
A BILL FOR AN ACT

RELATING TO DISASTER PREPAREDNESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii, as an island state, faces unique
2 problems in dealing with natural hazards. The risks involve a
3 variety of potential natural disasters and after-effects,
4 including hurricanes, earthquakes, lava inundation, tsunamis,
5 flooding, rockslides, and earth slides. The tragedy of the
6 Indonesian tsunami of 2004 has demonstrated the massive
7 devastation that a natural disaster can wreak on an island state
8 such as ours.

9 Having recognized Hawaii's vulnerability to natural
10 disasters, the legislature intends to improve the State's
11 disaster readiness to protect the safety of its citizens and
12 mitigate the potential damage caused by natural hazards. The
13 legislature finds that, based on recent history, government
14 should take a multi-pronged approach to prepare for and respond
15 to disasters.

16 The purpose of this Act is to establish a unified
17 comprehensive strategy for identifying natural hazards,



1 mitigating the effects of natural disasters, and responding to
2 natural disasters if they strike.

3 PART I

4 SECTION 2. Chapter 128, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§128- Civil defense disaster preparedness special fund.

8 (a) There is established in the state treasury the civil
9 defense disaster preparedness special fund, into which shall be
10 deposited:

11 (1) The interest earned from the principal in the
12 hurricane reserve trust fund; and

13 (2) Appropriations made by the legislature to the civil
14 defense disaster preparedness special fund.

15 (b) The civil defense disaster preparedness special fund
16 shall be administered by the department of defense. All moneys
17 in the fund shall be expended by the director of civil defense
18 for the following purposes:

19 (1) To develop and implement a unified management strategy
20 with recommendations concerning state, federal, and
21 county mitigation responsibilities and programs;



- 1 (2) To identify vulnerabilities to various natural hazards
2 and evaluate, prioritize, and implement measures to
3 mitigate the risks associated with those hazards;
- 4 (3) To implement a comprehensive public education program
5 on natural hazards and natural disaster preparedness,
6 including periodically updated evacuation maps in
7 publicly accessible print and electronic form;
- 8 (4) To construct, improve, and retrofit buildings that
9 could serve as public shelters;
- 10 (5) To develop statewide residential safe room standards
11 and facilitate impact resistance testing and
12 certification for safe room design; provided that safe
13 room prototype models are developed with public or
14 private sector grants or investments;
- 15 (6) To purchase early warning systems;
- 16 (7) To provide around-the-clock alert staff for the civil
17 defense division of the department of defense;
- 18 (8) To purchase and maintain an inventory of emergency
19 supplies to provide immediate relief in the event of a
20 natural disaster, and to periodically review the
21 inventory of emergency supplies to ensure maintained
22 quality and sufficiency;



- 1 (9) To purchase urgent care medical mobile units for use
2 in Hawaii County;
- 3 (10) To review existing dams and appurtenant works,
4 reservoirs, drainage facilities, drainage measures,
5 and watercourses and identify risks to surrounding
6 areas and areas downstream from flooding due to
7 failure, overflow, or spillage resulting from natural
8 hazards or natural disasters, and to implement
9 measures to mitigate risk and damage;
- 10 (11) To make improvements for the preparedness of the State
11 or its citizens to respond to a natural disaster;
- 12 (12) To adopt and implement the recommendations of the
13 prepared emergency response plan commission, under
14 section -2;
- 15 (13) To develop and implement loss mitigation or reduction
16 efforts or programs, including but not limited to
17 deposits to the loss mitigation grant fund under
18 section 431:22-102;
- 19 (14) To develop and implement disaster or emergency
20 response programs including but not limited to
21 deposits to the major disaster fund under section 127-
22 11.



1 (c) Any amount to be deposited into the civil defense
2 disaster preparedness special fund pursuant to subsection (a)
3 that causes the special fund to exceed \$20,000,000 shall be
4 deposited into the general fund. No further deposits shall be
5 made into the special fund until the balance of the special fund
6 drops below \$20,000,000, in which event funds shall be deposited
7 into the special fund pursuant to subsection (a) until the
8 balance equals \$20,000,000."

9 SECTION 3. Section 431P-16, Hawaii Revised Statutes, is
10 amended by amending subsection (i) to read as follows:

11 "(i) Moneys in the hurricane reserve trust fund may be:

12 (1) Disbursed upon dissolution of the Hawaii hurricane
13 relief fund; provided that[+

14 ~~(A) The]~~ upon dissolution the net moneys in the

15 hurricane reserve trust fund shall revert to the
16 state general fund [~~after payments by the fund on~~
17 ~~behalf of licensed property and casualty insurers~~
18 ~~or the State that are required to be made~~
19 ~~pursuant to any federal disaster insurance~~
20 ~~program enacted to provide insurance or~~
21 ~~reinsurance for hurricane risks are completed;~~
22 and



1 ~~(B) If such moneys are paid on behalf of licensed~~
 2 ~~property and casualty insurers, payment shall be~~
 3 ~~made in proportion to the premiums from policies~~
 4 ~~of hurricane property insurance serviced by the~~
 5 ~~insurers in the twelve months prior to~~
 6 ~~dissolution of the fund]; or~~

7 (2) Deposited to the loss mitigation grant fund
 8 established under section 431:22-102;
 9 provided that all interest earned from the principal in the
 10 hurricane reserve trust fund shall be transferred and deposited
 11 into the civil defense disaster preparedness special fund
 12 pursuant to section 128- (c) with the remaining balance to be
 13 transferred into the general fund each year that the hurricane
 14 reserve trust fund remains in existence."

15 SECTION 4. There is appropriated out of the general
 16 revenues of the State of Hawaii the sum of \$ or so
 17 much thereof as may be necessary for fiscal year 2006-2007 to be
 18 deposited into the civil defense disaster preparedness special
 19 fund.

20 The sum appropriated shall be expended by the department of
 21 defense for the purposes of part I of this Act.

1 SECTION 5. There is appropriated out of the civil defense
2 disaster preparedness special fund the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2006-2007 for
4 the purposes of part I of this Act.

5 The sum appropriated shall be expended by the department of
6 defense.

7 PART II

8 SECTION 6. The Hawaii Revised Statutes is amended by
9 adding a new chapter to be appropriately designated and to read
10 as follows:

11 "CHAPTER

12 PREPARED EMERGENCY RESPONSE PLAN COMMISSION

13 § -1 **Definitions.** As used in this chapter, unless the
14 context otherwise requires:

15 "Commission" means the prepared emergency response plan
16 commission established under section -2.

17 "Mitigation" means any action taken to identify natural
18 hazards and to reduce or eliminate any long-term risk to human
19 life and property loss or damage from natural disasters and any
20 other event warranting major disaster assistance under the
21 Robert T. Stafford Disaster Relief and Emergency Assistance Act.



1 "Natural disaster" means the occurrence of any hurricane,
2 storm, flood, tsunami, wind-driven water, tidal wave,
3 earthquake, volcanic eruption, lava flow, rockslide, earthslide,
4 fire, or other natural catastrophe resulting in property damage,
5 hardship, suffering, or possible loss of life within the state.

6 "Natural hazard" means any possible hurricane, storm,
7 flood, tsunami, wind-driven water, tidal wave, earthquake,
8 volcanic activity, lava flow, rockslide, earthslide, fire, or
9 other natural catastrophe posing a risk to property or human
10 life within the state.

11 § -2 **Prepared emergency response plan commission;**

12 **establishment.** (a) There is established a prepared emergency
13 response plan commission within the department of defense. The
14 commission shall advise the department on the creation of a
15 comprehensive plan on all matters pertaining to natural hazard
16 and natural disaster preparation, mitigation, response, and
17 recovery. The commission shall consist of a minimum of eleven
18 members and a maximum of seventeen members appointed in the
19 manner prescribed in section 26-34; provided that the commission
20 shall have at least one member from:

21 (1) Each of the counties of Hawaii, Honolulu, Kauai, and
22 Maui;



- 1 (2) The real estate industry;
- 2 (3) The insurance industry;
- 3 (4) The financial services industry;
- 4 (5) The house of representatives, to be appointed by the
- 5 speaker of the house of representatives; and
- 6 (6) The senate, to be appointed by the president of the
- 7 senate.

8 The term of office for each member shall be two years. The
9 director of civil defense shall serve as chairperson of the
10 commission.

11 (b) Each member of the commission shall have experience
12 and an interest in any of the following areas relating to the
13 mitigation of natural hazards:

- 14 (1) Environmental studies or protection;
- 15 (2) Risk analysis;
- 16 (3) Hazard analysis;
- 17 (4) Public awareness and education;
- 18 (5) Emergency management;
- 19 (6) Structural engineering;
- 20 (7) Seismology;
- 21 (8) Geology;
- 22 (9) Public works;



- 1 (10) Public utilities;
- 2 (11) Insurance;
- 3 (12) Planning;
- 4 (13) Flood control;
- 5 (14) Land utilization;
- 6 (15) Waste management;
- 7 (16) Sheltering;
- 8 (17) Energy;
- 9 (18) Construction;
- 10 (19) Communications;
- 11 (20) Building codes;
- 12 (21) Architecture; and
- 13 (22) Coastal zone management.

14 (c) The members of the commission shall serve without
15 compensation but shall be reimbursed for necessary expenses
16 incurred in the performance of their duties.

17 **§ -3 Duties of commission; development of natural hazard**
18 **information and maps.** The commission shall develop and maintain
19 accurate information, including maps, relating to natural
20 hazards in the state in a manageable and publicly accessible
21 electronic form. Such information shall include but not be
22 limited to detailed information about:



- 1 (1) Various types of natural hazards;
- 2 (2) The areas of the state that are vulnerable to natural
3 hazards and other potentially affected locations;
- 4 (3) The probability of the occurrence of natural
5 disasters;
- 6 (4) The dangers created by the occurrence of natural
7 disasters; and
- 8 (5) Available options and measures that can be taken to
9 reduce and manage risk from natural hazards and
10 natural disasters.

11 The commission shall consult available knowledgeable
12 sources, in or out of state, including but not limited to the
13 Pacific Disaster Center and the University of Hawaii, to develop
14 and maintain this information, and such information shall be
15 updated at least annually by the commission.

16 § -4 **Duties of commission.** (a) The commission shall
17 have the following duties:

- 18 (1) To develop and make recommendations for a unified
19 management strategy concerning state, federal, and
20 county mitigation responsibilities and programs;



- 1 (2) To identify vulnerabilities to various natural hazards
2 and evaluate, prioritize, and recommend measures to
3 mitigate the risks associated with those hazards;
- 4 (3) To assist state and county governments in obtaining
5 funds to implement mitigation projects;
- 6 (4) To develop specific goals on a biennial basis and
7 provide status reports to state departments, county
8 governments, and private organizations represented on
9 the commission;
- 10 (5) To recommend policy and program changes to federal,
11 state, and county agencies that are involved in
12 mitigation activities;
- 13 (6) To develop and recommend a comprehensive public
14 education program on the activities of the commission,
15 natural hazards, and natural disaster preparedness,
16 including periodically updated evacuation maps in
17 publicly accessible print and electronic form;
- 18 (7) To provide reports to the governor and the legislature
19 on special mitigation activities addressed or
20 completed by the commission;
- 21 (8) To review the state building code within two years of
22 its adoption and recommend to the counties amendments



1 to the state building code that promote the health,
2 safety, and welfare of occupants and users and
3 mitigate the risk of property damage, injury, or loss
4 of life in the event of a natural disaster;

5 (9) To recommend an inventory of emergency supplies to
6 provide immediate relief in the event of a natural
7 disaster;

8 (10) To develop and recommend a strategy for the
9 distribution of emergency supplies and relief services
10 in the event of a natural disaster;

11 (11) To develop recommendations for placing electric
12 transmission lines and telecommunications transmission
13 systems underground in areas prone to tsunami or other
14 natural disasters;

15 (12) To develop recommendations for the purchase of urgent
16 care medical mobile units for use in remote locations
17 throughout the state;

18 (13) To review existing dams and appurtenant works,
19 reservoirs, drainage facilities, drainage measures,
20 and watercourses to identify risks to surrounding
21 areas and areas downstream from flooding due to
22 failure, overflow, or spillage resulting from natural



1 hazards or natural disasters, and to recommend
 2 measures to mitigate risk and damage; and
 3 (14) To recommend measures to improve the preparedness of
 4 the State or its citizens for a natural disaster or to
 5 improve the ability of the state or its citizens to
 6 respond to a natural disaster.

7 § -5 **Meetings.** All meetings of the commission shall be
 8 conducted in accordance with chapter 92."

9 SECTION 7. There is appropriated out of the civil defense
 10 disaster preparedness special fund the sum of \$ or so
 11 much thereof as may be necessary for fiscal year 2006-2007 for
 12 the operations of the prepared emergency response plan
 13 commission.

14 The sum shall be expended by the department of defense for
 15 the purposes part II of this Act.

16 PART III

17 SECTION 8. The department of defense, in consultation with
 18 the civil defense agency for each county, appropriate state
 19 agencies, and the prepared emergency response plan commission
 20 shall develop a disaster preparedness emergency shelter plan
 21 that provides adequate emergency shelter for all residents,
 22 visitors, and persons with disabilities, and pets.



1 (b) The disaster preparedness emergency shelter plan shall
2 include a list of facilities currently designated as emergency
3 public shelters, indicating whether the shelters meet public
4 shelter design criteria standards established pursuant to Act 5,
5 Special Session Laws of Hawaii 2005. If a currently designated
6 emergency public shelter does not meet these standards, the
7 director, in consultation with the prepared emergency response
8 plan commission, as appropriate, shall develop and implement a
9 plan to retrofit the shelter to comply with the public shelter
10 design criteria standards.

11 (c) The plan also shall identify sites for new emergency
12 public shelters and provide a schedule for the creation of the
13 new emergency public shelters necessary to meet the anticipated
14 needs of both residents and visitors during any natural or
15 manmade disaster; provided that any newly designated or created
16 emergency public shelter shall meet the public shelter design
17 criteria standards established pursuant to Act 5, Special
18 Session Laws of Hawaii 2005.

19 (d) The disaster preparedness emergency shelter plan shall
20 include criteria, requirements, conditions, and limitations, for
21 providing suitable arrangements for the sheltering of pet
22 animals, as defined in section 711-1000, in public shelters



1 under this chapter, and to identify existing public and private
2 shelters that are suitable for the sheltering of pet animals;

3 (e) People with enhanced health needs and disabilities who
4 are self-sufficient under normal circumstances, may have to rely
5 upon the help and assistance of others in a disaster. For
6 example:

- 7 (1) People with enhanced health needs or disabilities and
8 older people often need more time than others to make
9 necessary preparation in an emergency;
- 10 (2) People who are deaf or hearing impaired may not
11 receive early disaster warnings and emergency
12 instructions that are normally disseminated audibly by
13 siren, radio, and television;
- 14 (3) People who are blind or visually-impaired,
15 particularly the elderly, may be extremely reluctant
16 to leave familiar surroundings in an evacuation;
- 17 (4) Service dogs could become confused or disoriented in a
18 disaster, leaving their dependent owners at greater
19 risk;
- 20 (5) Service dogs may not be allowed to stay at shelters to
21 assist their dependent owners;



1 (6) People with impaired mobility are concerned about
2 being lifted, carried, and then dropped, causing them
3 injury and further impairment;

4 (7) People with mental retardation or dementia are not
5 always able to understand an emergency situation and
6 could become disoriented and confused;

7 (8) People with respiratory illness could require oxygen
8 and respiratory equipment in an emergency; and

9 (9) People with epilepsy, Parkinson's disease, and other
10 conditions have very individualized medication
11 regimens that cannot be interrupted without serious
12 consequences.

13 The plan shall provide for shelter and evacuation for the
14 population of persons with enhanced health needs or
15 disabilities, including but not limited to persons such as those
16 enumerated in this subsection.

17 SECTION 9. The director of civil defense shall submit to
18 the legislature no less than twenty days prior to the convening
19 of the regular session of 2007, a report concerning the disaster
20 preparedness emergency public shelter plan, which shall include
21 the status of currently designated emergency public shelters and
22 their compliance with the design criteria established pursuant



1 to Act 5, Special Session Laws of 2005, and a timetable for the
2 creation of new emergency public shelters to meet the
3 anticipated needs of visitors and residents.

4 PART IV

5 SECTION 10. The Hawaii Revised Statutes is amended by
6 adding a new section to be appropriately designated and to read
7 as follows:

8 "§ - Disaster preparedness plans; health care
9 facilities; nursing homes. (a) By January 1, 2007, all
10 existing health care facilities licensed or certified by the
11 department of health and department of human services shall file
12 with the department of defense a disaster preparedness plan that
13 details the facility's plan to provide adequate emergency
14 shelter for patients and staff, as well as a plan to meet the
15 medical needs of its patients during a natural or manmade
16 disaster.

17 (b) No certificate of need shall be issued to any proposed
18 health care facility, or renewed for any existing facility,
19 unless the facility has submitted as part of its application. a
20 copy of the disaster preparedness plan filed pursuant to
21 subsection (a).



1 (c) By January 1, 2007, any nursing home that is licensed
2 or certified by the department shall file with the department of
3 defense a disaster preparedness plan that details the facility's
4 plan to provide adequate emergency shelter for patients and
5 staff, as well as a plan to meet the medical needs of their
6 patients during a natural or manmade disaster.

7 (d) No license or certificate shall be issued to any
8 proposed nursing home, or renewed for an existing one, unless
9 the facility has also submitted as part of its application a
10 copy of the disaster preparedness plan filed pursuant to
11 subsection (c).

12 (e) Any health care facility or nursing home subject to
13 this section, as a part of its required disaster preparedness
14 plan, shall include plans to retrofit its structural facilities
15 using new technologies developed to prevent the progressive
16 collapse of buildings during a natural or manmade disaster.
17 Each plan shall include a timeline detailing the planned
18 implementation of the retrofitting of the structural
19 facilities."

20 SECTION 11. The department of defense shall conduct a
21 study to assess the structural integrity of all hospitals and
22 nursing homes in Hawaii. The study shall be conducted by one or



1 more registered professional engineers qualified to conduct
2 structural analysis and knowledgeable in the effects of
3 hurricanes. The analysis shall include rating each facility
4 based on its ability to survive the likely effects of natural
5 disasters, including hurricanes in categories I, II, III, IV,
6 and V, using hurricane shelter criteria as established by the
7 state department of defense pursuant to section 5 of Act 5,
8 Special Session Laws of Hawaii 2005.

9 Information derived from the analysis shall be provided to
10 hospital and nursing home owners and operators and used to
11 support risk-based disaster plans. The information shall also
12 be provided to local and state civil defense officials and used
13 to support evacuation decisions. Aggregate data shall be
14 provided to the legislature.

15 PART V

16 SECTION 12. Chapter 201G, Hawaii Revised Statutes, is
17 amended by adding a new section to part IV to be appropriately
18 designated and to read as follows:

19 "§201G- Temporary emergency housing. (a) In addition
20 to any other duties prescribed by law, the department of defense
21 shall coordinate with the four counties and the prepared
22 emergency response plan commission to develop a procedure for



1 identifying locations that shall be used for temporary emergency
2 shelters for individuals and families rendered homeless by a
3 natural disaster.

4 (b) Each county shall be responsible for locating,
5 designating, and maintaining the areas that shall be used for
6 temporary emergency shelters. The designated locations may
7 include public parks or established homeless facilities.

8 (c) When temporary emergency shelters are to be used by
9 disabled persons or persons with enhanced health needs, shelters
10 shall include accessible entrances, exits, and restroom
11 facilities."

12 PART VI

13 SECTION 13. Act 178, Session Laws of Hawaii 2005, is
14 amended by amending section 67 to read as follows:

15 "SECTION 67. Provided that of the general fund
16 appropriation for amelioration of physical disasters (DEF 110),
17 the sum of \$500,000 for fiscal year 2005-2006 and the sum of
18 \$500,000 for fiscal year 2006-2007 shall be expended for relief
19 from (\$ _____), and to establish an emergency cache for
20 (\$ _____), major disasters pursuant to chapter 127-11, Hawaii
21 Revised Statutes; provided further that the department of
22 defense shall notify the legislature within five business days



1 of any expenditure of these funds by submitting a report
2 detailing the date, reason, and amount of the expenditure; and
3 provided further that any funds not expended for this purpose
4 shall be lapsed to the general fund."

5 PART VII

6 SECTION 14. Section 269-27.6, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) Notwithstanding any law to the contrary, whenever a
9 public utility applies to the public utilities commission for
10 approval to place, construct, erect, or otherwise build a new
11 forty-six kilovolt or greater high-voltage electric transmission
12 system, or telecommunications transmission or conveyance system
13 either above or below the surface of the ground, the public
14 utilities commission shall determine whether the electric
15 transmission system or telecommunications transmission or
16 conveyance system shall be placed, constructed, erected, or
17 built above or below the surface of the ground; provided that in
18 its determination, the public utilities commission shall
19 consider:

20 (1) Whether a benefit exists that outweighs the costs of
21 placing the electric transmission system or



- 1 telecommunications transmission or conveyance system
2 underground;
- 3 (2) Whether risk of damage from natural hazards would be
4 mitigated by placing electric transmission system or
5 telecommunications transmission or conveyance system
6 underground;
- 7 (3) Whether there is a governmental public policy
8 requiring the electric transmission system or
9 telecommunications transmission or conveyance system
10 to be placed, constructed, erected, or built
11 underground, and the governmental agency establishing
12 the policy commits funds for the additional costs of
13 undergrounding;
- 14 (4) Whether any governmental agency or other parties are
15 willing to pay for the additional costs of
16 undergrounding;
- 17 (5) The recommendation of the division of consumer
18 advocacy of the department of commerce and consumer
19 affairs, which shall be based on an evaluation of the
20 factors set forth under this subsection; and
- 21 (6) Any other relevant factors.



1 (b) In making the determination set forth in subsection
2 (a), for new 138 kilovolt or greater high-voltage transmission
3 systems, the public utilities commission shall evaluate and make
4 specific findings on all of the following factors:

5 (1) The amortized cost of construction over the respective
6 usable life of an above-ground versus underground
7 system;

8 (2) The amortized cost of repair over the respective
9 usable life of an above-ground versus underground
10 system;

11 (3) The risk of damage or destruction over the respective
12 usable life of an above-ground versus an underground
13 system~~[+]~~, including whether the risk of damage from
14 natural hazards would be mitigated by placing the
15 system underground;

16 (4) The relative safety and liability risks of an above-
17 ground versus underground system;

18 (5) The electromagnetic field emission exposure from an
19 above-ground versus underground system;

20 (6) The proximity and visibility of an above-ground system
21 to:

22 (A) High density population areas;



1 (B) Conservation and other valuable natural resource
2 and public recreation areas;

3 (C) Areas of special importance to the tourism
4 industry; and

5 (D) Other industries particularly dependent on
6 Hawaii's natural beauty;

7 (7) The length of the system;

8 (8) The breadth and depth of public sentiment with respect
9 to an above-ground versus underground system; and

10 (9) Any other factors that the public utilities commission
11 deems relevant.

12 (c) A public utility making an application to the public
13 utilities commission under this section shall clearly and fully
14 state and support its evaluation of each factor set forth in
15 subsection (b)."

16 PART VIII

17 SECTION 15. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 16. This Act shall take effect on July 1, 2020.

SB 2214
SD2
HD3

Report Title:

Disaster Preparedness

Description:

Establishes Civil Defense Disaster Preparedness Special Fund and makes appropriation to the fund; establishes Prepared Emergency Response Plan Commission and enumerates duties; requires Department of Defense and counties to develop disaster preparedness emergency shelter plan and to report to Legislature; requires hospitals and nursing homes to develop disaster preparedness plans; requires Department of Defense to conduct a study of the structural integrity of hospitals and nursing homes in Hawaii; requires counties to locate, designate, and maintain areas to provide emergency shelter for those left homeless by natural disasters; requires risk of natural disaster to be considered in deciding to place electrical or telecommunications utilities above or below ground. (SB2214 HD3)

