



*THE JUDICIARY, STATE OF HAWAII*

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

House Committee on Finance  
The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair

Tuesday, March 3, 2009, 11:00 a.m.  
State Capitol, Conference Room 308

by  
Walter M. Ozawa  
Deputy Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 990, Relating to Disaster Preparedness

**Purpose:** Establishes the Office of the Director 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 7/1/09.

**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 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:

- 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.



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- 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.<sup>1</sup> 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.

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<sup>1</sup> 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)

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 990  
A BILL RELATING TO DISASTER PREPAREDNESS

PRESENTATION TO THE  
COMMITTEE ON FINANCE

BY

MAJOR GENERAL ROBERT G. F. LEE  
DIRECTOR OF CIVIL DEFENSE

March 3, 2009

Chair Oshiro and Committee members:

I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to House Bill 990.

We oppose House Bill 990 because the proposed bill establishes an office of disaster preparedness and disaster preparedness commission under the Department of Transportation for the purpose of developing a comprehensive disaster preparedness plan for the State of Hawaii. The proposed bill will duplicate ongoing emergency preparedness functions and planning performed by the State Civil Defense Division.

If this proposal is passed, there will be considerable cost implications generated by creating a new office of the director of disaster preparedness in the Department of Transportation.

Thank you for the opportunity to provide written testimony that opposes this bill.



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March 2, 2009

**The Honorable Marcus R. Oshiro, Chair**

House Committee on Finance  
State Capitol, Room 308  
Honolulu, Hawaii 96813

**RE: H.B. 990 Relating to Disaster Preparedness**

**HEARING DATE: March 3, 2009 at 11:00 a.m.**

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee on Finance:

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 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.

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**Testimony of Gerald Peters**  
**and The Hawaii Lumber Products Association**  
**(FIN) House Committee on Finance Tuesday Mar 3, 2009. Room 308. 11:00 am**  
**RE: HOUSE BILL 990 – RELATING TO DISASTER PREPAREDNESS**

Chair Oshiro, Vice Chair Lee, and Members;

My name is Gerald Peters. I am testifying on behalf of The Hawaii Lumber Products Association, as well as myself as an individual with nearly 20 years experience in disaster preparedness, and General Licensed Contracting in Hawaii, in support of this legislation.

We wholeheartedly support the need to establish a highly visible activity for preparedness, and especially laud the section which provides implementation of incentives for residential, commercial and governmental retrofitting for damage mitigation, such as tax credits.

There is nearly \$200 million in the hurricane relief fund. Investing in mitigation incentives is already authorized under the HHRF statute, and has a direct nexus to the fund's overall purpose to lessen the magnitude of future disasters such as hurricanes.

We are uncertain as to the best management direction, staffing, and operating plan, but do urge non duplication of current State and County functions, such as the State Mitigation Plan produced under the auspices of State and County Civil Defense Agencies for and approved by FEMA.

We also recommend organizational flexibility so as not to hamper some noteworthy readiness improvements which have been made at the State and County levels since the time of the Asian Tsunami and Hurricane Katrina.

We believe this legislation's implementation must also avoid slowing any reaction time to disasters. Nor, of course, should the end organizational result unnecessarily bureaucratize, delay, and/or hamper creation and implementation of long overdue programs to address a major lack of public awareness, nor slow the creation of incentives for home, condo, commercial building, and business owners to take preparedness actions on their own.

Thank you.

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**HOUSE COMMITTEE ON  
FINANCE**

March 3, 2009

House Bill 990 Relating to Disaster Preparedness

Chair Oshiro and members of the House Committee on Finance, I am Rick Tsujimura, representing State Farm Insurance Companies, a mutual company owned by its policyholders. State Farm supports House Bill 990 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.