

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 478 SD 2
A BILL RELATING TO DISASTER RELIEF

PRESENTATION TO THE
COMMITTEE ON PUBLIC SAFETY

BY

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ACTING DIRECTOR OF CIVIL DEFENSE

March 19, 2009

Chair Hanohano and Committee Members:

I am Ed Teixeira, Acting Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to Senate Bill 478 SD 2.

If passed, Senate Bill 478 SD 2 will inhibit the process for requesting a Governor's Emergency Proclamation to protect life and property and to prevent suffering by requiring the State Civil Defense Agency to determine if disaster relief to affected residents can be achieved through legislature enacted in the next regular session or by special session.

The proposed bill will slow down the process for requesting a Governor's Emergency Proclamation to protect life and property and to prevent suffering by requiring the State Civil Defense Agency to determine if disaster relief to affected residents can be achieved through legislation enacted in the next regular session or by special session. Most emergencies and disasters are fluid events, the extent of which can rarely be predicted let alone depicted in minute detail. The gravity of these events as they become known or reported through various channels is often underestimated.

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

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

BARBARA A. ANNIS
Deputy Comptroller

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TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
PUBLIC SAFETY
ON
March 19, 2009

S.B. 478, S.D. 2

RELATING TO DISASTER RELIEF

Chair Hanohano and members of the Committee, thank you for the opportunity to testify on S.B. 478, S.D. 2.

The Department of Accounting and General Services (DAGS) opposes this bill because it severely limits the Governor in the Governor's exercise of emergency power for disasters not caused by the specifically listed causes. This means that the Governor will be limited if a disaster, that is not specifically listed, occurs. Furthermore, it is impractical for the Governor to "first find and declare through an emergency proclamation that tangible and measurable harm or damage has resulted or is about to result as a consequence of the disaster and that the disaster relief could not otherwise be achieved through legislation enacted in the next regular session of the legislature or special session of the legislature called by the Governor for the purpose of providing the relief".

This would preclude the Governor from exercising the Governor's emergency power for imminent, not specifically named, potential disasters. And, in the aftermath of a not specifically named disaster, the Governor would need to find and declare the tangible and measurable harm and determine if relief could be achieved through legislation. If so, the Governor would be compelled to call a special session of the legislature to provide such relief. Meanwhile, whatever harm has occurred would remain, and any health and safety problems will fester until the legislature passes the appropriate legislation.

In an emergency, the Governor, as both the Chief Executive and Commander in Chief of the State, must be able to take action as swiftly as the situation warrants. This bill would prevent the Governor from acting on the advice of experts in disaster prevention and response, and from ensuring the health and safety of the State's citizenry. As a department that has assigned responsibilities for responding to disasters, DAGS understands the need for the Governor to take swift and decisive action. This bill, if passed into law, will interfere with the Governor's responsibilities.

In addition to hindering the Governor from taking timely action, this bill would create problems for the Governor even when the Governor is able to provide disaster relief without legislation. In these cases, the relief that is provided would terminate at the end of the next legislative session unless the Legislature adopts a concurrent resolution or enacts a law to authorize the continued disaster relief. This would be disruptive as relief projects often take over a year to complete and precious resources would be diverted to justifying the continuance rather than continuing the relief. There may be dozens or hundreds of projects involved. There may also be impacts on cost recovery, and federal and state aid.

DAGS recommends that this bill be held.

Thank you for the opportunity to testify on this matter.