

Honolulu, Hawaii

March 24, 2006

RE: S.B. No. 2214  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred S.B. No. 2214, S.D. 2, H.D. 1,  
entitled:

"A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS,"

beg leave to report as follows:

The purpose of this bill is to establish a unified,  
comprehensive strategy for identifying natural hazards, mitigating  
the effects of natural disasters, and responding to natural  
disasters and other emergencies. Specifically, this bill:

- (1) Establishes a Civil Defense Disaster Preparedness  
Special Fund to fund disaster planning and preparedness  
and appropriates funds;
- (2) Establishes a Prepared Emergency Response Plan  
Commission (Commission) to:
  - (A) Develop a unified disaster management strategy;
  - (B) Develop a public education program; and
  - (C) Maintain accurate natural hazard information;



- (3) Requires the Department of Defense (DOD) to adopt and implement the Commission's recommendations and appropriate funds;
- (4) Requires DOD to develop a disaster preparedness emergency shelter plan for residents, visitors, persons with disabilities, and pets;
- (5) Requires a certificate of need health care facilities to establish a disaster preparedness plan;
- (6) Requires the Department of Health (DOH) to study the structural integrity of all hospitals and nursing homes;
- (7) Mandates that DOH by rule require hotels with at least nine units to develop a disaster preparedness plan;
- (8) Requires the counties to:
  - (A) Identify and maintain temporary emergency shelters for the homeless, and appropriate funds for this purpose; and
  - (B) Increase the number of safe emergency shelters;
- (9) Requires that part of the 2005 general fund appropriation for amelioration of physical disasters be expended to establish an emergency cache;
- (10) Establishes in the Public Utilities Commission Law, a rebuttable presumption in tsunami-prone areas in favor of placement of utilities below ground;
- (11) Provides procedures for expenditure by the Governor of Emergency and Budget Reserve Fund moneys for natural disasters and appropriate moneys from the Fund;
- (12) Increases the ceiling on expenditure from the Major Disaster Fund for any single emergency to \$2,000,000;
- (13) Establishes a residential Disaster Assistance Special Fund to reimburse homeowners for property losses due to a disaster;



- (14) Limits the percentage of the National Guard that may be activated by the Governor for purposes other than disaster relief or civil defense; and
- (15) Prohibits price gouging and profiteering during a state disaster.

The Disability and Communications Access Board supported this bill. The Department of Budget and Finance, Hawaii Electric Company, Hawaii Electric Light Company, Maui Electric Company, and Hawaii Association of Realtors supported the intent of this measure. The Department of Business, Economic Development, & Tourism, DOD, DOH, Public Utilities Commission, Hawaii Pacific Health, and Structural Engineers Association of Hawaii supported the intent of this bill and suggested amendments. The Hawaii Hurricane Relief Fund, Hawaii Hotel & Lodging Association, and Outrigger Enterprises, Inc., opposed this measure. The Department of Human Services, Housing and Community Development Corporation of Hawaii, Office of Consumer Protection of the Department of Commerce and Consumer Affairs, Consumer Advocate, and Hawaii Lumber Products Association offered comments.

Your Committees have amended this bill by:

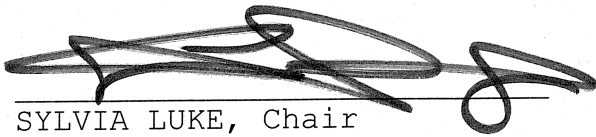
- (1) Adding to the Commission's duties, reviewing dams to identify risks to surrounding and downstream areas from natural hazards or disasters, and recommending measures to mitigate the risk;
- (2) Removing the requirement that DOH by rule require hotels with at least nine units to develop a disaster preparedness plan;
- (3) Adding the requirement that DOH, in assessing the structural integrity of all hospitals and nursing homes consider the likely effects of natural disasters in addition to hurricanes; 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 Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2214, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee



on Finance, in the form attached hereto as S.B. No. 2214, S.D. 2,  
H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,

  
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SYLVIA LUKE, Chair

  
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ROBERT N. HERKES, Chair





