

Honolulu, Hawaii

Feb. 16

, 2006

RE: S.B. No. 2304
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Transportation and Government Operations,
to which was referred S.B. No. 2304 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL DEFENSE,"

begs leave to report as follows:

The purpose of this measure is to update Hawaii's civil
defense laws to:

- (1) Conform to current federal law and to respond to present
natural disaster contingencies; and
- (2) Clarify the liability of private entities that provide
shelter in times of emergency.

Your Committee received testimony in support of this measure
from the State Department of Defense, Department of Human
Resources Development, and one individual.

This measure recognizes that federal laws and regulations to
mitigate natural and man-made disasters have changed over the
years. This measure also extends immunity from liability to
healthcare facilities that provide shelter during times of
disaster and emergency.

Your Committee finds that this measure is necessary to update
Hawaii's civil defense laws to conform to federal law. Your
Committee further finds that healthcare facilities need immunity



from liability for providing shelter, and that immunity would greatly expand the disaster shelter capacity of the State.

Your Committee notes that the new definitions for "disaster" and "emergency" include references to the Governor's determination so that a triggering event is clearly defined.

Your Committee has amended this measure by:

- (1) Adding "gale force winds" to the definition of "disaster";
- (2) Adding a definition for "healthcare facility" by cross referencing to existing law;
- (3) Adding "emergency or disaster" as appropriate within the text to conform to the new definitions; and
- (4) Making technical, nonsubstantive amendments to conform with proper drafting form and style.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2304, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Government Operations,


LORRAINE R. INOUE, Chair



