Honolulu, Hawaii

Merch 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 appropriates 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 appropriates 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 appropriates 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 Utilties 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

SB2214 HD2 HSCR CPC-JUD HMS 2006-3004

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

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

SYLVIA LUKE, Chair

ROBERT N. HERKES, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

HSCR 1243

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: Date:						
SB 22/4/502 47	>/ -	3/22/0	36			
Committee Referral: The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended Pass, with amendments						
☐ Hold ☐ Recommit						
CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)	/					
2. SCHATZ, Brian (VC)						
3. CALDWELL, Kirk	V					
4. ITO, Ken	V					
5. KANOHO, Ezra R.			1986	V		
6. KARAMATSU, Jon Riki						
7. MORITA, Hermina M.	NE			/		
8. SONSON, Alex M.		V				
9. SOUKI, Joseph M.	V			100		
10. MARUMOTO, Barbara C.	P85	✓				
11. STONEBRAKER, Bud				/		

	·					
TOTAL	ROM G	7		3		
The recommendation is:						
The recommendation is:						
☐ Not Adopted						
If joint referral,		did not suppo	rt recommendation.			
	committee acronym(s)				
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee	Duplicate (Yellov	w) – Clerk's Office				

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Date: 3/22/06				
SB2214 SD2, HD1 (HSCR1000-06) Committee Referral: PSM, CPC/JUD, FIN	☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended	₽ Pa	ss, with amendment	i.S		
	Hold				
- Holu					
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. LUKE, Sylvia (C)	/				
2. OSHIRO, Blake K. (VC)					
3. CALDWELL, Kirk					
4. KANOHO, Ezra R.					
5. KARAMATSU, Jon Riki					
6. MORITA, Hermina M.	Z JL				
7. SONSON, Alex M.					
8. SOUKI, Joseph M.					
9. MARUMOTO, Barbara C. 10. THIELEN, Cynthia					
TOTAL	4	3	0	3	
The recommendation is: Adopted Not Adopted If joint referral, commendation is: Vice Chair's or designee's signature:	nittee acronym(ort recommendation	i.	
vice chair's or designee's signature:	3	3			
Distribution: Original (White) – Committee Du	plicate (Yellow)	– HMSO I	Ouplicate (Pink) – C	lerk's Office	