

SB-3083

Submitted on: 2/25/2018 7:30:53 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII'
TO THE COMMITTEE ON JUDICIARY
THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Tuesday, February 27, 2018
9:30 a.m.**

Hawaii State Capitol, Conference Room 016

RE: Testimony in Support of Senate Bill No. **3083** RELATING TO EMERGENCY MANAGEMENT

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Judiciary:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. **3083** relating to Disasters; Emergency Shelter; Exemption from Civil Liability; Requirements; Limitations; and Remuneration.

The OCC Legislative Priorities Committee is in favor of Senate Bill No .**3083** and supports its passage.

Senate Bill No.**3083** is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it clarifies 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, HRS, from civil liability for any resulting injury or damage.

Specifically, the DPH Platform provides that "[w]e believe in a government that will adequately, efficiently, courteously, openly, ethically and fairly administer to the needs of the people. (Platform of the DPH, P. 5, Lines 245-246 (2016)).

Given that Senate Bill No. **3083** clarifies 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, HRS, from civil liability for any resulting injury or damage, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

HIROKAZU TOIYA
DEPUTY DIRECTOR

February 26, 2018

The Honorable Brian T. Taniguchi, Chair
The Honorable Karl Rhoads, Vice-Chair
Committee on Judiciary
State Senate
State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice-Chair Rhoads, and members of the Committee:

SUBJECT: Support for Senate Bill 3083 Relating to Emergency Management

I am Melvin N. Kaku, director of the Department of Emergency Management (DEM), City and County of Honolulu (City). SB 3083 clarifies 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, HRS, from civil liability for any resulting injury or damage.

DEM supports the passage of this bill as it addresses immunity concerns for private property owners.

Thank you for the opportunity to provide comments for this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melvin N. Kaku".
Melvin N. Kaku
Director

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B. 3083**

Date: Tuesday, February 27, 2018

Time: 9:30 a.m.

Room: 016

To: Chair Brian T. Taniguchi and Members of the Senate Committee on Judiciary

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. 3083, Relating to Emergency Management.

This bill mixes business transactions with voluntary Good Samaritan actions, treating them both as the same, when they should be distinguishable and separate. Business transactions include a person who charges money for something as a merchant, not as a Good Samaritan. The charging of money creates a business transaction subject to the legal obligations and public protections applicable to business activities. Whereas, a Good Samaritan reacts voluntarily during a time of need to provide aid to another without charge or expectation of remuneration. Both are separate issues which should be addressed individually.

While we can appreciate the intent of the bill, we would like to highlight to the committee the significant implications resulting from the language as currently drafted. Page 5, lines 13-16: This language is overly broad and would permit a homeowner to charge \$100 for a spam musubi in an emergency while not being subject to HRS 127A-30 prohibitions against price gouging. Our recommendation is to remove this provision, as “any commodity” is overly broad and could lead to unfair price gauging.

In addition, page 4, lines 14-18: The definition of “remuneration” is overly broad and confusing. Once the hotel becomes a shelter in an emergency, does the hotel

automatically receive immunity from liability even from those paying guests? The purpose should be to note that the remuneration is only related to that emergency – so that Owners are not charging money to provide emergency shelter. To avoid confusion, the “Remuneration” definition should be deleted. Furthermore, HRS 127A-20 already provides sufficient protections that this bill seeks to provide.

Thank you for considering our testimony regarding this measure. Please contact me if there are any questions or concerns.