

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2693  
A BILL RELATING TO PUBLIC SAFETY

BY

VERN T. MIYAGI  
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 immunity provisions for private shelters and submits the following comments.

House Bill 2693 proposes adding a new section to Chapter 127A, Hawaii Revised Statutes that requires businesses and homeowners to provide shelter upon missile threat alert and to provide them with immunity. The measure also proposes that the Hawaii Advisory Council on Emergency Management (HACEM) develop a plan for emergency and disaster response. The Hawaii Emergency Management Agency (HI-EMA) offers the following comments:

Immunity for private property owners who provide access to land, shelter or subsistence during emergencies or disasters without expectation of remuneration is addressed by HRS 663-10.7. The definition of emergencies and disasters includes ballistic missile attack, as well as a range of other hazards such as hurricane and tsunami. 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 that concerns about liability protection for private property owners offering emergency shelter would be addressed with this modification.

House Bill 2693 further proposes that the Hawaii Advisory Council on Emergency Management (HACEM) develop a plan for emergency and disaster response goals, strategies and actions. While the measure's recognition of the importance of disaster planning is appreciated, it would potentially duplicate planning work performed on an ongoing basis by HI-EMA's planning staff. This includes the critical systems work being done by Mr. David Lopez in our Preparedness Branch. HACEM members bring expertise from a range of professional backgrounds, but they are not emergency management professionals with disaster planning experience. In addition, their quarterly meeting schedule does not permit the time necessary to do extensive planning work. The Department believes that the HACEM can best support emergency planning efforts in its current advisory role and through the continued participation of state and county emergency management leadership in HACEM meetings.

Thank you for the opportunity to comment on House Bill 2693.

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**LATE**

February 1, 2018

**COMMITTEE ON PUBLIC SAFETY**

Rep. Gregg Takayama, Chair; Rep. Cedric Gates, Vice Chair; and Committee Members

**COMMITTEE ON VETERANS, MILITARY AND INTERNATIONAL AFFAIRS & CULTURE AND THE ARTS**

Rep. Matthew LoPresti, Chair; Rep. Beth Fukumoto, Vice Chair; and Committee Members

Public Hearing, February 1, 2018, 9:00 a.m., Conference Room 312, State Capitol

**TESTIMONY OF THE**  
**HAWAII ADVISORY COUNCIL ON EMERGENCY MANAGEMENT (HACEM)**  
**OFFERING COMMENTS ON HOUSE BILL 2693**

We respectfully would like to offer comments on House Bill 2693 which proposes to have the Hawaii Advisory Council on Emergency Management (HACEM) develop a plan for emergency and disaster response, and to produce a legislative report.

Our six members of the advisory council commend the legislature for its commitment and concerted efforts to further enhance our state's emergency and disaster response capability by putting in place a process to identify goals and appropriate strategies that will update and maintain these critical emergency preparedness, response and recovery plans. While the measure's recognition of the importance of disaster planning is essential to comprehensive emergency management preparedness for our multi-island state, it would potentially duplicate planning work performed on an ongoing basis by HI-EMA's planning staff of professional emergency professional planners. HACEM is committed to supporting these collaborative efforts in our mandated advisory capacity.

The Hawaii Advisory Council on Emergency Management (formerly the Civil Defense Advisory Council), was established in 1951 and is organized under Section 127A-4 of the Hawaii Revised Statutes. HACEM by mandated statute, is structured and serves in an advisory capacity at the request of the Governor, confers with and advises the Governor, Adjutant General and HI-EMA in regard to matters pertaining to emergency management.

The advisory council strongly believes that HACEM members bring valuable supplemental insight and expertise from a range of professional backgrounds related to or complimentary to emergency planning, but we are not emergency management professionals with disaster planning experience. We strongly believe that the HACEM can most effectively and best support critical emergency planning efforts in its current advisory role and thorough the continued interactive statewide participation with state and county emergency management leadership in our quarterly HACEM meetings.

As a multi-island state, we must remain vigilant to ensure processes and systems are in place that protects life and Hawaii's unique finite resources. Cooperatively, we should and must continue our collaborative efforts in maintaining our emergency preparedness that strengthens Hawaii's resilience. We are living in a new world that requires new thinking and approaches to emergency management.

The advisory council has and will continue to support the ongoing efforts of the Hawaii Emergency Management Agency and our statewide first responders. In our advisory capacity we will continue to collaborate with our partners in both the public and private sector on matters that serve to strengthen and promote a vital emergency management system in our multi-island state.

***Mahalo for the opportunity to offer comments on this measure for consideration***

Respectfully submitted for consideration;

Hawaii Advisory Council on Emergency Management members

*William F. Anonsen*

*William F. Anonsen, Chair, Oahu Member*

*Richard K. Minatoya*

*Richard K. Minatoya, Maui Member*

*Colton K. Ching*

*Colton K. Ching, Oahu Member*

*Sheldon M. Lehman*

*Sheldon M. Lehman, West Hawaii Member*

*Dominador Coloma*

*Dominador Coloma, East Hawaii Member*

*Jan TenBruggencate*

*Jan TenBruggencate, Kauai Member*



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 1, 2018**

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

Good morning Chairperson Takayama and Chairperson LoPresti and members of the Senate Committee on Public Safety and the Senate Committees on Veterans, Military & International Affairs and Culture and the Arts. 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 HB 2693 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 calls 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. This bill 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.

It is unfortunate that businesses, especially retailers are the target of many frivolous and often time fraudulent liability lawsuits. Because of this, we are a little concerns about what the intent and is meant by the language “omissions” as we do not want to intentionally cause gross negligence due to omission. We want to be sure not only those who we shelter are safe, but so is the businesses from lawsuits.

Mahalo for this opportunity to testify.

**LATE**

**HB-2693**

Submitted on: 1/31/2018 9:09:19 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Faye Neves	Hawaii Behavioral Health	Oppose	No

Comments:

STRONGLY OPPOSE! This is one of the stupidest proposals I've ever seen. It's very shortsighted and such a knee jerk reaction that panders to mob mentality.

**LATE**

**TESTIMONY OF ROBERT TOYOFUKU AND NAHELANI WEBSTER ON  
BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ)  
COMMENTS REGARDING H.B. 2693**

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 testimony on behalf of the Hawaii Association for Justice (HAJ) regarding comments on H.B. 2693, Relating to Public Safety as currently drafted.

This bill requires businesses and homeowners to make their premises available immediately after an attack warning signal siren, or other emergency alert. *HRS section 127A-20 Immunity from liability of private shelter*, already provides sufficient liability protection to those who provide emergency shelter. Making the provision of shelter mandatory makes sense for commercial properties, but HAJ is concerned about the implications of requiring this for private homeowners. In this discrete instance of a missile attack there is heightened panic. Mandating homeowners to provide shelter is overly burdensome and could create unnecessary chaos and panic. People should be entitled to feel safe in their own homes during an emergency situation and should be allowed to decide whether to invite members of the public onto their premises.

HAJ respectfully recommends to the committee that “or owns a home” be deleted from page 1, line 9 and from page 1, line 12 and that “or home” be deleted from page 2, line 3.”

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.

**LATE**

**HB-2693**

Submitted on: 2/1/2018 6:55:42 AM  
Testimony for PBS on 2/1/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tony frascarelli		Oppose	No

Comments:

I oppose this bill as currently written and believe forcing homeowners to house strangers for an undetermined period of time poses an additional danger to the homeowner and also violates the homeowners' civil rights. This bill provides no protections to homeowners. Do what you want with businesses licensed by the State but leave homeowners out of the equation. Thank you.