

**LATE**

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON  
**HOUSE BILL 2693 HD2, RELATING TO PUBLIC SAFETY**

Before the Senate Committee on  
**PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

By

BRIGADIER GENERAL MOSES KAOIWI  
Interim Administrator, Hawaii Emergency Management Agency (HI-EMA)

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Hawaii Emergency Management Agency (HI-EMA) *supports* House Bill 2693 HD2.

House Bill 2693 HD 2 proposes adding a new section to Chapter 127A, Hawaii Revised Statutes that prohibits places of public accommodation from denying shelter to any person when an emergency alert advises the public to immediately seek shelter, until a federal, state, or county emergency management official advises that the emergency condition no longer exists. It provides for a civil penalty for denying shelter and designates the Department of the Attorney General as the investigating agency for such complaints. It provides immunity for private property owners who provide access to land, shelter or subsistence during emergencies or disasters without expectation of remuneration.

HI-EMA supports efforts to encourage the private sector to assist in providing shelter during disasters or emergencies.

Thank you for the opportunity to provide this testimony in **SUPPORT** of House Bill 2693 HD2.

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**HB-2693-HD-2**

Submitted on: 3/12/2018 1:13:48 PM

Testimony for PSM on 3/13/2018 1:30:00 PM

| <b>Submitted By</b> | <b>Organization</b>   | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---|---------------------------|---------------------------|
| Melodie Aduja       | Testifying for OCC<br>Legislative Priorities<br>Committee, Democratic<br>Party of Hawai'i | Support                   | No                        |

Comments:

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) REGARDING H.B. 2693, HD2**

Date: Tuesday, March 13, 2018

Time: 1:30 p.m.

Room: 229

To: Chair Clarence K. Nishihara and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs.

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding H.B. 2693, HD2 Relating to Public Safety as currently drafted.

This bill requires businesses to make their premises available immediately after a missile attack warning signal siren or other emergency alert. While we appreciate the intent of the measure, HRS 127A-20 already provides sufficient liability protection to those who provide emergency shelter.

We would also like to clarify the definition of “remuneration” which 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? The purpose appears to be 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 “Remuneration” definition should be omitted. Furthermore, HRS 127A-20 already provides sufficient protections that this bill seeks to provide.

Thank you very much for allowing me to testify regarding this measure. Please contact me if there are any questions or concerns.



**TESTIMONY OF TINA YAMAKI,  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 13, 2018**

**Re: HB 2693 HD2 RELATING TO PUBLIC SAFETY**

Good afternoon Chairperson Nishihara and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization committed to supporting the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii SUPPORTS parts of HB 2693 HD2 Relating to Public Safety. It is our understanding that the last time many businesses and the community practiced ongoing duck and cover nuclear bomb drills was in the 1960s. Since then many businesses only have "suspicious packages," active shooter, bombs and bomb threat policies that call for evacuation. January 13<sup>th</sup> was a wakeup call for everyone in business and the community to update or formulate a comprehensive pre and post plan for a missile threat.

Retailers want to be good citizens and help to ensure the safety of not only our workers but our customers and the community as well during a crisis where there are only minutes to seek shelter. We **strongly supports the provision in the bill that provides immunity to businesses** who provide shelter to the public and this is an incentive for businesses to open their doors to the public without the fear of being sued.

We would like to recommend a few amendments to this bill.

**We are strongly opposed to the language regarding fines** and would like it to be deleted. We are concerned what the intent is and what is meant by the language would hurt businesses. Businesses never want to see or intentionally cause gross negligence due to omission to those in their establishments. Many of our retail members have glass store fronts that at times can be a few stories high and many retailers are NOT located in buildings that are reinforced with concrete or rebar to withstand a missile or bomb blast. Sheltering people in areas that knowingly may cause harm should the walls and glass be blown in should not be mandated as a safe and viable option for shelter.

We are also wondering if we would have to keep our doors unlocked and open at all times or would we be able to close our doors for safety reasons at some point before impact and what would that timing be? What if the stores are filled to capacity, would we still have to keep accepting people in? How long would we have to shelter people if it is a nuclear, chemical or a dirty bomb? What do retailers do if they are not equip with large quantities of food and water? There are a lot of unanswered questions that retailers have in order to avoid being penalized for being a public shelter.

Furthermore, we feel that price gouging will not be the real issue. The issue will be people assuming everything in the store is FREE and trying to take advantage by not paying for the items.

It is unfortunate that businesses, especially retailers are the target of many frivolous and often time fraudulent liability lawsuits. We want to be sure that not only those who we shelter are safe, but so is the businesses from lawsuits and fines for trying to be good citizens.

Mahalo for this opportunity to testify.

