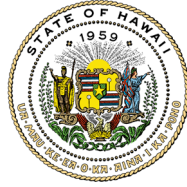


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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 SENATE BILL 2151 SD2,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON
PUBLIC SAFETY

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

March 20, 2026

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

Thank you for the opportunity to submit a testimony in **OPPOSITION** of Senate Bill 2151 SD2.

During emergencies such as natural disasters, public health crises, or other unforeseen events, the Chief Executive must have the authority to act swiftly and decisively to protect the safety and welfare of our communities. The complexity and unpredictability of these situations require leadership that can respond promptly to rapidly evolving conditions.

In critical moments, time is of the essence, and flexibility in decision-making is essential to effectively manage emergency responses. The Governor possesses access to critical resources, expert guidance, and real-time information, enabling rapid coordination and deployment of aid that is vital to preserving public safety.

Moreover, this flexibility allows leadership not only to make necessary decisions quickly but also to innovate and adapt as challenges develop.

Emergencies demand prioritizing efficiency and responsiveness to minimize harm and save lives.

I respectfully urge the committee to reconsider SB2151 SD2 and preserve the Chief Executive's ability to lead effectively during crises, ensuring that the safety of Hawai'i's residents remains the highest priority.

Thank you for the opportunity to provide testimony in opposition of SB2151 SD2.

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

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Public Safety

From: Carlotta Amerino, Director

Date: March 20, 2026, 10:30 a.m.
State Capitol, Conference Room 411

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

Thank you for the opportunity to submit testimony on this bill, which among other things, would prohibit the Governor or a mayor from suspending agency response deadlines for requests for public records under chapter 92F, HRS, the Uniform Information Practices Act (UIPA), or for vital statistics, during a declared state of emergency. The Office of Information Practices (OIP) takes no position on this bill because it is a policy decision for the Legislature to determine what limit, if any, is appropriate and what potential emergencies would warrant the Governor's use of emergency powers. However, OIP can confirm that the two-and-a-half-month full suspension of the UIPA in 2020, and subsequent year-plus partial suspension of only the UIPA's agency response deadlines, had a significant effect on requesters, agencies, and OIP's own operations. During that time, many requesters experienced long delays in receipt of agency responses to their record requests, and the UIPA did not fulfill its stated purpose of giving the public timely access to government records.

COUNTY COUNCIL

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



OFFICE OF THE COUNTY CLERK

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

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

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

March 18, 2026

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

ON

SB 2151, SD 2, RELATING TO EMERGENCY MANAGEMENT

House Committee on Public Safety

Friday, March 20, 2026

10:30 a.m.

Conference Room 411

Via Videoconference

Dear Chair Au Belatti and Members of the Committee:

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

I support SB 2151, SD 2, because it represents a step toward constraining the overreach of authority embedded in Hawai'i Revised Statutes (HRS) Chapter 127A. While in my view the proposed changes do not go far enough, better policy must be created to preserve the true intent of the emergency statute while simultaneously protecting the public interest and ensuring that emergency powers do not become a tool for unchecked executive power.

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 public interest, public trust and faith in government, and the separation of powers that is foundational to our democracy. HRS Chapter 127A has critical flaws in its current form such that its overall structure concentrates extraordinary and unilateral authority in the executive branch to the extent that emergency mandates are imbalanced and inconsistent with meaningful legislative oversight, disallowing any real check on executive power by the legislative branch of government.

The broad authorities granted to the executive branch were routinely exercised through multi-year COVID-19 emergency proclamations, resulting in extended suspensions of laws, prolonged business restrictions, mandatory quarantines based on exposure alone, and widespread public concern about unchecked executive powers. Compulsory immunization is a violation of an individual's essential human rights, yet HRS Chapter 127A confers near total control to a single branch of government.

Chair Au Belatti and Members of the Committee
Re: Testimony in Support of SB 2151, SD 2
March 18, 2026
Page 2

SB 2151, SD 2, is a step forward to mitigate the risk of executive overreach. This measure simply requires the Governor or mayor of each county to explicitly and narrowly tailor the use of their emergency authority to suspend laws and to directly address the emergency at hand. Further, it requires emergency declarations to be terminated as soon as conditions warrant and provides the State Legislature and county councils with the ability to end emergency proclamations or declarations that risk being inappropriately used by the leader of the respective executive branch. These crucial changes to HRS Section 127A-14 provide an essential mechanism for the State Legislature and county councils to function as a check on the executive branch.

Accordingly, I respectfully urge the Committee to pass SB 2151, SD 2, along with the highlighted amendments to HRS Section 127A-14 as detailed below, which further protect basic human freedoms.

(e) The legislature may, by an affirmative vote of a simply majority of the members to which each house is entitled, terminate a state of emergency, in part or in whole, declared by the governor pursuant to this section.

(f) The county council may, by an affirmative vote of a simple majority, terminate a local state of emergency, in part or in whole, declared by the mayor pursuant to this section.

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

Sincerely,



FELICIA COWDEN
Councilmember, Kaua'i County Council

RM:dmc

PUBLIC FIRST
LAW CENTER

House Committee on Public Safety
Della Au Bellati, Chair
Kim Coco Iwamaoto, Vice Chair

RE: Testimony with Comments on S.B. 2151 S.D. 2, Relating to Emergency Management
Hearing: March 20, 2026 at 10:30 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes open government in Hawai`i.

Thank you for the opportunity to submit testimony with comments supporting the intent of S.B. 2151 S.D. 2 and **recommending an amendment** to better effectuate that intent. Public records laws are a critical mechanism to ensure government transparency. This bill seeks to safeguard that promise of openness for the public during government declared emergencies, when transparency is especially crucial.

But S.B. 2151 S.D. 2 only safeguards *one part* of the public records law. We recommend the following amendments (in bold) at page 2, lines 8 - 12, clarifying that *all* of chapter 92F is shielded from suspension:

(a) The governor or mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend [~~agency response deadlines for requests for~~] **access to:**

(1) [~~Public records~~] **Records** pursuant to [~~part II of~~] chapter 92F; or . . .

This amendment would ensure that members of the public are still able to access their personal records under part III of chapter 92F. It would also ensure that the Office of Information Practices (OIP) remains empowered, under part IV of chapter 92F, to administer the law, which addresses the operational challenges faced by OIP when former Governor David Ige suspended the entirety of chapter 92F during the COVID-19 pandemic.

Thank you again for the opportunity to testify with comments on S.B. 2151 S.D. 2.



March 20, 2026, 10:30 a.m.
Hawaii State Capitol
Conference Room 411 and Videoconference

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

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

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

Aloha Chair, Vice Chair and other Committee Members,

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

The bill would also clarify the definition of a "severe weather warning," require justification for the suspension of laws, limit the length of such suspensions to the times necessary to fulfill the emergency functions, and allow the Legislature and county councils to terminate declared states of emergency, in whole or in part, by an affirmative two-thirds vote.

These are all excellent ways to preserve the intent of the emergency statute while simultaneously protecting the public interest and ensuring that emergency powers do not become a tool for unchecked executive power.

Regarding the suspension of public records or vital statistics during an emergency, Gov. David Ige at the outset of the COVID-19 crisis suspended Hawaii's open-records and sunshine laws — an extreme response not taken by any other state governor.

Not only did his action raise questions about the health rationale for the suspension, it undermined public trust in the workings of government at a time when trust was needed most. This bill would ensure that government transparency is maintained even during a state of emergency.

There is no reason to worry that open records requests submitted during an emergency could hinder government operations. Hawaii's [open-records statute](#) already provides flexibility to agencies that require additional time to respond, and this bill would reinforce that provision by expressly giving agencies permission to delay a response under extenuating circumstances.

The addition of reasonable limitations on the ability to suspend laws would also help protect the constitutional balance of powers. The governor and mayors need leeway to handle an emergency as needed, but they should not have carte blanche to suspend laws indefinitely or arbitrarily. Government actions during an emergency should be narrowly tailored and must demonstrate a clear connection between the actions taken and the protection of public health or safety.

As for the duration of emergencies, Hawaii's emergency statute currently features a 60-day time limit, but it allows an emergency to be extended by proclamation. Thus, there is no protection against the governor or a mayor extending a state of emergency indefinitely, with little input or oversight from the legislative branch.

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

A legislative check on the executive's ability to extend an emergency would correct this problem and preserve the constitutional balance of powers. SB2151 would fulfill that purpose by enabling the Legislature and county councils to end emergencies by a two-thirds vote, which mirrors the requirement for overturning a governor's veto.

It is important that Hawaii's emergency management law reflect the lessons we have learned over the past few years. The main lesson is that there is room to protect open government and the constitutional balance of powers without handicapping the ability of the governor and mayors to respond quickly and effectively to emergency situations.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



REPRESENTATIVE DELLA AU BELATTI, CHAIR
REPRESENTATIVE KIM COCO IWAMOTO, VICE-CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY

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

Friday, March 20, 2026, 10:30 a.m.
Conference Room 411
State Capitol
415 South Beretania Street

Aloha e Chair Belatti, Vice-Chair Iwamoto, and members of the committee:

Earthjustice appreciates the opportunity to testify regarding Senate Bill 2151 SD2, which seeks to place guardrails on the governor’s and mayors’ use of emergency powers under HRS Chapter 127A. Earthjustice supports SB 2151 SD2. We are concerned, however, that the bill does not contain adequate language to ensure that emergency powers are used to address only true emergencies. We therefore urge the committee to amend SB 2151 SD2, as discussed below.

SB 2151 SD2 seeks to rein in the use of emergency powers by amending HRS § 127A-14 to empower the Legislature to terminate a state of emergency declared by the governor, in whole or in part, “by an affirmative vote of two-thirds of the members to which each house is entitled.” But securing a supermajority vote for any legislative act, no matter how important, is extraordinarily challenging. And, if the Legislature is not in session when the governor attempts to use emergency powers to address non-emergencies, it would be harder still to convene a special session and set things right. It is vital, therefore, to amend the definitions of “emergency” and “disaster” in HRS § 127A-2 to limit the use of emergency powers in the first place.

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

In the wake of the Supreme Court's ruling, it is vital for the Legislature to clarify that the emergency powers that HRS Chapter 127A grants to the governor and the mayors are strictly limited to situations that involve responding to the sudden "occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from natural or human-caused hazards." HRS § 127A-1(a). The amended definitions proposed below would accomplish this.

Accordingly, we urge the committee to add the following section to SB 2151:

SECTION []. Section 127A-2, Hawaii Revised Statutes, is amended as follows:

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

"Catastrophic harm" means extraordinary levels of loss of life, mass casualties, or life-threatening physical injury to a large number of persons, or the sudden failure or destruction of critical infrastructure essential to immediate public safety or life-sustaining public health functions."

2. By amending the definition of "disaster" to read:

"Disaster" means ~~[any emergency,]~~ the occurrence or imminent threat ~~[thereof, which results or may likely result in]~~ of widespread or severe damage, injury, or loss of life, property, or environment ~~[and]~~ resulting from any sudden natural or artificial cause, including hurricanes, windstorms, floods, extreme rain events, earthquakes, landslides, mudslides, volcanic activity, tsunamis, fires, explosions, air or water contamination, blight, droughts, infestations, riots, sabotage,

hostile military or paramilitary action, hazardous material accidents, disease or contagion outbreaks, bioterrorism, cyberterrorism, terrorism, or incidents involving weapons of mass destruction, that requires, or may require, assistance from other counties, states, the federal government, or from private agencies."

3. By amending the definition of "emergency" to read:

"Emergency" means [~~any~~] the occurrence[~~r~~] or imminent threat [~~thereof, which results or may likely result in substantial injury or~~] of a disaster that causes or may be likely to cause catastrophic harm and immediate danger to the population [~~or~~], substantial damage to or loss of property, or substantial damage to or loss of the environment[~~r~~] and that timely action can avert or minimize."

Mahalo for the opportunity to offer this testimony.

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

SB-2151-SD-2

Submitted on: 3/19/2026 12:57:29 PM
Testimony for PBS on 3/20/2026 10:30:00 AM



Submitted By	Organization	Testifier Position	Testify
Margaret Mejia	Hawai'i Christian Coalition	Oppose	In Person

Comments:

Hawai'i Christian Coalition

Re: Strongly OPPOSE SB2151 SD2

Aloha Chair Belatti, Vice Chair Iwamoto, and Members of the Public Safety Committee,

I am submitting this testimony on behalf of Hawai'i Christian Coalition, in **strong opposition to SB2151 SD2**.

While I appreciate the bill's inclusion of a legislative termination mechanism (allowing a two-thirds supermajority vote in both the House and the Senate to end a declared emergency), this incremental change does not address the fundamental and dangerous flaws in the underlying statute, Chapter 127A, Hawaii Revised Statutes.

Chapter 127A concentrates extraordinary unilateral authority in the executive branch, granting the governor sweeping powers with minimal checks, legislative oversight, or objective standards. These powers include:

- **Suspending virtually any state law** that, in the governor's judgment, "impedes" emergency functions (§127A-13(a)(3)).
- **Authorizing forced quarantine** or segregation of persons based solely on suspected (not confirmed) exposure to disease, per the governor's opinion (§127A-13(a)(1)).
- **Permitting warrantless entry onto private premises** without owner or occupant permission (§127A-13(a)(1)).
- **Regulating, prohibiting, or seizing firearms** and ammunition (§127A-13(a)(12)).
- **Taking over and operating privately owned critical infrastructure** (§127A-13(a)(11)).
- **Regulating or prohibiting businesses** and transactions (§127A-13(a)(8)).
- **Supplementing compulsory immunization programs** (§127A-13(a)(1)).

These provisions risk infringing core protections under the Hawaii Constitution (e.g., due process and equal protection in Article I, Section 5; right to privacy in Article I, Section 6; protection against unreasonable searches and seizures in Article I, Section 7) and the U.S. Constitution (e.g., Fourth, Fifth, Fourteenth Amendments; Second Amendment; First Amendment freedoms).

Most alarmingly, §127A-14(c) makes the governor the “sole judge” of whether an emergency exists, unilaterally activating these broad powers without required legislative ratification or independent verification.

We saw these authorities exercised extensively during the multi-year COVID-19 proclamations, leading to prolonged law suspensions, business restrictions, mandatory quarantines based on exposure alone, and widespread public concern over unchecked executive power. Recent testimony on these bills reflects similar citizen unease about enabling overreach without accountability.

The proposed legislative termination mechanism acknowledges the need for restraint—but if bipartisan supermajority consensus is deemed feasible to end an emergency, then a simple majority is surely achievable to repeal or replace the flawed statute granting these powers in the first place (per Hawaii Constitution Article III, Section 13).

The Legislature has full constitutional authority—and responsibility—under Article III, Section 1 to legislate on emergency management and correct structural imbalances that undermine separation of powers.

I urge the Committee to:

1. Reject SB2151 SD2 in its current form, as it largely preserves and potentially entrenches the core flaws of Chapter 127A rather than meaningfully reforms it.
2. Instead, pursue full repeal and replacement of Chapter 127A with a narrowly tailored statute that:
 - Eliminates any authority to suspend, modify, or override laws protecting fundamental constitutional rights (Hawaii Constitution Article I or U.S. Constitution), with no exceptions.
 - Requires objective, verifiable criteria for declarations and automatic short-term expirations with mandatory legislative approval for extensions.
 - Preserves genuine emergency response capabilities without unilateral executive overreach.

If full repeal is not feasible this session, I support targeted amendments at minimum, including:

- Rejecting any broadened definitions of “disaster” or “emergency” that lower the threshold for declarations.
- Removing or rejecting language that reaffirms or expands law-suspension authority.
- Strengthening the termination mechanism to require automatic expiration after an initial short period (e.g., one week), with mandatory legislative review and simple-majority approval for any extension (limited to two weeks at a time).
- Prohibiting compulsory immunizations or other mandates without documented scientific evidence presented in emergency legislative hearings.
- **Explicitly barring any suspension or override of constitutional rights protections under any declaration or extension.**

Hawai'i has an opportunity to lead by restoring balanced, accountable emergency powers that respect representative government and the people's rights while ensuring preparedness for real crises.

Thank you for your time. I am available for questions and urge the Committee to prioritize comprehensive reform over incremental changes that leave dangerous authorities intact.

Sincerely,

Margaret Mejia, Vice President

Hawai'i Christian Coalition



House Committee on Public Safety

Friday, March 20, 2026, 10:30 AM Hearing in Conference Room 411 on
SB 2151, SD2 Relating to Emergency Management

TESTIMONY

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

Chair Au Belatti, Vice Chair Iwamoto, and Committee Members:

The League of Women Voters of Hawaii supports SB 2151, SD2. State law should not authorize either the Governor or any county mayor to completely suspend or unreasonably delay public access to public records. And state law should authorize the appropriate state or county legislative body to stop arbitrary or abusive use of executive emergency powers under Chapter 127A, Hawaii Revised Statutes.

Thank you for the opportunity to submit testimony.

SB-2151-SD-2

Submitted on: 3/19/2026 8:40:18 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	In Person

Comments:

I ADAMANTLY APPOSE SB2151! This bill is deceptive in several aspects, as it is cloaked with "reigning in the powers" of the Governor, it actually clarifies and justifies his use of "emergency proclamations."

SB-2151-SD-2

Submitted on: 3/19/2026 10:05:31 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

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

Comments:

OPPOSE SB2151 SD2

This Bill's definition of "disaster" is too broad--it gives the Governor too many opportunities to declare a disaster or emergency.

This Bill requires a super majority(2/3) vote of both the House & Senate to end the Governor's Emergency Declaration--which is unrealistic

Since HRS 127A-13 & 14 are included in this Bill, some attempt should be made to Amend or Repeal these sections. Or at least Amend the section to not allow the Governor to suspend any law he wants, & for however long he wants.

Mahalo for your consideration

SB-2151-SD-2

Submitted on: 3/19/2026 12:08:30 PM
Testimony for PBS on 3/20/2026 10:30:00 AM

LATE

RECEIVED
Date & Time
Mar 19, 2026, 12:13 pm

Submitted By	Organization	Testifier Position	Testify
Sheila Medeiros	Individual	Oppose	In Person

Comments:

Opposition to SB2151
Relating to Emergency Management
– March 19, 2026

Aloha Chair and Members of the Committee,

My name is Sheila Medeiros, a resident of Kapolei, Hawaii. I am submitting this testimony in strong opposition to SB2151 and its companion HB2236.

While I appreciate the bills’ inclusion of a legislative termination mechanism (allowing a two-thirds supermajority vote in both chambers to end a declared emergency), this incremental change does not address the fundamental and dangerous flaws in the underlying statute, Chapter 127A, Hawaii Revised Statutes.

Chapter 127A concentrates extraordinary unilateral authority in the executive branch, granting the governor sweeping powers with minimal checks, legislative oversight, or objective standards. These powers include:

- Suspending virtually any state law that, in the governor’s judgment, “impedes” emergency functions (§127A-13(a)(3)).
- Authorizing forced quarantine or segregation of persons based solely on suspected (not confirmed) exposure to disease, per the governor’s opinion (§127A-13(a)(1)).
- Permitting warrantless entry onto private premises without owner or occupant permission (§127A-13(a)(1)).
- Regulating, prohibiting, or seizing firearms and ammunition (§127A-13(a)(12)).
- Taking over and operating privately owned critical infrastructure (§127A-13(a)(11)).
- Regulating or prohibiting businesses and transactions (§127A-13(a)(8)).
- Supplementing compulsory immunization programs (§127A-13(a)(1)).

These provisions risk infringing core protections under the Hawaii Constitution (e.g., due process and equal protection in Article I, Section 5; right to privacy in Article I, Section 6; protection against unreasonable searches and seizures in Article I, Section 7) and the U.S. Constitution (e.g., Fourth, Fifth, Fourteenth Amendments; Second Amendment; First Amendment freedoms).

Most alarmingly, §127A-14(c) makes the governor the “sole judge” of whether an emergency exists, unilaterally activating these broad powers without required legislative ratification or independent verification.

We saw these authorities exercised extensively during the multi-year COVID-19 proclamations, leading to prolonged law suspensions, business restrictions, mandatory quarantines based on exposure alone, and widespread public concern over unchecked executive power. Recent testimony on these bills reflects similar citizen unease about enabling overreach without accountability.

The proposed legislative termination mechanism acknowledges the need for restraint—but if bipartisan supermajority consensus is deemed feasible to end an emergency, then a simple majority is surely achievable to repeal or replace the flawed statute granting these powers in the first place (per Hawaii Constitution Article III, Section 13).

The Legislature has full constitutional authority—and responsibility—under Article III, Section 1 to legislate on emergency management and correct structural imbalances that undermine separation of powers.

I urge the Committee to:

1. Reject SB2151 and HB2236 in their current form, as they largely preserve and potentially entrench the core flaws of Chapter 127A rather than meaningfully reform it.
2. Instead, pursue full repeal and replacement of Chapter 127A with a narrowly tailored statute that:
 - Eliminates any authority to suspend, modify, or override laws protecting fundamental constitutional rights (Hawaii Constitution Article I or U.S. Constitution), with no exceptions.
 - Requires objective, verifiable criteria for declarations and automatic short-term expirations with mandatory legislative approval for extensions.
 - Preserves genuine emergency response capabilities without unilateral executive overreach.

If full repeal is not feasible this session, I support targeted amendments at minimum, including:

- Rejecting any broadened definitions of “disaster” or “emergency” that lower the threshold for declarations.
- Removing or rejecting language that reaffirms or expands law-suspension authority.
- Strengthening the termination mechanism to require automatic expiration after an initial short period (e.g., one week), with mandatory legislative review and simple-majority approval for any extension (limited to two weeks at a time).
- Prohibiting compulsory immunizations or other mandates without documented scientific evidence presented in emergency legislative hearings.
- Explicitly barring any suspension or override of constitutional rights protections under any declaration or extension.

Hawaii has an opportunity to lead by restoring balanced, accountable emergency powers that respect representative government and individual rights while ensuring preparedness for real crises.

Thank you for considering this testimony. I am available for questions and urge the Committee to prioritize comprehensive reform over incremental changes that leave dangerous authorities intact.

Mahalo nui loa,

Sheila Medeiros
Kapolei, Hawaii

SB-2151-SD-2

Submitted on: 3/20/2026 5:32:48 AM
Testimony for PBS on 3/20/2026 10:30:00 AM

LATE

RECEIVED
Date & Time
Mar 20, 2026, 9:22 am

Submitted By	Organization	Testifier Position	Testify
james	Individual	Oppose	In Person

Comments:

I oppose SB2151. Not any human being in hawaii should have that much power and authority. Green already has too much power and is full on abusing it with no checks and balances. He is a joke and irresponsible. He has made hawaii worse and we can't afford any gov. Or mayor to do the same damage.

SB-2151-SD-2

Submitted on: 3/19/2026 10:40:38 AM
Testimony for PBS on 3/20/2026 10:30:00 AM

LATE

RECEIVED
Date & Time
Mar 19, 2026, 12:14 pm

Submitted By	Organization	Testifier Position	Testify
Sarah Shurley	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I oppose SD2151 SD2 as it is currently written. My concerns are the profound power given to the governor or mayors, regarding a "State of Emergency". Specifically "**§127A-14 State of emergency** (c) [~~The~~] Except as provided in subsections (e) and (f), the ***governor or mayor shall be the sole judge*** of the existence of the danger, threat, or circumstances giving rise to a declaration, an extension, or a termination of a state of emergency in the State or a local state of emergency in the county, as applicable. This section shall not limit the power and authority of the governor under section 127A-13(a)(5)."

The bold italicized section above is one example of the immense power given to the governor or mayor and allowing them to be "the sole judge". Shouldn't the judgement come after consulting with the professionals who understand what is happening/could happen first? For example, for a possible or on going natural disaster, the emergency management officials, NOAA, USGS, etc. are the authorities to be consulted with first? The governor/mayor being the leader to have the final say, but not without guidance first. At least give us (the public) the illusion that there professional opinions out side of our elected officials. Subsections (e) and (f) are not adequate to keep this power in check. It's a slippery slope.

The following section needs to be revised or removed entirely

"§127A-13 Additional powers in an emergency period. (12) Except as provided in section 134-7.2, whenever in the ***governor's opinion***, the laws of the State do not adequately provide for the common defense, public health, safety, and welfare, investigate, regulate, or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms, and ammunition, inflammable materials and other objects, implements, substances, businesses, or services of a hazardous or dangerous character, or particularly capable of misuse, or obstructive of or tending to obstruct law enforcement, emergency management, or military operations, including intoxicating liquor and the liquor business; and authorize the seizure and forfeiture of any objects, implements, or substances unlawfully possessed, as provided in this chapter."

Again we are giving the governor and his **opinion** that much authority & power? Am I mistaken? Maybe because I don't speak bureaucrat regularly, but this involves liquor businesses, which one would assume is not unlawful, so there will be no seizure or forfeiture of their inventory correct? I urge you to scrutinize this section fully. It again is a slippery slope of a power grab during the "sole judge" of an emergency situation.

I think of the past "emergency situations" our state has dealt with. I then apply what is proposed in this bill to those situations, and it makes me concerned for our fundamental rights and actual assistance people may need. This bill gives the impression that the State of Hawaii takes the position that the general public is incapable of handling any emergency situation, so it needs to give the governor that much control.

Look at Lahaina. The general public, our neighbors and friends, became the first responders delivering basic necessities to those in the 24 hrs after the Lahaina fires. Not the local, state or federal governments. It was grass roots efforts by local citizens. Do not set-up legislation that makes these efforts illegal during & after an emergency.

Mahalo for your service and taking the time to read my concerns.

Concerned Kama'aina

Kailua-Kona, HI

SB-2151-SD-2

Submitted on: 3/18/2026 10:32:16 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Hill	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose any affirmation of almost perpetual emergency proclamations by Josh Green. Here's Chatgpt's analysis: "

Final counted answer (best defensible number)

As of March 2026:

≈ 300–350 total emergency proclamations issued by Josh Green (INCLUDING renewals, amendments, and extensions)

On previous analysis the next nearest state on numbers of emergency proclamations is California with many times the population and much more land mass in a 3 year period is about 42 (14/ year average over 17 years). Abuse of power?! How do you become king of Hawai'i? Just suspend laws and conventional constitutional restraints. Though these powers may be needed perhaps in a hurricane Iniki, this overuse is a dangerous precedent that must be curtailed. Checks and balances are vital. The only king I'll vote for is King Jesus!

also please support the impeachment inquiry for josh green. Not about partisanship but about balance of power, oaths of office (all of you) and Consttional restraints.

Mahalo nui 🙏

Kevin

SB-2151-SD-2

Submitted on: 3/19/2026 8:53:40 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Loree Jean Searcy	Individual	Oppose	Written Testimony Only

Comments:

Oppose SB2151

This bill gives The Governor to much power without constitutional rights of the people! Emergency proclamations are a way for the governor to make decisions bypassing legislative judgment-taking away from the people privacy of their property, right to bear arms, and freedom of health. These are constitutional rights of the people!

I oppose this bill

SB-2151-SD-2

Submitted on: 3/19/2026 9:30:50 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

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

Comments:

I respectfully ask you to OPPOSE SB 2151

It would be unrealistic to get the votes needed to stop the Governor's emergency declaration.
Gives Governor more power to suspend any current law.

Please vote NO on SB 2151 SD 2

Mahalo,

Linda

SB-2151-SD-2

Submitted on: 3/19/2026 9:48:59 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Reina Loughlin	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice chair, Committee,

I am writing in strong opposition of SB2151 SD2 for these reasons:

The intentions of this bill is said to create limitations to the governor's power during emergencies, yet it widens the terms of what can be considered emergency. With more conditions deemed emergency, more emergency proclamations may be used and power abused.

Instead of passing this bill as a solution to set boundaries to the governor's emergency powers, there should be more discussion for repeal of the emergency laws that are already in place which gives the governor too much power.

The requirement of a 2/3 vote to end the governor's use of emergency power is far reaching and not likely to happen as records would show that agreements by that majority of a vote in both the House and Senate are slim. The chosen vote requirement further supports the governor and doesn't favor limiting his/her emergency power.

For these reasons, I strongly oppose.

Mahalo.

SB-2151-SD-2

Submitted on: 3/19/2026 10:09:14 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Toyofuku	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to SB2151 SD2 being aware that specific sections in HRS 127 provides an overreach of executive powers during planned or unplanned "emergencies". SB2151 requires critical clarity in the authority of unchecked powers of the executive and/or legislative branches of Hawaii's government.

There still are substantial amendments needed, including repealing the entire section HRS 127A-13. This section should be removed from Hawaii statutes, since each of the proposed additional powers allow the Governor to use &/or abuse "emergency" powers to strip individuals' Rights & Freedoms that are protected by the US & Hawaii State Constitutions!

Additionally, the legislature & City Councils should only need a simple majority affirmative vote to end a Governor or Mayor emergency proclamations..

HRS 127A should explicitly state that Governor or Mayor do NOT have "emergency" power to suspend laws as long as deemed necessary, nor exercise "emergency" powers that would infringe on our individual Rights protected in the US & Hawaii State Constitutions!

SB-2151-SD-2

Submitted on: 3/18/2026 11:36:23 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lois J Young	Individual	Comments	Written Testimony Only

Comments:

Aloha Chairman and Committee Members,

I have reconsidered my opposition to COMMENTS.

My concern is the verbiage regarding the governor's decision making, which will be in "his opinion." Also in the decision making by the mayor, it would be as he "deems necessary". In the hands of a tyrant leader whose agenda is power and control rather than the will of the people, this can be dangerous. In the hands of a leader who is truly concerned for the safety of the people and preserving their constitutional rights, liberties, freedom and medical autonomy this would be good.

Tho towards the end of the bill, a check on executive powers is added where 2/3 vote from the legislators can cancel the emergency orders, That is good. Unfortunately, our current political climate, dictates that a senator/representative vote along party lines aka pay to play. Until we clean up our election process (in person voting, one day counting), we can then move forward with this bill. At that time, we'll have a more balanced legislative branch.

mahalo, Lois

Mahalo, Lois

SB-2151-SD-2

Submitted on: 3/18/2026 3:29:29 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

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

Comments:

Not having limits on emergency proclamations makes the governor a dictator.

This bill ensures that emergency proclamations are not allowed to continue indefinitely by giving the Legislature and county councils the ability to end them. It also protects transparency by preventing the suspension of public records and requires that any suspension of laws be clearly justified and limited.

SB2151 maintains the State's ability to respond to real emergencies while adding necessary oversight to prevent misuse of power.

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

SB-2151-SD-2

Submitted on: 3/18/2026 4:40:40 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Support	Written Testimony Only

Comments:

I, Fred Hofer,

Strongly support this bill

With all due respect,

Fred Hofer

Hilo, 96720

SB-2151-SD-2

Submitted on: 3/18/2026 4:52:16 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Weber	Individual	Support	Written Testimony Only

Comments:

Please, SUPPORT SB2151 SD2

MAHALO, JOANNA WEBER

SB-2151-SD-2

Submitted on: 3/18/2026 10:21:20 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Magoon Ohana	Individual	Support	Written Testimony Only

Comments:

Support

SB-2151-SD-2

Submitted on: 3/19/2026 6:35:46 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
julie schaus	Individual	Support	Written Testimony Only

Comments:

I support SB 2151 SD2. THIS ALLOWS FOR CHECKS AND BLANCES. ENSURES TRANSPARENCY AND ACCOUNTABILITY. PREVENTS ERRONEOUS EMERGENCY POWERS AND STRENGTHENS LOCAL CONTROL.

SB-2151-SD-2

Submitted on: 3/19/2026 6:47:34 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

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

Comments:

I support sb 2151 SD2.

THIS WILL STILL ALLOW FOR A "TRUE DEFINED CITIZEN EMERGENCY RESPONSE" . Most Importantly it will ensure transparency and accountability. Our local counties controls must be strengthened. this bill will prevent future erroneous proclamations.

SB-2151-SD-2

Submitted on: 3/19/2026 7:03:28 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marlies Lee	Individual	Support	Written Testimony Only

Comments:

I support SB 2151

Marlies Lee

SB-2151-SD-2

Submitted on: 3/19/2026 10:27:39 AM

Testimony for PBS on 3/20/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy Perkins	Individual	Support	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee,

I strongly support **SB2151** because it restores balance, accountability, and public trust in the use of emergency powers while still allowing the government to respond quickly when real emergencies occur.

First, this bill adds essential **checks and balances**. Emergency powers are necessary in limited situations, but they should not continue indefinitely without oversight. SB2151 gives the Legislature and the counties a clear ability to review and, if necessary, end an emergency declaration. That is how a constitutional system is supposed to function.

Second, SB2151 helps prevent **endless emergency powers** by creating a reasonable structure with a 60-day limit. Emergencies are meant to be temporary. Requiring a review after a defined period protects the public while still allowing the government to act quickly when needed.

Third, this bill improves **transparency** by making it clear that public records cannot simply be suspended. During an emergency, the public deserves more transparency, not less. Access to records helps ensure that decisions are lawful, responsible, and in the best interest of the community.

Fourth, SB2151 strengthens **accountability** by requiring government officials to clearly justify why laws are being suspended. If extraordinary powers are used, there should be clear explanations and documentation so the public understands what is happening and why.

Fifth, the bill supports **local control** by giving counties a meaningful role. Conditions on Maui, Hawai'i Island, O'ahu, and Kaua'i are often very different. Allowing counties to have a voice ensures decisions are made closer to the people most affected.

Most importantly, SB2151 still allows the government to respond to **real emergencies**. It does not remove emergency authority—it simply ensures that those powers are used responsibly, transparently, and only as long as they are truly necessary.

For these reasons, I respectfully urge you to support SB2151 and help restore public confidence in the responsible use of emergency powers.

Thank you for the opportunity to testify.

Tammy A. Perkins

Maui County

SB-2151-SD-2

Submitted on: 3/19/2026 4:01:48 PM

Testimony for PBS on 3/20/2026 10:30:00 AM

LATE

RECEIVED
Date & Time
Mar 20, 2026, 9:23 am

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

Comments:

I strongly oppose this bill. The Governor is breaking the law and violating the Constitution! Stop this tyrannical bill!

SB-2151-SD-2

Submitted on: 3/19/2026 4:32:06 PM
Testimony for PBS on 3/20/2026 10:30:00 AM

LATE

RECEIVED
Date & Time
Mar 20, 2026, 9:24 am

Submitted By	Organization	Testifier Position	Testify
Linda Dewey	Individual	Support	Written Testimony Only

Comments:

Testimony on SB2151

I support this bill !

because it curbs the governors power by giving more power to our legislators

There is NO mechanism for our legislators to curb Gov'r power on these points now :

Page 11

is brand new language creating parameters in suspending laws

Page 14

the 2/3 majority

Is all new language & NOT replacing anything

(Rule : If in the section where the statute is being revised words are underlined

with nothing crossed out

it means it is replacing NOTHING ,

that is, there is no language in that bill about what it covers

Mahalo nui loa! to the aloha & patient legislatures who spent a lot of time with me to explain this !