

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 680 SD1 HD1  
A BILL RELATING TO RELATING HOMELAND SECURITY

PRESENTATION TO THE  
HOUSE COMMITTEE ON FINANCE

BY

MAJOR GENERAL DARRYLL D. M. WONG  
ADJUTANT GENERAL

March 28, 2013

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and Members of the Committee on Finance:

I am Major General Darryll D. M. Wong, the State Adjutant General (TAG). In this role and under the State Department of Defense, I am also the Director of State Civil Defense, Homeland Security Advisor (HSA) to the Governor and State Administrative Agent (SAA) for administering Department of Homeland Security grants. I am providing testimony in **strong support** of Senate Bill 680 SD1 HD1.

It is important to understand that the State Department of Defense already contains State Civil Defense (SCD), and SCD currently performs homeland security and grants management functions. This bill simply asks the State to formally stand up a separate Office of Homeland Security under the State Department of Defense. Thirty three States have recognized the importance of homeland security functions and have established a Homeland Security Division within an existing Department.

There are fundamental differences between “consequence management” (the role of State Civil Defense) and “homeland security”. The role of State Civil Defense is to focus on Preparation, Response, Recovery, and Mitigation of natural or manmade disasters. The planning and coordination of these activities are important and, in themselves, consume a lot of SCD’s time and resources. The role of Homeland Security is to coordinate the State’s PREVENTION efforts with all agencies in local, state and federal government, the private sector, and federal Department of Defense to prevent acts of terrorism.

Since 9/11 these acts of terrorism are not just from external sources, terrorists are now being radicalized and developed from within the United States’ own borders, and even in our own military. The threat of cyber-attack is also a reality now, and the President has made this a primary focus for our nation. The homeland security skills of intelligence sharing, forensics, law enforcement, and security protocols are not within the expertise of SCD to perform or coordinate, therefor we need to establish a separate function to coordinate these tasks and allow State Civil Defense to focus on their traditional missions. The threat to our homeland is changing and how Hawaii does homeland security must adapt and change also.

The Asia-Pacific Economic Cooperation (APEC) meeting held in Hawaii in 2011 was a perfect example to see the differences. While we planned, prepared, and executed APEC, it became clear that SCD’s function would only be that of consequence management. The main effort during APEC was on security. This role was taken on by the secret service, FBI, local law

enforcement, and the Hawaii National Guard. If an act of terrorism occurred, the local police and FBI would respond first. If a building collapsed because of an act of terrorism, then SCD would have been asked, for example, to coordinate response with capabilities like urban search and rescue. But the first response would have been the fire departments.

As a State we have co-mingled three functions under State Civil Defense: consequence management; homeland security; and the management of Department of Homeland Security (DHS) grants. This may have worked in the past but, due to the increasing complexity of both the homeland security threat and the grants process, it is no longer suitable. We are currently bringing the Hawaii Revised Statutes relating to emergency management under alignment with current practices. This bill will take an important role that was, in the past, treated as merely a “function” of SCD, and properly align it under the State Department of Defense.

I worked on the APEC Executive Committee, and understand the role each agency played in the planning for APEC, and during the actual APEC event. I have had many discussions with my peers on the respective roles and functions of Homeland Security and Emergency Management. I have discussed these issues with Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) officials and have watched how we currently do business here in the State of Hawaii. It is because of what I have seen, heard, been advised and experienced, that I have a broad knowledge; and, based on that knowledge, I am asking to stand up the office of Homeland Security.

What this bill does not do:

1. This Office of Homeland Security does not combat terrorism in terms of law enforcement. Normally this is the sole responsibility of the local law enforcement, FBI, DoD, and other Federal agencies.
2. This Office of Homeland Security does not respond to or recover from terrorist attacks. The correct law enforcement agencies will respond as per current protocols. Any recovery efforts will be coordinated by the proper agencies dependent on the nature of the damage or injuries.
3. Does not cost the State anything to implement. All this bill does is establish an Office of Homeland Security under the State Department of Defense. It aligns the Office of Homeland Security directly under a cabinet level director (TAG) with direct access to the Governor rather than have that “function” under a Vice-Director that needs to go through the TAG to the Governor. The positions that are currently under SCD in the HLS section will move to the Office of Homeland Security. Those positions will in effect be more focused on HLS and be more cost effective.
4. Does not require the counties to establish an office of Homeland Security

What this bill does and why:

1. Strengthens Homeland Security planning within in the State of Hawaii because it is now directly under a Director (TAG) whose role is the Homeland Security Advisor (HSA) to the Governor. The TAG also is a member of an organization called the Governor’s Homeland Security Advisors Council (GHSAC) that meets regularly and discusses and helps influence policy in this critical area. The SCD Vice Director is not a member nor does he attend these meetings.

2. The Hawaii State Fusion Center will be properly aligned under the Office of Homeland Security. Prior to this the State Fusion Center sat under a Federal Agency call HIDTA and its director a Federal employee that was doing this as an additional duty. He and I had many discussions on the realignment and new direction. The Hawaii State Fusion Center will now be correctly aligned under the Office of Homeland Security and direction of the TAG. In the TAG's role as the HSA to the Governor, the plan is for the fusion center to ensure coordination and collaboration by all law enforcement agencies in Hawaii, and including local fire departments of all the islands, Secret Service, ICE, CBP, TSA, Joint Terrorism Task Force, DoD, SCD, and the Hawaii National Guard. It will have oversight by the State's HSA (TAG) as well as the State AG's office, and will be advised by a group made up of the State AG's office, Customs and Border Patrol, FBI SAC, Police, Fire Department, Department of Health, and the TAG. This group was selected to perform this function by the Law Enforcement Coalition.

Why this is important. This Hawaii State Fusion Center will do intelligence gathering, analysis, sharing of this information, and more, across the State of Hawaii, nationally, and internationally. It will give the local and state leadership as well as the people in the State of Hawaii qualified assessments of the risk to the different counties as well as to the State. The Fusion Center will be an all hazards fusion center and not only focus on terrorism. Drugs, human trafficking, pandemic disease, and especially cyber-attacks and terrorism will be some of the areas it will begin to build upon and concentrate on as it begins to mature. The new leadership is currently creating a strategic plan.

The State Fusion Center will also process Security Clearances through its DHS Intelligence Analyst. Prior to this it was an additional duty done by SCD. These Clearances will now have the proper advocacy and priority placed on them by the right agency.

3. Critical Infrastructure Protection (CIP) will be an important role done by the Hawaii State Fusion Center. The last State assessment of its CIP was done in 2001 or 2002. This CIP assessment did not include any analysis of its interdependence to one another which is an important part.

4. Cyber Security and the sharing of attack information and its analysis will be another important focus of the Office of Homeland Security and the State Fusion Center. SCD does not have the capacity or the capability to perform or coordinate this role within the State. For example, under the direction of the TAG, the State Department of Defense has begun to develop cyber missions in the Hawaii National Guard to build cyber teams for the State of Hawaii. The State DoD has already begun discussions with the University of Hawaii to create a stronger cyber curriculum. This will include cyber games that will bring local, state, private, and federal teams to compete against one another to begin to network with one another to better understand the effects of cyber-attack, understand our weaknesses and areas to strengthen, and to build trust amongst everyone to share information on attacks and analysis. Cyber security in the State will be a major focus of the Office of Homeland Security and the Hawaii State Fusion Center.

5. Grants management will be better aligned under the Office of Homeland Security. Because of all the changes that was/is occurring in DHS Grants and other organizational concerns, I separated it from under SCD and in the interim put it directly under the TAG. The TAG is the designated State Administrative Agent (SAA) for all DHS grants. The amount of DHS Grants available has been reduced by 74% in the past two years. The City of Honolulu lost its UASI status which cost additional available grant funding. The various named grants have mostly been eliminated and put into one bucket called DHS Grants. Our

State now has a baseline funding it receives and will need to compete with other States for additional funding.

As the SAA I have already begun discussions with the DHS grants director in Washington DC. He stated that if we wanted to increase our funding levels we had to change our structure and our practices. The State Office of Homeland Security will be tasked to define the risk and vulnerability levels much better for the State of Hawaii, thereby trying to increase the baseline funding we receive. This will include tying our Critical Infrastructure Protection plan to national defense, and working with PACOM to define the criticality of the role of DoD facilities in the State to national defense.

Thank you for this opportunity to provide testimony on Senate Bill 680 SD1 HD1.



STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 680 HD1  
A BILL RELATING TO HOMELAND SECURITY

PRESENTATION TO  
THE HOUSE COMMITTEE ON FINANCE

BY

MR. DOUG MAYNE  
VICE DIRECTOR OF STATE CIVIL DEFENSE

March 27, 2013

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and Members of the Committee on Finance:

I am Doug Mayne, Vice Director of State Civil Defense. I am testifying in **STRONG SUPPORT** of Senate Bill 680 HD1.

SB 680 HD1 will strengthen Homeland Security in Hawaii by establishing the Office of Homeland Security in the State Department of Defense, and codifying functions we are already performing within State Civil Defense and the Hawaii National Guard. This will consolidate those functions in one office that reports to the Adjutant General.

The State Office of Homeland Security will take responsibility and management of several programs that State Civil Defense has been running with the Hawaii National Guard since 2001. The programs include grant management, critical infrastructure protection and processing security clearances for local and state government. By separating these functions from State Civil Defense, we will more clearly delineate roles and responsibilities, ensuring the divisions within the State Department of Defense remain focused on their core missions.

I want to emphasize that SB 680 HD1 merely provides a legislative basis for performing tasks and missions ***that we are already doing***. This bill will allow us to organize more efficiently and move personnel from State Civil Defense into this new structure to provide better support to the people of Hawaii. Establishing the Office of Homeland Security requires no additional funding – personnel and office space already exist within SCD and State Department of Defense.

I strongly urge you to pass SB 680 HD1.

Thank you for the opportunity to provide this testimony.



**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dliir.director@hawaii.gov](mailto:dliir.director@hawaii.gov)

March 26, 2013

The Honorable Sylvia Luke, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Luke

Subject: S.B. 680, S.D. 1, H.D. 1 Relating to Homeland Security

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support S.B. 680, S.D. 1, H.D. 1, which seeks to establish a homeland security office to provide a comprehensive program to protect our citizens, infrastructure, and government from terrorism and threat of attack.

This bill proposes to establish the Office of Homeland Security within the State Department of Defense and will provide uniform planning among the various state and county agencies. It will codify functions the state is already performing and consolidate them in one office. It will also allow the state to organize more efficiently to support the citizens and the counties in their efforts to prepare and train for tasks and missions related to terrorist events.

The SFC and the KFD urge your committee's support on the passage of S.B. 680, S.D. 1, H.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

  
*Socrates Bratakos*

*for* ROBERT WESTERMAN  
Vice Chair

RW/LR:clc

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 680 SD1 HD1  
A BILL RELATING TO HOMELAND SECURITY

PRESENTATION TO THE  
HOUSE COMMITTEE ON FINANCE

BY

MR. VERN T. MIYAGI  
EXECUTIVE OFFICER – STATE OF HAWAII CIVIL DEFENSE  
March 27, 2013

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and Members of the Committee on Finance:

I am Vern T. Miyagi, Executive Officer, State of Hawaii Civil Defense, State Department of Defense. I am providing written testimony in **strong support** of Senate Bill 680 SD1 HD1.

During my career with the Hawaii Army National Guard (HIARNG), I served as

As the ground operations officer for Joint Task Force (JTF) Iniki during the relief efforts on Kauai,

As the Director of Military Support (DOMS) for numerous disaster response and security exercises and events,

As the HIARNG JTF commander during the Asian Development Bank security operation

As the primary advisor to United States Pacific Command for disaster response and homeland security, and

As the senior advisor to the military JTF commander for the recent Asia Pacific Economic Conference.

I retired in July 2009, and am now serving as the Executive Officer at State Civil Defense (SCD).

I strongly support this bill based on the following observations:

**1. There are fundamental differences between consequence management and homeland security:**

**Consequence Management:** This was the focus of State Civil Defense (SCD) post-cold war and pre 9/11 – preparation, response, and recovery from natural and man-made hazards (i.e. aircraft crash, hazardous material spill, dam failure, and etc. - accidents - not intentional coordinated type attacks by an enemy). The Federal Emergency Management Agency (FEMA) has recognized this by continuing to support state/local emergency management efforts with its Emergency Management Performance Grants (EMPG). This grant is characterized as a “legacy grant” by FEMA as it relates to its traditional role in supporting emergency management or consequence management efforts. The Homeland Security Grants, though also managed by FEMA, are treated as separate grants from

EMPG. In addition, the Stafford Act, that governs the Federal emergency management role regarding assistance to the states and territories, specifically excludes terrorism as one of the specified disasters. U. S. Pacific Command, our primary military supporter during emergencies, recognizes the difference between the two functions and has separate plans for consequence management in support of civil authorities and homeland defense.

**Homeland Security (HLS)** - As a direct result of the 9/11 attacks, security of the homeland became a new mission and SCD was assigned this task at the state level despite not having the appropriate staff and experience. The HLS functions of intelligence gathering/fusion/dissemination, forensics, critical infrastructure/key asset (CIKR) identification, and security protocols/requirements were not the normal consequence management functions familiar to SCD. In addition, the multitude of follow-on post 9/11 HLS federal grants, and their administrative requirements necessitated a huge effort on the SCD staff to execute and monitor these grants.

**Asia Pacific Economic Conference (APEC) example** – During the preparation, planning, and execution of the APEC National Special Security Event (NSSE) event in 2011, it became clear during the coordination meetings, that SCD would play only a monitoring role in the APEC event. The main effort was on security. SCD monitored the event stages and updated contingency response plans if an event occurred. At that time they would coordinate the consequence management role with first responders that SCD was familiar with. The intelligence gathering and security arrangements between international, federal (including active duty military), state, and local law enforcement participants were not within the purview of state civil defense. Homeland security is a separate function from consequence management.

**2. A separate homeland security division properly addresses the functional differences between consequence management and homeland security:**

In establishing a separate HLS division within State DOD, SCD will transfer to the new HLS division the following existing functions: HLS grant management, critical infrastructure and key asset protection (CIKR), and personal security classification – all of which are not directly related to consequence management. The separate HLS division includes the newly established fusion center (Director: Paul Putzulu – retired Honolulu Police Department Assistant Chief) that directly coordinates intelligence gathering and information sharing with Law Enforcement agencies – Fed, State, and local. The fusion center is new for Hawaii and is another key function of HLS that is separate from emergency management.

**3. The establishment of a separate HLS division promotes efficiency since it eliminates one layer in the command and control structure.** The proposed HLS division would report directly to the TAG and not through the SCD Vice-Director to the TAG. As the HLS advisor to the Governor, the TAG requires direct access to the HLS division to provide guidance and receive information. He should not have to go through the Vice-Director of CD.

**4. Summary** – the proposed Office of Homeland Security, separate from State Civil Defense, in the State of Hawaii Department of Defense properly addresses the separate functions of consequence management and homeland security and promotes efficiency in handling both missions. I strongly support this measure.

Thank you for the opportunity to provide written testimony that supports this bill.

DEPARTMENT OF EMERGENCY MANAGEMENT  
**CITY AND COUNTY OF HONOLULU**

650 South King Street Honolulu, Hawaii 96813 / (808) 723-8960

KIRK CALDWELL  
MAYOR



MELVIN N. KAKU  
DIRECTOR

PETER J.S. HIRAI  
DEPUTY DIRECTOR

March 27, 2013

The Honorable Sylvia Luke, Chair  
and Members  
Committee on Finance  
State House of Representatives  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Luke:

SUBJECT: S.B. 680 Relating to Homeland Security

The Department of Emergency Management, City and County of Honolulu, strongly supports S.B. 680.

S.B. 680 provides a legislative basis for performing missions and tasks that we are already performing when members of our community are faced with a natural or man-made hazard incident. This bill allows the State to organize more efficiently to support our counties, communities, and citizens through the establishment of the Office of Homeland Security in the State Department of Defense. Through consolidating office functions that the state is already performing and codifying roles and responsibilities, the Office of Homeland Security will further strengthen the State's Homeland Security program.

I urge your committee to support and pass S.B. 680 S.D. 1.

Sincerely,

  
Melvin N. Kaku  
Director

cc: Mayor's Office

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

March 27, 2013

Representative Sylvia Luke, Chair  
House Committee on Finance  
State of Hawaii

Dear Representative Luke,

I would like to submit this letter of testimony in favor of Senate Bill 680 (SD 1, HD1) and request your consideration and support with the passage of this measure. As proposed, Senate Bill 680 provides for the following:

- Current and contemporary statute language that establishes the legislative basis for performing tasks and missions that the emergency management community at the State and County levels is presently performing. The proposed language would align our state's statutes with nationally recognized emergency management principles and organizational structure.
- Authorizes (but does not require) the counties to establish local offices of homeland security.
- Allows the state to organize more efficiently to support the citizens and the counties.
- Establishes the Office of Homeland Security in the State Department of Defense.
- Strengthens Homeland Security in Hawaii by codifying functions the state is already performing and consolidating them in one office.

I would like to thank for this opportunity to provide you with this written testimony and strongly encourage and request your support and passage of this measure as written.

Sincerely,

A handwritten signature in black ink, appearing to read "Darryl Oliveira".

Darryl Oliveira, Acting Administrator  
County of Hawaii Civil Defense Agency





POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE    GG-JK

March 28, 2013

The Honorable Sylvia Luke, Chair  
and Members  
Committee on Finance  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

Subject: Senate Bill No. 680, S.D. 1, H.D. 1, Relating to Homeland Security

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

The Honolulu Police Department supports Senate Bill No. 680, S.D. 1, H.D. 1, Relating to Homeland Security. Establishing a state homeland security office and authorizing the counties to create organizations for homeland security will provide unified planning among the various state and county agencies and a more efficient and comprehensive approach toward threats in our isles.

Consolidating the homeland security functions that the State is currently performing and codifying the roles and responsibilities will also facilitate interagency operations.

Thank you for the opportunity to testify. I urge your committee to support and pass Senate Bill No. 680, S.D. 1, H.D. 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Gomes", written in a cursive style.

GORDON GOMES, Captain  
Major Events Division

APPROVED BY:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", written in a cursive style.

LOUIS M. KEALOHA  
Chief of Police

**Board of Directors**

David Derauf, M.D.  
Naomi C. Fujimoto, Esq.  
Patrick Gardner, Esq.  
John H. Johnson  
David J. Reber, Esq.

**Executive Director**

Victor Geminiani, Esq.

Testimony of Hawai'i Appleseed Center for Law and Economic Justice  
Supporting SB 98 Relating to Taxation  
House Committee on Finance  
Scheduled for Hearing on Thursday, March 28, 2013, 2:00 PM, Room 308

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*Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit, 501(c)(3) law firm created to advocate on behalf of low income individuals and families in Hawai'i on civil legal issues of statewide importance. Our core mission is to help our clients gain access to the resources, services, and fair treatment that they need to realize their opportunities for self-achievement and economic security.*

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Thank you for an opportunity to comment on and propose amendments to Senate Bill 98 SD 1, which would eliminate the refundable food/excise tax credit and replace it with a nonrefundable tax credit. We **support the intent** of this bill but comment that it is not the most effective way to alleviate the tax burden on low-income people.

**We respectfully propose the following amendments:**

- Revert to the original language of Senate Bill 98, which creates a Poverty Tax Credit that would eliminate all state income taxes for those living in poverty while preserving the refundable food/excise tax credit as currently provided in HRS § 235-55.85.
- If the committee chooses to keep the language of SD 1 creating a nonrefundable low-income credit, preserve the refundable food/excise tax credit. Removing this refundable credit and replacing it with a nonrefundable income tax credit would actually increase the tax burden on the lowest-income households.

**Replacing the Food/Excise Will Actually Increase the Tax Burden on the Poorest**

We appreciate the intent of this bill to reduce the tax burden on low-income earners. While SD 1's changes would provide tax relief to some low-income families, it would actually *increase* the total tax burden on our poorest families. This is because the poorest households (1) have no income tax liability as a result of deductions and refundable tax credits and (2) because it eliminates the refundable food/excise tax credit, which is a significant source of tax relief because it reduces the impact of the GET—the most regressive tax.

This increase in taxes for a hypothetical single parent with two children earning \$9,000 is illustrated below. Under the current law, this household would receive a refund of \$342 thanks to two *refundable* credits (the low-income renter credit and the GET food credit). By replacing the *refundable* GET credit with the *non-refundable* poverty income tax credit, this household's refund would actually *decrease* significantly.

Current law HRS § 235-55.85	
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Hawai'i Appleseed Center for Law and Economic Justice

119 Merchant Street, Suite 605 ♦ Honolulu, Hawai'i, 96813 ♦ (808) 587-7605

Income	\$9,000
Standard deduction (head of household)	\$3,212
Personal exemptions	\$3,432
Taxable income	\$2,356
Pre-credit tax liability, from tax table	\$33
<i>Refundable</i> low-income renter credit	\$150
<i>Refundable</i> food GET credit	\$225
<b><i>Income Tax</i></b>	<b>\$342 refund</b>

As illustrated in the following table, the amendments in SD 1 would result in a lower refund, providing less tax relief for the GET already paid. Essentially, the lowest-earners would see a tax increase of \$225.

<b>SB 98 SD 1</b>	
Income	\$9,000
Standard deduction (head of household)	\$3,212
Personal exemptions	\$3,432
Taxable income	\$2,356
Pre-credit tax liability, from tax table	\$33
<i>Refundable</i> low-income renter credit	\$150
Tax after refundable renter tax credit	\$117 refund
<i>Nonrefundable</i> low-income tax credit	\$ 900
<b><i>Income Tax</i></b>	<b>\$117 refund</b>

**The Price of Paradise: Too High for Low-Income Families**

Residents in Hawai'i who are living in poverty are faced with a number of severe economic challenges to attaining and maintaining self-sufficiency.

- Our state has the highest cost of living in the United States. The monthly food cost alone for a family of four in Hawai'i is 61% higher than on the mainland.
- The cost for shelter in Hawai'i is also the highest in the nation, with 75% of those living at or below the poverty level spending more than 50% of their income on housing.
- With the ever-rising costs in Hawai'i of food and shelter, low-income citizens are facing a daunting struggle to escape poverty. In addition, partly because of our high cost of living, our residents earn the lowest adjusted incomes than anywhere else in the country. This dilemma is often called the "Price of Paradise" but it has a particularly harsh effect on those living in poverty.

**Low-income Families Are Overburdened with Regressive Taxes**



- According to a study released this February by the Institute for Taxation and Economic Policy, Hawai'i's working-poor families pay higher tax bills than those in all but three other states. The Center on Budget and Policy Priorities reported in 2011 that Hawai'i is one of only 15 states that levy an income tax on full-time workers in families of three making minimum wage (\$15,080). The federal poverty threshold for a family of three was \$17,922 in 2011 with the family in Hawai'i owing \$258 in state income taxes.
- In fact, the poorest taxpayers in Hawai'i pay 12 cents in taxes for every dollar in income (in large part because of the regressive nature of the GET tax), while the wealthiest among us pay only 7.6 cents in taxes for every dollar earned.
- Exempting those living in poverty from paying income tax not only will make the tax system fairer, it will help them survive the many economic challenges to their basic survival. The Poverty Tax Credit will eliminate the anomaly of taxing further into poverty those individuals and families who are earning the state's lowest incomes.

### **The Poverty Tax Credit: Helping Make Ends Meet**

- The Poverty Tax Credit proposed in the first version of SB 91 would eliminate personal income tax liability entirely for any family in poverty while also reducing tax liability for families just above the poverty line.
  - Using the 2012 federal poverty guidelines for Hawaii, this would involve eliminating any income tax on single individuals earning less than \$12,860, or married couples earning below \$17,410. A single parent with two children would see the family's income tax liability eliminated if they earned less than \$21,960 in a year, and a two parent family with two children would pay no income tax if their combined income was below \$26,510.
- Larger families would face a slightly higher income cut-off for eligibility, and the cut-offs would change each year as new poverty data for Hawaii are released.
- Finally, in order to avoid a "cliff" in tax liability where taxpayers above the poverty line lose their entire tax credit, those families with incomes between 100% and 125% of the poverty line would receive a credit cutting their tax liability in half.

We greatly appreciate the intent of this bill to reduce the tax burden on low-income people, but strongly encourage the committee to revert to the original language of SB 98. Should the committee choose to retain the nonrefundable income tax credit contained in SD 1, we respectfully urge you to retain the current food/excise tax exemption.

Thank you again for the opportunity to testify, and please do not hesitate to contact Victor Geminiani (victor@hiappleseed.org) or Jenny Lee (jenny@hiappleseed.org) at Hawai'i Appleseed Center for Law and Economic Justice at 587-7605 if you have any questions or for more information.

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE  
TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR REP. SYLVIA LUKE:

VICE CHAIR REP. SCOTT NISHIMOTO:

VICE CHAIR REP. AARON LING JOHANSON

COMMITTEE MEMBERS:

My name is Clarence M. Agena and I am providing written testimony that opposes SB 680 SD1 HD1.

As a Brigadier General, US Army Retired, having served in the Hawaii National Guard as a former Deputy Adjutant General of the State DOD during Governor Cayetano's Administration, I do not support this measure that establishes a state homeland security office in the DOD and designating the Adjutant General as the Director of Homeland Security. I also do not support having homeland security offices in the four counties.

Creating new government offices will duplicate functions performed by other agencies, and will be added cost for the state.

Please be aware that the proposed bill will require more personnel positions and infrastructures to perform jobs that are already being accomplished.

I do not support this bill and I strongly urge you and committee members to vote NO to SB 680 SD1 HD1.

Thank you for the opportunity to provide written testimony that opposes this bill.

March 28, 2013

Chair Sylvia Luke  
House Committee on Finance  
Twenty-seventh Legislature  
Regular Session of 2013  
State Capitol Building  
Honolulu, Hawaii 96813

Subject: Testimony on Senate Bill 680 SD1 HD1

Chair Luke and Committee Members:

I am Clayton Ching, a resident of Mililani, and I am testifying in writing against Senate Bill 680 SD1 HD1.

I am a retired U.S. Navy Commander who once served in the State Civil Defense Division, State Department of Defense, located in Diamond Head Crater. I am against the proposed bill because it creates unnecessary government offices at a time when government officials should be consolidating government functions. Furthermore, the overlapping functions and responsibilities of the proposed offices will only add confusion regarding jurisdictional authority and require additional time-consuming coordination in situations when response time is critical.

This is not a time to be establishing new government offices that will duplicate homeland security functions that are being performed by the State Civil Defense and by other county agencies. This is a time to be fiscally prudent in spending taxpayer dollars.

I ask you to question the true intent and merit of this proposed bill. What deficiency, if any, does it aim to correct? And why couldn't it be implemented within the existing organizational structure if additional resources are being contemplated? Where will the funding for the new offices and additional positions in the City and County of Honolulu come from?

I ask that you defer this bill.

Thank you for the opportunity to testify.



**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

I am Edward T. Teixeira, former vice director of civil defense, State of Hawaii, from October 1999 to October 2011, and am also a retired U.S. Army colonel with 26 years of active military service. I am testifying in strong opposition to Senate Bill 680 SD1 HD1.

I want to first call your attention to the misleading language in Section 1 of the proposed bill which speaks to Hawaii state departments that “combat terrorism”. The use of these words, written to garner your blind support, should be questioned vigorously. No departments in state government actively “combat terrorism”. That responsibility belongs to the U. S. Department of Justice, FBI, and to the military when authorized under law.

In Section 2 of the proposed bill, your committees should question the narrow definition of “Homeland Security”. Terrorism is one of many man-made hazards that State, county governments, and private industry have prepared for since 1997, a hazard that was successfully managed by the civil defense system and other emergency response agencies.

I ask that you question the wisdom of creating homeland security offices in the State DOD and in the four counties. This initiative will require a large investment of public funds. This does not make sense given the current outlook for reduced federal budgets, a growing National debt, and a struggling Hawaii economy.

This is a time for responsible and accountable government leadership. It is a time to prioritize and to consolidate functions where feasible. It is not a time to create homeland security offices in the State DOD and four counties, new offices that would compete for limited county general funds and decreasing federal grant funds. (Funds that already support the thin structure of the State Civil Defense and county civil defense agencies).

You may be told that these new homeland security offices will be funded with federal grant funds for state Homeland Security programs. Please be aware that these grants have been on the decline for the last three years. You can expect this decline to continue. That said available federal grant funds for homeland security and emergency preparedness (precious taxpayer dollars) should be invested prudently and spent on those eligible and unfunded requirements found in State and county government response agencies.

Establishing a State homeland security office in the DOD is a bad idea and based on the unfounded perception held by the serving adjutant general that the State was not applying for federal grant funds. Nothing is further from the truth. However, the language of the proposed bill does more than give this new office the authority to seek federal grants but also the authority to meddle into the funding affairs of other agencies and departments. Do you really want that?

More importantly, as written the bill also authorizes the new homeland security office in DOD to have operational responsibilities involving the coordination of, respond to, and recovery from terrorist attacks. Trust me, this will invite disaster. You should question how these responsibilities and functions will be carried out at the DOD without duplicating the purpose and functions of the State Civil Defense Division and State Emergency Operating Center when activated to support an emergency as it would do in a terrorist attack. Can you imagine the confusion and reaction from the public if they received instructions to evacuate or to shelter-in-place from a homeland security office?

Finally, the role of the adjutant general should be limited to the administration of the Hawaii National Guard, a responsibility requiring experienced leadership and professional competence especially when Guardsmen are deployed in combat zones. HRS, Chapter 26, makes the adjutant general the director of civil defense, (an antiquated Cold War era function), a responsibility that an incumbent can only perform on a part-time basis. The proposed bill will amend Section 26-21 designating the adjutant general the director of homeland security, a superfluous title with attendant responsibilities that will be performed, at best, on a part-time basis.

You should question why a director of homeland security is needed since the proposed bill will authorize the director to appoint an "administrator of homeland security". What is the difference? You should be aware that the administrator's position will require a sizeable salary, placing an unnecessary burden on the State Employee Retirement System.

Since December 2001, majority of state homeland security programs were administered successfully under Homeland Security Advisors, a designation made by state governors to satisfy federal directives and programs in the immediate post-9/11 era. This designation was initially created by the President Bush's Office of Homeland Security and maintained by the U.S. Department of Homeland Security from 2003 to the present. It has worked for FEMA, other state governors, and for Hawaii. The adjutant general is designated the Homeland Security Advisor to the Governor of Hawaii. This non-statutory designation may be transferred by the Governor to a more appropriate State official charged with the responsibilities for law enforcement and public safety such and should not be changed.

Finally, the National Guard performs a crucial role in HOMELAND DEFENSE, a role whose purpose is to provide resources to Homeland Security. The purpose and functions of HOMELAND DEFENSE are distinct from those of Homeland Security. As such, the role of the adjutant general should remain in homeland defense and not in homeland security.

Thank you for the opportunity to provide testimony that strongly opposes this bill.

**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

My name is Creighton Goldsmith and I am providing written testimony opposing SB 680 SD1 HD1.

As a recently retired chief officer of U.S. Customs and Border Protection Port of Honolulu, U. S. Department of Homeland Security, and a former member of the state civil defense advisory council, I believe that establishing a state homeland security office in the State department of defense and in each of the four counties is unnecessary. This initiative will require funding from county and state general funds, and from available federal grant funds for homeland security that are needed by Hawaii's first responder agencies.

If this measure is passed as written, it will create a bifurcation in the state department of defense for the coordination and response to potential terrorist attacks. The consequence of which, will result in confusion among response agencies from all levels of government including the private sector and the general public. Moreover, a new office of homeland security will not have the communications infrastructure and staffing to coordinate and manage a response to a terrorist attack.

Homeland Security is a function of the federal government, not states, counties and city governments. Hawaii needs to focus on its primary responsibility, responding to and recovering from disasters, both manmade and natural. Let's fix our roads and leave homeland security and defense to the federal sector.

These functions, if enacted, will require a large investment of taxpayer money. As a taxpayer, I do not want my taxes to go to creation of homeland security offices at either the state or county government levels.

The responsibility and functions for homeland security should be left to the State Civil Defense agency, an organization that has a history of successfully coordinating and managing State anti-terrorism programs, homeland security programs, critical infrastructure protection programs, and disasters.

SB 680 SD1 HD1 should not be passed out of your committees. I urge you to defer this bill.

Thank you for the opportunity to provide written testimony that opposes this bill.

Creighton W. Goldsmith  
1600 Sherman Park Place  
Honolulu, HI 96817  
(808) 595-4774  
cwgoldsmith@usa.net



**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

HOUSE COMMITTEE ON FINANCE

TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013

March 28, 2013

CHAIR SYLVIA LUKE:

VICE CHAIR SCOTT NISHIMOTO:

VICE CHAIR AARON LING JOHANSON

COMMITTEE MEMBERS:

My name is Ellen Murakami and I oppose SB 680 SD1 HD1.

I retired from the State Civil Defense Division, Department of Defense (DOD), in 2012. I know full well how this agency has managed over the years to fulfill its statutory responsibilities with limited budget allocations.

I am against the proposed measure because it will establish a new office of homeland security in the DOD that will take away personnel positions and functions performed by State Civil Defense.

The proposed measure will also take away State general funds and federal emergency preparedness funds from the State Civil Defense agency, an agency that has maintained a record of excellence up until late 2011 in spite of being historically under-resourced.

As written, the proposed bill will authorize the new department of homeland security in DOD to coordinate a response to and recovery from terrorist attacks. You must realize that this authority duplicates the operational functions of the State Civil Defense agency and State emergency operating center at Birkhimer Tunnel, Diamond Head Crater.

New homeland security offices at the State DOD and in the four counties will waste limited resources and will be an unnecessary burden to taxpayers.

I strongly recommend that you defer SB 680 SD1 HD1.

Thank you for the opportunity to testify in writing.

**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE  
TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR SYLVIA LUKE:

VICE CHAIR SCOTT NISHIMOTO:

VICE CHAIR AARON LING JOHANSON

COMMITTEE MEMBERS:

My name is Emerick Kaneshi and I am providing written testimony that opposes SB 680 SD1 HD1.

As a retired colonel in the Hawaii Army National Guard, and recently retired State employee at the State Department of Defense, DOD, I do not support this measure that establishes a state homeland security office in the DOD, homeland security offices in the four counties, and that amends Chapter 26-21 designating the adjutant general the director of homeland security.

At a time of fiscal austerity caused by a recovering economy and growing national debt, the creation of homeland security offices at the state DOD and in the four counties will be a waste of taxpayer funds whether these are federal, state or county general funds. A new office of homeland security at the DOD will require new state positions and the infrastructure to perform what the proposed bill will authorize. This measure neither spells out how these new requirements will be funded nor the expected outcomes for the additional burden to taxpayers.

If you pass this bill, as members of the House Finance Committee you should not be surprised to the state DOD leadership submit budget requests next year to fund: additional positions; new or expanded facilities near Diamond Head; and, equipment to staff and maintain this new office. Don't be surprised to see county mayors asking you for State general funds to support county homeland security offices that this bill will authorize.

Also, the adjutant general should stick to running the affairs of the Hawaii National Guard and not serve as the director of homeland security. The Guard's role, like the role of the active military, is in HOMELAND DEFENSE, which supports homeland security operations. And I doubt if the DOD leadership understands the difference.

I do not support this bill and I strongly urge you and your committees to do what is right and vote NO to SB 680 SD1 HD1.

Thank you for the opportunity to provide written testimony that opposes this bill.



# Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security

## HOUSE COMMITTEE ON FINANCE

### TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2013

March 28, 2013

CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

My name is Kenneth Kienle, a 10 year resident of Kapolei, Hawaii and I am testifying in writing **against** SB 680 SD1 HD1.

As a former Active Duty US Army Officer and a 27 year veteran of working in the Department of Defense industry in various high profile positions/assignments I can speak with some credibility about why this House Bill is a huge mistake. Of particular significance in my view is the notion that a Hawaii State Homeland Security agency could endeavor the task of "combating terrorism". This mission has been and should remain the sole responsibility of our Federal Government; specifically the U. S. Department of Justice, FBI, and the military when authorized under law. The Federal Government has the resources, where the state of Hawaii does not and more importantly it maintains the all important single "unity of command" by leaving no doubt who is in charge of this mission.

Establishing a homeland security office in the state department of defense as the bill proposes, will further erode the good work once performed by State Civil Defense. This will be a mistake. I saw this good work while participating in several homeland security exercises during a period when I worked for a noteworthy defense contractor augmenting the staff of the US PACOM Joint Task Force Homeland Defense Task Force. The PACOM OPLANS that govern this mission are complex. I had the opportunity to spend 8 months working on a team to revise and make them current for PACOM giving me intimate knowledge of their content and multifaceted nature. Adding an additional organization into the complex mission would only serve to add confusion as to specific roles and responsibilities.

If this measure is passed as written, it will duplicate functions performed by the State Civil Defense agency. The consequences of which, will confuse responders at all levels of government and above all, the general public.

The responsibility and functions for homeland security should be left to the State Civil Defense agency, an organization that has a history of successfully coordinating homeland security and emergency management programs, and to the county civil defense agencies or police departments.

I urge you and your committee members to vote NO to SB 680 SD1.

Thank you for the opportunity to provide written testimony that strongly opposes this bill.

Very Respectfully Submitted,

Kenneth Kienle

March 28, 2013

Chair Sylvia Luke  
House Committee on Finance  
Twenty-seventh Legislature  
Regular Session of 2013  
State Capitol Building  
Honolulu, Hawaii 96813

Testimony on Senate Bill 680 SD1 HD1

Chair Luke and Committee Members:

My name is Kimberly Takata, a business owner and resident of North Kohala, Island of Hawaii. I am testifying in opposition to Senate Bill 680 SD1 HD1.

I am against the proposed bill because it will degrade the capabilities of State Civil Defense and the Hawaii county civil defense agency by establishing new offices of homeland security. These new offices will require funding for staff and equipment. Frankly speaking, I don't want my taxpayer dollars to go toward this initiative.

State civil defense and the Hawaii county civil defense have done an excellent job in restoring damaged infrastructure in Kohala following the 2006 Kiholo Bay Earthquake. The two agencies and other government response organizations have also effectively dealt with tsunami disaster and have kept us safe from the potential effects of terrorism. Therefore, I do not understand why new offices of homeland security should be created to do what these agencies are already doing.

I do not support this bill and urge you to defer it.

Thank you for the opportunity to be heard.

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

March 28, 2013

Chair Sylvia Luke  
House Committee on Finance  
Twenty-Seventh Legislature, Regular Session of 2013  
State Capitol Building  
Honolulu, HI 96813

Dear Chair Luke and Committee Members:

My name is Robbin Reed, a former DOE Special Services Diagnostic Team Member as well as Speech Pathologist for Kapiolani Medical Center and a resident of Kaneohe. I oppose Senate Bill 680 SD1 HD1.

I do not support this bill because it will result in a waste of my tax dollars. I do not want to see our taxpayers' monies going toward the creation of new homeland security offices in the state or counties. These will be an unnecessary burden on the taxpayers. In my view, we don't need these offices in either the state department of defense (run by the National Guard) or in the counties.

The City's so-called Department of Emergency Management has a record of poor performance during emergencies including the tsunami warning and evacuation in October 2012. Given the language of the bill, how will a new office of homeland security fit in with that department and with other city departments i.e. Honolulu Police Department? It appears to me that the impact and ramifications the proposed measure will cause by establishing new offices of homeland security have not been thought out.

Establishing new offices of homeland security, new titles, and personnel positions to staff these offices will cost money. Please know that I don't want my taxpayer dollars going to such an endeavor.

I oppose this bill and ask you to defer it.

Thanks for the opportunity to be heard.

Robbin Reed

**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

My name is William Frizell, a resident of Volcano Village, Hawaii, and I am testifying in writing against SB 680 SD1 HD1.

As a retired U.S. Marine Corps colonel and former contractor in the defense industry to U.S. Pacific Command, I am convinced that establishing a state homeland security office in the state department of defense (and homeland security offices in each county) would invite disaster.

Establishing a homeland security office in the state department of defense as the bill proposes, will further erode the good work once performed by State Civil Defense. This will be a mistake. I saw this good work while participating in several homeland security exercises and during disasters including the 2011 Tohoku Earthquake and Tsunami Disaster, which presented a potential radiological threat to the state.

If this measure is passed as written, it will duplicate functions performed by the State Civil Defense agency. The consequences of which, will confuse responders at all levels of government and above all, the general public.

The responsibility and functions for homeland security should be left to the State Civil Defense agency, an organization that has a history of successfully coordinating homeland security and emergency management programs, and to the county civil defense agencies or police departments.

SB 680 SD1 HD1 should not be passed out of your committee.

Thank you for the opportunity to oppose this bill.

Testimony on Senate Bill 680 SD1 HD1, HSCR 1106  
**A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**March 28, 2013**  
**Conference Room 308**  
**3:15p.m.**

Aloha Chairman Sylvia Luke and House Committee on Finance,

My name is Manuel Makahiapo Kuloloio, and I submit my written testimony in opposition to Senate Bill 680 SD1 HD1, HSCR 1106.

As a former County of Maui representative to and member of the State of Hawaii Civil Defense Advisory Council from June 2002 to June 2010, nominated by Governor Benjamin Cayetano and Governor Linda Lingle with confirmation by the Hawaii State Senate, the attempt of recent to establish a State Homeland Security Office in the Department of Defense and in each of our four (4) Counties of Honolulu, Hawaii, Maui, and Kaua'i, though well intentioned, is not necessary.

The State Civil Defense Agency has successfully coordinated and managed an all-hazards mitigation approach which includes homeland security programs, disaster preparedness, critical infrastructure protection, and State anti-terrorism programs, in close partnership with our Adjutant General, who is designated as the Homeland Security Advisor to the Governor of Hawaii. I have witnessed first-hand the success of the Hawaii Emergency Preparedness Consortium which brought together the breadth and depth of institutional memory and experience of Federal, State, County, and private entities to malama our Hawaii. I have witnessed first-hand, from within the State Emergency Operating Center, our Governors coordinating, in real-time, with the Mayors of the City & County of Honolulu, Hawaii County, Maui County, and Kaua'i County. Hawaii's unique style of collaboration has proven successful in the most critical Special Security Event in the hosting of APEC by our own in U.S. President Obama, without incident. Hawaii is to be commended, and we thank you, our Hawaii legislature, for boldly funding a 24 hour State Emergency Operating Center.

The responsibility to combat terrorism rests with the U.S. Department of Justice, FBI, and the military when authorized by law.

I thank you for considering my testimony in opposition to Senate Bill 680 SD1 HD1, HSCR 1106.

Me Ke Aloha Ha'aha'a,  
  
Manuel Makahiapo Kuloloio

469 Maalo Street  
Kahului, Maui, Hawaii 96732  
(808) 330-2896

# AFAQ SARWAR

Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security

HOUSE COMMITTEE ON FINANCE

TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013

March 28, 2013

Chair Luke And Committee Members:

I would begin by quoting one of the great Americans, Thomas Jefferson:

**“I predict future happiness for Americans, if they can prevent the government from wasting the labors of the people under the pretense of taking care of them.”**

My name is Afaq Sarwar, I live and work on the Big island, I am a small business owner, and I serve by providing consulting structural engineering services.

I am testifying for one purpose: to ask you to ask yourself if while considering this bill (or for that matter any bill) you have done every thing possible, every thing in your power, to see to it that this legislation will not do what one of our founding fathers feared.

I was recently made aware of the bill SB 680 by a dear friend who has served this nation and the people of this state with great honor and integrity, and who has expressed serious reservations about the merits of this bill. As a citizen I want to do my duty to participate in the democratic process by sharing my personal views with our elected representatives.

I simply request that you consider the following questions:

Will this legislation create a “new” government function that already exists?

Will this require new appropriation of funds to pay for the costs of this legislation?

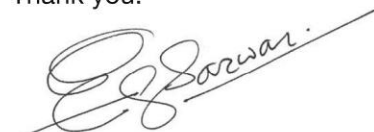
Will the citizens of the state of Hawaii end up paying for these costs?

Is it true that the funding for the anticipated costs of implementing this legislation from outside sources like the US federal government has not been secured?

If answers to these questions are essentially YES, then I would urge you to seriously question the merit of this legislation. And, I for one would not support such a measure.

This is what I believe Thomas Jefferson would have asked or done.

Thank you.



Afaq Sarwar



**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

TO: CHAIR SYLVIA LUKE AND COMMITTEE MEMBERS:

FROM: DIANE BOBEK, P. O. Box 384179, Waikoloa, HI 96738

My name is Diane Bobek, a business owner and resident of Waikoloa Village, Big Island. I am providing written testimony against Senate Bill 680 SD1 HD1.

I do not support this bill, which will result in a waste of my tax dollars. I would rather see the function of security and public safety remain in the hands of our county police department and civil defense agencies.

I question the wisdom and judgment of the bill's author and those legislative committees who have passed this bill. In the face of a growing national debt, reduced federal budget cuts, and recovering state economy, why are we creating new homeland security offices in the state and counties? We should be consolidating government functions. There are too many public safety needs on the Big Island that are not met because of the lack of funding.

I cannot see using our tax dollars, (federal, state, or county general funds), for the purpose of creating homeland security offices at the state or county. Where is the threat or risk to justify this?

I do not support this bill and urge you to defer it.

Thank you for the opportunity to oppose Senate Bill 680 SD1 HD1.

**TESTIMONY IN OPPOSITION TO SENATE BILL 680, SD1, HD1  
A BILL RELATING TO HOMELAND SECURITY**

RE: **SB 680, SD1, HD1**, Relating to Homeland Security  
House Committee on Finance Hearing  
Thursday, March 28, 2013, 3:15PM  
Conference Room 308, Hawaii State Capitol  
415 S. Beretania Street, Honolulu, Hawaii 96813

**Dear Chair Luke and Members of the House Committee on Finance:**

I am writing to express deep reservations about SB680, a bill to enact a state "homeland security law." I urge you to defer this bill.

This bill alleges that "there is an ever increasing possibility of terrorist or other man-made threats" to critical infrastructure and the security of Hawaii's citizens. It further says the Legislature finds an "*increasing possibility of the occurrence of terrorist attacks of unprecedented size and destructiveness...*" What hard evidence substantiates these claims? What documentation of these alleged threats has been presented to the Legislature? How is one to know if these statements are true? Or are they simply alarmist rhetoric?

My concern is not an idle one. Like many citizens, I am concerned about the potential nuclear threat posed by North Korea and the increasing incidence of cyber attacks originating from China. That said, how exactly will a state homeland security office "protect our citizens, infrastructure, and government from terrorism and threat of attack" from, say, North Korea? Isn't this first and foremost a federal Department of Defense responsibility? Is it possible that this bill is presumptuous or, at the very least, duplicative? What expertise will a new state office muster to actually thwart cyber attacks originating from foreign countries?

Section 1 of SB680 states that "state departments and agencies are performing many missions and tasks to combat terrorism." *Combat* terrorism? Really? Isn't combat a responsibility of our armed forces? Preparedness and public safety measures are certainly appropriate for a state agency, but *combat* seems a hyper-inflated mission statement.

Section 2, Definitions, says an attack includes "any form of hostile action." This definition is far too broad and vague. It could be interpreted to include the nonviolent exercise of free speech deemed "hostile" by hyper-vigilant state officials. Does the Legislature intend to delegate such broad interpretative powers to a director of homeland security and his/her appointed administrator?

For the record, I have only the highest regard for the State Department of Defense and State Civil Defense. I have witnessed first-hand the competence and dedication of State Civil Defense during Hurricane Iniki on Kauai (1992), assistance to the traveling replica of the Vietnam Memorial by the Hawaii Air National Guard (1986-87), and five years (2006-2011) of project oversight in support of the rebuilding of the Kohala Ditch after the Kiholo Earthquake of 2006.

As presently structured, I believe our Department of Defense does a superb job of serving the people of Hawaii. Pending much more thoughtful and precise definitions of responsibility and delegation of powers relating to homeland security concerns, I urge you to defer this bill.

Sincerely,  
Rory Flynn  
Kamuela, Hawaii

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

To: Chair Luke  
Vice Chair Nishimoto  
Vice Chair Johanson  
Committee Members

From: Ellen Ichishita  
98-694 Kapukapu Place  
Aiea, HI 96701

My name is Ellen Ichishita. I recently retired as the Departmental Personnel Officer for the State Department of Defense. I am submitting testimony in opposition to Senate Bill 680 SD1 HD1, which proposes to establish homeland security offices in the State Department of Defense and in each of the four counties.

Currently, homeland security functions are performed by the civil defense agencies and police departments. Their responsibilities include disaster preparedness, emergency management and disaster response.

The creation of new offices of homeland security is a duplication of the current existing functions and a total waste of taxpayer dollars. Whether state or federally funded; it will be public funds spent on a duplicative function. Government should be downsizing and focusing on efficient use of public funds.

Although the bill proposes no cost to the State for this fiscal year; it is hard to believe that the creation of a new office will not require state funds to support personnel in the future as benefits provided to state public employees are supported by state funds.

I strongly oppose this bill and request that you defer it.

Thank you for the opportunity to submit testimony.

**Testimony on Senate Bill 680 SD1, HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

, 2013

CHAIR LUKE AND COMMITTEE MEMBERS:

I am LTC Roy Yamashita (Ret.) testifying in opposition to this measure. As a retired member of the Armed Forces and the State DOD I am concerned about the duplication, fragmentation, and waste that would result with passage of this measure.

Hawaii has had an effective and efficient Civil Defense System that has responded to man made and natural threats. The alignment of the Civil Defense Agency with the State DOD and National Guard has been effectively serving the needs of our residents. The roles have been clearly defined and should not be changed by establishing a homeland security office in the DOD.

At a time of diminishing budget resources it seems more appropriate to incorporate and to retain the functions of homeland security in State Civil Defense rather than to create an office that would duplicate and overlap what already works. There has not been compelling data provided to indicate that more than what we have currently in place is needed nor has there been a cost benefit analysis or ROI presented that would indicate that an office of homeland security in the DOD or in the four counties is necessary. This measure dismantles an effective system that already incorporates those appropriate state functions set forth by the Department of Homeland Security and sets up a system that would fragment and duplicate functions. Confusion and overlap are generally reasons for failure to respond effectively.

I do not support this bill and urge you to defer action on this measure. The costs and details associated with this measure are not clear nor are the relationships and alignment to existing response agencies clear. Worst of all, no benefit to our residents is evident. In fact, this measure seems to jeopardize Hawaii's residents and places them at risk from a fragmented, uncoordinated, costly and ineffective response system. events.

Thank you for the opportunity to offer comments.

**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE**

**REGULAR SESSION OF 2013**

March 28, 2013

TO: CHAIR SYLVIA LUKE AND COMMITTEE MEMBERS:

FROM: RIC RAPP, 37B Puako Beach Drive, Kamuela, HI 96743

My name is Ric Rapp, a resident of Puako on the Big Island of Hawaii. I am providing written testimony to oppose SB 680 SD1 HD1.

I do not support this bill, which will result in a waste of my tax dollars. I would rather see the function of security and public safety remain in the hands of our county police department and civil defense agencies.

Why should we create new bureaucracies in the state and counties when we lack modern emergency response communications systems on this island for police, fire, and medical responders? We need more outdoor warning siren systems in Puako and elsewhere on the island. To put it plainly, there are too many public safety needs that are being NOT financially met.

I do not support SB 680 SD1 HD1 and therefore, urge you to defer it.

Thank you for the opportunity to submit written testimony that opposes this bill.

Ric Rapp



**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

TO: CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

FROM: BOBBY HITT, P. O. Box 384071, Waikoloa, HI 96738

My name is Bobby Hitt and I am providing written testimony opposes SB 680 SD1 HD1.

As a retired law enforcement officer of the Clark County, Nevada, Sheriff Department, former employee of the state DCCA, and resident of Waikoloa Village, Island of Hawaii, I DO NOT support this bill which establishes homeland security offices in the State department of defense and in each of the four counties. The responsibility for homeland security is principally served by the federal government with the support of state and local governments.

The creation of homeland security offices at the state DOD and county governments will be costly and will result in a waste of our tax dollars. I would rather see funds invested to expand Hawaii County police services, for better roads, additional school facilities, or to improve civil defense programs and operations.

I do not understand how elected officials such as you can pass a bill that fosters "empire-building" under the guise of authorizing new offices of homeland security throughout the state when civil defense agencies are marginally budgeted and manned to do a satisfactory job.

I do not support SB 680 SD1 HD1! It will be a mistake to pass it. I therefore urge you to defer this bill.

Thank you for reading my written testimony, which opposes this bill.

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

HOUSE COMMITTEE ON FINANCE

TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013

March 28, 2013

CHAIR SYLVIA LUKE AND COMMITTEE MEMBERS:

My name is Ann Miyahira and I oppose SB 680 SD1 HD1.

I retired from the State Department of Defense (DOD), in 2010 after serving as administrative assistant to the deputy adjutants general. During my service I have witnessed many changes that enhanced the department's ability to perform its operations pertinent to the National Guard, Civil Defense, Veterans Services, and to youth at risk.

I do feel that the changes that will be brought on by SB 680 SD1 HD1 will enhance the department's ability to perform its mission and services. Rather, the proposed bill, if passed, will establish a new office of homeland security in the DOD that duplicates activities performed successfully by State Civil Defense.

Also, as is usually the case when changing the structure of an organization, there will be financial costs to the State whether in equipment or for the administration of services i.e. personnel, funding, etc., even if there are federal grants available to offset costs. There is still a state cost no matter what.

I do not support this bill and strongly recommend that you defer SB 680 SD1 HD1.

Thank you for the opportunity to testify in writing against this bill.

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE  
TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

CHAIR SYLVIA LUKE:

VICE CHAIR SCOTT NISHIMOTO:

VICE CHAIR AARON LING JOHANSON

COMMITTEE MEMBERS:

My name is Linda Kihune. I am providing testimony that opposes SB 680 SD1 HD1.

This bill proposes to establish new homeland security offices in the state Department of Defense and in the four counties. Currently, civil defense (emergency management) agencies have this responsibility. Creating new offices for the same function is government redundancy.

I am not in favor of expanding government programs by creating new offices when existing government agencies have the same responsibility. I strongly urge you and your committees to vote NO to SB 680 SD1 HD1.

Thank you for the opportunity to provide written testimony that opposes this bill.

**Testimony on Senate Bill 680 SD1 HD1  
A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

TO: CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND  
COMMITTEE MEMBERS:

FROM: DOROTHY SHIMAMOTO

My name is Dorothy Shimamoto and I oppose Senate Bill 680 SD1 HD1, which proposes to establish homeland security offices in the State department of defense and in each of the four counties.

Homeland security is a major concern for all citizens. The responsibility for homeland security is performed by the civil defense agencies and local police departments. Community members pay attention to the directives issued by these agencies. Establishing new offices of homeland security and transferring the responsibility to oversee disasters is redundant.

The creation of new homeland security offices will be costly. It will be a waste of our public funds and will cause confusion for community members during an emergency or disaster. Who will the public listen to for direction to safety? Confusion may cost the lives of our families, friends, and neighbors. Which agency will be responsible then?

I request that you defer this bill.

Thank you for the opportunity to be heard.

**Testimony on Senate Bill 680 SD1 HD1, A Bill Relating to Homeland Security**

**HOUSE COMMITTEE ON FINANCE**

**TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013**

March 28, 2013

TO: CHAIR LUKE, VICE CHAIR NISHIMOTO, VICE CHAIR JOHANSON, AND COMMITTEE MEMBERS:

FROM: LILLI HITT, P. O. Box 384071, Waikoloa, HI 96738

My name is Lilli Hitt and I am providing written testimony opposes SB 680 SD1 HD1.

As a retired law enforcement officer of the San Francisco Police Department and a retired Attorney, and resident of Waikoloa Village, Island of Hawaii, I DO NOT support this bill which establishes homeland security offices in the State department of defense and in each of the four counties. The responsibility for homeland security is principally served by the federal government with the support of state and local governments.

The creation of homeland security offices at the state DOD and county governments will be costly and will result in a waste of our tax dollars. Although the bill states no additional funding is needed, it appears to add several positions that will have to be funded at some time. I would rather see funds invested to expand Hawaii County police services, for better roads, additional school facilities, or to improve civil defense programs and operations.

I do not understand how elected officials such as you can pass a bill that fosters "empire-building" under the guise of authorizing new offices of homeland security throughout the state when civil defense agencies are marginally budgeted and manned to do a satisfactory job.

I do not support SB 680 SD1 HD1! It will be a mistake to pass it. I therefore urge you to defer this bill.

Thank you for reading my written testimony, which opposes this bill.



March 27, 2013

Honorable Sylvia Luke, Chair  
House Committee on Finance  
State House of Representatives  
Twenty-seventh Legislature, Regular Session of 2013  
State Capitol Building  
Honolulu, Hawaii 96813

RE: Testimony on Senate Bill 680 SD1 HD1

Chair Luke and Committee Members:

I am Sandra Fleischmann and I am testifying against Senate Bill 680 SD1 HD1.

As an employee for a major airlines and former reserve police officer for the Honolulu Police Department, I can truly say that safety and security are of paramount importance to me, to my co-workers, to the passengers I serve, and to my family and friends.

The provisions of Senate Bill 680, which authorizes new offices of homeland security in the state and in each county, concern me. These offices will cost money that should be better spent on existing public safety programs under local police and fire departments, and those under the Hawaii county for the safety of children, elderly, persons with disabilities, and the homeless.

I am also concerned about the ability of these new offices to actually do what the proposed bill outlines in terms of responding to terrorism.

In other words, Senate Bill 680 doesn't make feel any safer. On the contrary, if passed the bill may place residents and communities at more risk. If a terrorist attack does happen I envision confusion among government agencies and the public as to who is in charge. We witnessed this in October 2012 during the tsunami alert and evacuation caused by a strong earthquake in British Columbia. The absence of competent leadership at the state level was very apparent.

The proposed bill will surely guarantee the public more of the same.

You are in a position to prevent this by deferring Senate Bill 680 SD1 HD1.

Thank you for the opportunity to be heard.

March 27, 2013

Chair Sylvia Luke  
House Committee on Finance  
Twenty-seventh Legislature  
Regular Session of 2013  
State Capitol Building  
Honolulu, Hawaii 96813

Subject: Testimony on Senate Bill 680 SD1 HD1

Chair Luke and Committee Members:

My name is Casey Kahikina, a resident of Kuliouou Valley in Honolulu, and I am testifying against Senate Bill 680 SD1 HD1.

I am against the proposed bill because it creates unnecessary government offices at a time when government officials should be consolidating functions and looking for savings.

As an employee in the air travel business and father of three school-aged children I recognize the importance of safety. However, I question the need to set up homeland security offices and feel that our police departments do a very good job in protecting us.

This is not a time to be establishing new government offices that will duplicate security functions that are being performed by other agencies in the state and by the City and County of Honolulu. This is a time to be smart and pennywise in spending taxpayer dollars.

I request that you defer this bill.

Thank you for the opportunity to testify.