
A BILL FOR AN ACT

RELATING TO EMERGENCIES.

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 purpose of this Act is to create the
5 office of the director of disaster preparedness and a disaster
6 preparedness commission whose sole focus shall be to develop and
7 implement a comprehensive disaster preparedness plan for the
8 state of Hawaii. The legislature realizes that although
9 disaster preparedness is the responsibility of all, there is a
10 need to unify all of the various efforts to facilitate better
11 communication and planning between the agencies. The director
12 and commission are charged with the responsibility of preparing
13 Hawaii's residents, their property and pets, and our visitors,
14 for any natural or man-made disaster, excluding acts of
15 terrorism, which may affect the state at any time. Disasters
16 are a matter of fact for our islands, be it the constant threat
17 of earthquakes, oil spills, and hurricanes or the long-term



1 threat of rising sea levels from climate change. Our state must
2 therefore be prepared for the worst.

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 firefighting services, police
2 services, medical and health services, rescue operations,
3 engineering, siren warning services, communications, evacuation
4 of persons from stricken areas, temporary shelter, temporary
5 housing, temporary restoration of public utility services, and
6 other functions related to civilian protection, together with
7 all other activities necessary or incidental to the preparation
8 for 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 the state'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, commercial
2 harbors, temporary shelters, and other essential
3 services.

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

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

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

21 (1) One member appointed by the governor;



- 1 (2) One member appointed by the speaker of the house of
2 representatives;
- 3 (3) One member appointed by the president of the senate;
- 4 (4) Four members appointed by the mayors of the counties of
5 Honolulu, Hawaii, Maui, and Kauai, each of whom shall
6 appoint one member; and
- 7 (5) The director of civil defense or the director's
8 designee, who shall serve as a non-voting member of
9 the commission.

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

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

- 17 (1) Seismology;
- 18 (2) Tsunamis;
- 19 (3) Hurricanes;
- 20 (4) Flood control;
- 21 (5) Volcanic activity;
- 22 (6) Geology;



- 1 (7) Coastal zone management;
 - 2 (8) Environmental studies or protection;
 - 3 (9) Climate and sea level change;
 - 4 (10) Emergency management;
 - 5 (11) Risk analysis;
 - 6 (12) Hazard analysis;
 - 7 (13) Waste management;
 - 8 (14) Structural engineering;
 - 9 (15) Architecture;
 - 10 (16) Sheltering;
 - 11 (17) Construction; and
 - 12 (18) Communications.
- 13 (c) The commission shall advise and assist the director in
14 developing a comprehensive disaster preparedness plan for the
15 state. The commission's duties in this regard shall include
16 without limitation:
- 17 (1) Working with the state office of planning to determine
18 and develop the best geospatial data resources and
19 tools to carry out the duties listed herein, as well
20 as develop flood zone maps for state planning based
21 upon historical and anticipated occurrence, frequency,
22 and intensity;



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



1 (9) Working with the department of agriculture and the
2 department of land and natural resources to ensure the
3 integrity of the state's dams and reservoirs;

4 (10) Working with the department of health to assess the
5 structural integrity of all state hospitals in Hawaii,
6 and these assessments shall be conducted by one or
7 more registered professional engineers qualified to
8 conduct structural analyses on existing structures and
9 knowledgeable about the effects of hurricanes,
10 earthquakes, and other disasters, with each facility
11 to be rated on its ability to survive the likely
12 effects of hurricanes and earthquakes of various
13 intensities, and other disasters, and the results of
14 the assessment shall be provided to state hospitals to
15 support preparation of risk-based disaster plans, and
16 such findings and recommendations shall also be
17 incorporated into the director's annual report to the
18 governor and legislature no later than twenty days
19 before the convening of each regular session of the
20 legislature;

21 (11) Working with the department of health in conjunction
22 with health care facilities to develop disaster plans



1 that will provide emergency shelter for patients and
2 staff, as well as a plan to meet the medical needs of
3 their patients during a disaster;

4 (12) Working with the department of transportation and the
5 department of defense to develop a plan to protect
6 Hawaii's ports of entry when emergency access by
7 foreign flag ships or aircraft is sought, including a
8 plan for such contingencies as when vessels carry
9 munitions and weapons;

10 (13) Working with the department of human services and the
11 University of Hawaii's school of social work and other
12 university departments and programs to develop a more
13 coordinated case management response to deal with
14 social problems that emanate from disasters;

15 (14) Working with the state's consular corps so they can
16 inform foreign citizens about the nature of the
17 emergency, including but not limited to working with
18 radio stations KZOO (Japanese) and KNDI (all other
19 foreign languages) on broadcasting emergency messages
20 to non-English-speaking residents and visitors;



1 (15) Working with the department of transportation to
2 develop alternate transportation routes in the event
3 that major roads become inaccessible; and

4 (16) Conducting a comprehensive review of other issues that
5 threaten the safety of Hawaii's residents and
6 visitors, their possessions and pets, and recommending
7 a strategic course of action that would strengthen
8 Hawaii's disaster response system.

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

12 SECTION 3. Chapter 321, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§321- Assisted living facilities; safety. No later than
16 July 1, 2008, any assisted living facility that accepts or
17 retains any individual with physical, cognitive, or other
18 impairment that prevents the individual from safely evacuating
19 the facility independently, shall provide necessary assistance
20 for the resident to reach a point of safety. Each facility
21 shall:



- 1 (1) Maintain sufficient staff on its premises twenty-four-
2 hours-a-day seven-days-a-week who are able to assist
3 in evacuations;
- 4 (2) Include an individualized evacuation plan in the
5 service plan of each resident;
- 6 (3) Provide routine fire drills and record keeping
7 demonstrating each facility's evacuation capability;
- 8 (4) Provide evacuation and fire safety training for staff
9 and residents;
- 10 (5) Promptly report all fires and other emergent incidents
11 to fire safety and facility-licensing agencies having
12 authority over such matters;
- 13 (6) Establish points of safety within the facility and
14 outside the facility;
- 15 (7) Be equipped with an automatic sprinkler system, smoke
16 compartments, and smoke alarms in compliance with
17 adopted Fire Life Safety Codes as determined by the
18 authority having jurisdiction over such matters;
- 19 (8) Establish procedures to provide residents with the
20 opportunity to explore the facility, and if
21 appropriate, its grounds; and



1 (9) Use a personal electronic monitoring device for any
2 resident whose physician recommends the use of such a
3 device."

4 SECTION 4. Section 127-10, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§127-10 Disaster relief during suspension of preceding**
7 **sections.** During any period in which sections 127-1 to 127-9
8 are not in effect, the governor and political subdivisions may
9 exercise any and all of their powers that relate to disasters
10 resulting from enemy attacks, [~~in order~~] to provide other
11 disaster relief. All provisions of law that relate to disasters
12 resulting from enemy attacks during such period are made
13 applicable to other disaster relief, including without
14 limitation, provisions making or authorizing appropriations or
15 expenditures.

16 As used in this section, "other disaster relief" means the
17 preparation for and the carrying out of all functions, other
18 than functions performed by the director of the office of
19 disaster preparedness and the disaster preparedness commission
20 under chapter _____ or functions for which military forces are
21 primarily responsible, to minimize and repair injury and damage
22 resulting from disasters caused by fire, flood, tidal wave,



1 volcanic eruption, earthquake, or other natural causes and major
2 disasters caused by acts of man, including but not limited to [7]
3 massive oil spills, nuclear accidents, airplane crashes, and
4 civil disturbances."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2007-2008 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2008-2009 for the salary of the director of disaster
10 preparedness and other current expenses, including those of the
11 disaster preparedness commission and support personnel.

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

14 SECTION 6. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2007-2008 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2008-2009 to fund the community emergency response team program
19 training and support on the island of Maui.

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



1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2007-2008, to
4 operate the University of Hawaii school of social work's long-
5 term case management training program for victims of major
6 disasters, and to expand the program to the entire state, using
7 University of Hawaii campuses on the neighbor islands, with
8 particular focus on Kauai, Maui, and Hawaii as training sites.

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

11 SECTION 8. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 9. 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. (SB679 HD2)

