

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2686
A BILL RELATING TO CIVIL LIABILITY

PRESENTATION TO THE
COMMITTEE ON JUDICIARY

BY

VICTOR G. GUSTAFSON
INTERIM VICE DIRECTOR FOR CIVIL DEFENSE

February 21, 2012

Chair Keith-Agaran, Vice Chair Rhoads and Committee members:

I am Victor Gustafson, Interim Vice Director for Civil Defense, State Department of Defense. I am providing written testimony in support of House Bill 2686 because it will aide in our private sheltering and community preparedness initiatives.

State Civil Defense plans for 35% of Hawaii's population to evacuate to shelters in an emergency. Based on that planning assumption, our statewide public shelter program is approximately 74,000 spaces short. We are currently pursuing alternatives to make up this shortage, including inspection of private buildings (e.g., hotels, condominiums) to serve as shelters. HB 2686 would give building owners an incentive to open their facilities to people seeking shelter in an emergency and would help relieve the burden on the State.

HB 2686 would also provide limited protection to organizations willing to work with community volunteers in an emergency. This could be especially helpful in pre-staging equipment, which would enable faster response to disaster stricken areas.

Thank you for the opportunity to provide written testimony that supports this bill.

February 21, 2012

TO: Honorable Representative Gilbert S.C. Keith-Agaran
Chair, House Committee on Judiciary

Honorable Representative Karl Rhoads, Vice Chair
Vice Chair, House Committee on Judiciary

FROM: Kamaile Kinolau, HomeOwner
Hau'ula Community Association Member

MEMO: H.B. 2868, RELATING TO CIVIL LIABILITY

Hearing: Tuesday, February 21, 2012, 2:00 p.m.
Conference Room 325, State Capitol

I would like to submit my testimony in support of H.B. 2686 Relating to Civil Liability.

I live in the Laiemaloo area which is located between Hauula and Laie. During the last tsunami, I was at a loss as to where I could go for shelter. There were two places that I could have gone to (1) the LDS Church in Hauula located on the Hauula mountain top or (2) the LDS Mormon Temple in Laie. The reason I did not go there is because both areas were crowded during the previous disaster.

Fortunately, I was able to go to a home of a friend located at Laie Point and stayed with them in their home for the tsunami disaster. If it wasn't for them allowing me to stay in their home I don't know what I would have done.

I highly support this bill. We need these private citizens not to be held liable for any accidents that may occur in these emergency situations.

Thank you for allowing me the opportunity to provide my support for H.B. 2686.

Testimony to support HB 2686

Dotty KELLY [dotty.kelly@verizon.net]

Sent: Tuesday, February 21, 2012 12:51 PM

To: JUDtestimony

Cc: Rep. Jessica Wooley

Aloha Rep. Keith-Agaran, Chair of the House Judiciary Committee:

On behalf of the Hau'ula Community Association, I want to strongly support HB 2686.

We have a critical need in Hau'ula and other areas of the country of Ko'olaupua for this bill to pass.

In the case of a natural disaster we do not have enough shelters for people, so they must bring their families up to high land. Most/many high land properties in Hau'ula are owned by private citizens. We need for these private citizens not to be held liable for accidents that may occur in these emergency situations.

Please help us get this new legislation in place asap. We appreciate your support!

Dotty Kelly-Paddock
Hau'ula Community Association, President

address: 54-164 hau'ula Homestead Rd.
Hau'ula, HI 96717

phone: 255-6944

mailing address: PO Box 894, Hau'ula HI 96717

Testimony for HB2686 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 1:42 PM

To: JUDtestimony

Cc: kailuareadiness@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2686

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Carlene MacPherson

Organization: Individual

E-mail: kailuareadiness@gmail.com

Submitted on: 2/21/2012

Comments:

To make sure that residents and visitors feel safe during an evacuation, we need to have areas they can go to. This needs to include private properties, as the State and the City and County do not have enough safe areas to handle the numbers of people who may need to evacuate.

This bill will allow other organizations and property owners the chance to provide safe areas without fear of liability. It will greatly increase the chance of survival of many people.

Testimony to support HB 2686

Brew Rudd [thelordrudd@yahoo.com]

Sent: Tuesday, February 21, 2012 1:41 PM

To: JUDtestimony

Aloha Rep. Keith-Agaran, Chair of the House Judiciary Committee:

As a resident of the mauka side of the Hau'ula community, I want to strongly support HB 2686.

We have a critical need in Hau'ula and other areas of the country of Ko'olauloa for this bill to pass.

In the case of a natural disaster we do not have enough shelters for people, so they must bring their families up to high land. Most/many high land properties in Hau'ula are owned by private citizens. We need for these private citizens, like us, not to be held liable for accidents that may occur in these emergency situations.

Please help us get this new legislation in place asap. We appreciate your support!

Brew Rudd

address: 54-160 hau'ula Homestead Rd.
Hau'ula, HI 96717

phone: 282-1739

mailing address: PO Box 266, Hau'ula HI 96717

RE: Testimony to support HB 2686

LATE TESTIMONY

RE: Testimony to support HB 2686

Michael Sudlow [michael.sudlow@byuh.edu]

Sent: Tuesday, February 21, 2012 1:56 PM

To: JUDtestimony

Cc: Rep. Jessica Wooley

Dear Representative Keith Agaran,

I would also like to express my support for HB 2686. We need to lessen the fear of people being sued for trying to be good Samaritans in opening up their land for people to evacuate to in emergencies.

Sincerely,
Michael Sudlow
Hauula
Te: 808-675-3535

From: Dotty KELLY [dotty.kelly@verizon.net]
Sent: Tuesday, February 21, 2012 12:51 PM
To: JUDtestimony@Capitol.hawaii.gov
Cc: jessica wooley
Subject: Testimony to support HB 2686

Aloha Rep. Keith-Agaran, Chair of the House Judiciary Committee:

On behalf of the Hau'ula Community Association, I want to strongly support HB 2686.

We have a critical need in Hau'ula and other areas of the country of Ko'olauloa for this bill to pass.

In the case of a natural disaster we do not have enough shelters for people, so they must bring their families up to high land. Most/many high land properties in Hau'ula are owned by private citizens. We need for these private citizens not to be held liable for accidents that may occur in these emergency situations.

Please help us get this new legislation in place asap. We appreciate your support!

Dotty Kelly-Paddock
Hau'ula Community Association, President

address: 54-164 hau'ula Homestead Rd.
Hau'ula, HI 96717

phone: 255-6944

mailing address: PO Box 894, Hau'ula HI 96717

LATE TESTIMONY

**CLAUDINE M. TOMASA, RN
1268 MOKAPU BOULEVARD
KAILUA, HAWAII 96734
PHONE: 808-783-539**

TESTIMONY IN SUPPORT OF HB 2686 RELATING TO CIVIL LIABILITY

To: Chair Keith-Agaran and Vice Chair Rhoads
House Committee on Judiciary

From: Claudine M. Tomasa

Date: February 21, 2012

Re: House Bill 2686 Relating to Civil Liability
Emergency Shelter; Private Property Owner; Limited Liability

Good Afternoon Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee on Judiciary.

My name is Claudine Tomasa - Kailua resident - and I am testifying in support of HB 2686 which exempts the owners of private property from liability for injury, death, loss, or damages suffered by a person who was allowed on the premises due to an emergency by the owner of the property or by an agent of the owner of the private property; unless it was intentionally inflicted or occurred by the gross negligence of the private property owner/agent of the owner.

We have been informed by Government Agencies (Hawaii State Civil Defense and the City & County of Honolulu's Department of Emergency Management) as well as by private agencies (American Red Cross - Hawaii Chapter) that there are not enough Emergency Shelters to accommodate evacuees during a disaster.

However, private property owners (i.e. of shopping centers, faith based groups/churches, etc) are willing to work together with the aforementioned agencies; and offer their premises as shelter should an emergency or disaster occur - if they are legally protected. I believe that HB 2686 will provide these owners protection from potential civil liability.

I also believe that HB 2686 will also assure the availability of more future emergency shelters for our people should any type of disaster strike our islands (i.e. hurricane, flooding, tsunami, etc.). It is for the above reasons that I urge you to pass HB 2686 out of Committee.

Thank you for allowing me to testify in support of HB 2686.