

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 PŪLIA

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
EMERGENCY MANAGEMENT

TESTIMONY ON HOUSE BILL 596 HD1,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON
FINANCE

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

FEBRUARY 24, 2025

Aloha Chair Yamashita, Vice-Chair Takenouchi, and Members of the Committee:

Thank you for the opportunity to submit a testimony to **OPPOSE** House Bill 596 HD1, which seeks to amend the definitions of “disaster” and “emergency” under Section 127A-2 of the Hawai'i Revised Statutes.

While it is important to ensure that all potential events are covered, this expanded definition could lead to confusion and difficulty in determining the severity and priority of incidents. The inclusion of various scenarios such as “disruption of state services” or “substantial damage to or loss of the environment,” could result in unnecessary resource allocation and may divert attention from more immediate and serious threats, complicating response and recovery efforts.

This measure risks overstressing emergency management resources. The inclusion of numerous events, some of which may not require large-scale governmental intervention, could cause the misallocation of resources or delay critical responses to more imminent and catastrophic events like hurricanes or earthquakes. This could undermine the efficiency and preparedness of Hawai'i's emergency management system in responding to actual disasters.

Although we appreciate the intent, the bill's specificity will restrict our capacity to respond effectively to unforeseen events. HIEMA respectfully urges the committee to reconsider the expansion of these definitions, ensuring that those with executive powers have the capability to take prompt action when necessary.

Thank you for the opportunity to provide a testimony on House Bill 596 HD1.

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

Feb 24, 2025, 9 a.m.
Hawaii State Capitol
Conference Room 308 and Videoconference

To: House Committee on Finance

Rep. Kyle T. Yamashita, Chair

Rep. Jenna Takenouchi, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

TESTIMONY IN SUPPORT OF HB596 HD1 — RELATING TO EMERGENCY MANAGEMENT

Aloha Chair Yamashita, Vice Chair Takenouchi and Committee Members,

The Grassroot Institute of Hawaii would like to offer its **support** for [HB596 HD1](#), which would clarify the definitions of “emergency” and “disaster” for the purposes of Hawaii’s emergency management statute.

By specifying what constitutes an “emergency” or “disaster” under chapter 127A, this bill would go a long way toward addressing a growing problem in the application of the emergency management statute: 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](#),” Hawaii’s governor 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 have been declared “emergencies” so as to benefit from the broad powers granted to the executive under the statute.

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.

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 has the effect of denying the public a voice on important issues, forcing the people to rely on the courts for redress — 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 methodology 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 proclamation means that an abuse of executive power could be extended indefinitely.

By creating a clear definition of the events that constitute an “emergency” or “disaster” under the law, HB596 HD1 would limit the potential for executive overreach via emergency orders.

The bill’s list of emergency events, combined with its 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 given us a better understanding of 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, HB596 HD1 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-596-HD-1

Submitted on: 2/23/2025 3:18:46 AM

Testimony for FIN on 2/24/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Germaine Meyers	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and members,

I'm in STRONG SUPPORT of HB596 HD1.

Please YES in support of this bill.

Ke Akua pu,

God bless all of you