

HB-2673

Submitted on: 1/31/2018 8:16:43 AM

Testimony for PBS on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi		Support	No

Comments:

LATE

HB-2673

Submitted on: 1/31/2018 9:53:06 PM

Testimony for PBS on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rise Doi		Support	No

Comments:

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

LATE

TESTIMONY ON HOUSE BILL 2673
A BILL RELATING TO EMERGENCIES

BY

MOSES KAOIWI
Acting Administrator, Hawaii Emergency Management Agency (HI-EMA)

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 and SB 3083 to address the use of public accommodations for emergency sheltering and submits the following comments regarding HB 2673.

HB 2673 proposes adding a new section to Chapter 127A, Hawaii Revised Statutes that prohibits public accommodations from denying shelter to individuals when an emergency alert advises the public to seek immediate shelter.

The Department agrees with the intent of the bill, which is to prevent the public from being denied safe shelter when there is an immediate threat. The Department believes that concerns about liability currently deter private property owners from offering emergency shelter. HRS 663-10.7 provides immunity for private property owners who provide access to land, shelter or subsistence during emergencies or disasters without expectation of remuneration. HB 2645 and SB 3083 propose to amend HRS 663-10.7 to clarify that the compensation paid by guests or tenants does not disqualify these property owners from immunity protections. The Department believes this modification would encourage property owners, particularly places of public accommodation, to offer shelter during emergencies.

House Bill 2673 further proposes that HI-EMA receive and investigate complaints and issue and enforce civil penalties when it determines a violation occurred.

With respect, HI-EMA has neither the resources, nor the expertise to investigate complaints and to collect or receive penalties. This requirement would also place a burden on the county emergency management agencies since under this provision they would also have to receive and investigate complaints. The primary focus for HI-EMA and county emergency management agencies during a disaster is to provide emergency resources and support to county and jurisdiction requests for assistance.

The Department believes that HB 2645 and SB 3083 are the best method to achieve the intent of this measure, which is to increase public access to shelter during emergencies and disasters.

Thank you for the opportunity to comment on House Bill 2673.

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January 30, 2018

To: Committee on Public Safety, and
Committee on Veterans, Military, and International Affairs, & Culture and the Arts

From: Bryan K. Mick

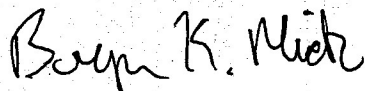
Re: HB 2673 Relating to Emergencies – Hearing on Feb 1, 2018 at 9:00 am

Aloha Chairs Takayama and LoPresti and committee members,

I write to you in full support of HB 2673. This bill represents an important change we need to make following the false missile scare. I commend the Legislature for trying to make our community safer in case of a real attack or other disaster, and for not wasting the chance to learn from the HEMA's unfortunate mistake.

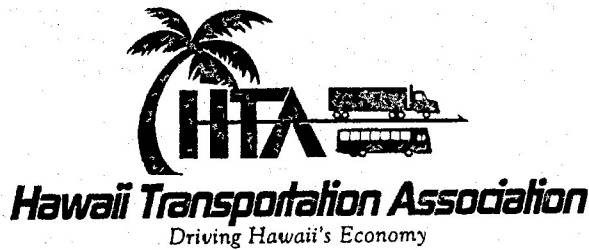
I note that HB 2693 is similar but narrows the requirement to only missile threat alerts. I think that would be a mistake as there are many other situations where a store forcing customers to exit would place the customers in extreme risk. Examples of this are an active shooter situation or an outbreak of a biological weapon. Thank you for the opportunity to submit testimony

Mahalo,



Bryan K. Mick

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February 1, 2018

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON PUBLIC SAFETY AND ON
VETERANS, MILITARY AND INTERNATIONAL AFFAIRS &
CULTURE AND THE ARTS
ON HB 2673 RELATING TO EMERGENCIES**

Thank you Chair Takayama and Chair LoPresti and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

My question on this bill is the definition of "place of public accommodation" as it relates to transportation facilities which is referenced chapter 489-2 Hawaii Revised Statutes as "transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors.

"By way of example, but not of limitation, place of public accommodation includes facilities of the following types:

- (1) A facility providing services relating to travel or transportation."

As you know we do not have bus terminals here as you see on the mainland where passengers purchase tickets and board buses. Tour vehicle terminals here might be accessible to the occasional tour agent as part of a sales effort, but their facilities are only as large as necessary to house their offices and records.

A trucking terminal has even less occasion to have a visitor, and even less employees and space.

Both such terminals are not designed to accommodate numbers of people beyond their employees. Both such terminals present multiple dangers to people in maintenance areas where vehicle parts, and oxidizing cleaners are present, or warehouses where hazardous materials are commonly stored and items stored on tiers upon tiers of shelves.

Such facilities on the mainland cover acres, but facilities in Hawaii are small and actually housed in houses.

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