

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 533
A BILL RELATING TO EMERGENCY MANAGEMENT

PRESENTATION TO
THE SENATE COMMITTEE ON JUDICIARY AND LABOR

BY
BRIGADIER GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
AND DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
February 18, 2015

Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Senate Committee on Judiciary and Labor:

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.

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SB 533

PRESENTATION TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

BY

DOUG MAYNE
ADMINISTRATOR OF EMERGENCY MANAGEMENT
February 18, 2015

Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

I am Doug Mayne and I am the Administrator of the Hawaii Emergency Management Agency. I am testifying in **STRONG OPPOSITION** to SB 533.

Senate Bill 533 proposes to allow “a duly authorized representative of any news service, newspaper, radio station, television station, or online news distribution network” to enter any area that local emergency management officials have placed off limits for public health and safety reasons IAW HRS 127A-12. I strongly oppose this provision for the following reasons:

The purpose of ordering an evacuation is to ensure public safety and welfare by removing people from the path or impacts of a hazard. One purpose of establishing a restricted area is to keep non-residents out of an affected area to ensure the security and safety of area residents. Allowing news media free access to these restricted areas could place them in great danger, and could endanger the lives of first responders should the person get into difficulty.

Another consideration is the definition of media contained in this bill for purposes of access. The broad definition of media referenced in SB 533 would make enforcing evacuation orders or keeping unauthorized people out of restricted areas impossible. In today’s world of on-line news services, and with the proliferation of bloggers and social media, the line between “accredited” news media with a formal outlet (e.g., Star-Advertiser or West Hawaii Today) and bloggers or someone who merely posts to Twitter or other social media sites has become very blurry. Using the term “online distribution service” could allow virtually anybody to enter an area restricted pursuant to HRS 127A-12.

I understand the needs of a free press with access to events and people. But we must balance these needs with the reality of establishing safety and security before, during and after a disaster and the safety of our first responders. I urge you to not pass this bill out of committee.

Thank you for allowing me to testify in **STRONG OPPOSITION** to SB 533.

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for SB533 on Feb 18, 2015 09:15AM
Date: Tuesday, February 17, 2015 8:16:07 AM

SB533

Submitted on: 2/17/2015

Testimony for JDL on Feb 18, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Stanton	Hawaii 24/7	Support	No

Comments: Aloha, I strongly support for 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 independently. 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. Amending Act 111 is the beginning of the discussion and is just one step toward protecting a free and independent press as prescribed in the First Amendment. Mahalo, Karin Stanton Big Island Press Club board member Hawaii 24/7 Editor

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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SB533

Submitted on: 2/14/2015

Testimony for JDL on Feb 18, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT DUERR	Individual	Support	No

Comments: 02/14/15 Senator Gilbert S.C. Keith-Agaran Judiciary Chair Hawaii State Capitol, Room 221 senkeithagaran@capitol.hawaii.gov Dear Senator Keith-Agaran, I fully support SB 533. I'm an award-winning freelance writer and film maker from Hilo. I have written both nationally and internationally on Hawaii and Pacific Rim mauka and makai outdoor issues. For nearly 30 years I have written a monthly column for Hawaii Fishing News and cover public policy. I am a senior member of Outdoor Writers of America Association, the nation's top outdoor writer group. I am currently on the board of directors and treasurer for the Big Island Press Club. Act 111, was signed into law by Gov. Abercrombie. It confers "upon the governor and upon the mayors of the counties of the State the emergency powers necessary to prepare for and respond to emergencies or disasters." These emergency powers are broad, can supersede existing laws and suspend sound public policy. The most egregious is the suspension of Hawaii constitutional mandated checks and balances within our executive, legislative and judicial government. It is understandable that Hawaii and Hawaii County in particular are susceptible to civil defense emergencies, disasters and special public safety situations that require special needs. These needs are best served by a free and independent Press and not the Act 111 government information officers already vested with powers above and beyond the consent of the governed. This is not to say that the County of Hawaii has not done a good job in keeping the Press informed. They have and are to be commended. However, not all future Hawaii Act 111 emergencies will have a Chief Darryl Oliveira or Mayor Billy Kenoi. Irrespective of congratulatory praise, nowhere in the U.S. Constitution are civil defense directors, governors, mayors granted named freedoms. Specified freedom is conferred to the Press in the First Amendment. There is wisdom here. When a duly elected government is suspended by an Act 111 government, it all the more reason why the Press must be free to do its job. While filming the cultural and social impacts to June 27th Flow for "Pahoa Project," I had one of the film's featured Pahoa lava zone residents tell me fearfully that she was threatened with arrest if a journalist was taken inside a closed area. One Pahoa photographer told me he felt holding a camera in the lava zone was like having a machine gun. Last fall the Big Island Press Club called a working group of journalists to meet with County of Hawaii officials involved with Act 111 to try and develop an access working plan for the Press. Big Island Press Club was able to help broker an understanding with

Hawaii County of the FAA restrictions to reopen suspended lava flow aerial overflights. There seemed to be little interest with the County in press access beyond aerial viewing. Access for Hawaii's working Press is why SB 533 came before you. I hope that you will fully support this bill. Mahalo for your efforts, Robert Duerr Hilo, Hawaii 96720

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Denise Laitinen, owner DLC Hawaii Media
“Because people’s stories deserve to be told.”

February 16, 2015

Hawaii State Senator Judiciary Chair Gilbert S.C. Keith-Agaran
Hawaii State Capitol, Room 221

Re: Senate Bill S533

Dear Hawaii State Senator Judiciary Chair Gilbert S.C. Keith-Agaran:

As a journalist and owner of a Hawaii Island media company, I **FIRMLY SUPPORT** SB 533, providing media access to disaster areas in times of emergency.

Accurate and thorough reporting of an ongoing disaster provides timely information to the public who can then adjust their preparations and expectations of emergency response accordingly. For example, with the June 27 Kilauea Lava flow impacting the Puna district, thousands of area residents are making life-altering decisions about selling their homes and uprooting their families based on what they can learn about the status of the lava.

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.

Opponents of this bill cite safety concerns as the reason they are against this measure. What they may not realize is that in the case of the Puna lava flow, local media representatives met with Civil Defense and County officials when the lava flow first started approaching the community. They volunteered to undergo safety training specified by disaster management officials, as well as sign liability waivers, as a prerequisite to entering areas closed to the public.

Contrary to statements made by opponents of SB 533, media personnel, at least those on Hawaii Island, were/are NOT allowed access to evacuated or restricted areas through prearranged coordination with the Emergency Operations Center.

As a Puna resident, I saw the lava flow’s voluminous plume of smoke from my front door for months, yet was not allowed access to report on the biggest news story in decades as it occurred in my community. 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. However, Act 111 provides broad and overreaching control to authorities who can curtail the access to information.

Denying access to emergency zones and disaster areas does not reduce or minimize the risk to area residents. However, I have seen first hand how the lack of timely and accurate information DOES dramatically increase the fears and concerns of the impacted residents, as well as their loved ones who may be on the mainland or in other countries.

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 are not allowed to view a slow-moving lava flow.

As the owner of a Hawaii Island media company, I firmly support Senate Bill No. 533, relating to emergency management.

Denise Laitinen
DLC Hawaii Media, Owner
Big Island Press Club, Vice President

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
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SB533

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Testimony for JDL on Feb 18, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Levin	Individual	Support	No

Comments: The Hawaii legislature has an unfortunate history of pandering to labor unions, police departments, and other local authority. This results in laws that prevent the press from doing their important community job. Please strongly consider giving our press the access they need to important events such as these. Thank you!

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