

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 8:55 AM
To: pbstestimony
Cc: gyoshimoto@scd.hawaii.gov
Subject: Submitted testimony for HB592 on Feb 5, 2015 09:00AM
Attachments: HB592 DOD Testimony (PBS) 15.02.05.pdf

HB592

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Galen Yoshimoto	State Department of Defense	Oppose	Yes

Comments: Submitted in behalf of Brigadier General Arthur Logan, Adjutant General and Director of the Hawaii Emergency Management Agency

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yamashita1-Marianne

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Sent: Wednesday, February 04, 2015 8:56 AM
To: pbstestimony
Cc: gyoshimoto@scd.hawaii.gov
Subject: Submitted testimony for HB592 on Feb 5, 2015 09:00AM
Attachments: HB 592 HI-EMA Testimony (PBS) 15.02.05.pdf

HB592

Submitted on: 2/4/2015

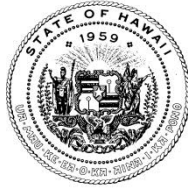
Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Galen Yoshimoto	State Civil Defense	Oppose	Yes

Comments: Submitted in behalf of Doug Mayne, Administrator of the Hawaii Emergency Management Agency

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 5, 2015
9:00 a.m.
State Capitol, Room 309

H.B. 592
RELATING TO EMERGENCY MANAGEMENT

House Committee on Public Safety

The Department of Transportation (DOT) **opposes** House Bill No. 592 relating to emergency management. This bill amends Hawaii Revised Statutes, Section 127A-12, to allow “a duly authorized representative of any news service, newspaper, radio station, television station, or online news distribution network from entering an area closed pursuant to this section. News media shall be given all reasonable access and assistance in accessing the area closed pursuant to this section.”

The language of this measure is overly broad and does not fully define the parameters of “any news service, newspaper, radio station, television station or online news distribution network.” During major civil emergencies, such as tsunamis, hurricanes or lava flows, state departments receive dozens of access requests for potentially-restricted and secured areas, such as harbors, airports, affected highways or other state properties, which have been closed to minimize risks to public safety. With the rise of internet blogs, chatrooms, and online “news” sources, the broad language of HB 592 may open location access to any party with a Facebook or Twitter account. In emergency situations it may not be safe for anyone other than trained personnel to be in an area.

The granting of “all reasonable access and assistance” into restricted areas is also broadly defined. Emergency crews may be diverted from response and clean-up activities to provide “all reasonable access and assistance” into closed areas, slowing response times. This broadly defined requirement is open to interpretation and creates a gray area which will increase the State’s liability in ensuring the safety of media representatives. Given the 24-hour news cycle common in large-scale natural disasters, this broad access policy will also create a significant burden on limited staff dedicated to other emergency priorities.

Allowing journalists access into secured areas would greatly increase the chances sensitive information could be released to the general public before the appropriate time. For example, the identity of a victim could be revealed before authorities have the chance to notify next of kin.

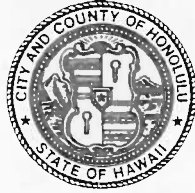
(MORE)

The bill references using a “pool” system when “full access cannot be reasonably granted.” This type of pool system would pose an unfair advantage to the selected pool journalist. The one pool crew would be able to obtain the information much faster and update their websites and social media before the other journalists. Making copies of the video and information at a secured location could also prove logistically difficult as news stations use different editing formats.

Thank you for considering this testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE GH-AS

February 5, 2015

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety
State House of Representatives
Hawaii State Capital
415 South Beretania Street, Room 309
Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

Subject: House Bill No. 592, Relating to Emergency Management

I am Glenn Hayashi, Acting Captain of the Major Events Division, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly opposes House Bill No. 592, Relating to Emergency Management. This bill proposes to allow all media representatives access into areas closed to the public, due to a declared emergency or disaster.

If this bill passes, the results would present significant safety concerns for media personnel and therefore, hinder first responders' ability to perform their duties. Media personnel may gain access into evacuated or restricted areas through prearranged coordination with the established Emergency Operations Center.

Once again, the HPD stands in firm opposition to House Bill No. 592, Relating to Emergency Management.

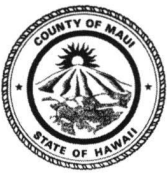
Thank you for the opportunity to testify on this bill.

Sincerely,


GLENN HAYASHI, Acting Captain
Major Events Division

APPROVED


LOUIS M. KEALOHA
Chief of Police



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

February 5, 2015



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

The Honorable Gregg Takayama, Chair
and Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Takayama and Members of the Committee:

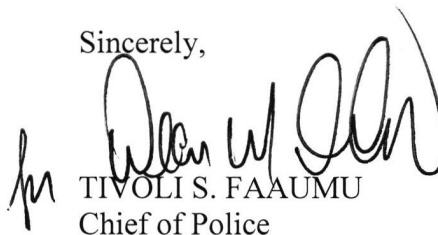
Re: H.B. No. 592, RELATING TO EMERGENCY MANAGEMENT

The Maui Police Department opposes the current draft of H.B. No. 592 to allow news media access to areas that are closed pursuant to emergency management powers of the Governor and Mayors.

The Maui Police Department opposes this measure to allow newspaper, television, radio, blog, and online news media to access areas that are prohibited during an emergency, whether it is a drill or actual emergency event. The media now has direct access via the Public Information Officer of this department and other State, County, and Federal agencies. The media has a clear line of communication with our department via landline, cell phone, and email. The media has monitored emergency communication radio systems to get the most up-to-date information. Information during an emergency is always available and disseminated to the media by the Maui Police Department, and we have always been open with sharing information to the public and media; everyone should be informed of a dangerous environment in the event of an emergency. Technology has also given the media the opportunity to provide live feeds from a safe distance without being near or in a cordoned off area that is designated to be dangerous to the public and emergency personnel. This bill will not only place media personnel in harm's way but also impede the emergency personnel who must respond to their location when a crisis occurs. In addition to jeopardizing the safety of emergency personnel, it will further impede governmental operations during these major events.

The Maui Police Department asks for you to oppose H.B. No. 592. Thank you for the opportunity to testify.

Sincerely,


TIVOLI S. FAAUMU
Chief of Police

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 3, 2015

Representative Gregg Takayama
Chairperson and Committee Members
Committee on Public Safety
415 South Beretania Street, Room 309
Honolulu, Hawai`i 96813

Re: House Bill 592, Relating to Emergency Management

Dear Representative Takayama:

The Hawaii Police Department opposes the proposed bill. The purpose of this bill is to allow the news media to access areas that are closed pursuant to emergency management powers of the governor and mayor.

Our opposition is steeped in the fact that the utilization of these emergency powers are for emergencies where there is serious risk to the safety of people. Although, many will look at this measure in terms of a mass of slowly moving molten rock, what is often forgotten are the noxious fumes that are attendant to same; the unpredictable methane based explosions; the constant threat of uncontrollable brush fires often ignited by moving lava; any one and all of these occurrences could in turn cause public safety officers to jeopardize themselves in order to rescue those seeking "The big story".

Beyond the lava are the storms that leave energized power lines on the ground; tsunamis that force homeowners to evacuate; indeed, during tsunami evacuations, there exists a segment of the community that refuses to evacuate fearing looters, and I believe this segment will be very troubled by the presence of media persons within an evacuated area which in all probability is someone's imperiled home.

There is also the ongoing debate as to who or what defines the term "Media". The Hawai'i Police Department stopped credentialing news media a few years ago after determining that today's ever changing climate involving bloggers and other social media "Reporters" was no longer subject to a strict black and white litmus test as to who the media really is.

For these reasons, we urge this committee to reject this legislation. Thank you for allowing the Hawai'i Police Department to testify on House Bill No. 592.

Sincerely,

PAUL K. FERREIRA
DEPUTY POLICE CHIEF



POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604
www.kauaipd.org



BERNARD P. CARVALHO, JR.
Mayor

DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

NADINE K. NAKAMURA
Managing Director

February 4, 2015

Honorable Gregg Takayama, Chair
Honorable Kyle T. Yamashita, Vice Chair
Honorable Committee Members
Committee On Public Safety
Hawaii State Capitol

SUBJECT: H.B. 592 RELATING TO EMERGENCY MANAGEMENT

Dear Honorable Chair Takayama,

The Kauai Police Department strongly opposes House Bill No. 592 regarding media to access areas that are closed pursuant to emergency management powers of the governor and mayor.

In man-made and natural disasters, the physical safety of the public including the news media is of paramount importance. Simply stated, to allow media access to restricted areas circumvents the primary objective the Emergency Management operations of all counties, and places at risk those we have sworn to protect.

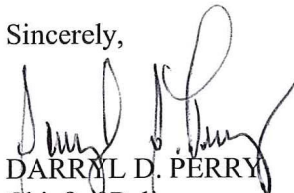
Moreover, each and every county possesses public relations staffing to address the needs of the local, national, and international media.

To authorize media access to restricted and in many cases, dangerous areas, sets a bad precedence and adds an extra layer of burden and responsibility on an already stressed Emergency Management system.

This bill does not benefit the public and first responders of public safety in any way.

Thank you for this opportunity to submit testimony in opposition.

Sincerely,


DARRYL D. PERRY
Chief of Police

Bernard P. Carvalho, Jr.
Mayor



Elton S. Ushio
Civil Defense Manager

Nadine K. Nakamura
Managing Director

KAUA'I CIVIL DEFENSE AGENCY

3990 Kaana St., Suite 100, Līhu'e, Hawai'i 96766
TEL (808) 241-1800 FAX (808) 241-1860

February 4, 2015

The Honorable Gregg Takayama, Chair
Committee on Public Safety
House of Representatives
415 South Beretania Street, Room 324
Honolulu, Hawai'i 96813

Dear Representative Takayama and members:

On behalf of the County of Kaua'i Civil Defense Agency, I would like to provide you with information relating to H.B. 592, Relating to Emergency Management.

From an emergency management and public safety perspective, allowing media access to restricted areas poses potential risks to the public, first responders and also members of the media.

For example, media access to incident command posts or emergency operations centers can cause distractions and/or disrupt operations, putting the public and responders at greater risk. Furthermore, entering evacuation areas would create the additional burden of emergency management having to track the media assets, while also putting the media in harm's way, along with any first responders that would be needed to render aid to them.

We feel that our established Public Information Officer (PIO) functions, along with our practices of reasonable media access at the discretion of emergency management and/or public safety officials, more than adequately addresses the practical benefits that the media provides for the public.

Sincerely,

Elton S. Ushio
Civil Defense Manager



P.O. Box 3141
Honolulu, HI 96802
Feb. 5, 2015

House Committee on Public Safety
State Capitol
Honolulu, HI 96813

Re: House Bill 592

Chairman Takayama and Committee Members:

On behalf of the Hawaii Chapter of the Society of Professional Journalists, I wish to give full support to SB 592. It would alleviate a big gap in disaster powers for county and state authorities that were passed last year by the Legislature. Although that measure was patterned after the California law, the Hawaii version did not include the exemption for the news media that the California law grants.

This bill would add a section similar to the California exemption (The Hawaii proposal, however, adds opportunities for pool reporting.)

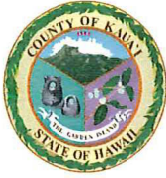
The media believe the Hawaii law may prevent reporting on certain emergency situations in a timely manner, thoroughly and accurately.

The recent lava flow on the Big Island gives a good example of how the law slows down the flow of information. When the lava crossed Apaa Street in Pahoehoe, the media were not allowed to interview or photograph the residents who lived nearby and to tell their stories. The media were also shunted from Kahoehoe Homesteads. In both cases, lava did not impact any structures, but the effects were slow in getting out. The media were also not allowed to get photographs or interview the resident whose house was burnt down by the lava flow. This caused deadline pressures for many to get the story out.

We hope you will find HB 592 worthy of passage as is.

Sincerely,

Stirling Morita
President
Hawaii Chapter SPJ



POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
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BERNARD P. CARVALHO, JR.
Mayor

DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

NADINE K. NAKAMURA
Managing Director

February 4, 2015

Honorable Gregg Takayama, Chair
Honorable Kyle T. Yamashita, Vice Chair
Honorable Committee Members
Committee On Public Safety
Hawaii State Capitol

SUBJECT: H.B. 592 RELATING TO EMERGENCY MANAGEMENT

Dear Honorable Chair Takayama,

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In man-made and natural disasters, the physical safety of the public including the news media is of paramount importance. Simply stated, to allow media access to restricted areas circumvents the primary objective the Emergency Management operations of all counties, and places at risk those we have sworn to protect.

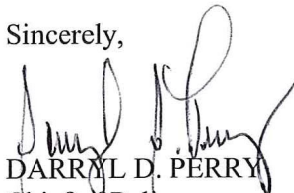
Moreover, each and every county possesses public relations staffing to address the needs of the local, national, and international media.

To authorize media access to restricted and in many cases, dangerous areas, sets a bad precedence and adds an extra layer of burden and responsibility on an already stressed Emergency Management system.

This bill does not benefit the public and first responders of public safety in any way.

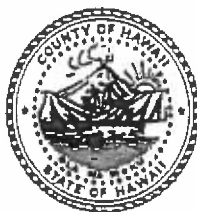
Thank you for this opportunity to submit testimony in opposition.

Sincerely,


DARRYL D. PERRY
Chief of Police

William P. Kenoi
Mayor

Walter K.M. Lau
Managing Director



Darryl J. Oliveira
Civil Defense Administrator

County of Hawaii

CIVIL DEFENSE AGENCY

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

February 2, 2015

Representative Gregg Takayama, Chair
House Committee on Public Safety
House District 34
Hawaii State Capitol
Room 324
Honolulu, HI 96783

Dear Chair Takayama,

I would like to submit this letter and testimony in opposition of House Bill (HB) 592 as drafted.

As proposed, HB 592 would preclude emergency managers from restricting the access by the media to closed areas during times of disasters or emergencies. The fundamental basis of the restricted access is to ensure the health and safety of not only the media and general public but for the first responders as well.

This issue in particular has been raised with the recent and ongoing eruption and lava flow event in the Puna area of Hawai'i Island. Over the past five plus months of activity with the lava flow, there has been a need to initiate and maintain restricted access to various affected areas to support emergency operations, public evacuations, and to prevent possible injury. The hazards associated with the eruption and lava flow have included dangerous terrain conditions (hidden cracks and fissures), fire and smoke conditions, possible hazardous material involvement, and methane explosions (naturally occurring methane pockets in the environment). The proposed unrestricted access by any and all media would complicate and adversely impact the effectiveness of emergency operations and possibly present with additional and avoidable risks.

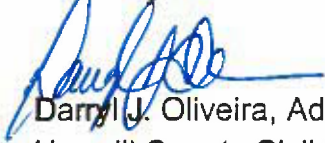


Further, in the absence of a formal media credentialing process that would clearly identify professional media and journalists from anyone posing as media, additional burdens are placed on public safety officials and make it nearly impossible to establish accountability and protective measures to insure the safety and the preservation of the rights of all parties involved.

Finally, the concepts of providing pool photography and video photography have been implemented with the current eruption and lava flow activity; and clearly demonstrates an appreciation to support media coverage of a historical and news worthy event in balance with emergency operational needs.

Thank you for the opportunity to submit testimony in opposition and I ask for your support with not approving this measure as drafted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Darryl J. Oliveira', with a stylized flourish at the end.

Darryl J. Oliveira, Administrator
Hawai'i County Civil Defense Agency

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 8:49 AM
To: pbstestimony
Cc: WAnonsen@AmergentTechs.com
Subject: *Submitted testimony for HB592 on Feb 5, 2015 09:00AM*

HB592

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
William Anonsen	Individual	Oppose	No

Comments:

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Cc: jbkslb@kona.net
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Follow Up Flag: Follow up
Flag Status: Flagged

HB592

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Bracken	Individual	Support	No

Comments: As a working journalist, I support adding a provision to Act 111 to allow the media reasonable access to areas even in case of emergency. I have no objection to a pool arrangement, but I do object to the current law which can completely exclude independent media coverage of events. with aloha, Sherry Bracken, Hawaii Island

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yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 7:07 AM
To: pbstestimony
Cc: karin@hawaii247.com
Subject: Submitted testimony for HB592 on Feb 5, 2015 09:00AM

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HB592

Submitted on: 2/5/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Stanton	Individual	Comments Only	No

Comments: Aloha, I would like to state my strong support for HB 592 / SB 533, which amends Act 111 to allow journalists access to do their jobs in times of emergency. It is a critical element in order to keep members of the public informed. It allows journalists the ability to report thoroughly, accurately, timely and independent. It supports transparency and honesty in government. As it currently reads, Act 111 simply gives too much authority to control information and access, which encourages abuse. This amendment includes wording similar to the California law and should not be considered an unreasonable burden to county or state government agencies. Please support this amendment. Mahalo, Karin Stanton Big Island Press Club board member Hawaii 24/7 Editor

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To: pbstestimony
Cc: occupyhilomedia@yahoo.com
Subject: Submitted testimony for HB592 on Feb 5, 2015 09:00AM

HB592

Submitted on: 2/5/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Occupy Hilo Media Team	Support	No

Comments: The Occupy Hilo Media Team supports this measure. Since lower Puna was declared an emergency area and Act 111 instated, the media has been hampered from documenting the lava flow here on Hawai'i Island. For the first time in all of Kilauea's history, NO MEDIA is allowed access to the 13 mile long flow field or any area cordoned off by Civil Defense and the National Guard. All news comes from prearranged press conferences and scripted public meetings, and only a very few recurring figure heads give "official" information. All images and video come from the County of Hawaii, USGS, or a very few other government organizations. This is not a free press, as guaranteed by the 1st amendment of the Constitution. We strongly urge you to pass HB592. Mahalo. Kerri Marks
Occupy Hilo Media Team

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