A BILL FOR AN ACT

RELATING TO DISASTER PREPAREDNESS.

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

1	PART I
2	SECTION 1. The legislature finds that the State must have
3	a comprehensive emergency preparedness program to mitigate
4	hazards, enhance preparedness for major disasters, and
5	accelerate response and recovery when disaster strikes. The
6	goal is to enhance and fortify the State's ability to save lives
7	and protect property in the event of disaster.
8	The legislature initiated the civil defense preparedness
9	effort by enacting Act 5, Session Laws of Hawaii Sp. Sess. 2005,
10	to appropriate funds for natural disaster preparedness efforts,
11	including:
12	(1) Installing and maintaining new siren systems, updating
13	evacuation maps in telephone books, constructing
14	additional shelter space and retrofitting existing
15	public buildings that could serve as emergency
16	shelters, developing statewide residential safe room
17	design standards by January 1, 2006, providing
18	around-the-clock alert staff for the civil defense
	2006 1EE0 0D2014 0D1 0M3 do-



1		division of the department of defense, and expanding		
2		public education campaigns emphasizing the need for		
3		tsunami and hurricane preparedness;		
4	(2) Developing Hawaii public shelter and residential sa			
5		room design criteria by January 1, 2006, and		
6		facilitating impact resistance testing and		
7		certification of safe room design using Hawaii		
8		performance-based standards for enhanced hurricane		
9		protection areas and essential government facilities		
10		capable of withstanding a five hundred-year hurricane		
11		event and providing continuity of government or		
12		sheltering operations thereafter; and		
13	(3)	Matching federal hazard mitigation funds if these		
14		funds become available for use in retrofitting public		
15		buildings with hurricane protective measures.		
16	Act 5 als	o amended the definition of "wind resistive devices" to		
17	allow "sa	fe rooms" to qualify for the loss mitigation grant		
18	program.			
19	Acco	rding to the state civil defense agency, hazards and		
20	disasters	include hurricanes, flash floods, tsunamis,		
21	earthquak	es, volcanoes, subsidence of land or landslides; urban		
22	fires, po	wer failures, wild fires, hazardous material		

1 situations, droughts, aircraft accidents, tornadoes and water 2 spouts, dam failures, radiological incidences, terrorism, and 3 civil disorders. 4 The duties and responsibilities of state and county civil defense are expansive. Chapter 127, Hawaii Revised Statutes, 5 6 relating to disaster relief, defines "disaster relief" as: 7 the preparation for and the carrying out of all 8 emergency functions, other than functions for which military forces are primarily responsible, to minimize 9 10 and repair injury and damage resulting from disasters 11 caused by fire, flood, tidal wave, volcanic eruption, 12 earthquake, or other natural causes, or by enemy 13 attack, sabotage, or other hostile action. 14 functions include, without limitation, fire fighting 15 services, police services, medical and health 16 services, rescue, engineering, air raid warning 17 services, communications, radiological, chemical, and other special weapons defense, evacuation of persons 18 from stricken areas, emergency welfare services, 19 20 emergency transportation, protection of important 21 installations, temporary restoration of public utility services, and other functions related to civilian 22

1	protection, together with all other activities
2	necessary or incidental to the preparation for and
3	carrying out of the foregoing functions.
4	Chapter 128, Hawaii Revised Statutes, relating to civil
5	defense and emergency Act, provides for the defense of the State
6	from enemy attack, sabotage, and other hostile action to protect
7	the public health, safety, and welfare. The related defense
8	services include fire fighting services, police services,
9	medical and health services, rescue engineering, air raid
10	warning services, communications, radiological, chemical, and
11	other special weapons defense, evacuation of persons from
12	stricken or danger areas, or from security areas established by
13	or under the authority of the United States, emergency housing
14	and other emergency welfare services, emergency transportation,
15	protection of important installations, and other functions
16	related to civilian protection, together with all other
17	activities necessary or incidental to the preparation for and
18	carrying out of the foregoing functions.
19	The legislature further finds that current concerns and
20	challenges for the State civil defense are the lack of emergency
21	spaces throughout the State, evacuation of tourists and
22	residents, evacuation of the special needs population, special

- 1 needs emergency shelters, develop and maintenance of plans,
- 2 public awareness and involvement, and the avian flu pandemic.
- 3 The legislature further finds that emergency and disaster
- 4 preparedness basically involves continuous planning, effective
- 5 and efficient response including evacuation, training, and the
- 6 development of infrastructure and warning systems. To make this
- 7 happen, coordinated effort and planning are necessary over a
- 8 broad spectrum of public and private entities, including the
- 9 state, counties, federal government, national guard, law
- 10 enforcement, and hospitals. The aim is prevention, protection,
- 11 response, and recovery.
- 12 The purpose of this Act is to enhance the State's civil
- 13 defense responsiveness efforts to protect the public health,
- 14 safety, welfare, and property.
- 15 PART II
- 16 BUILDING CODE FOR STATE BUILDINGS
- 17 SECTION 2. State buildings must comply with county
- 18 building codes. The degree of hurricane protection afforded by
- 19 county building codes varies from county to county. For reasons
- 20 of public safety, state buildings need to conform to a uniform
- 21 standard to afford sufficient hurricane protection.

1	The purpose of this part is to require the department of	
2	accounting and general services to adopt an administrative rule	
3	to serve as a uniform standard of construction for state	
4	buildings.	
5	SECTION 3. Chapter 107, Hawaii Revised Statutes, is	
6	amended by adding a new section to be appropriately designated	
7	and to read as follows:	
8	"§107- State building design and construction. (a) The	
9	department of accounting and general services shall adopt rules	
10	pursuant to chapter 91 to provide a building code for	
11	state-owned buildings, including but not limited to, public	
12	school facilities. The code shall include hurricane protection	
13	standards that exceed wind speed values as contained in the	
14	uniform building code of 1997.	
15	(b) Upon adoption of rules under subsection (a), the State	
16	shall be exempted from county building codes for state-owned	
17	buildings."	
18	PART III	
19	NEW DEVELOPMENT PROJECTS	
20	SECTION 4. Developers are not required to install civil	
21	defense siren warning devices in residential property	
22	development projects. The construction of new residential	

- 1 communities exacerbates the problem of siren gaps. Residents in
- 2 these new communities do not have the life and property saving
- 3 advantage of early warning sirens to alert them to natural or
- 4 man-made hazards such as tsunami and hurricane.
- 5 Many new residential communities have community facilities,
- 6 commonly known as community recreational centers, which can be
- 7 put to good use in emergencies if designed and constructed to
- 8 serve a dual purpose as emergency hurricane shelters.
- 9 The purpose of this Act is to:
- 10 (1) Require developers of new residential developments to
- design and construct community facilities to meet
- hurricane resistant criteria, and to install siren
- warning systems; and
- 14 (2) Require developers of existing residential
- developments to new install siren warning systems.
- 16 SECTION 5. Chapter 127, Hawaii Revised Statutes, is
- 17 amended by adding a new section to be appropriately designated
- 18 and to read as follows:
- 19 "\$127- Residential development projects; civil defense
- 20 preparedness. (a) Beginning July 1, 2006, the developer of a
- 21 development or a residential project shall:

1	(1)	Design and construct community facilities, if	
2		community facilities are included, to meet at a	
3		minimum, hurricane resistant criteria; and	
4	(2)	Install emergency siren systems within the development	
5		or residential project.	
6	This subs	ection shall include a new development or a new	
7	residenti	al project, as well as a development or residential	
8	project i	n progress as of July 1, 2006.	
9	(b)	Beginning July 1, 2006, the developer of an existing	
10	development or residential project shall install emergency sire		
11	systems within the development or residential project.		
12	<u>(c)</u>	As used in this section:	
13	"Com	munity facilities" includes real and personal property,	
14	and build	ings, equipment, lands, and grounds for recreational or	
15	social assemblies, for educational, health, or welfare purposes		
16	and necessary or convenient utilities, when designed primarily		
17	for the benefit and use of the occupants of the dwelling.		
18	<u>"Dev</u>	eloper" and "development" shall have the same meaning	
19	as in sec	tion 46-141.	
20	"Hur	ricane resistant criteria" means wind speed values as	
21	contained	in the Uniform Building Code of 1997, as amended.	

1 "Residential project" shall have the same meaning as in 2 section 206E-2." 3 PART IV 4 TAX CREDITS FOR HOMEOWNERS 5 SECTION 6. Current law provides grants to homeowners pursuant to chapter 431:22, Hawaii Revised Statutes, relating to 6 the loss mitigation grant program, for the installation of wind 7 resistive devices, including "safe rooms." Act 5, Session Laws 8 9 of Hawaii Sp. Sess. 2005, added "safe rooms" to the definition of "wind resistive devices." Safe rooms located in individual 10 11 residences would relieve the burden on public shelters during 12 times of emergency. However, the construction of safe rooms can 13 be expensive. 14 The legislature finds that tax credits for the installation of wind resistant devices would provide additional incentives to 15 16 motivate homeowners to protect their property. 17 The purpose of this part is to provide an income tax credit for the installation of wind resistive devices. 18 SECTION 7. Chapter 235, Hawaii Revised Statutes, is 19 20 amended by adding a new section to be appropriately designated

and to read as follows:

1 "\$235- Wind resistive devices tax credit. (a) There 2 shall be allowed to each taxpayer, subject to the tax imposed by 3 this chapter, an income tax credit for the installation of a 4 wind resistive device, as defined in section 431:22-101, that 5 qualifies for a grant under section 431:22-104. The wind 6 resistive devices tax credit shall be in addition to any grant 7 awarded to the taxpayer under chapter 431:22. The credit shall 8 be deductible from the taxpayer's net income tax liability, if 9 any, imposed by this chapter for the taxable year in which the credit is properly claimed. 10 11 If the tax credit allowed under subsection (a) exceeds the taxpayer's net income tax liability, the excess of credit 12 13 over liability shall be refunded to the taxpayer; provided that 14 no refunds or payment on account of the tax credit allowed by this section shall be made for amounts less than \$1. 15 16 (c) All claims for tax credits under this section, 17 including any amended claims, must be filed on or before the end 18 of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the 19 20 foregoing provision shall constitute a waiver of the right to 21 claim the credit.

1	(d) Application for the hurricane resistant devices tax
2	credit shall be upon forms provided by the department of
3	taxation."
4	PART V
5	UNDERGROUND ELECTRIC TRANSMISSION LINES
6	SECTION 8. The purpose of this part is to establish a
7	rebuttable presumption in favor of placing electric transmission
8	systems below the surface of the ground in tsunami-prone areas.
9	SECTION 9. Section 269-27.6, Hawaii Revised Statutes, is
10	amended by amending subsection (a) to read as follows:
11	"(a) Notwithstanding any law to the contrary, whenever a
12	public utility applies to the public utilities commission for
13	approval to place, construct, erect, or otherwise build a new
14	forty-six kilovolt or greater high-voltage electric transmission
15	system, either above or below the surface of the ground, the
16	public utilities commission shall determine whether the electric
17	transmission system shall be placed, constructed, erected, or
18	built above or below the surface of the ground; provided that in
19	tsunami-prone areas as determined by the state department of
20	defense, there shall be a rebuttable presumption in favor of
21	placement helow the surface of the ground, and provided further

1	that in i	ts determination, the public utilities commission shall
2	consider:	
3	(1)	Whether a benefit exists that outweighs the costs of
4		placing the electric transmission system underground;
5	(2)	Whether there is a governmental public policy
6		requiring the electric transmission system to be
7		placed, constructed, erected, or built underground,
8		and the governmental agency establishing the policy
9		commits funds for the additional costs of
10		undergrounding;
11	(3)	Whether any governmental agency or other parties are
12		willing to pay for the additional costs of
13		undergrounding;
14	(4)	The recommendation of the division of consumer
15		advocacy of the department of commerce and consumer
16		affairs, which shall be based on an evaluation of the
17		factors set forth under this subsection; and
18	(5)	Any other relevant factors."
19		PART VI
20		NATIONAL GUARD DEPLOYMENT
21	SECT	ION 10. It has been reported that more than
22	eighty-ei	ght per cent of the 3,000 member Hawaii national guard

- 1 division have been called to active duty since
- 2 September 11, 2001, the highest ratio of reservists and National
- 3 guard soldiers of any state in the country. The legislature
- 4 finds that the disproportionately large deployment of Hawaii's
- 5 citizen soldiers has virtually gutted out the manpower and
- 6 effectiveness of the Hawaii national guard to respond to state
- 7 emergencies. The legislature further finds that if a tsunami or
- 8 hurricane were to hit Hawaii, there would be insufficient
- 9 national guard troops to assist in evacuation, relief, and
- 10 protection of property.
- 11 The governor, along with the President of the United
- 12 States, has statutory authority vested by reason of section
- 13 121-30, Hawaii Revised Statutes, to call the national guard to
- 14 active duty service.
- 15 The purpose of this Act is to clarify the governor's
- 16 authority to call the national guard to active service.
- 17 SECTION 11. Section 121-30, Hawaii Revised Statutes, is
- 18 amended to read as follows:
- 19 "§121-30 Order to active service[-]; governor's duty. (a)
- 20 In case of war, insurrection, invasion, riot, or imminent danger
- 21 thereof, or any forcible obstruction to the execution of the
- 22 laws, or reasonable apprehension thereof, or for assistance to

T	civil authorities in disaster refret of civil defense, the
2	governor may order the national guard or other component of the
3	militia or any part thereof into active service. The governor
4	or the governor's designated representative also may order the
5	national guard into active service in nonemergency situations
6	for duty and training in addition to the drill and instruction
7	required by section 121-8.
8	(b) The governor shall not order the national guard or
9	other component of the militia or any part thereof into active
10	service pursuant to subsection (a) if, as a result, more than
11	per cent of the national guard would be in active service
12	at any one time.
13	(c) If, as a result of an order by the President of the
14	United States directing any members of the Hawaii national guard
15	to report to active service, the percentage under subsection (b)
16	would be exceeded, the governor, with the assistance of the
17	adjutant general, shall immediately:
18	(1) Advise the President of the United States, Secretary
19	of Defense, and Secretary of the Army of the
20	provisions of this section as well as the dire social,
21	economic, and civil defense consequences to the State
22	of the deployment; and

1	(2) Urge the reduction in the number of troops to be		
2	ordered to active duty."		
3	PART VII		
4	AMELIORATION OF PHYSICAL DISASTERS		
5	SECTION 12. The state civil defense does not have an		
6	inventory of emergency supplies and equipment to support		
7	disaster relief operations. An emergency supply cache is needed		
8	to support disaster victims and communities that may become		
9	isolated due to natural hazards such as floods, landslides, and		
10	hurricane winds. An emergency cache under the control of state		
11	civil defense should include portable generators, water,		
12	ready-to-eat meals, plastic sheeting, cots, blankets, and other		
13	relief supplies. The emergency cache should be equipped to		
14	support up to 5,000 disaster victims for a seventy-two hour		
15	period at any one time. Therefore, funding needs to be		
16	continuous due to depletion in supplies from any disaster at any		
17	time.		
18	Although the Federal Emergency Management Agency logistics		
19	center in Halawa Valley stores generators, tarps, tents, and		
20	other supplies, these commodities are not available to the State		
21	unless a presidential disaster declaration is in effect. A		
22	state emergency supply cache will be used in a state disaster or		

1 federally declared disaster to provide immediate disaster relief 2 to affected areas. The purpose of this part is to allocate funds from the 3 4 2006-2007 fiscal year budget to establish an emergency supply 5 cache. 6 SECTION 13. Act 178, Session Laws of Hawaii 2005, is 7 amended by amending section 67 to read as follows: "SECTION 67. Provided that of the general fund 8 9 appropriation for amelioration of physical disasters (DEF 110), 10 the sum of \$500,000 for fiscal year 2005-2006 and the sum of [\$500,000] \$1,500,000 for fiscal year 2006-2007 shall be 11 12 expended for relief (\$500,000) and to establish an emergency 13 cache (\$1,000,000), from major disasters pursuant to chapter 14 127-11, Hawaii Revised Statutes; provided further that the 15 department of defense shall notify the legislature within five 16 business days of any expenditure of these funds by submitting a **17** report detailing the date, reason, and amount of the 18 expenditure; and provided further that any funds not expended 19 for this purpose shall be lapsed to the general fund." 20 PART VIII

PROFITEERING AND PRICE GOUGING

1	SECTION 14. The legislature finds that during emergencies				
2	and major disasters, including, but not limited to, earthquakes,				
3	fires, floods, or civil disturbances, some merchants may take				
4	advantage of consumers by greatly increasing prices for				
5	essential commodities and services. While the pricing of				
6	commodities and services is best left to the marketplace under				
7	ordinary conditions, when a declared state of disaster results				
8	in abnormal disruptions of the market, the public interest				
9	requires that excessive and unjustified increases in the prices				
10	of essential commodities and services be prohibited and				
11	punished. It is the intent of the legislature to protect the				
12	public from excessive and unjustified increases in prices				
13	charged during or after a declared state of disaster for				
14	commodities and services that are vital and necessary for the				
15	health, safety, and welfare of the public. The purpose of this				
16	bill is to:				
17	(1) Penalize any excessive increase in prices for any				
18	essential commodities or services during a declared				
19	state of disaster; and				
20	(2) Allow any person to bring a qui tam action on behalf				
21	of the State against those who excessively increase				

1	prices for essential commodities or services during a		
2	declared state of disaster.		
3	SECTION 15. Section 209-1, Hawaii Revised Statutes, is		
4	amended by adding a new definition to be appropriately inserted		
5	and to read as follows:		
6	""Services" shall mean any work, labor, or services		
7	furnished in connection with the sale or renovation of real or		
8	personal property."		
9	SECTION 16. Section 209-9, Hawaii Revised Statutes, is		
10	amended to read as follows:		
11	"§209-9 Rental or sale of essential commodities during a		
12	state disaster; prohibition against price increases. (a)		
13	Whenever the governor declares a state disaster for the entire		
14	State or any portion thereof, or when the State, or any portion		
15	thereof, is the subject of a severe weather warning:		
16	(1) There shall be prohibited any excessive increase in		
17	the selling price of any commodity $[\tau]$ or service,		
18	whether at the retail or wholesale level, in the area		
19	that is the subject of the disaster declaration or the		
20	severe weather warning[; and]. It is prima facie		
21	evidence that a price is an excessive increase if:		

1	(A)	The amount charged represents a gross disparity
2		between the price of the commodity or service
3		that is the subject of the offer or transaction
4		and the average price at which that commodity or
5		service was leased or sold or offered for lease
6		or sale in the usual course of business during
7		the thirty days immediately prior to a
8		declaration of a state of disaster, and the
9		increase in the amount charged is not
10		attributable to additional costs incurred in
11		connection with the lease or sale of that
12		commodity or service, or any national or
13		international trends; or
14	(B)	The amount charged grossly exceeds the average
15		price at which the same or similar commodity or
16		service was readily obtainable in the trade area
17		during the thirty days immediately prior to a
18		declaration of a state of natural disaster, and
19		the increase is not attributable to additional
20		costs incurred in connection with the lease or
21		sale of that commodity or service, or any
22		national or international trends;

1	[(2)]	(3) No landlord shall terminate any tenancy for a
2		residential dwelling unit in the area that is the
3		subject of a disaster declaration or a severe weather
4		warning, except for a breach of a material term of a
5		rental agreement or lease, or if the unit is unfit for
6		occupancy as defined in this chapter, provided that:
7		(A) Nothing in this chapter shall be construed to
8		extend a fixed term lease beyond its termination
9		date, except that a periodic tenancy for a
10		residential dwelling unit may be terminated by
11		the landlord upon forty-five days written notice:
12		(i) When the residential dwelling unit is sold
13		to a bona fide purchaser for value; or
14		(ii) When the landlord or an immediate family
15		member of the landlord will occupy the
16		residential dwelling unit; or
17		(B) Under a fixed term lease or a periodic tenancy,
18		upon forty-five days written notice, a landlord
19		may require a tenant or tenants to relocate
20		during the actual and continuous period of any
21		repair to render a residential dwelling unit fit
22		for occupancy provided that:

1	(1)	Reoccupancy shall lirst be offered to the
2		same tenant or tenants upon completion of
3		the repair; and
4	(ii)	The term of the fixed term lease or periodic
5		tenancy shall be extended by a period of
6		time equal to the duration of the repair;
7		and
8	(iii)	It shall be the responsibility of the tenant
9		or tenants to find other accommodations
10		during the period of repair.
11	As used in thi	s section, "breach of a material term" means
12	the failure of a pa	rty to perform an obligation under the rental
13	agreement which con	stitutes the consideration for entering into
14	the contract and in	cludes the failure to make a timely payment
15	of rent. For the p	urpose of this subsection:
16	"Fixed term lea	ase" means a lease for real property that
17	specifies its begin	ning date and its termination date as
18	calendar dates, or	contains a formula for determining the
19	beginning and termin	nation dates; and the application of the
20	formula as of the da	ate of the agreement will produce a calendar
21	date for the beginn:	ing and termination of the lease.

1 "Periodic tenancy" means a tenancy wherein real property is 2 leased for an indefinite time with monthly or other periodic 3 rent reserved. A periodic tenancy may be created by express 4 agreement of the parties, or by implication upon the expiration of a fixed term lease when neither landlord nor tenant provides 5 the other with written notice of termination and the tenant 6 7 retains possession of the premises for any period of time after 8 the expiration of the original term. "Unfit for occupancy" means that a residential dwelling 9 unit has been damaged to the extent that the appropriate county 10 agency determines that the unit creates a dangerous or 11 12 unsanitary situation and is dangerous to the occupants or to the neighborhood. 13 Notwithstanding this section, any additional operating 14

increases are contained in a written instrument which was signed
by the tenant prior to the disaster declaration or severe

expenses incurred by the seller or landlord because of the state

disaster, and which can be documented, may be passed on to the

consumer. In the case of a residential dwelling unit, if rent

- 20 weather warning, the increases may take place pursuant to the
- 21 written instrument.

15

16

1	(c)	The prohibitions under subsection (a) shall remain in
2	effect unt	il twenty-four hours after the severe weather warning
3	is cancele	ed by the National Weather Service; or in the event of
4	a disaster	declaration, until the declaration is altered,
5	amended, r	evised, or revoked by the governor.
6	(d)	In any action against a merchant, landlord, or other
7	business f	for violation of the price limitations in this section,
8	the defend	dant shall be deemed not to have violated this section
9	if the def	Tendant proves all of the following:
10	(1)	The violation of the price limitation was
11		unintentional;
12	(2)	The defendant voluntarily rolled back prices to the
13		appropriate level upon discovering that this section
14		was or may have been violated; and
15	(3)	The defendant has instituted a restitution program for
16		all consumers who may have paid excessive prices.
17	(e)	Any violation of this section: [shall]
18	(1)	Shall constitute unfair methods of competition and
19		unfair and deceptive acts or practices in the conduct
20		of any trade or commerce under section 480-2 and shall
21		be subject to a civil penalty as provided in section

480-3.1. Each [item sold] sale of a commodity or

1	<u>se</u> :	rvices at a price that is prohibited by this section
2	sh	all constitute a separate violation[-];
3	<u>(2)</u> Sha	all be a class C felony if the profit unlawfully
4	red	ceived is \$250 or more; and
5	(3) Sha	all be a misdemeanor if the profit unlawfully
6	rec	ceived is less than \$250."
7		PART IX
8		DISASTER ASSISTANCE FUND
9	SECTION	17. The legislature finds that major flooding
10	events over the recent years have demonstrated a need to	
11	establish a disaster assistance program to assist residents and	
12	businesses in	their recovery efforts. Although federal programs
13	are available	e, a statewide flooding event may not result in a
14	presidential	disaster proclamation for every affected county.
15	Current	law in section 209-34, Hawaii Revised Statutes,
16	relating to t	the state disaster revolving loan fund, authorizes
17	the departmer	at of business, economic development, and tourism to
18	make commerci	al and personal loans for losses suffered from
19	natural disas	sters. However, the requirements for a loan may
20	disqualify ma	any would-be borrowers from applying for a loan.
21	The result is	that many victims go uncompensated for their

- 1 losses, which may not be fully compensated by insurance, as in
- 2 the 2004 Manoa flood disaster.
- 3 The purpose of this part is to establish a disaster
- 4 assistance special fund to provide immediate relief to disaster
- 5 victims who are not eligible to receive funding from other
- 6 government disaster assistance programs or sources.
- 7 SECTION 18. Chapter 209, Hawaii Revised Statutes, is
- 8 amended by adding a new section to part III to be appropriately
- 9 designated and to read as follows:
- 10 "S209- Residential disaster assistance special fund.
- 11 (a) There is established within the state treasury a special
- 12 fund to be known as the residential disaster assistance special
- 13 fund. The special fund shall be administered and expended by
- 14 the department of business, economic development, and tourism in
- 15 accordance with this section.
- 16 (b) The department shall expend the special fund to
- 17 provide reimbursement to applicants who, as a result of a State
- 18 disaster:
- 19 (1) Incurred residential property losses; and
- 20 (2) Are not eligible for any other state or federal
- 21 government assistance program or loan.

1	(c) An applicant shall be eligible to receive compensation
2	for loss, resulting from a state disaster, under this section if
3	the applicant is a natural person and the owner of the damaged
4	dwelling; provided that an applicant may apply for compensation
5	for not more than one damaged dwelling.
6	(d) Compensation for loss to any one applicant under this
7	section shall not exceed \$. The department may expend
8	moneys from the fund without an appropriation by the
9	legislature. Any insurance proceeds received by the applicant
10	for a loss as a result of a natural disaster, as defined in
11	section 171-85, shall be deducted from the amount payable to the
12	applicant under this subsection if the applicant's compensation
13	from the special fund exceeds the applicant's insurance
14	compensation, if any. If the compensation from the special fund
15	is not more than the insurance compensation, the applicant shall
16	be entitled to compensation from the special fund in an amount
17	that does not exceed the difference between the amount of the
18	insurance compensation and the actual loss suffered.
19	(e) For purposes of calculating the amount of compensation
20	to each applicant, the department shall:

1	(1)	Determine the amount of total potential compensation
2		based on all eligible applications resulting from a
3		single state disaster; and
4	(2)	Make compensation to each applicant in the pro rata
5		proportion that the applicant's compensation bears to
6		the total available moneys appropriated under
7		subsection (f).
8	<u>(f)</u>	The department shall establish procedures and a
9	deadline	for filing an application after the occurrence of a
10	state dis	aster.
11	<u>(g)</u>	The special fund shall consist of moneys appropriated
12	for depos	it into the fund for purposes of this section; provided
13	that no u	nexpected or unencumbered moneys shall lapse into the
14	general fund."	
15	SECT	ION 19. This part, upon the approval of this Act,
16	shall app	ly retroactive to natural disasters occurring on or
17	after Oct	ober 30, 2004.
18		PART X
19		EMERGENCY SHELTER PLAN
20	SECT	ION 20. The department of defense, in consultation
21	with the	department of civil defense for each county and the
22	appropria	te state agencies, shall develop a disaster

- 1 preparedness emergency shelter plan that provides adequate
- 2 emergency shelter for all residents, visitors, and persons with
- 3 disabilities.
- 4 (b) The disaster preparedness emergency shelter plan shall
- 5 include a list of facilities currently designated as emergency
- 6 public shelters, indicating whether the shelters meet public
- 7 shelter design criteria standards established pursuant to Act 5,
- 8 Special Session Laws of Hawaii 2005. If a currently designated
- 9 emergency public shelter does not meet these standards, the
- 10 director, in consultation with the department of education or
- 11 the department of accounting and general services, as
- 12 appropriate, shall develop and implement a plan to retrofit the
- 13 shelter to comply with the public shelter design criteria
- 14 standards.
- 15 (c) The plan also shall identify sites for new emergency
- 16 public shelters and provide a schedule for the creation of the
- 17 new emergency public shelters necessary to meet the anticipated
- 18 needs of both residents and visitors during any natural or
- 19 man-made disaster; provided that any newly designated or created
- 20 emergency public shelter shall meet the public shelter design
- 21 criteria standards established pursuant to Act 5, Special
- 22 Session Laws of Hawaii 2005.

1	(d)	People with disabilities are self-sufficient under
2	normal ci	rcumstances, but may have to rely upon the help and
3	assistanc	e of others in a disaster. For example:
4	(1)	People with disabilities and older people often need
5		more time than others to make necessary preparation in
6		an emergency;
7	(2)	People who are deaf or hard of hearing may not receive
8		early disaster warnings and emergency instructions
9		which are normally disseminated audibly by siren,
10		radio, and television;
11	(3)	People who are blind or visually-impaired,
12		particularly the elderly, may be extremely reluctant
13		to leave familiar surroundings in an evacuation;
14	(4)	Guide dogs could become confused or disoriented in a
15		disaster, leaving their dependent owners at greater
16		risk;
17	(5)	Guide dogs may not be allowed to stay at shelters to
18		assist their dependent owners;
19	(6)	People with impaired mobility are concerned about
20		being lifted, carried, and then dropped, causing them
21		injury and further impairment;

1	(/)	reopie with mental retardation are not always able to
2		understand an emergency situation and could become
3		disoriented and confused;
4	(8)	People with respiratory illness could require oxygen
5		and respiratory equipment in an emergency; and
6	(9)	People with epilepsy, Parkinson's disease, and other
7		conditions have very individualized medication
8		regimens that cannot be interrupted without serious
9		consequences.
10	The plan	shall provide for shelter and evacuation for the
11	population	n of persons with disabilities, including but not
12	limited to	o the persons enumerated in this subsection.
13	SECT	ION 21. The director of civil defense shall submit to
14	the legis	lature no less than twenty days prior to the opening of
15	the regula	ar session of 2007 a report concerning the disaster
16	preparedne	ess emergency public shelter plan, which includes the
17	status of	currently designated emergency public shelters and
18	their comp	pliance with the design criteria established pursuant
19	to Act 5,	Special Session Laws of 2005, a timetable for the
20	creation o	of new emergency public shelters to meet the
21	anticipate	ed needs of visitors and residents.

- 1 PART XI
- 2 SECTION 22. Statutory material to be repealed is bracketed
- 3 and stricken. New statutory material is underscored.
- 4 SECTION 23. This Act shall take effect upon its approval.

GB2214, SDI

Report Title:

Disaster Preparedness; Civil Defense Package

Description:

Establishes hurricane resistant building code for state buildings; requires developers to install siren warning devices in developments; provides wind resistant devices income tax credit; establishes rebuttal presumption in favor of undergrounding utilities in tsunami-prone areas; clarifies governor's duties in deploying national guard; allocates funds from FY06 to establish emergency cache; prohibits profiteering and price gouging; creates residential disaster assistance special fund; requires director of civil defense to develop a disaster preparedness emergency shelter plan that provides adequate emergency shelter for residents and visitors. (SD1)