

SB 533

RELATING TO EMERGENCY MANAGEMENT

Allows the news media to access areas that are closed pursuant to emergency management powers of the governor and mayor.

PSM, JDL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SB 533

PRESENTATION TO THE SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

BY

DOUG MAYNE
ADMINISTRATOR OF EMERGENCY MANAGEMENT
February 4, 2015

Chair Espero, Vice Chair Baker and Members of the Committee.

I am Doug Mayne and I am the Administrator of the Hawaii Emergency Management Agency. I am testifying in **STRONG OPPOSITION** to SB 533.

Senate Bill 533 proposes to allow “a duly authorized representative of any news service, newspaper, radio station, television station, or online news distribution network” to enter any area that local emergency management officials have placed off limits for public health and safety reasons IAW HRS 127A-12. I strongly oppose this provision for the following reasons:

The purpose of ordering an evacuation is to ensure public safety and welfare by removing people from the path or impacts of a hazard. One purpose of establishing a restricted area is to keep non-residents out of an affected area to ensure the security and safety of area residents. Allowing news media free access to these restricted areas could place them in great danger, and could endanger the lives of first responders should the person get into difficulty.

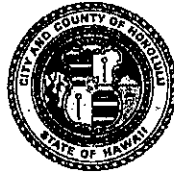
Another consideration is the definition of media contained in this bill for purposes of access. The broad definition of media referenced in SB 533 would make enforcing evacuation orders or keeping unauthorized people out of restricted areas impossible. In today’s world of on-line news services, and with the proliferation of bloggers and social media, the line between “accredited” news media with a formal outlet (e.g., Star-Advertiser or West Hawaii Today) and bloggers or someone who merely posts to Twitter or other social media sites has become very blurry. Using the term “online distribution service” could allow virtually anybody to enter an area restricted pursuant to HRS 127A-12.

I understand the needs of a free press with access to events and people. But we must balance these needs with the reality of establishing safety and security before, during and after a disaster and the safety of our first responders. I urge you to not pass this bill out of committee.

Thank you for allowing me to testify in **STRONG OPPOSITION** to SB 533.

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

PETER J.S. HIRAI
DEPUTY DIRECTOR

February 3, 2015

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
State Senate
415 South Beretania Street, Room 206
Honolulu, Hawaii 96813

Dear Senator Espero and Members:

SUBJECT: Senate Bill (S.B.) 533, Relating to Emergency Management

I am Melvin Kaku, Director of the Department of Emergency Management (DEM), City and County of Honolulu (City).

DEM strongly opposes S.B. 533, which proposes to allow "a duly authorized representative of any news service, newspaper, radio station, television station, or online news distribution network" to enter any area that local emergency management officials have placed off limits for public health and safety reasons.

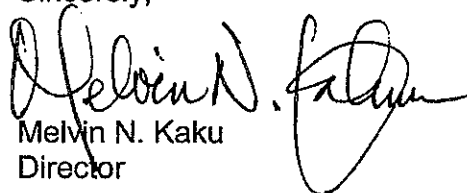
The purpose of ordering an evacuation is to ensure public safety and welfare by removing people from the path or impacts of a hazard. One purpose of establishing a restricted area is to keep non-essential personnel out of an affected area to ensure the security and safety of all personnel. Allowing news media free access to these restricted areas could place them in great danger and could endanger the lives of our first responders. By imposing exceptions, we are essentially dismissing security and public safety considerations and would distract our responders from their primary responsibilities and force them to re-allocate critical resources to come to their assistance should they encounter or run into danger.

DEM feels strongly that allowing media to enter any area that local emergency management officials have placed off-limits will have a negative and dampening effect on critical, time sensitive emergency operations. The media can currently access evacuated or restricted areas with prior coordination with the City's Emergency Operations Center (EOC).

The Honorable Senator Espero and Members
February 3, 2015
Page 2

I urge your committee to not pass S.B. 533 out of Committee. Thank you for the opportunity to testify.

Sincerely,

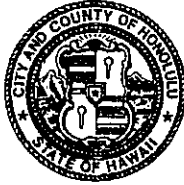


Melvin N. Kaku
Director

cc: Roy K. Amemiya, Jr., Managing Director

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. MCCAULEY
DEPUTY CHIEFS

OUR REFERENCE **GH-AS**

February 5, 2015

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
State Senate
Hawaii State Capital
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: Senate Bill No. 533, 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 Senate Bill No. 533, 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 Senate Bill No. 533, Relating to Emergency Management.

Thank you for the opportunity to testify on this bill.

Sincerely,

Handwritten signature of Glenn Hayashi in black ink.

GLENN HAYASHI, Acting Captain
Major Events Division

APPROVED

Handwritten signature of Louis M. Kealoha in black ink.
LOUIS M. KEALOHA
Chief of Police

Serving and Protecting With Aloha



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

Senate Committee on Public Safety, Intergovernmental and Military Affairs
State Capitol
Honolulu, HI 96813

Re: Senate Bill 533

Chairman Espero and Committee Members:

On behalf of the Hawaii Chapter of the Society of Professional Journalists, I wish to give full support to SB 533. It would alleviate a big gap in disaster restrictions 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 Pahoa, 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 Kaohe Homesteads. In both cases, lava did not impact any structures. 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 SB 533 worth of passage as is.

Sincerely,

Stirling Morita
President
Hawaii Chapter SPJ

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 9:13 AM
To: PSMTestimony
Cc: kahiwal@cs.com
Subject: Submitted testimony for SB533 on Feb 5, 2015 13:15PM

SB533

Submitted on: 2/3/2015

Testimony for PSM on Feb 5, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Wednesday, February 04, 2015 9:21 AM
To: PSMTestimony
Cc: lucialyou@gmail.com
Subject: *Submitted testimony for SB533 on Feb 5, 2015 13:15PM*

SB533

Submitted on: 2/4/2015

Testimony for PSM on Feb 5, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

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Marlene Uesugi

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 11:59 AM
To: PSMTestimony
Cc: WAnonsen@AmergentTechs.com
Subject: Submitted testimony for SB533 on Feb 5, 2015 13:15PM
Attachments: SB 533 Emerg_MediaAccess_2015FEB05.pdf

SB533

Submitted on: 2/4/2015

Testimony for PSM on Feb 5, 2015 13:15PM in Conference Room 229

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

Comments:

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February 4, 2015

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker and Committee Members

Public Hearing, February 5, 2015, 1:15 p.m., Conference Room 229, State Capitol

TESTIMONY OF WILLIAM F. ANONSEN
MANAGING PARTNER/PRINCIPAL – THE MARITIME GROUP
CONCERNS REGARDING SB 533

My name is William F. Anonsen, the Managing Partner/Principal of The Maritime Group. I'm writing to express my concerns regarding SB 533 as currently written which would permit news media into emergency areas which would negate first responders and law enforcement ability to enforce restricted areas and safety zones and could potentially hamper response and recovery efforts.

In keeping with the media news reporting rights under the 1st Amendment of the U.S. Constitution, and dissemination of helpful information to the public, providing media access as soon as practical must be balanced without creating safety hazards, security concerns, or interfering with emergency response teams. During an emergency, first responder and law enforcement personnel are typically focused on three priorities:

- 1.) Preservation of life; during an initial response to an emergency, all available assets are focused on rescue and lifesaving efforts. During this time, media access needs to be controlled in the interest of safety of first responders and victims in defined restricted operational areas.
- 2.) Preservation of property; After rescue efforts have been exhausted, emergency responders will work to make the scene safe and focus their efforts on limiting harm to individuals or damage to other property. During this phase, limited and escorted media access may be available, however as each emergency incident/scene is different it needs to be evaluated on a case-by-case basis.
- 3.) Recovery and return to normal operations; Recovery and clean-up efforts for incidents vary based upon their complexity. After any incident, operations may be suspended for a period of time until safety inspections and clean-up efforts are completed. During this phase, media access may be available, however as each emergency incident/scene is different it needs to be evaluated on a case-by-case basis.

*I respectfully ask that these considerations be considered
Mahalo for the opportunity to testify and comment on SB 533*

Sincerely,

William F. Anonsen

Managing Partner/Principal

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Tel: (808) 589-1223 www.The-Maritime-Group.com