

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY



TESTIMONY ON
HOUSE BILL 1100, RELATING TO EMERGENCY ACCESS TO SHELTER

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

BY

THOMAS L. TRAVIS
ADMINISTRATOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY (HI-EMA)

Chair Takayama, Vice Chair Gates, and Members of the Committee

The Hawaii Emergency Management Agency (HI-EMA) **SUPPORTS** HB1100.

HB 1100 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. This prohibition shall remain in effect 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.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony in **SUPPORT** of House Bill 1100.

Thomas L. Travis: Thomas.l.travis@hawaii.gov; 808-733-4300



February 4, 2019

The Honorable Gregg Takayama, Chair
The Honorable Cedric Asuega Gates, Vice Chair
House Committee on Public Safety, Veterans, and Military Affairs

Re: HB 1100 – Relating to Emergency Access to Shelter

Dear Chair Takayama, Vice Chair Gates, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1100, which prohibits public establishments from denying shelter to any person when an emergency alert advises the public to immediately seek shelter. It also clarifies that remuneration or expectation of remuneration paid to owners of private property for goods or services other than emergency access to land, shelter, or subsistence, including services or incidental commodities to the emergency access, does not void the exemption from civil liability afforded to these owners except where owners increase the sale price of the service or incidental commodities.

HMSA strongly supports this measure. HMSA is willing to do its part and provide shelter to members of the public in emergency situations. We do have a few concerns around liability and respectfully suggest the following amendment:

§127A- Public establishments; prohibition against 2 denial of shelter. (a) Whenever the State, or any portion thereof, is the subject of any emergency alert that advises the public to immediately seek shelter, including an alert of an incoming missile, **to the extent reasonably practicable and compliant with law**, no public establishment shall deny shelter to any person who is inside the public establishment or who is in the immediate vicinity of the public establishment **during the public establishment's normal business hours**. This prohibition does not extend to pets.

Thank you for the opportunity to provide testimony.

Sincerely,

Pono Chong
Vice President, Government Relations

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING H.B. 1100**

Date: Wednesday, Feb. 6, 2019
Time: 10:00 a.m.
Room: 430

LATE

To: Chair Gregg Takayama and Members of the House Committee on Public Safety,
Veterans 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. 1100 Relating to Emergency
Access to Shelter.

This bill requires private businesses to make their premises available immediately
after the State or like entity issues an emergency alert that advises the public to
immediately seek shelter. While we appreciate the intent of the measure, *HRS §127A-20
Immunity from liability of private shelter*, already provides sufficient liability protection
to those who provide emergency shelter.

The bill melds 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,
the Good Samaritan reacts voluntarily during a time of need to provide aid to another
without charge or expectation of remuneration. Both are separate issues that should be
addressed individually.

In addition, the section regarding “remuneration” on page 7, section (b), is overly
broad and needs to be clarified further. It is unclear as to how a price increase would be
identified with a private property owner if there was no price to begin with, then how

would you determine if there was an increase? HAJ feels this section would create confusion with regards to providing incidental commodities at times of emergency and should be deleted.

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



O`ahu County Committee on Legislative Priorities

COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair
Rep. Cedric Asuega Gates, Vice Chair

DATE: Wednesday, February 6, 2019

TIME: 10:00 a.m.

PLACE: Conference Room 430, State Capitol

HB 1100 RELATING TO EMERGENCY ACCESS TO SHELTER

To the Honorable Gregg Takayama, Chair; the Honorable Cedric Asuega Gates, Vice Chair; and Members of the Committee on Public Safety, Veterans & Military Affairs:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 1100 relating to Emergency Access to Shelter.**

HB 1100 prohibits public establishments from denying shelter to any person when an emergency alert advises the public to immediately seek shelter. HB 1100 clarifies that remuneration or expectation of remuneration paid to owners of private property for goods or services other than emergency access to land, shelter, or subsistence, including services or incidental commodities to the emergency access, does not void the exemption from civil liability afforded to these owners except where owners increase the sale price of the service or incidental commodities.

DPH demands the protection of the people of Hawai`i and their property against natural and man-made disasters. . . . This includes investment in early warning systems, emergency management and response systems, and adequate emergency sheltering. *Democratic Party of Hawai`i Platform (2018), p. 20, ln. 28-32.*

For the foregoing reasons, i.e., investments in early warning systems, emergency management and response systems, and adequate emergency sheltering, OCCLP supports HB 1100 and urges its passage out of the Committee on Public Safety, Veterans & Military Affairs.

Mahalo nui loa
Me ka `oia`i`o

/s/ *Melodie Aduja*

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of
Hawai`i

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