

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY



TESTIMONY ON HOUSE BILL 2645
A BILL RELATING TO PUBLIC SAFETY

BY

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Before the House Committee on
PUBLIC SAFETY
and
VETERANS, MILITARY AND INTERNATIONAL AFFAIRS & CULTURE AND THE ARTS

The Department of Defense recommends the passage of HB 2645 to address the immunity provisions for private shelters and submits the following comments.

HB 2645 proposes to amend HRS 663-10.7 to clarify that the compensation paid by guests or tenants do not disqualify these property owners from immunity protections. The Department believes that concerns about liability protection for private property owners offering emergency shelter would be addressed with this modification.

Thank you for the opportunity to comment on House Bill 2645.

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**TESTIMONY OF ROBERT TOYOFUKU AND NAHELANI WEBSTER ON
BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) REGARDING
H.B. 2645**

Date: Thursday, February 1, 2018

Time: 9:00 a.m.

Room: 312

To: Chair Gregg Takayama and Members of the House Committee on Public Safety

We are presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding comments on H.B. 2645, Relating to Emergency Management as currently drafted .

The concern with this bill is that it could cause confusion as the language does not distinguish those who are on the property as paying guests from those who are on the property due to an emergency situation. The language in the current statute, *HRS section 663-10.7 Exemption for emergency access to land, shelter, and subsistence during a disaster*, currently allows for any private property who in good faith provides emergency shelter to be exempt from civil liability which is sufficient to include those entities mentioned in this bill. Therefore, the law currently exists for what this bill is trying to achieve.

In addition, the definition of “remuneration” is overly broad and confusing. Once the hotel becomes a shelter in an emergency situation, does the hotel automatically receive immunity from liability even from those paying guests? Perhaps the purpose is to note that the remuneration is only related to that emergency situation – so that Owners are not charging money to provide emergency shelter. To avoid confusion, the recommendation to the committee is to delete the section pertaining to “Remuneration.”

Furthermore, *HRS section 127A-20 Immunity from liability of private shelter*, already provides sufficient protections that this bill seeks to provide, making the proposed language unnecessary.

Thank you for allowing us to testify regarding this measure. Please feel free to contact either of us should you have any questions or desire additional information.