STAND. COM. REP. NO.

2723

Honolulu, Hawaii

FEB 2 9 2008

RE: S.B. No. 3034 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 3034, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL DEFENSE,"

begs leave to report as follows:

The purpose of this measure is to clarify that compensation received by certain private entities for the use of their facilities as a private shelter in the case of a civil defense emergency involving an attack is not considered compensation for the purposes of section 128-19, Hawaii Revised Statutes.

Your Committee reviewed testimony received by your Committee on Intergovernmental and Military Affairs.

This measure also applies to consideration paid by or on behalf of any minor or student of any age in any day care, preschool, elementary school, middle school, high school, college, university, trade school, or any other educational facility used as a private shelter.

Your Committee finds that during times of disaster emergencies, care homes and similar facilities become places of private shelter. Your Committee finds that there is a need to amend the law regarding the liability of an owner or operator of a hospital, community based care home, home-based care home, home health agency, or health care agency or facility of any type, as well as day care, and educational institutions, when an owner or operator of these facilities permits the use of the property for

sheltering persons during disasters and emergencies. The Legislature recognizes that there is a shortage of shelter space in Hawaii and that the private industry should be encouraged to assist in sheltering the public by providing shelter for those persons who by reason of existing relationships may be in these facilities during disasters and emergencies. Under the current law, it is unclear whether owners or operators of certain facilities are able to fully comply with the requirements of section 128-19, Hawaii Revised Statutes, when providing shelter to persons in their care, custody, or charge because section 128-19 requires that shelter be made available without compensation.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3034, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* SB 3034 Sp\	Committee Referral:		Da	Date: 2/25/08	
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)					
HEE, Clayton (VC)					
GABBARD, Mike					
KOKUBUN, Russell S.					
NISHIHARA, Clarence K.					and the second
SLOM, Sam					
				//////////////////////////////////////	
TOTAL		4			2
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature.					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes