

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 655
A BILL RELATING TO MEDIA ACCESS

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

BY

VERN T. MIYAGI
Administrator, Hawaii Emergency Management Agency

Aloha Chair Nishihara, Vice-Chair Wakai and Members of the Committee.

I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am providing testimony in support of the intent of the bill, subject to the following comments.

The proposed addition to HRS 127A-12 does not address how the media access will be implemented with respect to safety, unique risks/hazards, affected resident concerns, availability of qualified personnel to escort the media and appropriate personal protective equipment, and other factors/concerns in the closed off emergency area. It also does not address the liability concerns of the county and state. It should also define who is a “duly authorized representative” of any news service/organization.

I propose the following revisions to SB 655. The revisions are noted in red. “Nothing in this section shall prevent a duly authorized **credentialed** representative of any news service, newspaper, radio station, television station, or online news distribution network, **under the supervision of designated emergency management agency personnel**, from entering an area closed pursuant to this section; **provided that the state and counties shall not be held liable for any injury or damage to person or property arising from entering of area**. News media shall be given all reasonable access and assistance in accessing the area closed pursuant to this section. When full access cannot be reasonably granted, a pool writer, pool photographer, and pool videographer shall be designated to gather and disseminate information. **The decision regarding media access will be at the sole discretion of the designated emergency management authority for the affected jurisdiction. Media personnel who access the closed area do so at their own risk and depending on the specific circumstances, search and rescue costs incurred on their behalf may be reimbursable pursuant to HRS Chapter 137 (Search and Rescue Reimbursement Act).**”

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comments/testimonies of the county emergency management agencies, as they would be the jurisdictions directly affected by media access requests.

Thank you for the opportunity to provide this testimony **supporting the intent of SB 655, subject to the comments above.**

Vern T, Miyagi; vern.t.miyagi@hawaii.gov; 808-733-4300

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR



MANUEL P. NEVES
FIRE CHIEF
LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

February 13, 2017

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 655 Relating to Media Access

I am Manuel P. Neves, Fire Chief of the Honolulu Fire Department (HFD). The HFD strongly opposes SB 655, which proposes to allow media representatives access to areas closed to the public during an emergency or disaster.

Should this bill pass, the results would present significant safety concerns and hinder first responders' duties. Media representatives may gain access through prearranged coordination with the established Emergency Operations Center.

The HFD urges your committee to deny the passage of SB 655.

Should you have questions, please contact Assistant Chief Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. P. Neves".

MANUEL P. NEVES
Fire Chief

MPN/EYS:clc

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Wallace G. Rezendes, Jr.
Managing Director

Kilipaki K. F. Vaughan
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 315, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 13, 2017

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 655 Relating to Media Access

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD). The KFD strongly opposes SB 655, which proposes to allow media representatives access to areas closed to the public during an emergency or disaster.

Should this bill pass, the results would present significant safety concerns and hinder first responders' duties. Media representatives may gain access through prearranged coordination with the established Emergency Operations Center.

The KFD urges your committee to deny the passage of SB 655.

Please call me at (808) 241-4975 should you have any questions regarding this matter.

Sincerely,

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld



February 13, 2017

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

From: Nancy Cook Lauer, publisher, All Hawaii News

www.allhawaiinews.com nclauer@gmail.com 808.781.7945

In SUPPORT of SB 655, Relating to Media Access

All Hawaii News, a state government and political news aggregate blog covering Hawaii since 2008, is in support of SB 655, allowing the news media, under the supervision of emergency management agency personnel, to access areas that are closed pursuant to emergency management powers of the governor and mayor.

The ability of the media to independently collect and report news is a cornerstone of our democracy. Recent events nationally and internationally help underscore the necessity of a free press being able to access and report on situations and circumstances important to citizens.

As written, SB 655 allows that when full access cannot be reasonably granted, a pool writer, pool photographer and pool videographer shall be designated to gather and disseminate information.

Please pass this bill so that the public can continue to have access to independent reporting on disasters and other emergencies.

Mahalo nui!

Dear Committee on Public Safety, Intergovernmental, and Military Affairs:

The Big Island Press Club membership supports SB655, relating to media access, which enables the news media which ensures that news media can independently report on emergency situations across Hawaii. Such access ensures that news media can independently report on emergency situations across Hawaii.

We agree and support the wording within SB655 that news media shall be given all reasonable access and assistance in accessing the area closed pursuant to this section.

Error! Hyperlink reference not valid. Independent reporting and the ability to provide timely information of emergency situations enables journalists to support transparency and honesty in government, ensuring government officials are carrying out the wishes of taxpayers.

Timely information, reported by on-scene professional journalists, can help reduce the stress and anxiety that comes along with emergency situations, thus providing a community service that is of benefit to first responders. This is especially important in today's society that relies heavily on social media, where rumors and misinformation can spread quickly. Indeed, the media can serve to squelch those rumors and serve as the conduit between government officials and the public.

We, the board of directors of the Big Island Press Club, **firmly support** SB655, relating to media access and strongly urge its passage.

Lara Hughes
President
Big Island Press Club

Dear Senator Nishihara,

I fully support SB 655, allowing media access during declared emergencies. I am a long-time writer for Hawaii Fishing News and a member of the Big Island Press Club Inc., a 50 year old Hawaii professional news organization with members statewide and on the mainland.

During emergencies Hawaii citizens and taxpayers have the right and want to be informed and updated by professional journalists. The U.S. Constitution guarantees freedom of the press. Why? Because single-sourced government briefings and press releases are not enough in a free society.

Please support SB 655.

Mahalo,
Robert Duerr

Treasurer
Big Island Press Club
PO Box 1920
Hilo, Hawaii 96721
808-937-9104
surf77@mac.com

Dear committee members,

I strongly support SB655, relating to media access. The public relies on an independent and free press to provide reliable, factual information on emergency situations. They cannot rely solely on government press releases during disasters. This bill helps both the professional media and emergency responders to serve the public.

Sincerely,

Tom Callis, Big Island Press Club board member

To: Hawaii State House of Representatives

Committee on Public Safety, Intergovernmental, and Military Affairs

Re: In strong support of SB 655, relating to media access

Hearing Date: 2 p.m., Feb. 14, 2017

Dear Committee on Public Safety, Intergovernmental, and Military Affairs:

As a journalist and owner of a Hawaii Island media company, I **FIRMLY SUPPORT** SB 655, relating to media access, which ensures that news media can independently report on emergency situations across Hawaii.

Accurate and thorough reporting of disasters provides timely information to the public who can then adjust their preparations and expectations of emergency response accordingly. For example, when the Kilauea lava flow impacted the Puna district in 2015, thousands of area residents made life-altering decisions about selling their homes and uprooting their families based on what they learned about the status of the lava. As a long-time Puna resident, I know first-hand of many families that moved to other parts of the island or moved to the mainland as a result of the lava flow. Unlike my fellow island journalists, I've spent 15 years working in the fire service and emergency management industries and have extensive experience in disaster management, mitigation, and prevention. I understand the need for safety, as do my fellow journalists.

Providing access to disaster areas enables journalists to inform the general public of the actual situation, promoting truth and transparency in government, thus reducing the possibility of abuse of power. It also enables people make informed decisions best suited to their needs and considerably reduces area residents' stress and anxiety of the unknown.

Media personnel CAN and DO access disaster zones around the world on a daily basis. For years, journalists have imbedded with combat troops in war zones in combat-ravaged areas, such as Afghanistan and Iraq, yet in Hawaii were not allowed to view a slow-moving lava flow.

As the owner of a Hawaii media company, I firmly support Senate Bill No. 655, relating to media access.

Denise Laitinen

DLC Hawaii Media, Owner

Big Island Press Club, Past President

Denise Laitinen

2016 Big Island Press Club President

Social Media Club Hawaii Board of Directors, 2014-2016

2009 Hawaii County Woman of the Year and Women Hall of Fame nominee

To: Committee on Public Safety, Intergovernmental, and Military Affairs

RE: In Strong Support of SB655, Relating to Media Access

Hearing Date: 2 p.m., Feb. 14, 2017

Dear Committee on Public Safety, Intergovernmental and Military Affairs:

I support SB655, relating to media access, which ensures that news media can independently report on emergency situations across the state. This is essential for an informed society and to maintain transparency within local and state government – which is elected serve the people. We need to safeguard a free press and media access more today than ever before.

Peg Zenk Bitter, Hilo, HI

Independent journalist and member, Big Island Press Club



Testimony of Chris Leonard
President – Hawaii Association of Broadcasters, Inc.
President – New West Broadcasting Corp.
In support of SB655, Relating to media access

Before the Senate Committee on Public Safety, Intergovernmental, and Military Affairs
February 14, 2017

RELATING TO MEDIA ACCESS

Good afternoon Chairman Nishihara, Vice Chair Wakai and members of the committee. For the record, my name is Chris Leonard and I am the President of New West Broadcasting Corp. We are a locally-owned broadcast company that owns and operates five radio stations in Hilo and Kona. I am also the President of the Hawaii Association of Broadcasters. The Association represents Television & Radio stations that serve local communities across the State of Hawaii. I provide this testimony in support of SB655.

Local broadcasters across the State of Hawaii have a duty to serve the public interest with emergency information, news, public affairs programming and entertainment. Our ability to provide news and emergency information is directly impacted by our ability to gain reasonable access to areas that are impacted.

The Hawaii Association of Broadcasters is in strong support of SB655 and specifically the following language in the bill that allows for reasonable media access:

(d) Nothing in this section shall prevent 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. When full access cannot be reasonably granted, a pool writer, pool photographer,

and pool videographer shall be designated to gather and disseminate information."

Chairman Nishihara, Vice Chair Wakai and committee members, we appreciate your time and consideration of this matter and we ask you to support SB655. It provides essential media access that allows us to keep the public informed and safe.

Sincerely,

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

Chris Leonard
President
Hawaii Association of Broadcasters, Inc.

President / General Manager
New West Broadcasting Corp.



Feb. 14, 2017

Sen. Clarence Nishihara
Senate Committee on Public Safety, Intergovernmental and Military Affairs
State Capitol
Honolulu, HI 96813

Re: Senate Bill 655

Chairman Nishihara and Committee Members:

We support SB 655 as a way of restoring some balance in the law governing county emergency controls in hazardous situations.

As you well know, Act 111 was patterned after California's law but without the California provisions for media access in disasters. This became apparent after the media were shut out of areas overrun by lava on the Big Island.

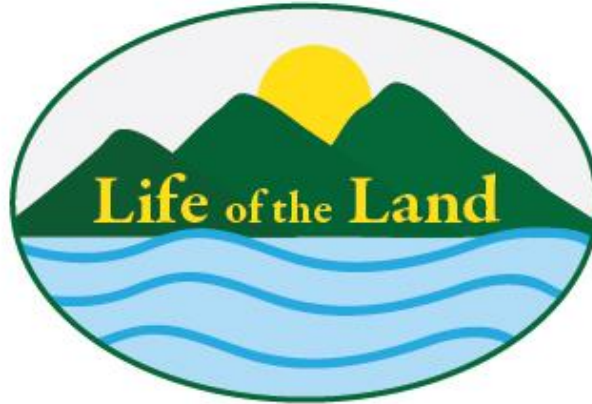
We believe that SB 655 would allow some media access without being burdensome to government. The media are not asking for unfettered access, and the bill allows for pool coverage of disasters.

"(d) Nothing in this section shall prevent 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. When full access cannot be reasonably granted, a pool writer, pool photographer, and pool videographer shall be designated to gather and disseminate information."

In the past, the Department of Defense has suggested that a bill similar as this define a journalist. We would ask you to avoid this. Such an action would be tantamount to licensing of news media by government. We would oppose such an action.

Thank you for your time and attention.

Stirling Morita
President, Hawaii Chapter SPJ



P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, February 14, 2017

2:00 p.m.

Conference Room 229

SB 655 RELATING TO MEDIA ACCESS

STRONG SUPPORT

Aloha Chair Nishihara, Vice Chair Wakai, and Members of the Committee,

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 47 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

In a free society, it is critical that the media has access to events as they unfold. Today, the media has expanded and blurred from the media of yesterday. It is important that access be given to TV, Radio, Newspapers (print and on-line), and Social Media. This bill has the necessary safeguards.

Mahalo,

Henry Curtis,
Executive Director

Aloha — my name is Brad Sherman, and I am the vice-president of the Hawaii local of the Pacific Media Workers Guild.

I'm writing to express my support for the passage of SB655, which would allow the news media to access areas that are closed pursuant to emergency management powers of the governor and mayor.

Passage of this bill will, in short, benefit the public. To be sure, news media outlets have a professional interest in the type of access the bill would provide, but that is not why I am expressing my support. My reason, instead, is that allowing the media to better report on emergency situations will allow Hawaii residents and visitors to have the most comprehensive and up-to-date information possible, better enabling them to stay safe.

Mahalo for considering this testimony. I can be contacted by phone at (808) 276-1878, or by email at bradesherman@hotmail.com.



Feb. 14, 2017

Sen. Clarence Nishihara
Senate Committee on Public Safety, Intergovernmental and Military Affairs
State Capitol
Honolulu, HI 96813

Re: Senate Bill 655

Chairman Nishihara and Committee Members:

We support SB 655 as a way of restoring some balance in the law governing county emergency controls in hazardous situations.

As you well know, Act 111 was patterned after California's law but without the California provisions for media access in disasters. This became apparent after the media were shut out of areas overrun by lava on the Big Island.

We believe that SB 655 would allow some media access without being burdensome to government. The media are not asking for unfettered access, and the bill allows for pool coverage of disasters.

"(d) Nothing in this section shall prevent 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. When full access cannot be reasonably granted, a pool writer, pool photographer, and pool videographer shall be designated to gather and disseminate information."

In the past, the Department of Defense has suggested that a bill similar as this define a journalist. We would ask you to avoid this. Such an action would be tantamount to licensing of news media by government. We would oppose such an action.

Thank you for your time and attention.

Stirling Morita
President, Hawaii Chapter SPJ

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 12:32 PM
To: PSMTestimony
Cc: kteger@hawaii.rr.com
Subject: Submitted testimony for SB655 on Feb 14, 2017 14:00PM

SB655

Submitted on: 2/13/2017

Testimony for PSM on Feb 14, 2017 14:00PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Katharine T. Cannon-Eger	Individual	Support	No

Comments: I am a long-time member and supporter of the Big Island Press Club.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Dear Committee on Public Safety, Intergovernmental, and Military
Affairs:

I support SB655, relating to media access, which ensures that news media can independently report on emergency situations across Hawaii.

During the 2014 Pahoia lava flow, I was one of many news photographers denied access, by Act 111. A few years ago, I covered some news stories in Korea and was granted better access to the border of North Korea. The Pahoia lava flow was a slow moving disaster, that should have been covered, like other emergency situations by the media. In 1990 a lava flow destroyed the town of Kalpana and the media had full access. The Last time I checked, Hawaii is still part of America and not a Third World country.

Aloha for your time,

Tim Wright
Triple T News Photos
Hilo, HI

(808) 937-0691 (cell)

Dear Committee on Public Safety, Intergovernmental, and Military Affairs:

I support SB655, relating to media access, which ensures that news media can independently report on emergency situations across Hawaii.

Alan Richmond
Big Island Press Club
831-809-1122
arcintl@sbcglobal.net
www.alanrichmond.com

Dear Committee on Public Safety, Intergovernmental, and Military Affairs:

Please approve SB 655.

It is critical news media be allowed to independently report on emergency situations across Hawaii.

Thank you,

Karin Stanton
Big Island Press Club vice president
Hawaii 24/7 editor

Aloha Chair Nishihara, Vice Chair Wakai and committee members Baker, Ihara and Thielen,

I support SB 655.

Working reporters such as me on Hawaii Island have faced selective access to some media outlets and lack of access for others during the state of emergency declared during the June 27, 2014, lava flow.

Reporters and photojournalists need access to natural disasters, crime scenes and the lack, as long as that access does not endanger public safety or the integrity of evidence at a crime scene. I do recognize there are times that a pool reporter/photojournalist is the best route, as long as all media outlets are provided access to the pool journalists' information and images.

Managed images and news provided only by government sources is not a reasonable or acceptable alternative and is counter to the First Amendment press freedom guarantees in the U.S. Constitution.

Thank you,

John Burnett
Police and Courts Reporter
Hawaii Tribune-Herald
Hilo, Hawaii
(808) 930-7328

To the Committee on Public Safety, Intergovernmental, and Military Affairs,

I enthusiastically support SB655, relating to media access, which ensures that news media can independently report on emergency situations across Hawai'i. Please make this the law in our state.

Mahalo,
Carolyn Lee

Freelance journalist
Big Island of Hawai'i

To: Committee on Public Safety, Intergovernmental,
and Military Affairs

RE: IN STRONG SUPPORT OF SB655,
RELATING TO MEDIA ACCESS

Hearing Date: 2 p.m., Feb. 14, 2017

Dear Committee on Public Safety, Intergovernmental, and Military
Affairs:

I support SB655, relating to media access, which ensures that news media
can independently report on emergency situations across Hawaii. It is
critical in various situations unique to Hawaii.

Mahalo.

Jeanne Yagi
1320 Komohana Street
Hilo, Hawaii 96720

Aloha, Committee on Public Safety, Intergovernmental, and Military Affairs:

As a Big Island video-journalist who has worked as a stringer for Oahu's Television news outlets for nearly twenty years, I strongly support SB655, relating to media access, which ensures that news media can independently report on emergency situations across Hawaii.

Mahalo for your attention,

Tim Bryan

PO Box 642
Volcano, HI 96785

(808) 937-7381

Dear Committee on Public Safety, Intergovernmental, and Military Affairs:

I favor the passage of S.B. 655, relating to media access, which ensures that news media can independently report on emergency situations across Hawaii. In times of emergency, people need reliable sources of news. Thank you.

Sincerely,
Brandon Haleamau

Bernard P. Carvalho, Jr.
Mayor



Elton S. Ushio
Emergency Management
Administrator

Wallace G. Rezentes, Jr.
Managing Director

KAUA'I EMERGENCY MANAGEMENT AGENCY

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LATE

February 14, 2017

The Honorable Senator Clarence K. Nishihara, Chair, Senator Glenn Wakai, Vice Chair and Members, Committee on Public Safety, Intergovernmental and Military Affairs

State Senate
415 South Beretania Street
Honolulu, Hawai'i 96813

SUBJECT: TESTIMONY ON S.B. 655 RELATING TO MEDIA ACCESS

Chair Nishihara, Vice Chair Wakai and Committee Members:

I am Elton Ushio, Administrator of the Kaua'i Emergency Management Agency (KEMA), testifying in OPPOSITION of S.B. 655.

KEMA opposes S.B.655, which proposes to amend H.R.S. §127A-12 by adding language pertaining to media access.

We have the following concerns:

1. Allowing media access to restricted areas (stricken, dangerous or under dangerous conditions) poses risks to the media, along with emergency management staff and first responders who may need to assist or render aid.
2. A "duly authorized representative of any news service, newspaper, radio station, television station, or online distribution network" needs to be better-defined. A universally-accepted media definition, an associated credentialing mechanism and a requirement for such credentialing is needed. Otherwise, this could result in an overwhelming number of requests for media access, with no standard for validation.

Here, I'd suggest that the legislature consider a nationwide best-practices study relating to media access and credentialing, and possibly integrate the findings into future proposed legislation.

3. Managing media access can adversely affect emergency management operations and pose a risk to the general public. Given our limited staffing resources, managing media access would compete with, distract from and/or disrupt emergency operations by creating additional burdens.

These items would not be in the best interest of emergency management, our first responder and emergency response partners, as well as the people we serve.

We feel that our established Public Information Officer (PIO) functions, frequent press-releases augmented with social media and website dissemination, along with our practices of reasonable media access at the discretion of emergency management and/or public safety officials more than adequately address media needs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Elton S. Ushio', with a large, stylized flourish extending to the right.

Elton S. Ushio
Emergency Management Administrator