

HB 990, HD1

Measure Title:

RELATING TO DISASTER PREPAREDNESS

Report Title:

Disaster Preparedness Plan; Natural Disasters

Description:

Establishes the Office of Disaster Preparedness and a Disaster Preparedness Commission to develop a disaster preparedness plan for Hawaii that includes the Identification of hazards and hazard impact zones, disaster mitigation policies, requirements, and incentives, and best responses. Appropriates funds. Effective July 1, 2020. (HB990 HD1)

LINDA LINGLE
GOVERNOR



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

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA
IN REPLY REFER TO:

March 25 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 990, H.D.1,
RELATING TO DISASTER PREPAREDNESS.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
COMMITTEE ON TRANSPORTATION, INTERNATIONAL &
INTERGOVERNMENTAL AFFAIRS

The Department of Transportation (DOT) **strongly opposes** this bill. This bill will establish an office of disaster preparedness (Office) to be headed by a director, and a disaster preparedness commission (Commission), to assist the director in developing a comprehensive disaster preparedness plan. This bill further proposes that both the Office and the Commission be within the DOT. The DOT objects to this bill for the following reasons.

Disaster preparedness is currently within the purview of the State Civil Defense Division of the Department of Defense. Creating another agency to be responsible for disaster preparedness will duplicate the State Civil Defense Division's role and cause public confusion. The duplication of effort between the State Civil Defense Division and the proposed Office will also be an unnecessary waste of our limited resources.

There is also the cost and expense of creating and staffing this new Office and Commission.

Finally, the responsibilities of this proposed Office and Commission are outside the purview, authority, and resources of the DOT. While the DOT has always been an active partner in preparing for disasters, there is no good reason for housing the Office and Commission within the DOT.

For these reasons, we oppose this bill and respectfully ask that this bill be held in committee.

Thank you for the opportunity to testify on this matter.



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

Senate Committee on Public Safety and Military Affairs

The Honorable Will Espero, Chair

The Honorable Robert Bunda, Vice Chair

Senate Committee on Transportation, International and Intergovernmental Affairs

The Honorable J. Kalani English, Chair

The Honorable Mike Gabbard, Vice Chair

Wednesday, March 25, 2009, 1:15 p.m.

State Capitol, Conference Room 224

by

Walter M. Ozawa

Deputy Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 990, H.D. 1, Relating to Disaster Preparedness

Purpose: Establishes the Office of Disaster Preparedness and a Disaster Preparedness Commission to develop a disaster preparedness plan for Hawaii that includes the identification of hazards and hazard impact zones, disaster mitigation policies, requirements, and incentives, and best responses. Appropriates funds. Effective July 1, 2020.

Judiciary's Position:

The Judiciary does not take a position on this bill but offers these comments for the Committee's consideration.

If this measure goes forward, the Judiciary requests that House Bill No. 990, H.D. 1 be amended to include one additional member to the Disaster Preparedness Commission, to be appointed by the Chief Justice of the Supreme Court for the following reasons:



House Bill No. 990, H.D. 1, Relating to Disaster Preparedness
Senate Committee on Public Safety and Military Affairs /
Senate Committee on Transportation, International and Intergovernmental Affairs
March 25, 2009
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- Disaster preparedness efforts aim to minimize harm and maintain or restore routines and functions of civil society. But even the most thorough and prescient plan will fall short if it does not reach across jurisdictions and agencies.
- There are numerous agencies, organizations, and interagency partnerships that are all responsible for different, and not necessarily distinct, components of emergencies. Therefore, planning considerations for disaster preparedness should consider the responsibilities of federal, state, and local authorities that are required to help prevent, respond, and recover from an emergency.
- To optimize preparedness, the Commission established by this bill will need to have a comprehensive understanding of the other sector's roles, responsibilities, legal authorities, and assets that relate to emergency responses. The Judiciary, as the third branch of government, should be represented on the Commission to help safeguard individual liberties and preserve the rule of law.

For example, during pandemic emergencies, courts may issue orders authorizing certain actions or affirm orders issued by public health or law enforcement to protect the public's well being.¹ An operational court system ensures that courts are available to serve as guardians of liberty and protectors of the rule of law – even if face-to-face interactions become difficult or impossible. This information is critical to designing and implementing a plan that incorporates the “all hazards” approach as outlined in the bill.

Having a Judiciary member on the Commission will not only strengthen preparation efforts but also bridge the gap that has separated past emergency preparedness planning and policies by ensuring that all key members who have a strong interest and duty in protecting the public's health and safety are represented.

Thank you for the opportunity to testify on House Bill No. 990, H.D. 1.

¹ Hawaii Revised Statutes Chapter 325 referring to Infectious and Communicable Diseases. “Before quarantining an individual, the department shall obtain a written, ex parte order from a court of this State authorizing such action.” HRS 325-8(e)

TESTIMONY ON HOUSE BILL 990 HD1
A BILL RELATING TO DISASTER PREPAREDNESS
PRESENTATION TO THE
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
March 25, 2009, 1:15 pm in Room 224

BY

By Michael P. Hamnett
47-655 Hui Kelu Street, No. 5
Kaneohe, Hawaii 96744
Phone: (808) 292-2838

SUBJECT: Testimony Opposed to HB990 HD1

Chair Espero, Vice Bunda and Members:

My name is Michael Hamnett. I am Executive Director of the Research Corporation of the University of Hawaii and a research faculty member at the University of Hawaii. I have worked in the field of disaster preparedness and mitigation for the past 26 years. I have chaired the Statewide Hazard Mitigation Forum since 1998 and I currently sit on the Hawaii Hurricane Relief Fund Board of Directors. However, I am testifying as a private citizen, albeit one with considerable professional experience related to the substance of HB990 HD1.

I strongly oppose House Bill 990 because the proposed bill establishes an office that duplicates State Civil Defense and functions now carried out by committees that already exist, including the Statewide Hazard Mitigation Forum for which I serve as chair. It also requires plans that already exist and are currently being revised, including the Statewide Multi-Hazard Mitigation Plan on which the Forum met yesterday.

Thank you for the opportunity to submit testimony



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Alison Powers
Executive Director

TESTIMONY OF ALISON POWERS

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL
AND GOVERNMENTAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

Wednesday, March 25, 2009
1:15 p.m.

HB 990, HD1

Chair Espero, Chair English and members of the Committees, my name is Alison Powers, Executive Director of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately 60% of all property and casualty insurance premiums in the state.

Hawaii Insurers Council supports the intent of H.B. 990, HD1. Hawaii Insurers Council believes it is prudent for the state to have a disaster preparedness plan in place before the next disaster occurs.

In addition, we do offer the following comments:

The inclusion of "human-caused catastrophes" in the definition of "disaster" appears to include acts of terrorism, which could possibly conflict with Homeland Security laws. If it is the intent of the committee to include disaster preparedness for some human-caused

catastrophes, but not acts of terrorism, then acts of terrorism should be specifically excluded in the definition of "disaster."

Hawaii Insurers Council also suggests that "fire" be replaced with "wildfire" under the definition of "natural hazard" because it is more closely aligned with extraordinary situations.

Thank you for this opportunity to provide comments on this measure.

**SENATE COMMITTEE ON
PUBLIC SAFETY AND MILITARY AFFAIRS**

AND

**SENATE COMMITTEE ON
TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS**

March 25, 2009

House Bill 990, HD 1 Relating to Disaster Preparedness

Chair Espero, Chair English, members of the Senate Committee on Public Safety and Military Affairs and members of the Senate Committee on Transportation, International and Intergovernmental Affairs, I am Rick Tsujimura, representing State Farm Insurance Companies, a mutual company owned by its policyholders. State Farm supports House Bill 990, HD 1 Relating to Disaster Preparedness.

Disaster preparedness is desperately needed in a state which is subject to hurricanes, tidal waves, tsunamis, earthquakes, and volcanoes. We believe that this measure may assist homeowners to be prepared in the event of natural disasters and will prevent wide spread catastrophes or destruction such as occurred in the gulf. Discouraging those from constructing homes in disaster prone areas is crucial to avoiding loss of property and life. We encourage the committee to act favorably upon this measure.

Thank you for the opportunity to present this testimony.



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March 24, 2009

The Honorable Will Espero, Chair
Senate Committee on Public Safety and Military Affairs
Hawaii State Capitol, Room 207
Honolulu, Hawaii 96813

The Honorable J. Kalani English, Chair
Senate Committee on Transportation, International
and Intergovernmental Affairs
Hawaii State Capitol, Room 205

RE: H.B. 990, H.D.1 - Relating to Disaster Preparedness

HEARING DATE: March 25, 2009 at 1:15 p.m.

Aloha Chairs Espero and English, and Members of the Joint Committees:

I am Mary Begier, member of the Government Affairs Committee, here to testify on behalf of the Hawai'i Association of REALTORS® (HAR) and its 9,600 members in Hawai'i. HAR supports H.B. 990, H.D.1 which establishes the Office of Disaster Preparedness and a Disaster Preparedness Commission to develop a disaster plan for Hawaii including identification of hazards and hazard zones, mitigation policies, requirements, incentives, and best responses.

In Hawai'i, we have experienced threats from natural disasters, such as, earthquakes, tsunami, storms, etc. We have also learned from other States in times of disaster that proper emergency planning is critical to the safety and welfare of the public and its property. The Legislature has made great progress on disaster preparedness issues, and this measure, which develops a disaster plan for Hawai'i, will continue this progress.

In the event of a disaster in Hawai'i, HAR believes it is important that the federal, state, and county governments should coordinate their efforts. Having the knowledge of established hazard zones and mitigation policies can be critical to minimize losses in the event of a disaster. Establishing the Office of Disaster Preparedness will help to accomplish these objectives.

Mahalo for the opportunity to testify.

Testimony before the
Senate Committees on
Public Safety and Military Affairs
and
Transportation, International and Inter-Governmental Affairs

H.B. 990, H.D. 1 – Relating to Disaster Preparedness

Wednesday, March 25, 2009
1:15 pm, Conference Room 224

By Dean Mizumura
Manager, Asset Management
Hawaiian Electric Company, Inc.

Chair Espero, Vice Chair Bunda and Members of the Committee on Public Safety and
Military Affairs
Chair English, Vice Chair Gabbard and Members of the Committee on Transportation,
International and Inter-Governmental Affairs

My name is Dean Mizumura and I am testifying on behalf of the Hawaiian
Electric Company, Inc. and its subsidiaries, Maui Electric Company, Ltd. and Hawaii
Electric Light Company.

This measure establishes the office of the director of disaster preparedness within
the department of transportation and a disaster preparedness commission to develop a
comprehensive disaster preparedness plan for the State of Hawaii.

Hawaiian Electric appreciates and recognizes the importance of being prepared to
respond to emergency situations and the need for close coordination with state and
county agencies. During emergency situations, Hawaiian Electric is the leading private
sector company supporting the emergency preparation efforts of the State Civil Defense
and the Department of Emergency Management.

Hawaiian Electric Company, Inc., Maui Electric Company and Hawaii Electric
Light Company are also active participants in the Energy Council which is lead by
DBED&T to address energy shortages or emergencies and where time is of the essence.
The Energy Council is one of the emergency support functions, ESF-12, under the State
Civil Defense umbrella.

Hawaiian Electric Company supports the formation of the office of disaster
preparedness and the disaster preparedness commission to develop a comprehensive
disaster preparedness plan for the State of Hawaii as noted in H.B. 990, H.D. 1.