
A BILL FOR AN ACT

RELATING TO CIVIL DEFENSE.

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

1 PART I.

2 SECTION 1. The legislature finds that Hawaii is vulnerable
3 to a tsunami or hurricane disaster and recognizes the importance
4 of remaining vigilant in protecting its residents and guests
5 from these disasters. In view of lessons learned from the 2004
6 tsunami in South East Asia and Hurricane Katrina in Florida in
7 2005, and because these natural disasters pose a great potential
8 to cause vast devastation to Hawaii, the legislature deems it
9 vitally important to ensure that the State is adequately
10 prepared to deal with these disasters. While state and private
11 agencies have made great strides in becoming capable of
12 responding to a tsunami or hurricane disaster, more resources
13 are needed to upgrade and decrease coverage gaps in the existing
14 warning systems.

15 The legislature also finds that it is critical to have
16 effective warning systems to protect residents who live in areas
17 of the State that lie in tsunami inundation zones during an



1 emergency. In the event of a tsunami, the brief notice provided
2 by a tsunami warning can mean the difference between reaching a
3 safe area and remaining in the path of danger. As more and more
4 areas of the State become developed for residential use, there
5 is greater need for additional tsunami warning sirens in these
6 areas. In fact, tsunami warning sirens are a critical piece of
7 infrastructure in neighborhoods around the State.

8 The purpose of this part is to provide for tsunami warning
9 sirens in new residential developments by requiring the counties
10 to condition the approval of permits for the construction of new
11 residential housing in tsunami inundation zones on the
12 installation of tsunami warning sirens.

13 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
14 by adding a new section to be appropriately designated and to
15 read as follows:

16 "§46- Installation of tsunami warning sirens. (a)
17 Prior to issuing permits for the development of any new
18 residential housing consisting of fifty or more residential
19 units within a tsunami inundation zone, the counties shall
20 require the developer requesting the permits to install tsunami
21 warning sirens within the development, to be linked to the civil
22 defense warning system. The department of defense shall



1 determine the specifications for the tsunami warning sirens and
2 their placement.

3 (b) Prior to issuing permits for the development of any
4 new residential housing consisting of less than fifty
5 residential units within a tsunami inundation zone, the counties
6 may impose impact fees pursuant to this chapter for the purpose
7 of installing tsunami warning sirens within the development."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2007-2008 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2008-2009 for emergency supply caches to support disaster
13 victims and communities that may become isolated due to natural
14 disasters.

15 The sums appropriated shall be expended by the department
16 of defense for the purposes of this section.

17 SECTION 4. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2007-2008 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2008-2009 for the state civil defense major disaster fund
22 established pursuant to section 127-11, Hawaii Revised Statutes.



1 The sums appropriated shall be expended by the department
2 for the purposes of this section.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2007-2008 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2008-2009 for the continued funding of non-declared
8 disaster activation and response.

9 The sums appropriated by this section shall be expended by
10 the department of defense for the purposes of this section.

11 SECTION 6. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2007-2008 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2008-2009 for the state civil defense emergency supply
16 program to effectively equip emergency shelters in order to
17 support special needs populations and to maintain the
18 development of the emergency supply program.

19 The sums appropriated by this section shall be expended by
20 the department of defense for the purposes of this section.

21 PART II.



1 SECTION 7. Residents and businesses of the State are often
2 twice victimized when natural disasters strike. First, the
3 damage caused by a natural disaster is often extensive and
4 repair or replacement costs are prohibitive. Second, the
5 emergency relief from governmental agencies to meet the
6 immediate needs of victims is often delayed or unavailable for
7 extended periods. For some victims of natural disasters, the
8 delay in receiving emergency assistance can mean a total loss of
9 their homes or businesses. The legislature finds that there is
10 an urgent need to provide victims with prompt emergency relief
11 during or immediately after a natural disaster.

12 The purpose of this part is to allow the governor, upon the
13 declaration of an emergency, to release up to ten per cent of
14 the interest earned on the principal of the moneys in the
15 emergency and budget reserve fund to provide assistance to
16 residents and businesses that have sustained damage during or
17 immediately after a natural disaster.

18 SECTION 8. Chapter 128, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

21 "§128- Emergency and budget reserve fund expenditures.

22 Upon the declaration by the governor of an emergency due to a



1 natural disaster, the governor, by executive order, may
 2 authorize the release and expenditure of moneys from the
 3 emergency and budget reserve fund to provide grants of emergency
 4 assistance up to \$ _____, to residents or businesses of the
 5 State for _____ per cent of uninsured damages sustained from a
 6 natural disaster, during or immediately after the natural
 7 disaster, pursuant to section 328L-3(e). The office of civil
 8 defense shall adopt rules specifying the form and documents
 9 required for receipt of a grant."

10 SECTION 9. Section 328L-3, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 **"§328L-3 Emergency and budget reserve fund.** (a) There is
 13 established in the state treasury the emergency and budget
 14 reserve fund, which shall be a special fund administered by the
 15 director of finance, into which shall be deposited:

16 (1) Twenty-four and one-half per cent of the moneys
 17 received from the tobacco settlement moneys under
 18 section 328L-2(b)(1); and

19 (2) Appropriations made by the legislature to the fund.

20 (b) All interest earned from moneys in the emergency and
 21 budget reserve fund shall be credited to the general fund[-]
 22 except for moneys released pursuant to subsection (e)(1).



1 (c) Expenditures from the emergency and budget reserve
2 fund shall be a temporary supplemental source of funding for the
3 State during times of emergency, economic downturn, or
4 unforeseen reduction in revenues. No expenditures shall be made
5 from the emergency and budget reserve fund except pursuant to
6 appropriations~~[-]~~ or as provided in subsection (e). The general
7 appropriations bill or the supplemental appropriations bill, as
8 defined in section 9 of article VII of the Constitution of the
9 State of Hawaii, shall not be used to appropriate moneys from
10 the emergency and budget reserve fund. The governor, through an
11 appropriations bill, may recommend expenditures from the
12 emergency and budget reserve fund by setting forth the purposes
13 of the expenditures consistent with subsection (d), the amounts,
14 and the reasons justifying the necessity for the appropriations.

15 (d) The legislature may make appropriations from the fund
16 for the following purposes:

- 17 (1) To maintain levels of programs determined to be
18 essential to public health, safety, welfare, and
19 education;
- 20 (2) To provide for counter cyclical economic and
21 employment programs in periods of economic downturn;



1 (3) To restore facilities destroyed or damaged or services
2 disrupted by disaster in any county; and

3 (4) To meet other emergencies when declared by the
4 governor or determined to be urgent by the
5 legislature.

6 Any act making appropriations from the emergency and budget
7 reserve fund shall include a declaration of findings and
8 purposes setting forth the purposes, the amounts, and the
9 reasons why the appropriations are necessary and shall require a
10 two-thirds majority vote of each house of the legislature.

11 (e) Upon the declaration by the governor of an emergency
12 due to a natural disaster, the governor, by executive order, may
13 authorize the release and expenditure of moneys from the fund to
14 provide grants of emergency assistance up to \$ _____, to
15 residents or businesses of the State for _____ per cent of
16 uninsured damages sustained from a natural disaster, during or
17 immediately after the natural disaster, subject to the following
18 requirements:

19 (1) The governor shall determine the amount of moneys to
20 be released based upon the recommendations of state
21 and county civil defense agencies; provided that the
22 amount expended shall not exceed ten per cent of the



1 interest earned on principal from moneys in the fund
2 at the time of the expenditure;

3 (2) Within seventy-two hours after issuing the executive
4 order, the governor shall provide written notice to
5 the president of the senate and the speaker of the
6 house of representatives describing the intended use
7 of the moneys; and

8 (3) The governor shall submit a report to the legislature
9 not later than twenty days prior to the convening of
10 the regular session or any special session immediately
11 following the occurrence of the natural disaster,
12 regarding the release and expenditure of moneys from
13 the fund under this subsection; provided that if the
14 natural disaster occurs in the period between thirty
15 days prior to the convening of a regular session or
16 the closing of the regular session, the governor shall
17 submit the report not later than thirty days after
18 issuing the executive order. At a minimum, the report
19 shall:

20 (A) State the amounts released;

21 (B) Describe the purposes under subsection (d) for
22 which the funds were released;



1 In addition to ensuring statewide dissemination of
2 information in a timely manner, it is also imperative that the
3 information be provided in a format that is accessible and
4 understandable by everyone. A review in the aftermath of the
5 October 2006 earthquake and subsequent statewide power outage
6 brought forth many recommendations, including recommendation
7 number eleven of the final report of the governor's
8 comprehensive communications review committee that states:
9 "Work with the Hawaii consular corps so they can inform foreign
10 citizens about the nature of the emergency. KZOO (Japanese) and
11 KNNDI (all other foreign languages) will broadcast the emergency
12 messages to non-English speaking residents and visitors in the
13 State. KZOO and KNNDI will be assisted in their efforts to
14 establish backup power generators." This recommendation
15 supports the need for infrastructure improvements to further
16 support the State's civil defense system in the event of an
17 emergency.

18 The purpose of this part is to appropriate funds to the
19 Ethnic Education Foundation of Hawaii to assist in disseminating
20 information to a broader range of the State's population in the
21 event of a disaster or emergency.



1 SECTION 11. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2007-2008 to
 4 the Ethnic Education Foundation of Hawaii, a 501(c)(3) nonprofit
 5 organization, for generators to meet power capacity needs to
 6 ensure service in emergency situations.

7 The sum appropriated shall be expended by the department of
 8 defense for the purposes of this section.

9 SECTION 12. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$ or so
 11 much thereof as may be necessary for fiscal year 2007-2008 to
 12 the Ethnic Education Foundation of Hawaii, a 501(c)(3) nonprofit
 13 organization, for other infrastructure improvements and
 14 educational programs administered by the Hawaii state civil
 15 defense to promote awareness of emergency procedures and
 16 contacts to non-English speaking and English-as-a-second-
 17 language populations in the State.

18 The sum appropriated shall be expended by the department of
 19 defense for the purposes of this section.

20 PART IV.

21 SECTION 13. The legislature finds that it is crucial to
 22 provide notice of an impending natural disaster or emergency to



1 segments of the population that are hearing impaired or cannot
2 understand verbal or written communications in the languages
3 commonly used in the State. The purpose of this part is to
4 require the disability communications access board to identify
5 internationally recognized symbols that may be transmitted
6 through various forms of visual digital communications, such as
7 cellular telephones, computers, and television, in the event of
8 a disaster or emergency.

9 The disability communications access board shall identify
10 internationally recognized symbols to be used in the event of a
11 disaster or emergency to communicate notice through visual
12 digital communications to persons who do not understand verbal
13 or written communications. The disability communications access
14 board shall report its findings and recommendations to the
15 legislature no later than December 1, 2007.

16 PART V.

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

19 SECTION 15. This Act shall take effect on July 1, 2007.



Report Title:

Civil Defense; Appropriations

Description:

Requires the counties to condition the approval of permits for the construction of new residential housing in tsunami inundation zones on the installation of tsunami warning sirens. Authorizes the governor to release and expend up to ten per cent of the interest earned on funds in the emergency and budget reserve fund to provide grants of emergency assistance for uninsured damages after a natural disaster. Requires the disability communications access board to identify internationally recognized symbols to be used in the event of a disaster or emergency to communicate to persons that do not understand verbal or written communications. Appropriates funds for emergency supply caches, the state civil defense major disaster fund, the non-declared disaster activation and response, the state civil defense emergency supply program, and funds for the Ethnic Education Foundation of Hawaii to assist them in disseminating information in the event of a disaster.
(HD1)

