

STAND. COM. REP. NO.

2723

Honolulu, Hawaii

FEB 29 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


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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

