



The Judiciary, State of Hawai‘i

Testimony to
The House Committee on Public Safety
Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair
and
The House Committee on Veterans, Military, & International Affairs,
& Culture and the Arts
Representative K. Mark Takai, Chair
Representative Ken Ito, Vice Chair

Thursday, February 7, 2013 at 11:15 a.m.
State Capitol, Conference Room 309

by
Iris T. Murayama
Deputy Administrative Director of the Courts

Bill No. and Title: House Bill No. 849, Relating to Emergency Management.

Purpose: Recodifies Hawai‘i’s emergency management statutes by updating the statutes, clarifying the relationship between the state and county emergency management agencies, and delineating the emergency management functions and powers of the Governor and mayors.

Judiciary's Position:

The Judiciary supports the intent of House Bill 849.

The Judiciary also notes one concern about House Bill No. 849. Section 16 of the bill would repeal Hawaii Revised Statutes chapter 128. Accordingly, the bill includes provisions that amend other statutes that make reference to chapter 128, to specific sections of chapter 128, or to the terms “civil defense.” However, the bill does not include any provision to amend Hawaii Revised Statutes section 601-1.5(a), which references both “civil defense” and section 128-7. House Bill No. 849 should be revised to include an additional section that amends section 601-1.5(a) by deleting the references to “civil defense” and section 128-7.

Thank you for the opportunity to testify on House Bill 849.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE GG-BL

February 7, 2013

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
The Honorable K. Mark Takai, Chair
and Members
Committee on Veterans, Military, and International
Affairs, and Culture and the Arts
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Aquino and Takai and Members:

Subject: House Bill No. 849, Relating to Emergency Management

I am Gordon Gomes, Captain of the Major Events Division, Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 849, Relating to Emergency Management. The present way we plan for, respond to, mitigate, and recover from man-made and natural catastrophic events is not reflected in Hawaii's present emergency management laws. House Bill No. 849 will update Hawaii's emergency management laws to conform to nationwide practices in emergency management.

House Bill No. 849 will clearly delineate the lines of authority between the governor and the county mayors with regard to emergency management. It will also establish county emergency management agencies that are independent from state control on a day-to-day basis. This provides for a more timely response to emergency management issues and enhances interagency operations at the county level.

Thank you for the opportunity to testify. I urge your committee to support and pass House Bill No. 849.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Gomes", is written over a horizontal line.

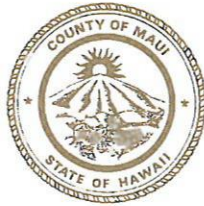
GORDON GOMES, Captain
Major Events Division

APPROVED BY:

A handwritten signature in black ink, appearing to read "Louis M. Kealoaha", is written over a horizontal line.

LOUIS M. KEALOHA
Chief of Police

ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Hawai'i 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR

Ke'ena O Ka Meia

COUNTY OF MAUI – Kalana O Maui

TESTIMONY OF ALAN ARAKAWA, MAYOR COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON PUBLIC SAFETY

and

COMMITTEE ON VETERANS, MILITARY, & INTERNATIONAL AFFAIRS & CULTURE AND THE ARTS

Thursday, February 7, 2013, 11:15 a.m., Conf Room 309

HOUSE BILL 849 RELATING TO EMERGENCY MANAGEMENT

The Honorable Rep. Henry J.C. Aquino, Chair
And Members of the Committee on Public Safety

The Honorable Rep. K. Mark Takai, Chair
And Members of the Committee on Veterans, Military & International Affairs & Culture
and the Arts

Thank you for this opportunity to offer testimony in **SUPPORT** of House Bill 849.

HB 849 proposes needed changes to the current State of Hawaii civil defense statutes, and will help to better protect the people of the County of Maui and the State of Hawaii. The civil defense statutes currently used were written over 50 years ago and need to be updated.

The biggest change in HB 849 concerns my role in emergency management as the Mayor. Under the laws we operate under now, I have no civil defense authorities in my role as the chief elected executive of the county. All of my authority comes from being appointed as the Deputy Director of Civil Defense by the Adjutant General. This bill will provide me the emergency management responsibility and authority I need to help protect the citizens of my county. These powers will come as a part of my elected office and will not be dependent upon being "appointed" by an outside entity. HB 849 also provides specific powers and authorities that until now have been provided to the Governor and delegated to me through the Adjutant General.

The establishment of the Emergency Specialist Reserve Corps (ESRC) is a change that will increase our readiness at a minor cost. Since we cannot afford a full-time force that is large enough to staff our EOC for 24 hour operations for weeks on-end, being able to request trained reservists to assist is an important innovation. The ESRC will be a low-cost surge staff to assist government (state and local) during emergencies.

HB 849 is a comprehensive re-codification of the emergency management laws in our state. This bill will simplify the law by placing all emergency management authorities in one chapter of the HRS. It will strengthen emergency management by making the County Mayors responsible for emergency management in their counties and provide them clear powers and authorities to act in their jurisdictions. It promotes partnership by clarifying the powers and authorities of the Governor and the Mayors. It also increases our capabilities by providing a mechanism to hire and train a low-cost surge staff.

Accordingly, I strongly urge you to pass HB 849 as written.

William P. Kenoi
Mayor

Walter K.M. Lau
Managing Director



Darryl J. Oliveira
Director of Civil Defense

County of Hawaii

CIVIL DEFENSE AGENCY

920 Ululani Street • Hilo, Hawai'i 96720-3958
(808) 935-0031 • Fax (808) 935-6460

February 6, 2013

Representative Henry Aquino, Chair
House Committee on Public Safety
State of Hawaii

Dear Representative Aquino,

I would like to request your support and passage of House Bill 849 relating to Emergency Management. As proposed, House Bill 849 will provide for the following:

- It will remove the Governor, the Director and the state civil defense agency from day-to-day oversight of the county civil defense agencies.
- It will make the Mayor and the county emergency management agency responsible for all emergency management activities in the county
- Provide the Mayor of each county with explicit functions, responsibilities and powers (including the power to order an evacuation within their county)
- Recodifies the powers and authorities of the Governor and Mayors
- Places all emergency management responsibilities, functions and authorities in one chapter, easing the confusion of having to search different chapters for powers and authorities and determining which takes precedence
- Establishes the Emergency Specialist Reserve Corps (ESRC), a low-cost surge staff to assist state and local government during emergencies. The ESRC will be recruited from community members across the islands, and will be fully trained and ready to respond during a disaster.
- Will simplify the law by placing all emergency management authorities in one chapter of the HRS. It will strengthen emergency management by making the County Mayors responsible for emergency management in their counties and providing them clear powers and authorities to act in their jurisdictions. It promotes partnership by clarifying the powers and authorities of the Governor and the Mayors. And it increases our capabilities by providing a mechanism to hire and train a low-cost surge staff.

Thank you for the opportunity to provide testimony on HB 849 and I strongly urge and request your passage of this measure as written.

Thank you,

Darryl Oliveira, Director



STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 849
A BILL RELATING TO EMERGENCY MANAGEMENT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY AND
THE HOUSE COMMITTEE ON VETERANS, MILITARY,
& INTERNATIONAL AFFAIRS, & CULTURE AND THE ARTS

BY

MR. DOUG MAYNE
VICE DIRECTOR OF STATE CIVIL DEFENSE
February 7, 2013

Chair Aquino, Chair Takai, Vice Chair Ing, Vice Chair Ito, and Members of the Public Safety and the Veterans, Military, & International Affairs, & Culture and the Arts Committee:

I am Doug Mayne, Vice Director of State Civil Defense. I am testifying in **FAVOR** of House Bill 849.

HB 849 proposes needed recodification of, and a small number of additions to, the current Hawaii civil defense statutes. These changes will help better protect the people of Hawaii. The civil defense statutes we are using today were written in the 1940's, and, over time, civil defense authorities have been placed into at least 4 different chapters of the Hawaii Revised Statutes. Among other things, HB 849 will streamline the law by placing all emergency management authorities in one chapter and will update the language of the law.

One new section in HB 849 establishes the Emergency Specialist Reserve Corps (ESRC). We know we cannot afford a full-time force that is large enough to staff medium and large-scale disasters for 24 hour operations for weeks on-end. The ESRC will be a low-cost surge staff to assist government (state and local) during emergencies. The ESRC will be recruited from community members, trained, and ready to assume their duties when mobilized by the Administrator of Emergency Management. The ESRC members will be required to attend 4 one-day training periods each year to ensure they are ready to respond. Up to \$100,000 of the cost of the required training (salaries, facilities and training material) for the ESRC will be taken from the major disaster fund. The ESRC will provide a low cost, fully-trained surge staffing capability.

A second new section codifies our existing support of the State Warning Point, a 24/7 watch facility staffed by State Civil Defense personnel. This is a function we have performed since 2005.

HB 849 recodifies the powers and authorities of the Governor. Some of the powers under the current statute are outmoded and need to be repealed. HRS 128-6(5)(A), for example, authorizes the Governor to provide for "Compulsory RHo blood typing on females of child bearing age or younger..." This power is dropped in the new bill as unnecessary. Other powers are very broad in nature and are moved to a more restrictive category. For example, the Governor now has the authority to take over direct operational control of an emergency at any time; this becomes a power he will only have during an emergency period. All of the Governor's

powers in sections 12, 13 and 14 are authorities that are listed in the current statute; HB 849 clarifies one authority – the ability to identify emergency response personnel among government workers and order them to report for duty regardless of the availability of leave. This clarification is designed to ensure that employees who are needed for disaster response and recovery can be ordered to report for work, even if administrative leave is granted to the general work force.

The biggest change in HB 849 concerns the role of the county Mayor. The current civil defense statutes place all civil defense authorities with the Governor, which can be delegated to the Director of Civil Defense and sub-delegated to the Mayors. Under the current statutes, Mayors have no authority over civil defense matters until they are appointed as a Deputy Director of Civil Defense by the Director (The Adjutant General). HB 849 provides the Mayors their emergency management authorities as a function of being the chief elected executive of the county. This law will establish clear emergency management roles and responsibilities for the Mayor of each county, establish a county emergency management agency under the direction of each Mayor, and provide specific emergency management authorities for the Mayor. These changes will make clear the roles and responsibilities of the county and state level governments, ensuring a clear understanding of who is responsible for what.

HB 849 is a comprehensive recodification of the emergency management laws in our state. This bill will simplify the law by placing all emergency management authorities in one chapter of the HRS. It will strengthen emergency management by making the County Mayors responsible for emergency management in their counties and providing them clear powers and authorities to act in their jurisdictions. It promotes partnership by clarifying the powers and authorities of the Governor and the Mayors. And it increases our capabilities by providing a mechanism to hire and train a low-cost surge staff.

I strongly urge you to pass HB 849 as written.

Thank you for the opportunity to provide this testimony.

RICHARD K. MINATOYA

TESTIMONY

ON

HB 849 - RELATING TO EMERGENCY MANAGEMENT

February 7, 2013

The Honorable Henry J. C. Aquino
Chair
The Honorable Kaniela Ing
Vice Chair
and Members
House Committee on Public Safety

The Honorable K. Mark Takai
Chair
The Honorable Ken Ito
Vice Chair
and Members
House Committee on Veterans, Military, & International Affairs, & Culture and the Arts

Chair Aquino, Vice Chair Ing, and Members of the PBS Committee, and Chair Takai, Vice Chair Ito, and Members of the VMI Committee:

I am Richard Minatoya, and I serve as the Maui County member of the Civil Defense Advisory Council. I STRONGLY SUPPORT HB 849, Relating to Emergency Management.

HB 849 modernizes the old Civil Defense laws to an up-to-date emergency management system to serve the State and counties. It also gives much needed clarification of the interaction between the State and the counties in times of emergencies, and also clarifies the role of the Governor and mayors. This is a much needed revamp of the emergency management laws.

I ask that the committees PASS HB 849 AS IS.

Thank you very much for the opportunity to provide testimony on this bill.



ALAN ARAKAWA
MAYOR

**COUNTY OF MAUI
CIVIL DEFENSE AGENCY**

200 S. High Street
Wailuku, HI 96793-2155
p: 808-270-2785 f: 808-270-7275
civil.defense@mauicounty.gov




ANNA FOUST
EMERGENCY MANAGEMENT
OFFICER

February 6, 2013

TO: The Honorable Rep. Henry J.C. Aquino, Chair and Members
Committee on Public Safety, Government Operations, and Military Affairs

The Honorable Rep. K. Mark Takai, Chair and Members
Committee on Veterans, Military & International Affairs

FROM: 
Anna M. Foust
Emergency Management Officer

SUBJECT: **FEBRUARY 7, 2012 PUBLIC HEARING; TESTIMONY IN SUPPORT of HB 849
RELATING TO EMERGENCY MANAGEMENT**

Thank you for the opportunity to testify in support of House Bill 849. I provide this testimony as the Maui Civil Defense Agency, Emergency Management Officer.

HB 849 proposes needed changes to the current State of Hawaii civil defense statutes, which will help better protect the people of the County of Maui and the State of Hawaii. The civil defense statutes we are using today were written over 50 years ago and need to be updated.

HB 849 is a comprehensive re-codification of the emergency management laws in our state. This bill will simplify the law by placing all emergency management authorities in one chapter of the HRS. It will strengthen emergency management by making the County Mayors responsible for emergency management in their counties and providing them clear powers and authorities to act in their jurisdictions. It promotes partnership by clarifying the powers and authorities of the Governor and the Mayors. And it increases our capabilities by providing a mechanism to hire and train a low-cost surge staff.

For the reasons above, I strongly urge you to pass HB 849 as written.