

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2119, HD2
RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS

BY

Luke P. Meyers
Administrator, Hawaii Emergency Management Agency (HI-EMA)

APRIL 1, 2022

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the
Committee:

Thank you for the opportunity to submit testimony in **SUPPORT** of HB2119,
HD2.

House Bill 2119, HD2 Creates a new Emergency Management Assistance
Compact. Repeals the existing Emergency Management Assistance Compact.

Through the authority of the Governor, the EMAC is implemented by the
Hawaii 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 Hawaii.

The House Committee on Corrections, Military, and Veterans made an
amendment to this bill (HD2) creating additional language in the existing
Emergency Management Assistance Compact explicitly naming The Adjutant
General (TAG) as the "designated state official who is assigned responsibility
for emergency management" as stated on p. 3 and p. 4 lines 19-21 and 1-4,
respectively.

The Emergency Management Assistance Compact is codified U.S.
Congressional language which is adopted by all 50 states as well as the
District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands and the
Northern Mariana Islands.

The HI-EMA would respectfully request you revert the language explicitly citing the TAG to its original form, thus keeping the EMAC language consistent across all participating partners.

While the Adjutant General is the director of emergency management, the Administrator acts as the State Coordinating Officer for resources coming into State during an emergency. This also aligns with the other emergency management responsibilities that are identified in 127A HRS.

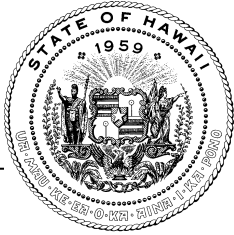
The HI-EMA believes that placing the language within chapter 127A, HRS, which already designates the Adjutant General as the state director of emergency management, makes the amendment to the congressionally codified language unnecessary.

The HI-EMA is concerned that the addition of this non-standard language could also complicate the process of reimbursement through EMAC, delaying the flow of reimbursement funds in situations where Hawaii assists other parties to the compact.

House Bill 2119, HD2 would align HI-EMA with best emergency management practices across the country.

Thank you for the opportunity to provide testimony on House Bill 2119, HD2.

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



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone:
Web:

(808) 587-3807
energy.hawaii.gov

Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
**SENATE COMMITTEE ON
WAYS AND MEANS**

Friday, April 1, 2022
10:30 AM

State Capitol, Conference Room 211 & Videoconference

**SUPPORT
HB 2119, HD2
RELATING TO EMERGENCY MANGEMENT.**

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee, the Hawaii State Energy Office (HSEO) supports HB 2119, HD2, which 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).

EMAC offers assistance during governor-declared states of emergency or disaster through a responsive system that allows states to send personnel, equipment, and commodities to assist with response and recovery efforts in other states. Through EMAC states can share resources from all disciplines including energy. HSEO supports moving the EMAC statute in chapter 127A.

Thank you for the opportunity to testify.

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO HB
2119 HD2**

Date: Friday, April 1, 2022

Time: 10:30 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 HD2** 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.