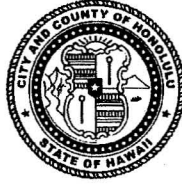


# LATE TESTIMONY

OFFICE OF THE MAYOR  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR



February 10, 2010

The Honorable Faye P. Hanohano, Chair  
and Members  
Committee on Public Safety  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

SUBJECT: H.B. 2718, Relating to Civil Defense

Dear Chair Hanohano and Members:

The City and County of Honolulu opposes H.B. 2718, which provides additional statutory authority that enables the governor to order and direct state or local government agencies, officers, and employees to take actions and employ measures for the mitigation of hazardous situations.

This legislation would usurp county home-rule by empowering the governor to direct county personnel to take certain actions regarding situations deemed to be hazardous to public health and safety.

The existing definition of hazardous situations, as specified in HRS 128-10, Section 2, is too broadly defined and includes conditions that may not constitute mitigation priorities for the purposes of emergency management.

This measure does not address the fiscal repercussions for the county governments. In particular, emergencies that are not declared by the President or governor have no provisions for reimbursement by the federal or state governments, respectively. The result would be that the county governments would bear the full cost of any mitigation measures.

While the City and County of Honolulu acknowledges that certain mitigation activities are beyond the means of private landowners, we must also take into account

those private landowners who willfully refuse to divert personal funds to maintain their property. It would be irresponsible for a government to intervene and absorb the costs for mitigation work in areas that clearly are the responsibility of the property owner. This proposal contains no provisions to require a property owner to reimburse the county government for the cost of mitigation measures.

Furthermore, this bill has no provisions for limited liabilities. Situations could arise, such as damage to property during mitigation activities (e.g., stream bank erosion caused by heavy equipment used in the activity). Unless clearly legislated, homeowners will exercise their recourse rights for the restoration of their property. On-site liability waivers can still be protested.

Thank you for the opportunity to testify on H.B. 2718.

Sincerely,

A handwritten signature in black ink, appearing to read "Mufi Hannemann", with a long horizontal flourish extending to the right.

Mufi Hannemann  
Mayor