
A BILL FOR AN ACT

RELATING TO DISASTER PREPAREDNESS.

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

1 SECTION 1. The legislature finds that disaster
2 preparedness should be a top priority for Hawaii, given our
3 isolation and our vulnerability to a host of disasters, both
4 natural and man-made. The legislature realizes that although
5 disaster preparedness is the responsibility of all, there is a
6 need to unify all of the various efforts to facilitate better
7 communication and planning between the agencies. Disasters are
8 a matter of fact for our islands, be it the constant threat of
9 earthquakes, oil spills, and hurricanes or the long-term threat
10 of rising sea levels from climate change. Our state must
11 therefore be prepared for the worst.

12 The purpose of this Act is to create the office of the
13 director of disaster preparedness and a disaster preparedness
14 commission whose sole focus is developing and implementing a
15 comprehensive disaster preparedness plan for the State of
16 Hawaii. The director and commission are charged with the
17 responsibility of preparing Hawaii's residents, their property
18 and pets, and our visitors, for any natural or man-made



1 disaster, excluding acts of terrorism, which may affect the
2 state at any time.

3 SECTION 2. The Hawaii Revised Statutes is amended by
4 adding a new chapter to be appropriately designated and to read
5 as follows:

6 "CHAPTER

7 **DISASTER PREPAREDNESS**

8 § -1 **Definitions.** As used in this chapter, unless the
9 context otherwise requires:

10 "Commission" means the disaster preparedness commission.

11 "Director" means the director of the office of disaster
12 preparedness.

13 "Disaster" means any natural or man-made catastrophe,
14 excluding terrorist activities which are the purview of the
15 department of defense pursuant to chapter 128, the occurrence of
16 which is unanticipated or difficult to predict, that results in
17 significant property damage, hardship, suffering, or loss of
18 life within the state.

19 "Disaster preparedness" means the preparation for and the
20 carrying out of all emergency functions, other than functions
21 for which military forces are primarily responsible, to minimize
22 damage caused by a disaster or natural hazard. These functions



1 include, without limitation, fire fighting services, police
2 services, medical and health services, rescue, engineering,
3 siren warning services, communications, evacuation of persons
4 from stricken areas, temporary shelter, temporary housing,
5 temporary restoration of public utility services, and other
6 functions related to civilian protection, together with all
7 other activities necessary or incidental to the preparation for
8 and carrying out of the foregoing functions.

9 "Natural hazard" means hurricane, storm, flood, tsunami,
10 tidal wave, rise of ocean level, wind-driven water, earthquake,
11 volcanic activity, lava flow, rockslide, earthslide, wildfire,
12 or other natural disaster.

13 **§ -2 Office of the director of disaster preparedness**
14 **established.** There is established in the department of
15 accounting and general services the office of the director of
16 disaster preparedness. The director shall have expertise in
17 emergency management. The director shall be nominated and, by
18 and with the advice and consent of the senate, appointed by the
19 governor. The director shall serve for a period of six years
20 and thereafter until a successor is appointed. The salary of
21 the director shall be set at a rate no greater than \$ a
22 year and shall not be diminished during the director's term of



1 office unless by general law applying to all salaried officers
2 of the State. If the director dies, resigns, becomes ineligible
3 to serve, or is removed or suspended from office, the first
4 assistant to the director shall become the acting director until
5 a new director is appointed for a full term.

6 **§ -3 Duties of the director.** (a) The director shall
7 develop a comprehensive disaster preparedness plan for the State
8 of Hawaii. The disaster preparedness plan shall include but not
9 be limited to:

- 10 (1) The identification of natural hazards;
- 11 (2) The designation of natural hazard impact zones;
- 12 (3) Priorities for natural hazard mitigation;
- 13 (4) Policies, requirements, and incentives to mitigate the
14 problems caused by natural hazards, such as state or
15 county building codes, land use policies, and
16 retrofitting incentives such as tax credits; and
- 17 (5) Plans for best responses to natural and other
18 disasters to minimize costs attributed to those
19 disasters and protect the interests of Hawaii's
20 residents and their possessions and pets, and visitors
21 to the state, including plans ensuring the reliability
22 of communication networks and power supplies for major



1 state airports, health care facilities, temporary
2 shelters and other essential services.

3 (b) In performing the director's duties under this
4 chapter, the director shall prepare and coordinate comprehensive
5 plans and programs for disaster preparedness. The director
6 shall annually submit to the governor and the legislature
7 proposed legislation that develops and implements a
8 comprehensive disaster preparedness plan for Hawaii no later
9 than twenty days before the convening of each regular session of
10 the legislature.

11 (c) The director shall report annually to the governor and
12 the legislature no later than twenty days before the convening
13 of each regular session of the legislature on the status of the
14 disaster preparedness plan.

15 **§ -4 Disaster preparedness commission established;**
16 **selection of advisory committees.** (a) There is established a
17 disaster preparedness commission within the department of
18 accounting and general services for administrative purposes
19 only. The commission shall consist of eight members as follows:

- 20 (1) One member appointed by the governor;
- 21 (2) One member appointed by the speaker of the house of
22 representatives;



1 (3) One member appointed by the president of the senate;

2 (4) Four members appointed by the mayors of the counties of
3 Honolulu, Hawaii, Maui, and Kauai, each of whom shall
4 appoint one member; and

5 (5) The director of civil defense or the director's
6 designee, who shall serve as a non-voting member of
7 the commission.

8 The commission shall select one of its members to serve as
9 chairperson. No member of the commission shall receive any
10 compensation for commission services; provided that members
11 shall be reimbursed for necessary expenses incurred in the
12 performance of commission duties.

13 (b) The commission members shall have expertise in one or
14 more of the following nonexclusive disciplines:

15 (1) Seismology;

16 (2) Tsunamis;

17 (3) Hurricanes;

18 (4) Flood control;

19 (5) Volcanic activity;

20 (6) Geology;

21 (7) Coastal zone management;

22 (8) Environmental studies or protection;



- 1 (9) Climate and sea level change;
- 2 (10) Emergency management;
- 3 (11) Risk analysis;
- 4 (12) Hazard analysis;
- 5 (13) Waste management;
- 6 (14) Structural engineering;
- 7 (15) Architecture;
- 8 (16) Sheltering;
- 9 (17) Construction; and
- 10 (18) Communications.

11 (c) The commission shall advise and assist the director in
12 developing a comprehensive disaster preparedness plan for the
13 State of Hawaii. The commission's duties in this regard shall
14 include without limitation:

- 15 (1) Working with the office of planning to determine
16 and/or develop the best geospatial data resources and
17 tools to carry out the duties listed herein as well as
18 develop flood zone maps for the state based upon
19 historical and anticipated occurrence, frequency, and
20 intensity;
- 21 (2) Defining natural hazard impact zones for the state;



- 1 (3) Developing land use policies in accordance with the
2 natural hazard impact zones;
- 3 (4) Reviewing and making appropriate recommendations
4 regarding the state or county building codes;
- 5 (5) Ensuring the reliability of the state's power
6 supplies, including emergency power for major state
7 airports;
- 8 (6) Recommending tax credits for retrofit of structures;
- 9 (7) Working with appropriate agencies, both state and
10 county, to develop an emergency plan to expedite the
11 placement of new sirens, updating existing sirens, and
12 the placement of other warning devices, with priority
13 given to land areas at high risk from natural hazards,
14 so that vital information is timely disseminated to
15 the public;
- 16 (8) Working with appropriate agencies and organizations to
17 expand radio, video, and other means of communication
18 into areas of the state not served by these mediums;
- 19 (9) Working with the department of agriculture and the
20 department of land and natural resources to ensure the
21 integrity of the State's dams and reservoirs;



- 1 (10) Working with the department of health in conjunction
2 with health care facilities to develop disaster plans
3 that will provide emergency shelter for patients and
4 staff, as well as a plan to meet the medical needs of
5 its patients during a disaster;
- 6 (11) Working with the department of transportation and the
7 department of defense to develop a plan to protect
8 Hawaii's ports of entry when emergency access by
9 foreign flag ships or aircraft is sought, including a
10 plan for such contingencies as when vessels carry
11 munitions and weapons;
- 12 (12) Working with the department of social services and the
13 University of Hawaii's school of social work and other
14 university departments and programs to develop a plan
15 to deal with social problems that emanate from
16 disasters;
- 17 (13) Working with the department of transportation to
18 develop alternate transportation routes in the event
19 that major roads become inaccessible; and
- 20 (14) Conducting a comprehensive review of other issues that
21 threaten the safety of Hawaii's residents and
22 visitors, their possessions and pets, and recommending



1 a strategic course of action that would strengthen
2 Hawaii's disaster response system.

3 (d) The commission may engage employees necessary to
4 perform its duties, including working groups and administrative
5 personnel, as provided in section 26-35."

6 SECTION 3. Section 127-10, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§127-10 Disaster relief during suspension of preceding**
9 **sections.** During any period in which sections 127-1 to 127-9
10 are not in effect, the governor and political subdivisions may
11 exercise any and all of their powers that relate to disasters
12 resulting from enemy attacks, in order to provide other disaster
13 relief. All provisions of law that relate to disasters
14 resulting from enemy attacks during such period are made
15 applicable to other disaster relief, including without
16 limitation, provisions making or authorizing appropriations or
17 expenditures.

18 As used in this section, "other disaster relief" means the
19 preparation for and the carrying out of all functions, other
20 than functions performed by the director of the office of
21 disaster preparedness and the disaster preparedness commission
22 under chapter or functions for which military forces are



1 primarily responsible, to minimize and repair injury and damage
2 resulting from disasters caused by fire, flood, tidal wave,
3 volcanic eruption, earthquake, or other natural causes and major
4 disasters caused by acts of man, including but not limited to [7]
5 massive oil spills, nuclear accidents, airplane crashes and
6 civil disturbances."

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so much
9 thereof as may be necessary for fiscal year 2007-2008 and the
10 same sum or so much thereof as may be necessary for fiscal year
11 2008-2009 for the salary of the director of disaster
12 preparedness and other current expenses, including those of the
13 disaster preparedness commission and support personnel.

14 The sums appropriated shall be expended by the department
15 of budget and finance for the purposes of this Act.

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2007-2008 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2008-2009 to fund the community emergency response team program
21 training and support on the island of Oahu.



1 The sums appropriated shall be expended by the city and
2 county of Honolulu for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2007-2008 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2008-2009 to fund the community emergency response team program
8 training and support on the island of Hawaii.

9 The sums appropriated shall be expended by the county of
10 Hawaii for the purposes of this Act.

11 SECTION 7. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2007-2008 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2008-2009 to fund the community emergency response team program
16 training and support on the island of Kauai.

17 The sums appropriated shall be expended by county of Kauai
18 for the purposes of this Act.

19 SECTION 8. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2007-2008 and the
22 same sum or so much thereof as may be necessary for fiscal year



1 2008-2009 to fund the community emergency response team program
2 training and support on the island of Maui.

3 The sums appropriated shall be expended by the county of
4 Maui for the purposes of this Act.

5 SECTION 9. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on July 1, 2007.



Report Title:

Disaster Preparedness Plan; Natural Disasters

Description:

Establishes the Office of the Director of Disaster Preparedness and a Disaster Preparedness Commission to develop a disaster preparedness plan for Hawaii that includes the identification of hazards and hazard impact zones; disaster mitigation policies, requirements, and incentives; and best responses. (HB1006 HD1)

