



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 7, 2008

MEMORANDUM

TO: The Honorable Cindy Evans, Chair
House Committee on Public Safety and Military Affairs

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 3112 - RELATING TO CIVIL DEFENSE**

Hearing: Thursday, February 7, 2008; 8:45 a.m.
Conference Room 309, State Capitol

PURPOSE: The purpose of H.B. 3112 is to support the State Civil Defense Shelter-In-Place initiative by exempting civil liability for care homes and schools, in addition to hotels, during an officially designated emergency by clarifying that compensation received by certain private entities for use of facilities as a private shelter is not considered compensation for purposes of section 128-19, Hawaii Revised Statutes.

DEPARTMENT'S POSITION: As a partner in the State Civil Defense Shelter-In-Place initiative, the Department of Human Services (DHS) strongly supports this action to exempt civil liability for private owners or operators of care homes and day care facilities, as well as other facilities that permit the use of the property for sheltering persons during disasters and emergencies.

Thank you for the opportunity to comment on this bill.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 3112
A BILL RELATING TO CIVIL DEFENSE

PRESENTATION TO THE
COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

BY

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

February 7, 2008

Chair Evans and Committee Members:

I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am testifying in support of House Bill 3112.

House Bill 3112 amends the language in section 128-19, Hawaii Revised Statutes, to provide health care facilities and private education institutions the opportunity to be designated a private emergency shelter for the purpose of sheltering patients, residents, and students from potential hazards.

House Bill 3112 clarifies that any compensation received by owners or operators of a school, hospital, community-based care home, home-based care home, home health agency or facility from patients, residents, and students under their care is not considered compensation for purposes of section 128-19.

Thank you for the opportunity to provide testimony on behalf of an important emergency preparedness initiative.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Public Safety and Military Affairs

HB 3112, RELATING TO CIVIL DEFENSE

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 7, 2008
8:45 a.m.**

1 **Department's Position:** The Department of Health strongly supports this measure which is part of the
2 Governor's legislative package.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** This measure supports State Civil Defense (SCD) in their shelter-in-place
5 initiative by exempting civil liability for health settings and schools that have been designated as a
6 private shelter by SCD during an officially designated emergency. We defer to the Department of
7 Defense on this legislation as they are the lead agency; however, we would like to voice our strong
8 support.

9 We are confident that this measure would lessen the demand on evacuation resources, emergency
10 shelter facilities (including shelter facilities for special health needs populations), and traffic congestion.

11 Thank you for the opportunity to testify.