

Honolulu, Hawaii

FEB 09 2018

RE: S.B. No. 3083

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 3083 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that certain types of remuneration received by an owner of private property who in good faith provides emergency access to land, shelter, or subsistence during a disaster shall not disqualify the owner from receiving the exemption provided under section 663-10.7, Hawaii Revised Statutes, from civil liability for any resulting injury or damage.

Your Committee received testimony in support of this measure from the Department of Emergency Management, City and County of Honolulu; Hawaii Emergency Management Agency; and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that ensuring citizens have access to adequate land, shelter, and subsistence during a disaster is essential to public safety and welfare. Given the finite amount of available public resources, there is a need to encourage owners of private property to assist in times of emergencies or disasters by providing emergency shelter to the public. However, in many cases, owners of private property are reluctant to make their property or facilities available to the general public for use as



emergency shelter due to concerns about liability. Under existing law, it is unclear whether a property owner who provides shelter during a disaster is exempt from civil liability if the persons being sheltered are paying guests of a transient accommodation, wards of healthcare facilities, students of an educational facility, or buyers of commodities sold by the property owner. Accordingly, this measure clarifies this ambiguity to ensure that certain types of remuneration received by an owner of private property who in good faith provides access to the property to members of the public during a disaster or emergency do not disqualify the property owner from civil liability for resulting injuries or damage.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3083 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



