

ACT 5

S.B. NO. 960

A Bill for an Act Relating to Civil Defense.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. This Act may be cited as the Disaster Emergency Preparedness Act of 2005.

SECTION 2. The legislature finds that the State's growing population and a general lack of awareness on the part of the public with respect to natural disaster preparedness, dictates appropriate government action. This Act addresses the need for disaster preparedness by appropriating funds for natural disaster preparedness, including tsunami and hurricane preparedness efforts, appropriating funds from the hurricane reserve trust fund to retrofit and protect public buildings against hurricanes, developing standards for residential safe rooms, and improving the loss mitigation grant program by permitting the construction of safe rooms.

The legislature finds that, although the funding for this Act is financed through the principal in the hurricane reserve trust fund, the expended funds will stimulate the economy and replace any "lost" interest income from the fund without jeopardizing the State's ability to reissue hurricane insurance, if necessary.

The original purpose of establishing the Hawaii hurricane relief fund was to provide a means of financing hurricane insurance coverage for the hurricane after

the next one, provided that insurers withdraw from the Hawaii hurricane insurance market. This Act will provide protections against the next natural disaster.

PART II

SECTION 3. Due to Hawaii's experience with tsunamis and hurricanes, a disaster alert system is in place providing early warning to residents. Even with this comprehensive, state-of-the-art-monitoring system in place, Hawaii's disaster warning efforts have not kept pace. Antiquated siren systems, outdated evacuation maps in telephone books, insufficient shelter space, limited public education projects, and a lack of around-the-clock alert staff mean Hawaii residents may lose critical seconds in evacuation time or, worse, be unable to access emergency care and shelter in the event a disaster strikes.

The purpose of this part is to appropriate funds for natural disaster preparedness efforts, including installing and maintaining new siren systems, updating evacuation maps in phone books, constructing additional shelter space and retrofitting existing public buildings that could serve as emergency shelters, developing statewide residential safe room design standards by January 1, 2006, providing around-the-clock alert staff for the civil defense division, and expanding public education campaigns that emphasize the need for natural disaster, including tsunami and hurricane preparedness.

SECTION 4. There is appropriated out of the hurricane reserve trust fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 for tsunami and hurricane preparedness efforts, including installing and maintaining new siren systems, updating evacuation maps in telephone books, constructing additional shelter space and retrofitting existing public buildings that could serve as emergency shelters, developing statewide residential safe room design standards by January 1, 2006, providing around-the-clock alert staff for the civil defense division of the department of defense, and expanding public education campaigns emphasizing the need for tsunami and hurricane preparedness.

The sum appropriated in this part shall be expended by the department of defense for the purposes of this part.

SECTION 5. The department of defense shall develop Hawaii public shelter and residential safe room design criteria by January 1, 2006, and shall facilitate impact resistance testing and certification of safe room design; provided that safe room prototype models are developed with public or private sector grants or investments. These criteria shall include Hawaii performance-based standards for enhanced hurricane protection areas and essential government facilities capable of withstanding a five hundred-year hurricane event and providing continuity of government or sheltering operations thereafter.

SECTION 6. The department of defense shall coordinate all work performed pursuant to this part with the state or county agencies having responsibility for the repair, maintenance, and upkeep of any public building to be retrofitted.

SECTION 7. Any portion of the appropriations may be used for the purpose of matching federal hazard mitigation funds if these funds become available for use in retrofitting public buildings with hurricane protective measures.

PART III

SECTION 8. The loss mitigation grant program was established to assist residents with installing wind resistive devices to protect their property against hurricanes. The addition of providing grants for safe rooms will also allow residents who may not be able to afford reinforcement of their entire home, protection against natural disasters.

SECTION 9. Section 431:22-101, Hawaii Revised Statutes, is amended by amending the definition of "wind resistive devices" to read as follows:

"Wind resistive devices" means devices and techniques, as identified and determined in accordance with section 431:22-104(b), that increase a building's or structure's resistance to damage from wind forces. The term shall also include safe rooms that are defined and built pursuant to design standards of the department of defense's civil defense division that are adopted pursuant to chapter 91."

SECTION 10. Section 431:22-104, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Subject to the availability of funds and the standards in this article, grants for wind resistive devices shall be awarded by the commissioner:

- (1) That reimburse ~~[fifty]~~ thirty-five per cent of costs incurred for the wind resistive devices and their installation ~~[and inspection]~~, up to a maximum total reimbursement of \$2,100 per dwelling;
- (2) On a first-come, first-served basis, as determined by the commissioner; and
- (3) For a wind resistive device or devices installed only in a single or multi-family residential dwelling."

SECTION 11. Section 431:22-104, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

- "(c) In addition, a grant may be made to an applicant only if the applicant:
- (1) Has met the descriptions, specifications, guidelines, and requirements established by the commissioner for the grant program;
 - (2) Has filed a completed application form, as determined solely by the commissioner, together with all supporting documentation required by the commissioner;
 - (3) Has, in the case of a building with multiple dwellings, filed together completed grant applications for all dwellings in the building~~;~~, for installation of wind resistive devices indicated in section 431:22-104(b)(1), (2), and (4); provided that this requirement does not apply ~~[to]~~ section 431:22-104(b)(3);
 - (4) Has installed a wind resistive device or devices including residential safe room designs that meet the standards established by the state department of defense and that have been designated and approved by the commissioner;
 - (5) Has fully paid, prior to applying for the grant, the cost of the wind resistive device or devices, as well as the installation ~~[and inspection]~~ costs for which the grant is sought. The grant shall be used to reimburse only these costs or a portion thereof;
 - (6) Has hired an inspector, determined by the commissioner to be qualified in accordance with the requirements of the commissioner, who has verified in writing that the installation of the wind resistive device or devices is complete and is in compliance with the grant program

specifications, guidelines, and requirements, as determined by the commissioner;

- (7) Has installed the wind resistive device or devices after July 1, 2002;
- (8) Has provided any other information deemed necessary by the commissioner; and
- (9) Has met all additional requirements needed to implement the grant program as determined by the commissioner.”

SECTION 12. There is appropriated out of the hurricane reserve trust fund of the State of Hawaii the sum of \$2,000,000, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$2,000,000, or so much thereof as may be necessary for fiscal year 2006-2007, for the deposit into the loss mitigation grant fund.

SECTION 13. There is appropriated out of the loss mitigation grant fund of the State of Hawaii the sum of \$2,000,000, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$2,000,000, or so much thereof as may be necessary for fiscal year 2006-2007, for the loss mitigation grant program established under chapter 431, article 22, Hawaii Revised Statutes.

The sum appropriated in this part shall be expended by the department of commerce and consumer affairs for the purposes of this part.

PART IV

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 2005.

(Vetoed by Governor and veto overridden by Legislature on July 12, 2005.)