STAND. COM. REP. NO. 2144

Honolulu, Hawaii

FOb. 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

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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. INOUYE, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Transportation and Government Operations (Bills and Resolutions)

Measure:*	Committee Referral:		Date:	Date:	
SB 2304	7	tgo, JH	W	2 6 106	<u> </u>
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
INOUYE, Lorraine R. (C)					
ESPERO, Will (VC)					
BAKER, Rosalyn H.					
HEE, Clayton	*				
KANNO, Brian					
MENOR, Ron		V			-
WHALEN, Paul	L *** ****	V			
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TOTAL		4			3
Recommendation: Adopted			Not Adopted		
Chair's or Designee's Signature: Will Eyero					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.