

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 533
A BILL RELATING TO EMERGENCY MANAGEMENT

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

BY
BRIGADIER GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
AND DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
February 5, 2015

Chair Espero, Vice Chair Baker and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs:

I am Brigadier General Arthur J. Logan, State Adjutant General and the Director of the Hawaii Emergency Management Agency. I am testifying in **STRONG OPPOSITION** of Senate Bill 533.

This measure proposes to allow new media representatives to enter any area county emergency management officials have declared off limits to non-residents.

County emergency management orders evacuations to ensure public safety by removing people from the potential impact of hazards in accordance with HRS127A. This action keeps out non-residents out of the affected area and ensures the security of area residences while ensuring the safety of the public.

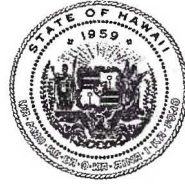
Non-residents entering any evacuated area could place themselves in dangerous situations. This could endanger first responders who would have to extract these non-residents from any dangerous situation.

This proposed measure provides a broad definition of media. It covers credentialed local and national media, but covers "online news distribution networks." Individual bloggers could fall under this definition of online news distribution networks. This definition would allow almost anyone into a restricted area.

The media has its job to keep the public informed about emergencies. Emergency management deals with the requirement to provide safety and security from when the evacuation notice is given through the recovery process.

Thank you for allowing me to testify in **STRONG OPPOSITION** of Senate Bill 533.

DAVID Y. IGE
GOVERNOR



FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
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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

**S.B. 533
RELATING TO EMERGENCY MANAGEMENT**

Senate Committee on Public Safety, Intergovernmental & Military Affairs

The Department of Transportation (DOT) **opposes** Senate Bill No. 533 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.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 10:20 PM
To: PSMTTestimony
Cc: jbkslb@kona.net
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
Sherry Bracken	Individual	Support	No

Comments: Aloha, I support revising Act 111 per this bill to give media reasonable access even in case of emergency. Under 111, the State/County can eliminate any independent media coverage of major events, which is not in the public interest. Thanks for your consideration. It is critical for an independent media to be able to report. I have no objection to a pooled arrangement for safety reasons. aloha, Sherry Bracken, Hawaii Island

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
Sent: Thursday, February 05, 2015 7:07 AM
To: PSMTestimony
Cc: karin@hawaii247.com
Subject: Submitted testimony for SB533 on Feb 5, 2015 13:15PM

LATE TESTIMONY

SB533

Submitted on: 2/5/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Stanton	Individual	Support	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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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 10:53 AM
To: PSMTestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB533 on Feb 5, 2015 13:15PM

SB533

Submitted on: 2/5/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Support.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 9:52 AM
To: PSMTestimony
Cc: occupyhilomedia@yahoo.com
Subject: Submitted testimony for SB533 on Feb 5, 2015 13:15PM

SB533

Submitted on: 2/5/2015

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

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 SB533. Mahalo. Kerri Marks
Occupy Hilo Media Team

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