

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

TESTIMONY ON HOUSE BILL 2119, HD1
RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

PRESENTED TO THE SENATE COMMITTEE ON
CORRECTIONS, MILITARY, & VETERANS

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

FEBRUARY 22, 2022

Chair Ohno, Vice Chair Ganaden, and Members of the Committee on Corrections, Military, & Veterans.

I am Major General Kenneth Hara, Adjutant General, Director of the Hawaii Emergency Management Agency and Homeland Security Advisor.

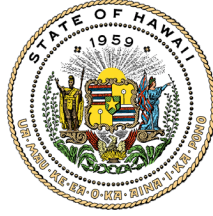
The Department of Defense (DOD) provides written testimony in **SUPPORT** of HB 2119, HD1.

This measure, if passed would, repeals chapter 128F, Hawaii Revised Statutes (HRS); and will create a new, appropriately designated chapter in the 127A series of HRS chapters to reincorporate the Emergency Management Assistance Compact (EMAC).

I support the logical alignment of the HI-EMA with best emergency management practices across the country. Moving EMAC terms and provisions into the emergency management series of HRS chapters provides concise, logical organization to the emergency management laws of Hawai'i.

Thank you for this opportunity to provide testimony in support of of HB 2119, HD1.

MG Kenneth Hara, kenneth.s.hara@hawaii.gov; 808-672-1001
Administrator Luke Meyers, luke.p.meyers@hawaii.gov; 808-733-4300



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2119, HD1
RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

BEFORE THE HOUSE COMMITTEE ON
CORRECTIONS, MILITARY, & VETERANS

BY

Luke P. Meyers
Administrator, Hawai'i Emergency Management Agency (HI-EMA)

FEBRUARY 22, 2022

Aloha Chair Ohno, Vice-Chair Ganaden, and Members of the Committee:

Thank you for the opportunity to submit testimony in **SUPPORT** of HB2119, HD1.

House Bill 2119, HD1 repeals chapter 128F, Hawaii Revised Statutes (HRS); and creates a new, appropriately designated chapter in the 127A series of HRS chapters to reincorporate the Emergency Management Assistance Compact (EMAC).

Through the authority of the Governor, the EMAC is implemented by the Hawai'i Emergency Management Agency, which is governed by chapter 127A, HRS. Having the EMAC terms and provisions moved into the emergency management series of HRS chapters provides concise, logical organization to the emergency management laws of Hawai'i.

House Bill 2119 would align HI-EMA with best emergency management practices across the country.

Thank you for the opportunity to provide testimony on House Bill 2119, HD1.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO HB 2119

Date: Tuesday, February 22, 2022

Time: 11:00 a.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in opposition to HB 2119, Relating To The Emergency Medical Services Personnel Licensure Interstate Compact. HAJ appreciates the intent of the measure, however, we **oppose HB 2119** as it would provide immunity from tort liability for officers or employees rendering aid in Hawaii state pursuant the Emergency Management Assistance Compact (EMAC).

Specifically, Article VI of the bill provides that "No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of **any act or omission in good faith** on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. **Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.**"

Primarily, our concern is that the bill grants overbroad immunity to officers or employees rendering aid pursuant to the EMAC for **negligent acts**. The exceptions to immunity only apply for willful misconduct, gross negligence, or recklessness while omitting negligent acts that could harm our residents. For example, if an officer or employee rendering aid pursuant to the EMAC commits negligent acts while rendering aid, they will be immune under this act – leaving no legal recourse for the individual who was harmed. This immunity would even apply if that same officer or employee, while driving, hits a pedestrian through a failure to exercise due care or negligent maintenance of a vehicle.

The standard of care that should be applied in any given situation is based on the specific circumstance, particularly in emergencies. Negligent acts cannot and should not be overlooked, without recourse for those harmed, especially for our residents impacted by emergency situations. HAJ opposes this type of immunity for negligent acts or omissions to preserve the rights of our residents and individuals.

HAJ respectfully recommends the bill be amended to delete Article VI. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.