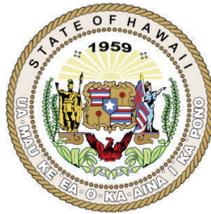


JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON SENATE BILL 786, SD 1, HD 1
RELATING TO SEARCH AND RESCUE
Before the House Committee on Judiciary & Hawaiian Affairs
Tuesday, March 21, 2023; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference

WRITTEN TESTIMONY ONLY

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports this bill.

This bill changes the circumstances when an agency may seek reimbursement for search and rescue costs by providing guidance on when such costs can be recovered and requiring agencies to seek reimbursement.

State law enforcement is regularly called upon to participate in search and rescue operations for people who have ignored posted warnings, left defined hiking trails, and ventured into closed areas that have been posted. These situations are not the standard search and rescue of lost or injured persons which are anticipated and part of expected operations of first responders. These are situations created by reason of an individual's choice to ignore warnings and efforts of government agencies or private landowners to keep them safe. When first responders are called upon to engage in these types of extensive search and rescue operations, ongoing operations must be put on hold and agencies often incur additional unbudgeted costs and expense. Requiring agencies to pursue reimbursement in these situations is a reasonable requirement.

Thank you for the opportunity to testify in support of this bill.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov

March 20, 2023

The Honorable David Tarnas, Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
State Capitol, Room 442
Honolulu, Hawaii 96813

Dear Chair Tarnas:

Subject: Senate Bill (SB) 786, Senate Draft (SD) 1, House Draft (HD) 1 Relating to Search and Rescue

I am Kazuo Todd, Chair of the State Fire Council (SFC). The SFC offers comments regarding SB 786, SD 1, HD1 which requires government entities to seek reimbursement for all or a portion of search or rescue expenses for persons who require rescue after leaving a hiking trail to enter an area closed to the public or hiking on a trail closed to the public, with a sign giving notice of the closure.

The SFC believes the search and rescue expense requirement described by SB 786, SD 1, HD1, may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance may exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism enabling the counties and the SFC to seek reimbursement for these situations. Development and implementation of a reimbursement mechanism will require significant administrative effort by the four county fire departments to establish and maintain.

The Honorable David Tarnas, Chair
Page 2
March 20, 2023

Public safety and property protection remain priorities of the SFC.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kazuo Todd", written in a cursive style.

KAZUO TODD
Chair

KT/GL

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE **SP-BKG**

March 21, 2023

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 786, S.D. 1, H.D. 1, Relating to Search and Rescue

I am Major Shellie Paiva of the Specialized Services Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 786, S.D. 1, H.D. 1, Relating to Search and Rescue. This bill requires government agencies to seek reimbursement for search or rescue expenses from certain persons if the need for the search or rescue was caused by the person's disregard of posted warnings and closure signage. The HPD opposes this bill as there is no existing mechanism to seek reimbursement for these situations.

In addition, it may deter or delay prompt notification of first responder agencies by persons who may need to be rescued. Such a delay in a request for assistance could make the situation worse and further endanger the lives of those persons as well as first responders. If the injury is not serious and someone knows they have broken the law and shall face monetary reimbursement, there is a chance they will not call for help and try to get out on their own, making the situation worse.

The Honorable David A. Tarnas, Chair
and Members
March 21, 2023
Page 2

The same would apply for a hiker who is lost but does not call for help for fear of a mandatory reimbursement and ends up injured or in a perilous location, making the search and rescue more dangerous. Such calls for service could place an unnecessary risk to first responders.

The HPD urges you to oppose Senate Bill No. 786, S.D. 1, H.D. 1, Relating to Search and Rescue.

Thank you for the opportunity to testify.

Sincerely,


Shellie Paiva, Major
Specialized Services Division

APPROVED:



AJL Arthur J. Logan
Chief of Police

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.mauicounty.gov

March 20, 2023

The Honorable David Tarnas, Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
State Capitol, Room 442
Honolulu, HI 96813

Dear Chair Tarnas,

SUBJECT: SENATE BILL (SB) 786, SENATE DRAFT (SD) 1, HOUSE DRAFT (HD), 1 RELATING TO SEARCH AND RESCUE

I am Bradford K. Ventura, member of the Hawaii State Fire Council and Fire Chief of the Maui Fire Department. The SFC offers comments regarding SB 786, SD 1, HD 1, which requires government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter an area closed to the public or hiking on a trail closed to the public, with a sign giving notice of the closure.

The SFC believes the search and rescue expense requirement described by SB 786, SD 1, HD 1, may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance may exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism enabling the counties and the SFC to seek reimbursement for these situations. Development and implementation of a reimbursement mechanism will require significant administrative effort by the four county fire departments to establish and maintain.

Public safety and property protection remain priorities of the SFC.

If you have any questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,


BRADFORD K. VENTURA
Fire Chief

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

March 20, 2023

The Honorable David Tarnas, Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
State Capitol, Room 442
Honolulu, Hawaii 96813

Dear Chair Tarnas:

Subject: Senate Bill (SB) 786, Senate Draft (SD) 1, House Draft (HD) 1 Relating to Search and Rescue

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD offers comments regarding SB 786, SD 1, HD1 which requires government entities to seek reimbursement for all or a portion of search or rescue expenses for persons who require rescue after leaving a hiking trail to enter an area closed to the public or hiking on a trail closed to the public with a sign giving notice of the closure.

The HFD believes the search and rescue expense requirement described by SB 786, SD 1, HD1, may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance may exacerbate the situation and further endanger the lives of persons involved as well as their potential rescuers.

In addition, there is no existing mechanism enabling the counties and the HFD to seek reimbursement for these situations. Development and implementation of a reimbursement mechanism will require significant administrative effort by the four county fire departments to establish and maintain.

Public safety and property protection remain priorities of the HFD.

Should you have questions, please contact Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

SHELDON K. HAO
Fire Chief

SKH/SB:cn

LATE TESTIMONY



HAWAII FIRE FIGHTERS ASSOCIATION
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE | HONOLULU, HAWAII 96814
TEL: (808) 949-1566 FAX: (808) 952-6003
www.hawaii firefighters.org

HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023
March 14, 2021

Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Fire Fighters Association

S.B. No. 786 RELATING TO SEARCH AND RESCUE WAL, JHA, FIN
S.D. 1, H.D. 1

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 2,000 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all our members, **supports S.B. No. 786, S.D. 1, H.D. 1**, which requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after ignoring warning signs, leaving a hiking trail to enter a prohibited area, or hiking on a trail closed to the public.

Most recently, on March 6, 2023, the Honolulu Fire Department responded to an injured hiker on the Stairway to Heaven Trail in Kaneohe which has been off limits since 1987. Two engine companies, Rescue Company No. 2, Battalion Chief, and HFD Helicopter Air One were dispatched to this incident. Rescue 2 personnel and Air One made multiple trips to bring the injured hiker along with the other hikers to safety. Currently, the maximum penalty that these hikers could face is a \$1,000 fine and/or 30 days of imprisonment.

This is not a new issue and has been brought up for several years. The HFFA, the County Fire Departments, and the State Fire Council have previously been unified in opposition to similar proposals. HFFA's previous position was that we want people in trouble to call for help right away rather than delay calling for help for fear of getting charged and possibly getting themselves in more precarious situations, creating an even more dangerous rescue response. In this "post-covid" environment, our traditional position on this issue seems to be "old-school."

Like EMS, when someone has a serious medical emergency and knowing that they may be charged for requesting an ambulance, you do not think about money. You want help and right away. We would expect the same mindset from people when someone is having a hiking emergency and faced with unfamiliar or dangerous terrain, medical injuries and/or nightfall around the corner.

The HFFA believes ANY emergency incident and specifically, any rescue operation, regardless of how simple or complex, can have catastrophic consequences. The issue and goal are not to focus and debate on “simple vs. complex rescue” incidents but rather to **reduce** the overall number of rescues our members must perform. Whether it is a simple or complex operation, it is the responsibility of the fire departments’ leadership to ensure that our Bargaining Unit 11 members - their employees - operate within the realm of what they have been trained to do only and always put their own safety and the safety of their crew members first. The lack of accountability on those blatantly violating and disregarding the law is just increasing the bad behavior and leading to more rescue incidents in areas that are restricted from public use. The first step is to create a deterrent to try and reduce or eliminate these “unnecessary rescues.”

Thank you for the opportunity to testify.

SB-786-HD-1

Submitted on: 3/20/2023 9:51:44 AM

Testimony for JHA on 3/21/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| Todd Yukutake | Individual | Oppose | In Person |

Comments:

I oppose SB786 as it will risk the safety of hikers that may be discouraged from calling for help until it's too late. There are alternatives available.

1. Increase enforcement of current laws on closed trails.
2. Volunteer outdoor groups can provide aid to hikers, help first responders with searches, and provide hiking safety education to the community.
3. State and county agencies can increase support for these outdoor groups.

Mahalo

Todd Yukutake

SB-786-HD-1

Submitted on: 3/18/2023 12:50:13 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| tony frascarelli | Individual | Support | Written Testimony Only |

Comments:

Pass this bill! Amazing how many people can hike up a trail whether or not open and then want a helicopter ride back down. Puts our first responders at risk.

Legislature should consider establishing a safe hike program as found in New Hampshire where hikers can purchase an annual hike safe card which may prevent the hiker from having to reimburse the agency for their rescue. Provided they weren't doing something illegal or stupid.

SB-786-HD-1

Submitted on: 3/19/2023 2:32:32 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jennifer Chiwa | Individual | Support | Written Testimony Only |

Comments:

Aloha Chairperson Tarnas, Vice Chairperson Takayama and Members of the Committee on Judiciary and Hawaiian Affairs.

I am Jennifer Chiwa, have lived on Oahu my whole life and currently reside in Makiki.

Please support SB 786 SD 1 HD 1 relating to search and rescue. Hikers should be responsible for their own safety. If they disregard warning signs and enter prohibited areas, they should be made aware that, if they need rescue, they are risking the lives of rescuers, and taxpayers will not pay for the carelessness of these hikers. Prominent signage should state an exorbitant, flat minimum fee, per hiker, if rescue is required for hikers entering prohibited areas. This would (1) prevent wasting police and firefighter personnel time figuring out the costs of individual rescues and (2) serve as a strong deterrent to hikers entering prohibited areas.

Thank you for this opportunity to testify and for your consideration in supporting SB 786 SD 1 HD1.

Jennifer Chiwa

Makiki

SB-786-HD-1

Submitted on: 3/21/2023 5:55:16 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Mark Gordon | Individual | Support | Written Testimony Only |

Comments:

If any individual or groups, regardless of residents or visitors, ignore warning signs, leave a hiking trail to enter a prohibited area, or hike on a trail closed to the public and a rescue is required, the government agency should be able to request reimbursement.

Irresponsible individuals or groups not only put themselves at risk, they also put at risk the emergency responders. In addition, resources and time have to be allocated for these types of rescues when they could better be allocated in other areas. Moreover, residents in the long term end up paying for these rescues caused by irresponsible individuals.

If the emergency responders have no current procedure of requesting reimbursement, it is suggested that there be a fine system, depending on how hazardous and how much time was allotted for the rescue