

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 1051
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Public Safety and Military Affairs and Energy and Environment, to which was referred H.B. No. 1051, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENERGY EMERGENCY PREPAREDNESS,"

beg leave to report as follows:

The purpose of this measure is to ensure the Department of Business, Economic Development, and Tourism is equipped with the necessary tools to satisfactorily perform its energy emergency preparedness functions by:

- (1) Statutorily establishing the state energy emergency preparedness program's coverage of all forms of energy emergencies;
- (2) Detailing the types of information energy companies must submit to the State for energy emergency preparedness purposes;
- (3) Authorizing the Department of Business, Economic Development, and Tourism to compile and analyze information, including confidential information, to effectuate the State's role and responsibilities in energy emergency planning and preparedness, mitigation, response, and recovery; and



- (4) Requiring the Department of Business, Economic Development, and Tourism to comply with confidentiality requirements for information obtained for energy emergency preparedness purposes.

Testimony in support of this measure was submitted by one state agency and one private organization. Testimony in opposition of this measure was submitted by two private organizations. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that when the Governor declares an emergency for this State it is vital to the protection of the people and safeguarding of property that the Department of Business, Economic Development, and Tourism receive, process, and analyze certain confidential information of private entities that is not normally available to the public. Your Committees also find that the information requested by the Department of Business, Economic Development, and Tourism shall have a reasonable nexus or connection to mitigating the declared emergency or the potential damages that may result from the declared emergency.

Your Committees have amended this measure by:

- (1) Clarifying that the sharing of information between private entities and the Department of Business, Economic Development, and Tourism surrounding the circumstances of a declared emergency from the Governor shall be limited to that information that has a reasonable nexus to mitigating the declared emergency or any potential injuries, damages, losses, or hardships arising therefrom that may detrimentally affect people or property located in Hawaii;
- (2) Requiring the Department of Business, Economic Development, and Tourism to provide a report to the Legislature within sixty days after a declared emergency is issued by the Governor that details, among other things, the specific information requested, the purpose of the request, the reasonable nexus between the information requested and mitigating the declared emergency or the potential injuries, damages, losses, or hardships arising therefrom, and the resulting damages from the emergency;



- (3) Changing the effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1051, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1051, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Military Affairs and Energy and
Environment,



MIKE GABBARD, Chair

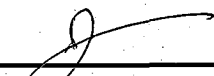


WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1051 HD1	PSM/ENE, JGO	3/24/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BUNDA, Robert (VC)				✓
ENGLISH, J. Kalani				✓
GABBARD, Mike				✓
GALUTERIA, Brickwood		✓		
KIDANI, Michelle N.	✓			
HEMMINGS, Fred	✓			
TOTAL	3	1		3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1051 HD1</i>	<i>PSM/ENE, JGO</i>	<i>3/21/09</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
HOOSER, Gary L.				✓
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.	✓			
HEMMINGS, Fred	✓			
TOTAL	<i>5</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>[Signature]</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

***Only one measure per Record of Votes**