



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Public Safety and Military Affairs
Wednesday, March 25, 2026 at 3:00 p.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology
and

Vassilis L. Syrmos, PhD
Interim Provost
University of Hawai'i at Mānoa

HB 2581 HD2 PROPOSED SD1 – RELATING TO EMERGENCY MANAGEMENT.

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

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) supports HB 2581 HD2 PROPOSED SD1 with the following comments. HB 2581 HD2 PROPOSED SD1 would establish the Hawai'i Community Resilience Hub Program within the Hawai'i Emergency Management Agency (HIEMA) to support the development of community-based resilience hubs across the State.

Hawai'i Sea Grant supports research, education, and extension services to improve understanding and stewardship of coastal and marine ecosystems of the state, region, and nation. This includes grant programs and extension services focused on resilient communities and economies.

Hawai'i Sea Grant is well positioned to provide technical assistance through its community extension programs and to support administration of grant programs for a Hawai'i Community Resilience Hub Program through the University of Hawai'i. However, we feel agencies such as HIEMA, county emergency management agencies, and county sustainability and resilience offices are better suited to develop and coordinate a community resilience hub program as proposed in the measure.

Hawai'i Sea Grant suggests the following changes to Part (c) of the proposed amendments to Chapter 127A, Hawai'i Revised Statutes beginning on page 2 of PROPOSED SD1:

(c) The agency shall administer the program in coordination with ~~National Sea Grant College Program at the university of Hawaii; the department of land and natural resources; county emergency management agencies and county sustainability and resilience offices~~ with guidance, technical assistance, and grant-administration from the

University of Hawaii including the Sea Grant College Program, Department of Land and Natural Resources, community-based, nonprofit, and Native Hawaiian stewardship organizations; and other public and private partners as appropriate.

Thank you for the opportunity to provide testimony in support of this bill.

March 25, 2026, 3 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 OPPOSITION TO THE PROPOSED SD1 FOR HB2581 HD2 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **opposes the proposed SD1** of [HB2581 HD2](#), which establishes the Hawaii Community Resilience Hub Program within the Hawaii Emergency Management Agency.

Our opposition does not reflect an opinion on the program in question. Rather, we object to the unconstitutional attempt to “gut and replace” the contents of the existing bill with a new and unrelated proposal.

In 2021, the Hawaii Supreme Court ruled that bills with substantial “non-germane” changes — meaning the bill has changed so much as to constitute a different bill — must go back through the full process of passing three readings in both the House and the Senate.¹ The proposed SD1 is effectively a new bill, so its passage would be unconstitutional.

Moreover, HB2581 HD2 addresses a critical issue, namely the clarification of the definitions of “emergency” and “disaster” in Hawaii’s emergency management statute. This is not something that should be cavalierly put aside.

¹ *League of Women Voters of Honolulu v. State*, 150 Hawaii 182, 499 P.3d 382 (Haw. 2021).

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.²

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.³

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.

² 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.

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

The list of emergency events in HB2581 HD2, 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 in its original form would help reassert the Legislature's role in the use of emergency powers. For that reason, we ask you to reject the proposed SD1 and pass the current draft of HB2581 HD2.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



1001 Bishop Street #625 | Honolulu, HI 96813
866-295-7282 | aarp.org/hi | hiaarp@aarp.org |
[Twitter.com/aarpHawaii](https://twitter.com/aarpHawaii) | facebook.com/aarpHawaii

The Thirty-Third State Legislature
Senate Committee on Public Safety & Military Affairs
March 25, 2026
Conference Room 016, 3 p.m.

TO: The Honorable Carol Fukunaga and Chris Lee, Chairs
FROM: Keali'i S. López, State Director
RE: Support for H.B. 2581 SD1 Relating to Emergency Management

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

My name is Kealii Lopez, State Director for AARP Hawai'i. AARP is the nation's largest nonprofit, nonpartisan, social impact organization dedicated to empowering people age 50 and older to choose how they live as they age. We advocate for the issues that matter most to older adults and their families: health and financial security, and personal fulfillment. On behalf of our nearly 135,000 members in Hawai'i, thank you for the opportunity to testify.

AARP Hawai'i strongly supports H.B. 2581 S.D. 1, which establishes a Hawai'i Community Resilience Hub Program within the Hawai'i Emergency Management Agency.

Kūpuna and others who have chronic illnesses, functional limitations, or disabilities are especially vulnerable during natural disasters. Community disaster resilience planning can help communities identify the natural hazards to which they are susceptible and identify residents who may be most vulnerable. With this information, communities can develop strategies to reduce risk and improve outcomes during emergencies.

A key to ensuring that older adults are properly served by disaster preparedness and emergency planning is acknowledging and addressing the gaps that exist between local emergency management teams and the organizations and municipal offices that work with and on behalf of older community members.

Better integrated disaster planning will help local governments better protect kūpuna, whether they are living independently in the community or residing in assisted living or health care facilities.



During the flooding and evacuations caused by recent Kona low storms, we saw neighbors helping one another, especially kūpuna, to evacuate and escape flooding—often acting quickly before first responders could reach the scene. Communities also came together to provide food and assist with cleanup efforts, demonstrating the importance of local preparedness and mutual support.

Disaster resilience is about neighbors coming together before a disaster occurs—identifying who may need help and what kind of assistance may be required in advance. Community planning and resilience play a vital role in reducing risks to life and property from natural disasters.

We know from the 2023 Lahaina wildfires that older adults are more vulnerable during disasters. We also know that by 2034, people age 65 and older will outnumber those under age 18. The growing older population and increased vulnerability of kūpuna have significant implications for emergency management. Communities and state and local leaders must be better prepared to ensure that older adults are protected, and their needs are met when disasters strike.

This bill represents a positive step toward better preparing our communities and supporting kūpuna.

Mahalo for the opportunity to testify in strong support of H.B. 2581 S.D. 1.



LATE

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

TESTIMONY WITH COMMENTS ON HOUSE BILL 2581 PROPOSED SD1
RELATING TO EMERGENCY MANAGEMENT

Wednesday, March 25, 2026, 3:00 p.m.
Conference Room 016
State Capitol
415 South Beretania Street

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

Mahalo for the opportunity to offer **comments** on House Bill 2581 HD2, Proposed SD1, which seeks to establish a Hawai‘i community resilience hub program within the Hawai‘i Emergency Management Agency (“HIEMA”). Earthjustice supports the legislature’s intent to strengthen community-based preparedness, disaster response support, and climate resilience education throughout the State. These goals can be achieved, however, without jettisoning the contents of HB 2581 HD2 as currently drafted. The amended definitions of “disaster” and “emergency” passed by the House of Representatives in HB 2581 HD2 remain necessary to prevent executive overreach with respect to emergency powers under HRS chapter 127A and to preserve the constitutional balance of powers between the executive and the legislature. We therefore urge the committee to **amend HB 2581 HD2 Proposed SD1** to retain the amended definitions of “disaster” and “emergency.”

As recognized in the preamble of the Proposed SD1, “the State’s communities face increasing risks from climate change, sea level rise, flooding, wildfires, drought, hurricanes, and other natural hazards.” It is precisely these types of “disasters or emergencies of unprecedented size and destructiveness” that the legislature intended HRS chapter 127A to address. HRS § 127A-1(a). The Hawai‘i Supreme Court’s recent decision in *Nakoa v. Governor of Hawai‘i*, 156 Hawai‘i 416, 575 P.3d 506 (2025), however, has broadened the application of chapter 127A to vest the governor with emergency powers to address any issue “rationally related to the health, safety, and welfare of the public,” *id.* at 416, 575 P.3d at 514, including “long-term issues” of public policy, *id.* at 435, 575 P.3d at 525.

Narrowing the statutory definitions of “disaster” and “emergency,” as proposed in HB 2581 HD2, would restore proper constitutional balance between the branches and would bring the scope of the executive’s emergency powers back in line with the legislature’s original intention. Moreover, adding these amended definitions would not conflict with the State’s ability to establish a community resilience hub program within HIEMA, nor would it restrict HIEMA’s ability to coordinate preparedness, response, and education. To that end, the governor’s myriad general emergency management powers under HRS § 127A-12 would also be undiminished by the amended definitions.

Senate Committee on Public Safety and Military Affairs

March 25, 2026

Page 2

Accordingly, in addition to amendments establishing a Hawai‘i community resilience hub, we respectfully ask this committee to retain the amended definitions of “disaster” and “emergency” as they currently appear in HB 2581 HD2.

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

HB-2581-HD-2

Submitted on: 3/23/2026 7:08:23 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

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

Comments:

I STRONGLY SUPPORT THIS BILL.

HB-2581-HD-2

Submitted on: 3/23/2026 7:09:09 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

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

Comments:

I FULLY SUPPORT THIS BILL.

HB-2581-HD-2

Submitted on: 3/24/2026 8:07:10 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

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

Comments:

Aloha Chair Fukunaga and Members of the Committee,

My name is Tara Malia Gregory, and I am a resident and community advocate.

Mahalo for the opportunity to submit testimony on HB2581.

While I understand and appreciate the intent of this bill to clarify what constitutes an emergency, I must respectfully state that as written, this bill remains incomplete and risks being ineffective in practice.

I urge this committee to review HRS §127A-14, which contains the controlling authority governing emergency declarations.

The statute states:

“The governor or mayor shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration of a state of emergency in the State or a local state of emergency in the county, as applicable.”

It further provides that this section “shall not limit the power and authority of the governor...”

This is the central issue.

Regardless of how HB2581 refines or narrows the definition of an emergency, this language preserves unilateral authority, meaning that any constraints introduced by this bill may be overridden in practice.

You can redefine “emergency.”

You can narrow the scope.

You can introduce new parameters.

But if one person remains the sole judge,

then those parameters do not meaningfully limit that authority.

This creates a high likelihood that the changes proposed in this bill will be rendered moot, particularly when interpreted alongside existing statute.

We are witnessing the real-world implications of this framework during the current storms and flooding across Hawai‘i, where communities are responding in real time while gaps in preparedness and coordination remain evident.

This is not simply a question of definition—it is a matter of accountability and structure.

Therefore, I respectfully request that this committee incorporate the following amended language directly into HB2581:

“The governor or mayor shall determine the existence of an emergency based on clear and documented evidence of catastrophic harm or imminent threat, subject to legislative review by majority vote, defined timelines for reassessment, and judicial review.”

Without adding this language into the bill, the proposed changes risk being ineffective in practice.

I would strongly support HB2581 if this amendment is incorporated.

Without it, I must respectfully oppose the bill as incomplete.

Mahalo for your time, your consideration, and your service to the people of Hawai‘i.

Respectfully with Aloha,

Tara Malia Gregory

LATE

HB-2581-HD-2

Submitted on: 3/24/2026 9:07:32 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members:

I support **HB2581 HD2 Relating to Emergency Management** which clarifies that the emergency powers granted to the Governor and County Mayors are strictly limited to situations that involve responding to the sudden occurrence of disasters or emergencies of tremendous severity and destructiveness resulting from natural or human induced causes.

This measure is important because it places guardrails on the power of the Executive Branch and recognizes the separation of powers' doctrine.

In simple terms, lawmakers are elected to make laws; not Governors or Mayors under the banner of "emergency declaration orders." Please pass this measure!

Sincerely,

Carrie Ann Shirota, Esq.

Honolulu, Hawai'i