

Honolulu, Hawaii

February 8, 2018

RE: H.B. No. 2693
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Public Safety and Veterans, Military, & International Affairs, & Culture and the Arts, to which was referred H.B. No. 2693 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

beg leave to report as follows:

The purpose of this measure, as received by your Committees, is to enhance public safety by requiring businesses and homeowners to provide shelter upon a missile threat alert, providing businesses and homeowners immunity from civil liability, requiring the Hawaii Advisory Council on Emergency Management to develop a plan for emergency and disaster response, and appropriating an unspecified amount to the Hawaii Emergency Management Agency for development of the plan.

Your Committees received testimony in support of this measure from the Retail Merchants of Hawaii. Hawaii Behavioral Health and a concerned individual opposed this measure. The Hawaii Emergency Management Agency, Hawaii Advisory Council on Emergency Management, and Hawaii Association for Justice submitted comments on this measure.

Following hearings on this measure, and on House Bill No. 2673, and House Bill No. 2645, your Committees have amended this



measure by deleting its contents and inserting in its place the contents of House Bill No. 2673 and House Bill No. 2645.

The purpose of House Bill No. 2673, as received by your Committees, is to prohibit places of public accommodation from denying shelter to any person when an emergency alert advises the public to immediately seek shelter, provide a civil penalty for each violation, and provide places of public accommodation and their agents and employees immunity from civil liability, with certain exceptions.

Your Committees received testimony in support of House Bill No. 2673 from a few concerned individuals. The Hawaii Emergency Management Agency and Hawaii Transportation Association submitted comments on House Bill No. 2673.

The purpose of House Bill No. 2645, as received by your Committees, is to clarify that civil liability for providing emergency access during a disaster applies to facilities, such as a transient accommodation lodging, receiving compensation from individuals who may be sheltered there and to owners who sell commodities to people seeking emergency shelter on the owner's property in the absence of price gouging.

Your Committees received testimony in support of House Bill No. 2645 from the Hawaii Emergency Management Agency. The Hawaii Association for Justice submitted comments on House Bill No. 2645.

Your Committees have further amended the new language that was inserted into this measure by:

- (1) Clarifying that places of public accommodation are prohibited from denying shelter to any person who is inside or in the immediate vicinity of the place of public accommodation;
- (2) Clarifying that the Department of the Attorney General, rather than the Hawaii Emergency Management Agency, shall investigate complaints involving places of public accommodation that have allegedly denied shelter to persons;
- (3) Specifying a civil penalty of \$500 to \$10,000 for denying shelter; and




- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Public Safety and Veterans, Military, & International Affairs, & Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2693, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2693, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Veterans, Military, &
International Affairs, &
Culture and the Arts,


MATTHEW S. LOPRESTI, Chair


GREGG TAKAYAMA, Chair



Record of Votes of the Committee on Veterans, Military, & International Affairs, & Culture and the Arts

Bill/Resolution No.: HB 2093	Committee Referral: PBS/VMI, JUD, FIN	Date: 2/1/2018		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
VMI Members	Ayes	Ayes (WR)	Nays	Excused
1. LoPRESTI, Matthew S. (C)	/			
2. FUKUMOTO, Beth (VC)	/			
3. CACHOLA, Romy M.	/			
4. CHOY, Isaac W.		/		
5. ITO, Ken	/			
6. OHNO, Takashi	/			
7. ONISHI, Richard H.K.	/			
8. TOKIOKA, James Kunane	/			
9. WOODSON, Justin H.	/			
10. WARD, Gene				/
TOTAL (10)	9	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				