

Honolulu, Hawaii
FEB 12, 2010

RE: H.B. No. 2718

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 2718 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL DEFENSE,"

begs leave to report as follows:

The purpose of this bill is to protect the health and safety of the residents of and visitors to Hawaii by allowing the Governor to:

- (1) Order and direct state or local government agencies, officers, and employees, to take actions and employ measures necessary to mitigate hazardous situations; and
- (2) Authorize state or local agencies, officers, and employees to enter private property at reasonable times to investigate, determine, or mitigate situations deemed by the governor to be hazardous to the health and safety of the public, even in the absence of a civil defense activity or other emergency.

The State Department of Defense testified in support of this bill. The Mayor of the City and County of Honolulu testified in opposition to this measure.

Although your Committee understands the concerns raised by the City and County of Honolulu regarding the issue of home rule and that there may be liability issues that this bill does not address, the mitigation of possibly hazardous conditions through



this process contained in this measure warrants further consideration.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2718 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



FAYE MANOHANO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HJR 398-10

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: HB 2718	Committee Referral: PBS, JUD	Date: 02-11-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. AQUINO, Henry J.C. (VC)	✓			
3. AWANA, Karen Leinani				✓
4. KEITH-AGARAN, Gilbert S.C.	✓			
5. LEE, Marilyn B.	✓			
6. NAKASHIMA, Mark M.	✓			
7. RHOADS, Karl	✓			
8. SAIKI, Scott K.	✓			
9. SOUKI, Joseph M.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.				✓
12. PINE, Kymberly Marcos				✓
TOTAL (12)	9	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				