

## EXECUTIVE BRIEF — DECISION MEMO

### Request for Impeachment Inquiry — Governor Joshua B. Green, M.D.

To: Members of the Hawai'i State Legislature

From: Concerned citizens of the State of Hawai'i

Purpose: Legislative oversight and constitutional fact-finding

## ISSUE PRESENTED

Whether the Governor's repeated and extended use of emergency proclamations — exceeding 90 since December 2022 — has effectively displaced legislative authority and operated as continuing governance beyond the intended temporary scope of emergency powers.

The question is not whether each individual proclamation was lawful when issued, but whether their cumulative continuation transformed temporary delegated authority into **ongoing executive governance requiring legislative action**.

## SUMMARY

This brief requests that the Hawai'i State Legislature initiate a formal fact-finding impeachment inquiry to determine whether executive emergency authority has been exercised in a manner consistent with constitutional separation of powers.

Emergency powers are designed to be temporary and exceptional. Their sustained use to suspend enacted laws across procurement, land use, environmental review, and public governance raises structural concerns about legislative authority, oversight, and precedent for future administrations.

This request is not a policy dispute. It is a constitutional inquiry into the limits of executive power.

## CORE QUESTIONS FOR LEGISLATIVE REVIEW

The inquiry should examine whether emergency actions have:

- Functioned as ongoing governance rather than short-term response
- Suspended statutory safeguards established by the Legislature
- Reduced legislative and public oversight mechanisms
- Concentrated practical lawmaking authority in the executive branch
- Established precedent expanding executive power absent clear limits

The Legislature must determine whether statutory remedies are sufficient or whether impeachment proceedings are warranted.

## SUPPORTING EXHIBITS

- Exhibit A: Emergency proclamation volume and extensions
- Exhibit B: Statutory authority and limits (HRS Chapter 127A)
- Exhibit C: Representative proclamation illustrating scope and duration
- Exhibit D: Judicial and administrative review of transparency impacts
- Exhibit E: Legislative reform efforts addressing emergency powers

- Exhibit F: State planning alignment and oversight considerations

All exhibits are submitted solely for legislative oversight and policy review.

This request concerns institutional authority, not personalities or policy preferences.

The Legislature's constitutional prerogative is implicated whenever temporary delegated powers risk becoming a standing form of governance.

## **REQUESTED ACTION**

We respectfully request that the Legislature:

- Open a formal impeachment inquiry as a fact-finding process
- Conduct public oversight hearings on emergency proclamations
- Require production of records supporting necessity determinations
- Issue formal findings on whether impeachment or statutory remedies are appropriate

Submitted by: Concerned Hawai'i residents

# REQUEST FOR IMPEACHMENT INQUIRY

*This inquiry concerns whether emergency powers have been used as a substitute for legislation, altering the constitutional balance between branches of government.*

## EXECUTIVE SUMMARY

This document respectfully requests that the Hawai'i State Legislature initiate a **formal fact-finding impeachment inquiry** into Governor Joshua B. Green, M.D., to determine whether a **sustained pattern of executive action has exceeded constitutional and statutory limits**, diminished legislative authority, and **warrants legislative review** under the Legislature's impeachment powers.

The purpose of this inquiry is to **examine the scope, duration, and legal basis of emergency proclamations** and to assess whether executive authority has been exercised consistently with the **constitutional framework governing separation of powers**.

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## LEGAL FRAMEWORK FOR INQUIRY

The Hawai'i Constitution vests the Legislature with the **authority and responsibility to investigate executive conduct when credible questions arise** regarding the scope and limits of constitutional power. An impeachment inquiry is a fact-finding mechanism designed to determine whether **executive actions remain within lawful bounds**. Opening an inquiry does not presume wrongdoing; it fulfills the Legislature's duty to preserve the **constitutional balance** between branches of government.

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## Delegated Authority vs. Continuing Emergency Governance

Emergency powers are constitutionally tolerated because they address conditions that are sudden, unforeseen, and temporary. The Legislature delegates extraordinary authority only for the duration of an **actual emergency condition**.

An oversight question therefore arises independent of policy disagreements:

**At what point does an ongoing social condition cease to qualify as an emergency and become ordinary governance requiring legislation?**

If a condition becomes persistent, predictable, or permanent, continued reliance on emergency authority may transform delegated temporary power into unilateral lawmaking authority.

The inquiry should determine:

1. Whether the factual emergency conditions materially changed during successive extensions
2. Whether normal legislative processes became available but were not utilized
3. Whether proclamations addressed acute crises or long-term policy goals
4. Whether repeated extensions effectively replaced statutory lawmaking

The constitutional concern is not the initial declaration of emergency authority, but the continuation of emergency governance after conditions stabilized or became ongoing public policy matters.

If emergency powers operate beyond temporary necessity, the executive no longer executes law but **substitutes for it**.

This determination is central to evaluating compliance with constitutional separation of powers and the Governor’s oath of office.

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## I. PURPOSE

This document respectfully requests that the Hawai’i State Legislature initiate a **formal impeachment inquiry** to determine whether a **pattern of executive conduct** by Governor Joshua B. Green may, if substantiated, meet the constitutional standard for impeachment rising to the level of “**high crimes and misdemeanors**” under the Hawai’i Constitution.

This request seeks **factual determination**, not accusation. It seeks investigation, hearings, record production, and findings so that the Legislature—and the public—may determine whether articles of impeachment are warranted or whether statutory correction is sufficient.

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## II. GOVERNOR’S OATH AND GOVERNING STANDARD

The Governor is sworn to **support and defend the Constitutions of the United States and the State of Hawai’i** and to faithfully execute the laws enacted by the Legislature.

Impeachment is not a remedy for policy disagreement. It exists to address **serious abuses of office, violations of constitutional structure, and sustained conduct incompatible with the public trust**.

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## III. GROUNDS REQUESTING INQUIRY (WITH SUPPORTING RECORD)

## A. Continuing use of emergency proclamations as a governing mechanism

Public records show that Governor Green has issued **more than 90 emergency proclamations** in a short period of time. These proclamations extend beyond discrete disaster response and increasingly function as **ongoing governance instruments**, raising concern that emergency powers are being normalized rather than reserved for extraordinary circumstances.

The Governor's office maintains a public archive of these proclamations, which demonstrates repeated extensions and overlapping emergencies.

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## B. Use of Chapter 127A authority to suspend laws, including open-government protections

HRS Chapter 127A grants the Governor authority, **during an emergency**, to suspend laws that "impede" emergency functions. In practice, proclamations have **partially suspended Sunshine Law and open-government requirements**, as noted by the Office of Information Practices during wildfire emergencies.

These suspensions raise threshold oversight questions appropriate for inquiry:

- Were suspensions **specific, necessary, and time-limited**?
  - Or did they operate as **substitutes for legislation**, bypassing normal democratic process?
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## C. Housing emergency proclamations: suspension of laws and judicial scrutiny

The Governor's housing emergency proclamations—publicly posted—suspended a broad range of laws governing **land use, historic preservation, and environmental review**.

These actions have been the subject of **litigation and public legal analysis**, including discussion of the Hawai'i Supreme Court's role in defining the limits of suspension authority under Chapter 127A.

An impeachment inquiry is the proper forum to assess whether the **scope and duration** of these suspensions exceeded constitutional boundaries.

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## D. Suspension of procurement safeguards and competitive bidding laws

Under multiple emergency proclamations, the Governor **suspended key procurement statutes**, including:

- **HRS Chapter 103D** (State Procurement Code)
- **HRS Chapter 103F** (Health and Human Services Procurement)

[https://spo.hawaii.gov/emergency-proclamations-archived/?utm\\_source=chatgpt.com](https://spo.hawaii.gov/emergency-proclamations-archived/?utm_source=chatgpt.com)

These suspensions allow agencies to **bypass competitive bidding, sole-source contracts, and transparency safeguards**, concentrating contracting discretion in the executive branch.

While intended to speed emergency response, **prolonged suspension of procurement laws reduces legislative oversight and increases risk of favoritism or unequal contractor access**, even absent evidence of specific misconduct. This structural risk itself **warrants inquiry**.

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### **E. Structural governance shift: delegation to executive-appointed private entities**

Recent legislation supported by the administration, including **HB1944**, proposes replacing a statutory public authority (HTA) with a **Governor-appointed private nonprofit**.

This reflects a broader pattern of **governing through executive-controlled or quasi-private entities**, reducing public accountability, Sunshine Law coverage, and legislative oversight. When combined with emergency powers, this raises concerns about **structural alteration of government without voter consent**.

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### **F. Evidence of legislative concern: proposed reforms to limit emergency powers**

Bills introduced to amend Chapter 127A would require **greater specificity, clarity, and limits** when suspending laws during emergencies. These proposals demonstrate that the Legislature itself recognizes a **constitutional imbalance** that may require correction.

This context strengthens the need for an impeachment inquiry to determine whether executive practices have exceeded constitutional tolerances.

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## **IV. Additional Context: Statewide Planning and Governance Frameworks**

Public records indicate that Hawai'i has aligned several state planning frameworks with the United Nations Sustainable Development Goals (SDGs). Because these goals originate from an international organization **developed outside the State legislative process**, this alignment raises **substantive questions** about oversight, local autonomy, and the degree of use of non-statutory policy frameworks in administrative decision-making, and **warrants**

**careful review** to ensure **full compliance** with applicable legal and constitutional requirements.

Public records demonstrate this alignment through the following initiatives:

- State Office of Planning alignment statements
- The Hawai'i 2050 Sustainability Plan (HRS §226-65)
- The Aloha+ Challenge and associated dashboards
- Voluntary Local Reviews (VLRs) submitted through UN channels

**Important legal distinction:**

Policy alignment alone is not impeachable. However, an inquiry is warranted to determine whether such frameworks have been **implemented through coercive mandates, procurement bypass, executive suspension of law, or circumvention of legislative authority**, rather than lawful legislative enactment.

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## V. WHY THIS IS IMPEACHMENT-RELEVANT: QUESTIONS FOR INQUIRY

The Legislature should formally examine:

1. **Necessity & proportionality**  
Were suspensions of law reasonably necessary for an **actual emergency**, or used to advance long-term policy goals?
  2. **Specificity & transparency**  
Were suspended statutes identified with precision and public justification?
  3. **Separation of powers**  
Has proclamation-based governance effectively **shifted lawmaking authority** from the Legislature to the executive?
  4. **Procurement & accountability**  
Did suspension of procurement safeguards materially reduce oversight and competitive fairness?
  5. **Breach of oath / public trust**  
Does the cumulative effect of these actions indicate a potential inconsistency with the Governor's constitutional duties?
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## VI. REQUESTED ACTION

We respectfully request that the Legislature:

1. **Open a formal impeachment inquiry** (fact-finding stage)
2. **Hold public oversight hearings** on emergency proclamations and law suspensions

3. **Require production of records** supporting necessity determinations and legal review
  4. **Issue formal findings** on whether articles of impeachment are warranted or statutory remedies are sufficient
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Legislative inaction in the face of sustained emergency governance **establishes precedent governing future administrations**. The question presented is not limited to a single officeholder but concerns the **preservation of institutional boundaries** for all future executives.

Concerned Hawai'i Local, on behalf of my 'ohana

The following exhibits provide factual documentation of the volume, scope, and practical effects of emergency proclamations and their interaction with statutory authority.

# EXHIBIT A

Volume and Frequency of Emergency Proclamations Issued by Governor Joshua B. Green, M.D.

Source: Office of the Governor – Emergency Proclamations Archive

<https://governor.hawaii.gov/emergency-proclamations/>

## Summary Count

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- Total emergency proclamations issued: *More than 90*
  - Time period: December 2022 – present
  - Average frequency: Multiple proclamations per month
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## Timeline Overview

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| Time Period         | Emergency Proclamations Issued | Notes   |
|---------------------|--------------------------------|---|
| Dec 2022 – Dec 2023 | Dozens                         | Includes housing, homelessness, wildfire, and public safety proclamations |
| Jan 2024 – Dec 2024 | Dozens                         | Includes extensions and new proclamations across ongoing policy areas     |
| Jan 2025 – Present  | Multiple                       | Continued use and extension of emergency authority                        |

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*Several proclamations were extended or reissued, resulting in prolonged emergency authority over the same subject matter.*

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## Purpose of Exhibit

This exhibit documents volume and frequency only.

Whether this continued use complies with constitutional and statutory limits is the subject of the requested impeachment inquiry.

# EXHIBIT B

## Statutory Authority and Limits on Emergency Powers

### Hawai'i Revised Statutes Chapter 127A

**Source:** Hawai'i Revised Statutes (HRS) Chapter 127A – Emergency Management  
[https://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/HRS0127A/](https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0127A/)

### Purpose

This exhibit identifies the **statutory authority granted to the Governor during a declared emergency**, as well as the **limits of that authority**, for purposes of legislative oversight and impeachment inquiry.

### Emergency Authority Granted

Under **HRS §127A-12**, the Governor is authorized during a declared emergency to:

- Direct emergency management functions
- Coordinate state and county response
- Utilize state resources to protect life and property

This authority is expressly tied to the existence of an **actual emergency or disaster**.

### Authority to Suspend Laws

Under **HRS §127A-13(a)(3)**, the Governor may:

“Suspend any law, ordinance, or rule that impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions.”

This power is **extraordinary** and applies **only during an emergency period**.

### Statutory and Constitutional Constraints

Chapter 127A does **not grant unlimited** authority. Key constraints include:

1. **Emergency-Specific Scope**  
Emergency actions must be directed at addressing the **emergency itself**, not ongoing policy conditions.
2. **Temporal Limitation**  
Emergency authority is **temporary** and must end when emergency conditions no longer exist.

### 3. **Necessity Requirement**

Suspension of laws must be **necessary**, not merely convenient, to emergency response.

### 4. **Legislative Supremacy**

Chapter 127A does not transfer legislative power. The Legislature retains authority to amend, repeal, or limit statutes.

### 5. **Constitutional Compliance**

All emergency actions remain subject to:

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- Separation of powers (Hawai'i Constitution, Article II)
  - Due process protections
  - The Governor's oath to faithfully execute the law
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Even if Chapter 127A permits temporary suspension of statutes during emergencies, the Legislature retains a constitutional duty to determine whether repeated extensions have transformed temporary emergency authority into a continuing substitute for legislation.

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## **Oversight Question Raised**

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Whether repeated or extended suspension of laws through emergency proclamations remains within the authority delegated by HRS Chapter 127A, or whether such use effectively substitutes executive decree for legislative action.

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## **Relevance to Impeachment Inquiry**

If emergency authority is:

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- Repeatedly invoked
  - Extended over long periods
  - Used to suspend multiple statutory schemes
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The Legislature must determine whether this reflects:

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- Excess of delegated authority
  - Usurpation of legislative power
  - Breach of oath of office
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## **Conclusion**

HRS Chapter 127A grants the Governor extraordinary authority **only under extraordinary conditions**. This exhibit provides the statutory foundation necessary for the Legislature to evaluate whether that authority has been exercised **within constitutional and statutory limits**.

# EXHIBIT C

## Representative Emergency Proclamation Suspending Multiple Statutes

Governor Joshua B. Green, M.D.

Source: Office of the Governor – Emergency Proclamations Archive

<https://governor.hawaii.gov/emergency-proclamations/>

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### Purpose

To provide **one representative example** of how emergency authority has been used to **suspend multiple state statutes**, illustrating scope and mechanism for legislative oversight. This exhibit does **not** assert illegality.

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### Representative Proclamation

- **Subject:** Housing Emergency
  - **Initial Issuance:** 2023
  - **Status:** Extended/amended by subsequent proclamations
  - **Function:** Expedite housing development and related actions
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### Categories of Laws Suspended or Bypassed

The proclamation authorizes suspension or bypass of statutory requirements across multiple policy areas, including:

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- **Land Use & Zoning** (planning and zoning processes)
  - **Environmental Review** (environmental assessments/impact statements)
  - **Historic Preservation** (consultation and review requirements)
  - **Procurement & Contracting** (competitive bidding procedures)
  - **Administrative Procedure & Public Process** (standard procedural requirements)
  - **Civil Service & Personnel** (hiring/classification exemptions)
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*Suspensions are commonly framed as permitting agencies to bypass requirements “to the extent necessary to expedite” actions related to the declared emergency.*

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## Key Characteristics

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1. **Broad Scope:** Affects multiple statutory schemes beyond immediate disaster response.
  2. **Delegated Discretion:** Agencies determine when statutory requirements may be bypassed.
  3. **Extended Duration:** Renewed or continued beyond an initial short-term period.
  4. **Policy-Level Impact:** Alters regulatory frameworks typically changed by legislation.
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## Oversight Question Raised

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**Whether suspension of multiple statutory schemes through emergency proclamation—particularly when extended—remains within authority delegated by HRS Chapter 127A, or functions as a substitute for legislative amendment.**

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## Relevance to Impeachment Inquiry

This exhibit is relevant to assessing:

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- Repeated reliance on emergency authority to suspend laws
  - Duration and breadth of suspensions
  - Potential displacement of the Legislature's lawmaking role
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## Conclusion

This representative proclamation demonstrates the **mechanism and scope** of law suspension under emergency authority. Whether such use remains within statutory and constitutional limits is appropriately examined through **legislative inquiry and oversight**.

# EXHIBIT D

## Judicial, Administrative, and Public Review of Emergency Proclamation Scope

### Sources:

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- *Nakoa III v. Governor of the State of Hawai'i* (Hawai'i Supreme Court, Sept. 11, 2025)
  - SCAP-24-0000401 Opinion (Hawai'i Supreme Court, Sept. 11, 2025)
  - Reporting on judicial review (Civil Beat, May & Sep 2025)
  - Office of Information Practices statements
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### 1. *Nakoa III v. Governor of the State of Hawai'i*

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- **Date:** September 11, 2025
- **Court:** Hawai'i Supreme Court
- **Docket:** SCAP-24-0000401

The Hawai'i Supreme Court issued a published opinion addressing the scope of emergency powers delegated under Hawai'i Revised Statutes Chapter 127A. The case arose from legal challenges to Governor Green's series of emergency proclamations related to affordable housing, which suspended various state law provisions and expedited approvals for housing projects. The Court held that proclamations **Six through Fifteenth** were valid as sufficiently related to the health, safety, and welfare of the public and reasonably necessary, but indicated that the law requires careful review of necessity and relation to the emergency. The Court also observed that earlier proclamations were too broad because they applied to all housing projects rather than narrowly focusing on affordable housing.

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### 2. Judicial Review and Authority Limits

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- Prior to the final decision, SCAP-24-0000401 was argued in mid-2025, highlighting dispute over whether long-term housing shortages fall within "emergency" under HRS §127A and whether suspension of laws absent clear urgency **exceeded statutory authority**. Plaintiffs argued emergency powers should be tied to **identifiable, sudden crises**, not longstanding policy issues.
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### 3. Administrative and Transparency Concerns

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- The **Office of Information Practices (OIP)** publicly acknowledged that emergency proclamations can affect open-government requirements, **including suspension of certain Sunshine Law** provisions during events such as wildfires. OIP statements indicate that

emergency action has **collateral impacts** on public process and transparency norms. (OIP public guidance.) *[Note: specific link to OIP statement can be appended if available]*

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#### 4. Public and Media Scrutiny of Emergency Authority

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- Media reporting, including analysis in *Civil Beat*, has documented Governor Green’s high volume of emergency proclamations (90+ as of mid-2025) and raised questions about whether emergency powers have been used for **policy-level conditions** such as affordable housing, homelessness, and axis deer control rather than acute emergencies. One commentary noted that a Hawai’i Supreme Court justice compared expansive use of proclamations to **broad executive orders** and indicated that **judicial limits may be clarified**.
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#### 5. Legislative Engagement on Statutory Reforms

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- Legislative efforts proposed in 2025 would amend Chapter 127A to require greater **specificity** when suspending statutory provisions during emergencies. Such reform proposals demonstrate **legislative concern** about how emergency powers have been exercised and **reinforce the need for oversight**. (Legislative bill tracking.) *[Note: bill references as Exhibit E]*
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### Oversight Question Raised

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Whether the cumulative effect of repeated emergency proclamations, including suspension of multiple statutory schemes over extended periods, merits examination to determine if they **exceeded the authority** delegated by Chapter 127A and if executive actions align with **constitutional separation of powers**.

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### Relevance to Impeachment Inquiry

Independent judicial review and ongoing legal challenges show that questions about the **scope, duration, and necessity** of emergency proclamations are not speculative; they have been the subject of formal legal proceedings. These proceedings provide documented instances where courts have evaluated and **clarified limits** on executive emergency authority—precisely the kinds of boundaries that legislative inquiry should explore further.

# EXHIBIT E

## Legislative Concern and Proposed Reforms Addressing Emergency Powers

### HRS Chapter 127A

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#### Purpose

To document **legislative concern and response** regarding the scope and use of emergency powers under **Hawai'i Revised Statutes Chapter 127A**, including proposals to clarify or limit the Governor's authority to suspend laws during declared emergencies.

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#### Legislative Context

The Hawai'i Constitution vests **law-making authority in the Legislature**. Emergency powers are delegated to the executive **only temporarily and for limited purposes**. When emergency authority is used broadly, repeatedly, or over extended periods, the Legislature has a **duty** to reassess whether that authority is being exercised as intended.

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#### Proposed Reform Efforts

In recent legislative sessions, lawmakers have introduced proposals to amend Chapter 127A that would:

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- Require **greater specificity** when suspending statutes during emergencies
  - Limit **blanket or generalized suspensions of law**
  - Clarify **duration and extension limits** for emergency declarations
  - Increase **transparency and legislative awareness** of suspended laws
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These efforts reflect concern that existing statutory language may permit **overbroad or prolonged executive action** absent clear guardrails.

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#### Significance

Legislative reform proposals are significant because they indicate:

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### 1. **Institutional Recognition**

Lawmakers have acknowledged potential problems with how emergency powers are being exercised.

### 2. **Separation-of-Powers Concerns**

Proposed amendments suggest unease that emergency authority may be **substituting for legislation**.

### 3. **Need for Oversight**

If emergency powers were clearly operating within legislative intent, corrective legislation would be unnecessary.

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## **Oversight Question Raised**

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**Do proposed reforms to Chapter 127A reflect legislative concern that executive use of emergency powers has exceeded intended limits and requires formal investigation or correction?**

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## **Relevance to Impeachment Inquiry**

Impeachment inquiry exists to address **patterns of conduct** that may:

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- Exceed delegated authority
  - Undermine **legislative supremacy**
  - Breach public trust
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Documented legislative efforts to rein in emergency powers support the need for a **formal impeachment inquiry** to evaluate executive compliance with constitutional and statutory limits.

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## **Conclusion**

Legislative reform proposals addressing Chapter 127A demonstrate that concerns over emergency powers are **real, documented, and shared within the Legislature itself**. This institutional response supports the necessity of **legislative inquiry and oversight** into the Governor's use of emergency authority.

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# EXHIBIT F

## State Planning and Governance Alignment With United Nations SDG Frameworks

### Purpose

To document the existence, scope, and operational use of the United Nations Sustainable Development Goals (SDGs) / Agenda 2030 within State of Hawai'i planning, reporting, and administrative governance, and to evaluate whether implementation practices remain consistent with constitutional separation of powers and legislative authority.

This exhibit does not assess the policy merits of sustainability initiatives.

The purpose is to determine whether external voluntary frameworks have functionally **operated as governing standards without legislative enactment**.

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### Formal Legislative Endorsement

Senate Concurrent Resolution 21 (2018) expressed support for the United Nations Sustainable Development Goals and encouraged state agencies and counties to consider SDG principles in planning and policy development.

Concurrent resolutions are non-binding and do not create statutory authority, regulatory mandates, or enforceable legal obligations.

Hawai'i was the first U.S. state to formally express support for Agenda 2030 through a concurrent resolution.

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### Centralized State Planning Structure

The Office of Planning and Sustainable Development (OPSD) coordinates statewide long-range planning, including:

- Hawai'i 2050 Sustainability Plan
- Climate adaptation and resilience planning
- Sea level rise planning
- Wildfire and drought mitigation planning

HRS §226-65 designates the Hawai'i 2050 Sustainability Plan as a guiding planning framework for coordination among agencies. The statute does not convert planning guidance into enforceable regulatory authority.

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### Metrics-Based Governance and Dashboards

The Aloha+ Challenge operates as a statewide tracking and reporting system measuring performance across policy areas including:

- Energy
- Food systems
- Water
- Climate resilience
- Land and natural resource management

Published materials map Aloha+ targets to United Nations SDG indicators.

These metrics are used in public reporting, funding prioritization discussions, and agency performance measurement.

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## International Reporting and Partnerships

The State of Hawai'i has produced Voluntary Local Reviews (VLRs) reporting progress toward SDG benchmarks, including:

- 2020 VLR
- 2023 VLR
- 2025 VLR

Hawai'i also participates as a Local2030 Hub within the international Local2030 Islands Network, sharing planning models and sustainability reporting methodologies.

Participation in international coordination networks is voluntary and does not independently create state legal obligations.

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## Oversight Concern Raised

The SDGs and related international frameworks are advisory and have **not been enacted into law by the Hawai'i Legislature** or ratified by voters.

A constitutional concern arises only if voluntary external frameworks transition from planning guidance into operational governing standards.

If agency decisions, regulatory actions, funding priorities, or emergency measures are implemented based primarily on external benchmarks rather than statutory authority, the **practical effect may resemble rulemaking without legislative enactment**.

The issue presented is therefore not international cooperation itself, but whether administrative execution relied upon non-binding frameworks as **de-facto governing criteria**.

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## Relevance to Impeachment Inquiry

This exhibit is relevant to determining whether executive administration:

1. Implemented policy standards derived from external frameworks **without legislative adoption**
2. Used planning metrics as functional regulatory authority
3. Expanded executive discretion through administrative programs or emergency powers beyond statutory limits
4. Altered the balance between legislative lawmaking and executive execution

The concern exists only if advisory planning frameworks become operational decision-making standards.

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## **Conclusion**

State records demonstrate formal endorsement, centralized planning coordination, performance metrics tracking, and international reporting aligned with the United Nations SDGs.

This exhibit does not assert illegality of sustainability policy or international cooperation. It raises the oversight question of whether implementation practices remained advisory in nature or functionally operated as **governing standards absent legislative enactment**.

Determining whether execution exceeded statutory authority is a matter appropriate for legislative oversight and impeachment inquiry.

# EXHIBIT G

## Suspension of Procurement Laws & Contracting Risk

### Purpose:

To document that emergency proclamations **explicitly suspended HRS Chapters 103D and 103F**, reducing competitive bidding, transparency, and legislative oversight.

### Why this matters:

Legislators care deeply about **budgetary control and procurement authority**. This exhibit shows:

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- Emergency powers were used to bypass laws that protect fairness and accountability
  - Risk of **favoritism** exists *even absent proof of corruption*
  - This is a **structural governance issue**, not a political one
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### Include:

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- Citation to proclamations suspending 103D/103F
  - SPO (State Procurement Office) language on emergency procurement
  - Explanation that this **centralizes contract discretion in the executive**
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 This exhibit directly ties emergency powers to **real fiscal consequences**.

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# EXHIBIT H

## Extensions & Rolling Emergencies

### Purpose:

To document how emergencies were **extended, renewed, or reissued**, sometimes for the **same** subject matter.

### Why this matters:

Emergency powers are supposed to be **temporary**. This exhibit shows:

- Emergencies becoming **quasi-permanent**
- Lack of clear termination criteria
- Emergency authority replacing legislation

### Include:

- Side-by-side timeline showing original declaration + extensions
- Notes on subject-matter continuity (housing, homelessness, wildfire, etc.)

| Subject / Proclamation Name | Original Declaration | Extensions / Renewals                               | Subject Matter Continuity       | Notes   |
|-----------------------------|----------------------|---|---------------------------------|---|
| Wildfire Emergency          | Aug 2023             | Extended multiple times through 2024 & 2025         | Wildfire response & recovery    | Multiple extensions with overlapping procurement code suspensions |
| Homelessness Emergency      | Jan 16, 2024         | Extended through Mar 16, 2026 (and possibly beyond) | Homelessness services & housing | Reissued twice; suspends procurement laws                         |

|  |                                    |  |  |   |
|--|------------------------------------|--|--|---|
| <b>Affordable Housing Emergency</b>                          | Dec * ?, 2023                      | Renewed through 2024 & 2025                                  | Housing construction & planning        | Continues similar authority over long periods     |
| <b>Axis Deer Crisis Emergency</b>                            | 2023                               | Renewed 2024 & 2025  | Invasive species & agricultural impact | Same subject matter, repeated extensions          |
| <b>Procurement Code Suspension (HRS Ch. 103D &amp; 103F)</b> | Multiple proclamations (2023–2026) | Suspended repeatedly in each emergency                       | Procurement flexibility                | Rolling suspensions triggered with each emergency |
| <b>School Bus Services Emergency</b>                         | 2024                               | Extended into 2025   | Transportation services                | Repeated extensions of similar authority          |
| <b>Healthcare / Public Health Emergency (COVID-related)</b>  | Early 2020                         | Continued effects into 2023–2024 in associated proclamations | Healthcare system stress               | Some provisions carried forward administratively  |

**This pattern reflects sustained executive governance under emergency authority.**

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# EXHIBIT I

## Comparison to Prior Governors

### Purpose:

To show whether Governor Green's use of emergency proclamations is **historically anomalous**.

### Why this matters:

This neutralizes the defense: *"Every governor does this."*

## Comparison to Prior Governors

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| Governor         | Years in Office | Approximate Number of Emergency Proclamations | Comparison Timeframe | Observations  |
|------------------|-----------------|---|----------------------|---|
| Josh Green       | 2022–present    | 90+ (reported)                                | ~3 years             | Significantly higher volume in a short timeframe; multiple rolling renewals tied to ongoing subject matters (housing, homelessness, wildfire recovery). |
| David Ige        | 2014–2022       | 40+ (reported)                                | 8 years              | Lower overall volume spread across a full two-term administration.  |
| Neil Abercrombie | 2010–2014       | At least 4 (documented minimum)               | ~4 years             | Emergency powers used episodically; no evidence of sustained rolling emergency governance.  |
| Linda Lingle     | 2002–2010       | No consolidated public total available        | 8 years              | Emergencies were issued, but archival records do not show a comparable pattern of continuous rolling proclamations.                                     |

Summary Observation:

Based on reported figures and available archival documentation, Governor Green's use of emergency proclamations appears materially higher in volume and frequency relative to prior administrations, particularly when adjusted for time in office.

If Governor Green's volume of emergency proclamations is materially higher than that of prior administrations, this disparity provides **significant contextual support for an impeachment inquiry**, as it may indicate an unprecedented reliance on emergency authority that **warrants formal legislative review**.

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# EXHIBIT J

## Structural Shift of Public Authority

### Purpose:

To document a broader pattern of shifting public authority from directly accountable government bodies to executive-appointed or quasi-private entities.

### Why this matters:

Tourism is Hawai'i's largest economic sector and a primary driver of employment, tax revenue, and local business activity. Governance decisions affecting this sector therefore have statewide economic consequences. Structural changes that move tourism oversight away from traditional public accountability frameworks raise significant concerns about transparency, legislative oversight, and democratic control — particularly when considered alongside expanded executive emergency authority.

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## Case Study: HB1944 — Proposed Institutional Restructuring

### Summary of HB1944:

HB1944 proposes replacing the Hawaii Tourism Authority with a governor-appointed nonprofit or similar entity structure, transferring operational control from a legislatively created public authority to a new organizational framework. Because tourism is Hawai'i's primary economic engine, relocating governance into a less transparent or differently classified entity could materially affect public oversight of decisions impacting the state's largest industry.

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## Governance Comparison Table

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| Governance Feature  | Prior Public Authority Structure                        | Proposed Structure Under HB1944           | Potential Impact                                       |
|---------------------|---|---|--|
| Oversight framework | Subject to legislative oversight and statutory controls | Increased executive appointment authority | Greater concentration of authority in executive branch |

|                           |  |   |  |
|---------------------------|--|---|--|
| Transparency requirements | Covered by Sunshine Law and open meetings requirements | Coverage may be reduced or altered depending on entity classification | Reduced public visibility into decisions affecting the state's largest economic sector |
| Appointment process       | Mixed or legislatively structured appointments         | Primarily executive-appointed leadership                              | Diminished legislative participation in governance                                     |
| Public accountability     | Direct public agency accountability                    | Accountability mediated through organizational structure              | Less direct public and voter influence   |
| Legal status              | State public authority                                 | Quasi-public or nonprofit model                                       | Governance shifts outside traditional agency framework                                 |

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## Observed Governance Shift

HB1944 illustrates a broader governance shift in which operational authority over a critical economic sector may be transferred from a traditional public agency to an executive-appointed or quasi-private structure. When paired with the expanded use of emergency proclamations, this restructuring **raises substantive questions** about the long-term balance between executive flexibility and legislative oversight in areas central to Hawai'i's economy.

This exhibit documents institutional change and provides **context for legislative review** of transparency, accountability, and separation-of-powers concerns.

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# EXHIBIT K

## Office of Information Practices (OIP) Guidance

### Purpose:

To document acknowledged impacts on the Sunshine Law, public participation, and governmental transparency based on guidance issued by the Hawaii Office of Information Practices (OIP), an independent state oversight body.

### Why this matters:

Because OIP serves as Hawai'i's neutral authority on open government and transparency laws, its published guidance provides institutional acknowledgment of how emergency governance and structural changes can affect public access and participation.

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## Documented Impacts Identified in OIP Guidance

### 1. Impact on Sunshine Law Compliance

OIP guidance recognizes that emergency proclamations and modified operating procedures may:

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- Permit remote or modified meeting formats that differ from standard Sunshine Law expectations
  - Reduce opportunities for in-person observation and participation
  - Create practical barriers to public access when procedures are altered
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While emergency flexibility is permitted under law, OIP emphasizes that agencies must still strive to preserve the **core intent of the Sunshine Law: open deliberation and public visibility**.

### Observed impact:

Temporary emergency accommodations can, in practice, narrow the transparency normally guaranteed under standard Sunshine Law procedures.

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### 2. Impact on Public Participation

OIP has acknowledged that emergency operating conditions may:

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- Limit traditional public comment opportunities
  - Change how testimony is submitted or heard
  - Reduce spontaneous public engagement during meetings
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Even when alternative participation methods are offered (e.g., written submissions or remote access), OIP guidance notes that these substitutes may not fully replicate ordinary public participation dynamics.

**Observed impact:**

Public engagement mechanisms may become more procedural and less interactive during extended emergency governance.

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**3. Impact on Transparency and Information Access**

OIP guidance stresses that agencies must continue complying with open records and transparency obligations during emergencies. However, it also acknowledges that:

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- Operational disruptions may delay responses
  - Emergency conditions can complicate access to records
  - Modified procedures may affect how information is disseminated
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OIP consistently reiterates that emergency authority does **not suspend the fundamental principle of open government**, but practical transparency may still be affected.

**Observed impact:**

Extended emergency frameworks can introduce friction in timely public access to information.

**Summary**

Guidance from the Office of Information Practices — Hawai'i's neutral open-government oversight authority — confirms that emergency governance and altered operating procedures can materially affect Sunshine Law implementation, public participation, and transparency. Because open government and public access to decision-making are **core constitutional principles** in Hawai'i, any sustained impact on these safeguards **warrants careful review** to ensure that transparency and public participation remain fully protected.

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# EXHIBIT L

## Legislative Power Displacement Matrix

### Purpose:

To visually map which traditionally legislative or statutory functions were displaced or modified through emergency proclamations, and to show the practical effect of those displacements on governance. This exhibit is designed as a concise visual reference to help lawmakers quickly understand how emergency authority intersected with core legislative domains.

### Why this matters:

Emergency proclamations are intended to be **temporary tools for urgent response**. When they suspend or alter statutory frameworks in areas normally governed by legislation, the balance between executive action and legislative authority becomes a **matter of constitutional oversight**. This matrix highlights where that displacement occurs and what functions are affected.

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## Legislative Power Displacement Matrix

| Legislative Domain                       | Normal Legislative Function                                   | Authority Affected by Emergency Proclamations  | Practical Effect of Displacement                                       | Oversight / Transparency Impact                                       |
|--|---|--|--|---|
| <b>Lawmaking / Statutory Enforcement</b> | Legislature sets binding statutory procedures and limits      | Suspension or modification of specified statutory provisions under emergency authority | Executive branch may temporarily bypass certain statutory requirements | Reduced legislative control during emergency period                   |
| <b>Procurement (HRS 103D / 103F)</b>     | Competitive bidding and procurement safeguards set by statute | Procurement rules suspended or streamlined during emergencies                          | Faster contracting and resource deployment                             | Reduced competitive safeguards and public visibility into contracting |

|                                      |   |   |  |  |
|--------------------------------------|---|---|--|--|
| <b>Land Use &amp; Development</b>    | Zoning and development processes governed by statute and agency review  | Certain permitting or review timelines adjusted or expedited    | Accelerated project approvals  | Compressed review timelines and public input opportunities |
| <b>Environmental Review</b>          | Environmental assessments and compliance procedures required by statute | Modified compliance timelines or procedural flexibility         | Faster implementation of emergency projects                            | Potential reduction in standard review processes           |
| <b>Public Process / Sunshine Law</b> | Open meetings and public participation guaranteed by law                | Emergency operating procedures alter meeting formats and access | Alternative participation methods replace standard in-person processes | Practical limitations on public engagement and observation |

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**Summary Observation:**

This matrix illustrates that emergency proclamations can temporarily shift operational control in multiple domains **traditionally governed by legislative statute**. While emergency authority is lawful and sometimes necessary, the **cumulative effect** across several domains **warrants legislative awareness and review** to ensure that temporary measures do not become de facto substitutes for **ordinary legislative governance**.

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# EXHIBIT M

## Clarification of Act 111 (2014) and Emergency Powers Under HRS Chapter 127A

### Purpose:

To clarify the statutory authority granted to the Governor under Act 111 (2014) and Hawai'i Revised Statutes Chapter 127A, and to identify the limits of that authority relevant to legislative oversight.

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### 1. Statutory Authority Granted

Act 111 (2014) reorganized Hawai'i's emergency management laws and established the current framework under **HRS Chapter 127A**.

Under **HRS §127A-13(a)(3)**, the Governor may during a declared emergency:

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“Suspend any law, ordinance, or rule that impedes or tends to impede or is detrimental to the expeditious and efficient execution of emergency functions.”

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This authority permits temporary suspension of statutes when necessary to address an emergency condition.

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### 2. Intended Scope of Emergency Authority

Emergency powers are traditionally justified because emergencies are:

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- **sudden**
  - **unexpected**
  - **temporary**
- 

The Legislature delegates extraordinary authority only for the duration of a genuine emergency condition where ordinary legislative processes cannot respond quickly enough.

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### 3. Statutory and Constitutional Constraints

Act 111 and Chapter 127A do **not grant unlimited authority**. Key limits include:

### **A. Necessity Requirement**

Suspension of laws must be **necessary for emergency response**, not merely convenient for administrative or policy purposes.

### **B. Emergency-Specific Scope**

Actions must address the **emergency itself**, rather than long-term policy issues or ongoing social conditions.

### **C. Temporary Duration**

Emergency proclamations expire after **60 days unless renewed**, reflecting the expectation that emergency authority is temporary rather than permanent.

### **D. Legislative Supremacy**

The Hawai'i Constitution vests **law-making authority in the Legislature**, and emergency authority does not transfer that power to the executive branch.

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## **4. Oversight Question Raised**

This exhibit does not dispute that the Governor possesses emergency authority under Chapter 127A.

The question presented for legislative review is whether **repeated or extended use of emergency proclamations — particularly those suspending multiple statutory schemes over long periods — remains within the scope of authority intended by the Legislature**, or whether it effectively substitutes executive action for legislative lawmaking.

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## **5. Relevance to Impeachment Inquiry**

If emergency powers are:

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- repeatedly renewed,
  - applied to ongoing policy issues,
  - used to suspend multiple statutory safeguards,
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the Legislature has a constitutional responsibility to determine whether executive conduct remains within the limits of delegated authority or whether corrective legislative or constitutional action is warranted.

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