, it must remain the exclusive providence of the legislature to address longstanding public policy challenges. Thus, in the wake of the Supreme Court’s ruling, it is vital for the legislature to amend the statutory definitions of “disaster” and “emergency” within HRS Chapter 127A such that the emergency powers granted to the governor are restricted solely to situations that involve responding to the sudden “occurrence of disasters or emergencies of unprecedented size and destructiveness” as originally intended. HRS § 127A-1(a). House Bill 2581 HD2 would accomplish this.

Mahalo for the opportunity to testify on this matter.

Dru N. Hara, Esq.
Earthjustice, Mid-Pacific Office

HB-2581-HD-2

Submitted on: 3/19/2026 6:17:02 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

STRONG SUPPORT of HB 2581 HD2

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 HB 2581 HD2.**

HB 2581 HD2 would establish much-needed guardrails on the definition of an “emergency,” and ensure that the use of sweeping emergency powers by executive branch leaders are to actually protect our health and safety.

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, as Governor Green attempted to do with his emergency proclamation on (un)affordable housing. Hewa!

SUPPORT and PASS HB 2581 HD2. Mahalo.

March 20, 2026, 3:15 p.m.
Hawaii State Capitol
Conference Room 016 and Videoconference

To: Senate Committee on Public Safety and Military Affairs
Sen. Carol Fukunaga, Chair
Sen. Chris Lee, Vice Chair

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

TESTIMONY IN SUPPORT OF HB2581 HD2 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **supports** [HB2581 HD2](#), which would clarify the definitions of “emergency” and “disaster” in Hawaii’s emergency management statute.

Specifying what constitutes an “emergency” or “disaster” under chapter 127A would go a long way toward addressing the unchecked expansion of executive power via emergency proclamations.

As Grassroot discussed in its January 2021 policy brief “[Lockdowns Versus Liberty: How Hawaii’s Experience in 2020-2021 Demonstrates the Need to Revise the State’s Emergency Powers](#),” the governor of Hawaii has extremely broad powers to define what constitutes an emergency.¹

This has resulted in an ever-growing list of “emergencies” outside of the “immediate” and “catastrophic” threats described in this bill. Thus, important social issues such as homelessness or the lack of affordable housing seem to have been declared “emergencies” to take advantage of the broad powers granted to the executive branch under the emergency management statute. Moreover, the lack of clarity in the statute has resulted in a Hawaii Supreme Court opinion that largely upheld the use of executive power for this expansive definition of emergencies.²

¹ Malia Hill, “[Lockdowns Versus Liberty: How Hawaii’s Experience in 2020-2021 Demonstrates the Need to Revise the State’s Emergency Powers](#),” Grassroot Institute of Hawaii, January 2021.

² [Nakoa v. Governor of the State of Hawaii](#), 575 P.3d 506 (2025).

This use of emergency power might be an effective way to streamline decision-making and cut through cumbersome regulations. However, it also upsets the state’s constitutional balance of powers, allows the governor to act as a “super legislator” by waiving or suspending statewide laws, deprives the Legislature of its constitutional prerogative in the crafting of state policy and frustrates efforts to enact permanent reforms.

Governing via executive order also denies the public a voice on important issues, forcing the people to rely on the courts for redress — which is a slow and expensive process that acts as an additional barrier to public input.

Even those who agree with the goals or actions of some of these questionable emergency orders have expressed concern about the justification behind them.

This problem is compounded by the lack of any meaningful time limit on emergency orders. The executive’s ability to extend emergencies via supplemental proclamations means that an abuse of executive power could be extended indefinitely.

Creating a clear definition of what constitutes an “emergency” or “disaster” under the law would limit the potential for executive overreach via emergency orders.

The list of emergency events in HB2581, combined with the bill’s emphasis on immediate danger and timely action, gives a clear indication of legislative intent and would bring the statute in line with the common understanding of an emergency.

The experiences of the past few years have highlighted the need to reform Hawaii’s emergency management statute. There is room to restore the constitutional balance of powers without handicapping the executive’s ability to respond quickly and effectively to emergency situations.

By providing guidance on what an emergency is, this bill would help reassert the Legislature’s role in the use of emergency powers.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

HB-2581-HD-2

Submitted on: 3/19/2026 1:51:20 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Margaret Mejia	Testifying for Hawai'i Christian Coalition	Oppose	Remotely Via Zoom

Comments:

Hawai'i Christian Coalition

Re: Strongly OPPOSE HB2581 HD2

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Public Safety & Military Affairs Committee,

I am submitting this testimony on behalf of Hawai'i Christian Coalition, in **strong opposition to HB2581 HD2.**

This bill gives the governor dangerously broad and unchecked emergency powers.

The core problem remains: the bill retains vague, predictive triggers such as “imminent threat” and “may be likely to cause.” These phrases still allow emergency declarations based on projections, models, and forecasts rather than actual, real-world events. This is unacceptable and leaves the door open for great abuse.

Compounding this is the public health loophole. The bill keeps the expansive “disease or contagion outbreaks” category intact. When combined with the predictive language, **it would still permit sweeping emergency powers to be invoked for ongoing conditions or even hypothetical future scenarios, without any present catastrophe.**

The new “catastrophic harm” standard is entirely subjective and undefined. It is a qualitative judgment left to the executive branch, and courts would almost certainly defer to that interpretation. This provides no real restraint. Moreover, the bill does absolutely nothing to impose exit limits or hard sunsets, **allowing emergency powers to be extended indefinitely once declared.**

In practical effect, a governor could still declare an emergency over projected hospital strain, modeled outbreaks, or any forecasted condition; even if no actual system failure has occurred. On paper the bill may look improved, but in reality it simply gives broader legal cover to the same overbroad authority that Hawai'i families have already suffered under.

This is not reform. It is window dressing that perpetuates the risk of indefinite executive rule by decree.

I therefore urge the committee to reject HB2581 HD2 in its current form. If the Legislature is truly committed to preventing future abuses, it must start over and incorporate these essential fixes:

- Completely remove all predictive triggers (“imminent threat,” “likely to cause,” etc.)
- Narrow or eliminate the “disease or contagion” category
- Establish clear, objective thresholds (e.g., confirmed deaths, measurable infrastructure destruction)
- Explicitly ban emergency declarations for ongoing or systemic conditions
- Prohibit the suspension of any statutes
- Require hard sunset dates and mandatory legislative approval for any extension

Hawai’i deserves real protections for our liberties; not cosmetic tweaks that leave the machinery of unchecked power fully intact. Please vote NO on HB2581 HD2.

Thank you for your time and for protecting the people of Hawai’i from further erosion of our rights.

Sincerely,

Margaret Mejia, Vice President

Hawai’i Christian Coalition

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 6:33:42 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha!

The Free Access Coalition supports HB2581. In a healthy democracy a distinct division of powers and authority needs to be balanced, not over-reached by the Exeective Branch of the goverhment.

[HB2581 HD2](#) would establish much-needed guardrails on the definition of an “emergency,” and ensure that the use of sweeping emergency powers by executive branch leaders are to actually protect our health and safety. 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 - as Governor Green attempted to do with his [emergency proclamation on \(un\)affordable housing](#).

Mahalo for your time.

HB-2581-HD-2

Submitted on: 3/19/2026 3:53:42 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Keili McEvilly	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Ke‘ili McEvilly from Kaneohe, and I STRONGLY SUPPORT HB2581 HD2.

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 HB2581 HD2. Mahalo nui for the opportunity to testify.

Sincerely,

Ke'ili

HB-2581-HD-2

Submitted on: 3/19/2026 6:15:31 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Osa Maiyanne Adaján	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Dr. Osa Maiyanne Adaján and I **STRONGLY SUPPORT** HB2581 HD2.

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** HB2581 HD2. Mahalo nui for the opportunity to testify.

Sincerely,

Dr. Osa Maiyanne Adaján,

1L Law Student, William S. Richardson School of Law

HB-2581-HD-2

Submitted on: 3/19/2026 8:36:24 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I FULLY SUPPORT THIS BILL.

HB-2581-HD-2

Submitted on: 3/19/2026 8:45:08 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

This important bill should be supported and passed.

HB-2581-HD-2

Submitted on: 3/19/2026 9:00:17 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Frederick Smith	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Frederick Smith, and I **strongly support HB2581 HD2.**

I support this measure because Hawai‘i needs clearer guardrails on the use of emergency powers. Emergency authority is important in true crises, but it should not become a way to bypass the normal democratic process on long-term and politically difficult issues. Maintaining meaningful checks and balances between the executive, legislative, and judicial branches is essential to protecting the public interest.

Recent events in Hawai‘i have made clear that our existing emergency powers statutes are vulnerable to misuse. We have already seen how emergency proclamations can be used to suspend a wide range of laws far beyond what many people would consider a narrow emergency response. That should concern anyone who cares about good governance, public transparency, environmental protections, cultural protections, and democratic accountability.

HB2581 HD2 takes a reasonable and measured approach by providing clearer definitions of “disaster” and “emergency” and establishing modest safeguards against overreach. These kinds of protections matter not only now but also in the future, when different leaders may be even more willing to stretch emergency authority beyond its proper limits.

Please **pass HB2581 HD2.**

Mahalo nui for the opportunity to testify.

Sincerely,

Frederick Smith

HB-2581-HD-2

Submitted on: 3/19/2026 9:12:03 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Diane Ware and I STRONGLY SUPPORT HB2581 HD2.

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 HB2581 HD2. Mahalo nui for the opportunity to testify.

Sincerely, Diane Ware Volcano 96785

HB-2581-HD-2

Submitted on: 3/19/2026 10:17:51 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Lory Ono, and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Lory Ono

HB-2581-HD-2

Submitted on: 3/19/2026 10:26:01 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Nana-Honua Manuel	Individual	Support	Written Testimony Only

Comments:

I support this bill. The legislative body has allowed unchecked executive orders for 6 years now, please remember your role in checks & balances...

HB-2581-HD-2

Submitted on: 3/19/2026 10:28:17 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee,

My name is Keali‘i Pang, Ph.D. I am a resident of Kaimukī, a lifetime member of the Hawaiian Civic Club, and have served as an environmentalist in Hawai‘i for the last 35 years. I am also a retired federal biologist and currently serve as a State Commissioner. **I STRONGLY SUPPORT HB2581 HD2.**

Frankly, I am disheartened. We have watched too many politicians forget who they work for — accepting bribes, dodging duties, and abusing power. As someone who has spent a career working within and alongside government institutions, I know that the systems we rely on to protect the public are only as strong as the guardrails we put around them.

We already saw a local executive attempt to suspend environmental, cultural, labor, and good governance laws under the guise of a housing emergency — bypassing the legislature and the public entirely, with no affordability requirements and no meaningful residency criteria attached. The courts pushed back, but only barely. We cannot rely on the judiciary alone to save us from future overreach, especially when the tools of that overreach are embedded in statutes that were never designed to handle them.

What HB2581 HD2 does is straightforward and common sense: it defines what a "disaster" and an "emergency" actually are, and it adds modest but meaningful guardrails to ensure that no future executive — corrupt or simply overzealous — can use a declared crisis to trample our environmental protections, our cultural integrity, or our democratic processes. As someone who has spent decades protecting Hawai‘i's public trust resources within the very regulatory framework this bill seeks to safeguard, I can tell you that these definitions and guardrails matter. Without them, the separation of powers that underpins our democracy is only as durable as the goodwill of whoever happens to be in office.

Do not wait for the next constitutional or environmental crisis. By then, it may be too late.

I respectfully urge the Committee to **PASS** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Me ka ‘oia‘i‘o,

Keali'i Pang, Ph.D. Kaimukī, O'ahu

HB-2581-HD-2

Submitted on: 3/19/2026 10:35:38 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Kaleiheana Stormcrow and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Kaleiheana Stormcrow

HB-2581-HD-2

Submitted on: 3/19/2026 10:54:16 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Bop Breda and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Bo Breda

HB-2581-HD-2

Submitted on: 3/19/2026 10:57:37 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Hello Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Nanea Lo and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

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

HB-2581-HD-2

Submitted on: 3/19/2026 10:57:48 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Peter Wilson and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Peter Wilson

HB-2581-HD-2

Submitted on: 3/19/2026 11:07:55 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha, I am testifying in support of HB2581 because I believe it codifies the separation of powers in our state government and protects checks and balances.

HB-2581-HD-2

Submitted on: 3/19/2026 11:29:19 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Keri Zacher and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Keri Zacher

HB-2581-HD-2

Submitted on: 3/19/2026 12:00:58 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Anne M. Lorenzo and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Anne M. Lorenzo

HB-2581-HD-2

Submitted on: 3/19/2026 12:51:29 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support HB2581 HD2 that would establish guardrails on the definition of an “emergency,” and ensure that the use of sweeping emergency powers by executive branch leaders are used as intended, to protect our health and safety. Please pass this measure. Mahalo.

HB-2581-HD-2

Submitted on: 3/19/2026 1:12:42 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheila Medeiros	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB2581 HD2

Chair, Vice Chair, and Members of the Committee:

My name is Sheila Medeiros, and I am a concerned resident of Kapolei, Hawaii. I submit this testimony in **STRONG OPPOSITION** to HB2581 HD2.

While the bill makes a modest attempt to address recent executive overreach by introducing the concept of “catastrophic harm” and emphasizing “sudden” disasters, these changes are superficial at best. They do not fix the fundamental flaws that continue to grant the governor dangerously broad and unchecked emergency powers.

The core problem remains: the bill retains vague, predictive triggers such as “imminent threat” and “may be likely to cause.” These phrases still allow emergency declarations based on projections, models, and forecasts rather than actual, real-world events. This is unacceptable and leaves the door open for abuse.

Compounding this is the public health loophole. The bill keeps the expansive “disease or contagion outbreaks” category intact. When combined with the predictive language, it would still permit sweeping emergency powers to be invoked for ongoing conditions or even hypothetical future scenarios, without any present catastrophe.

The new “catastrophic harm” standard is entirely subjective and undefined. It is a qualitative judgment left to the executive branch, and courts would almost certainly defer to that interpretation. This provides no real restraint. Moreover, the bill does absolutely nothing to impose exit limits or hard sunsets, allowing emergency powers to be extended indefinitely once declared.

In practical effect, a governor could still declare an emergency over projected hospital strain, modeled outbreaks, or any forecasted condition; even if no actual system failure has occurred. On paper the bill may look improved, but in reality it simply gives broader legal cover to the same overbroad authority that Hawaii families have already suffered under.

This is not reform. It is window dressing that perpetuates the risk of indefinite executive rule by decree.

I therefore urge the committee to reject HB2581 HD2 in its current form. If the Legislature is truly committed to preventing future abuses, it must start over and incorporate these essential fixes:

- Completely remove all predictive triggers (“imminent threat,” “likely to cause,” etc.)
- Narrow or eliminate the “disease or contagion” category
- Establish clear, objective thresholds (e.g., confirmed deaths, measurable infrastructure destruction)
- Explicitly ban emergency declarations for ongoing or systemic conditions
- Prohibit the suspension of any statutes
- Require hard sunset dates and mandatory legislative approval for any extension

Hawaii deserves real protections for our liberties; not cosmetic tweaks that leave the machinery of unchecked power fully intact. Please vote "NO" on HB2581 HD2.

Thank you for your time and for protecting the people of Hawaii from further erosion of our rights.

Respectfully submitted,
Sheila Medeiros
Kapolei, Hawaii

HB-2581-HD-2

Submitted on: 3/19/2026 1:24:21 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Malia Marquez and I STRONGLY SUPPORT HB2581 HD2.

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 HB2581 HD2. Mahalo nui for the opportunity to testify.

Me ka ha'aha'a,

Malia Marquez

HB-2581-HD-2

Submitted on: 3/19/2026 2:01:57 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
janice palma-glenie	Individual	Support	Written Testimony Only

Comments:

aloha,

it's clear that our state needs guardrails to stop the governor or agenices from declaring an "emergency," without just, clear cause.

it appears that the lure of declaring an emergency is becoming too great in this day and age of less patience for democratic process and the rule of law -- even by our current governor. it appears even easier when one has private sector friends with money who are waiting in the wings for money to be made when protective environmental and other laws are overridden by the sweep of a pen.

This law would undermine public health and safety using so-called "emergencies" (like affordable housing) that need to be solved collaboraively --- not at the whim of an executive and his/her supporters and friends.

Kill HB2581. Protect our state's well-designed and fought for constitution and the rights of residents and other staekholders to due process, clean air and water, and intact host culutre.

mahalo and best regards,

janice palma-glennie

kailua-kona

HB-2581-HD-2

Submitted on: 3/19/2026 2:07:34 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
irene kloepfer	Individual	Support	Written Testimony Only

Comments:

Please support this bill

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 3:17:20 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Malia Gregory	Individual	Oppose	Remotely Via Zoom

Comments:

From: Tara Malia Gregory

Re: HB2581 HD2 – Relating to Emergency Management

Position: OPPOSE. However, I could easily say *Support with Reservations*, if the Amendments presented are taken into account in good faith.

Aloha Chair and Members of the Committee,

My name is Tara Malia Gregory, advocate for the people of Hawai'i, and I submit testimony in **OPPOSITION to HB2581 HD2.**

While this bill attempts to narrow the definition of what constitutes an “emergency,” I oppose it because it **fails to address the central issue:** the continued concentration of unilateral authority in the executive branch under Chapter 127A.

◆ **Core Concern: Unilateral Authority Remains Intact**

This measure refines definitions, but it does not change the fact that the governor and county mayors remain the “**sole judge**” of what constitutes an emergency.

As long as that provision remains in statute, any definitional change—no matter how well-intentioned—can still be **interpreted, expanded, or effectively bypassed** through unilateral executive discretion.

In that sense, these proposed changes risk becoming **functionally moot**, as they remain subject to the same authority structure that has enabled broad application of emergency powers in recent years.

◆ **Concern: Effective Date of July 1, 3000**

The bill’s effective date of **July 1, 3000** raises additional concerns regarding urgency and intent.

If the Legislature recognizes that the current interpretation of Chapter 127A threatens the constitutional balance of powers, then reform should be **timely and actionable**.

Delaying implementation to a placeholder date signals that:

- The issue is acknowledged, but not treated as urgent; or
- The bill is not yet positioned to meaningfully take effect

If this reform is necessary to protect the separation of powers, it should not be deferred indefinitely—it should be **implemented within a defined and reasonable timeframe**.

◆ **Context and Pattern of Use**

Chapter 127A, enacted in 2014 and revised in 2017, was intended to address true emergencies. However, its application has expanded in scope over time.

Recent years have seen:

- Repeated and extended emergency proclamations
- Use of emergency authority in response to major events such as the **Lahaina fires (August 2023)** and ongoing recovery
- Additional emergency responses to fires in **Mā‘ili and Nānākuli**
- Continued public concern regarding the scope and duration of executive authority under emergency declarations

These developments have raised important questions about:

- The **limits of executive authority**
 - The **duration and renewal of emergency powers**
 - The **impact on due process and legislative oversight**
-

◆ **Why This Bill Falls Short**

Although HB2581 HD2 narrows the definition of emergencies to “catastrophic” and “sudden” events, it does not:

- Amend or remove the “**sole judge**” provision
- Establish meaningful **legislative oversight**
- Require **evidence-based thresholds**
- Provide **clear timelines or limits on renewals**

Without addressing these structural issues, the same framework remains in place—one that allows emergency authority to be interpreted and applied at the discretion of a single office.

◆ **Recommendation: Structural Reform is Necessary**

For this bill to be effective, it must be **paired with amendments to Chapter 127A that address the concentration of authority at its core.**

I respectfully recommend:

1. **Amending the “sole judge” language** to ensure emergency determinations are not unilateral
2. Allowing the Legislature or county councils to **review, limit, or terminate emergency proclamations by a simple majority vote**
3. Requiring **evidence-based justification** for declarations
4. Establishing **clear timelines and reporting requirements**, including a path to reconciliation and return to normal governance

Absent these changes, the reforms proposed in this bill risk being **undermined or rendered ineffective under the current statutory structure.**

◆ **Conclusion**

HB2581 HD2 acknowledges an important issue but does not fully resolve it.

Without addressing the unilateral authority embedded in Chapter 127A, particularly the “sole judge” provision, and without implementing timely and enforceable reforms, this bill risks being **incomplete in practice and insufficient in effect.**

I respectfully urge this committee to **substantially amend this measure or pursue comprehensive reform** that restores the balance of power intended by our Constitution.

Mahalo for the opportunity to testify.

Tara Malia Gregory
Advocate for the People of Hawai'i

tara@maliamarketing.com
(808) 347-9654

PS: I HAVE AN ONGOING ONLINE PETITION and 100's of signatures in pen and paper regarding this matter. You can find it at this link: [EMERGENCY POWERS ACCOUNTABILITY ACT OF 2025](#)

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 3:36:42 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Kahn	Individual	Support	Written Testimony Only

Comments:

I fully support the passage of HB2581 regarding emergency management.

Greg Kahn

Molokai

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 4:53:56 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

STRONGLY SUPPORT HB2581 HD2.

Please **PASS** this bill.

Thank you.

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 4:57:38 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

I STRONGLY SUPPORT HB2581 HD2.

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

--Shay Chan Hodges, Maui, Hawaii

LATE

HB-2581-HD-2

Submitted on: 3/19/2026 7:32:51 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

I strongly support HB2581 HD2.

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 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 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 essential 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.

I urge the Committee to pass HB2581 HD2. Mahalo for the opportunity to testify.

LATE

HB-2581-HD-2

Submitted on: 3/20/2026 3:53:50 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

I am writing to express my strong support for HB2581 HD2.

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,

Jodi Rodar

LATE

HB-2581-HD-2

Submitted on: 3/20/2026 10:31:05 AM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Committee Members,

My name is Keala Fung and I **STRONGLY SUPPORT HB2581 HD2.**

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** HB2581 HD2.

Mahalo nui for the opportunity to testify.

Sincerely,
Keala Fung, Honolulu Oahu

