

SB 2202

Measure Title:

RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT.

Report Title:

Civil Defense

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2202
A BILL RELATING TO CIVIL DEFENSE

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

January 26, 2010

Chair Espero and Committee Members:

I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am providing testimony that opposes Senate Bill 2202.

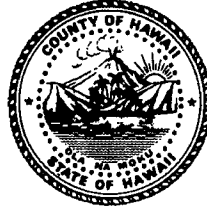
The proposed bill adds "natural disaster or man-made disaster" to HRS Section 128-19. There is no reason to amend Section 128-19 because all of the provisions of Chapter 128 already apply to natural and man-made disasters and by doing so we may run the risk of excluding the rest of Chapter 128 from natural and man-made disasters.

HRS Section 127-10 makes it clear that the provisions of Chapter 128 are applicable for other disaster relief including natural and man-made disasters or emergencies. The law and the Hawaii courts, recognize that in as much as the provisions of HRS 127-1 through 9 have been indefinitely suspended, all of the provisions of Chapter 128 are applicable in other disasters both natural and man-made.

By including the language as the bill proposes in this single section of Chapter 128, an argument can be made that it is specifically excluded in all other sections of Chapter 128. Therefore, we strongly recommend that such language NOT be added to Section 128-19.

Thank you for the opportunity to provide testimony that opposes Senate Bill 2202. Are there any questions?

William P. Kenoi
Mayor



William T. Takaba
Managing Director

Walter K.M. Lau
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5722 Hanama Place, Suite 102 • Kailua-Kona, Hawai'i 96740
(808) 327-3602 • Fax (808) 326-5663

January 26, 2010

Honorable Wil Espero, Chair
Senate Committee on Public Safety and Military Affairs
Hawai'i State Capitol, Room 229, 1:15 p.m.
415 South Beretania Street
Honolulu, Hawai'i 96813

TESTIMONY ON S.B. 2202 RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT

Aloha, Chair Espero and Members of the Committee:

Thank you for this opportunity to strongly support Senate Bill 2202, RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT.

S.B. 2202 amends the Civil Defense and Emergency Act to extend the immunity from liability to persons who voluntarily and without compensation permit the designation and use of their properties as shelters during natural and man-made disasters.

Currently this law provides civil liability protection to shelter operators only in cases of "an actual, impending, mock or practice attack..." We respectfully suggest the current language in the law be expanded to provide civil liability protection to shelter operators designated by director of civil defense "during an actual, impending mock or practice attack, natural disaster or man-made disaster...."

Mahalo for your consideration.

Aloha,

A handwritten signature in black ink, appearing to read "W. P. Kenoi".

William P. Kenoi
MAYOR