

---

---

# 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. The  
16 director and commission are charged with the responsibility of  
17 preparing Hawaii's residents, their property and pets, and our



1 visitors, for any natural or man-made disaster, excluding acts  
2 of terrorism, which may affect the 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  
8 State. The disaster preparedness plan shall include but not be  
9 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. The commission's duties in this regard shall include  
14 without limitation:

- 15 (1) Working with the office of planning to determine and  
16 develop the best geospatial data resources and tools  
17 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 human 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  
13 disaster 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 accounting and general services 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. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect on July 1, 2020.



**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 HD2)

