STAND. COM. REP. NO. 2176

Honolulu, Hawaii FEB 0 9 2018

RE: S.B. No. 3083

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 3083 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify 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, Hawaii Revised Statutes, from civil liability for any resulting injury or damage.

Your Committee received testimony in support of this measure from the Department of Emergency Management, City and County of Honolulu; Hawaii Emergency Management Agency; and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that ensuring citizens have access to adequate land, shelter, and subsistence during a disaster is essential to public safety and welfare. Given the finite amount of available public resources, there is a need to encourage owners of private property to assist in times of emergencies or disasters by providing emergency shelter to the public. However, in many cases, owners of private property are reluctant to make their property or facilities available to the general public for use as

emergency shelter due to concerns about liability. Under existing law, it is unclear whether a property owner who provides shelter during a disaster is exempt from civil liability if the persons being sheltered are paying guests of a transient accommodation, wards of healthcare facilities, students of an educational facility, or buyers of commodities sold by the property owner. Accordingly, this measure clarifies this ambiguity to ensure that certain types of remuneration received by an owner of private property who in good faith provides access to the property to members of the public during a disaster or emergency do not disqualify the property owner from civil liability for resulting injuries or damage.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3083 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair

## The Senate Twenty-Ninth Legislature State of Hawai'i

## Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*  SB3083	Committee PSM	Referral:	Da	ate: 2/6	18
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)		V			
WAKAI, Glenn (VC)		V			
BAKER, Rosalyn H.					
IHARA, Jr., Les					
THIELEN, Laura H.					
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TOTAL		4	$\emptyset$	$\emptyset$	1
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerks Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes