



GOV. MSG. NO. 836

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 18, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 18, 2007, the following bill was signed into law:

HB1345 HD2 SD3 CD1

A BILL FOR AN ACT MAKING AN
EMERGENCY APPROPRIATION FOR
NATURAL DISASTERS.
(ACT 078)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 18 2007

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 078

H.B. NO. 1345
H.D. 2
S.D. 3
C.D. 1

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR NATURAL DISASTERS.

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

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. The purpose of this Act is to make an emergency
5 appropriation for emergency relief operations in the counties of
6 Hawaii, Maui, Kauai, and the city and county of Honolulu as a
7 result of the October 15, 2006, Kiholo Bay earthquake disaster
8 to:

9 (1) Cover the costs of statewide response and recovery
10 efforts to repair damaged homes, public buildings,
11 transportation infrastructure, utilities, irrigation
12 systems in Waimea, lower Hamakua, and North Kohala,
13 hospitals, and nursing homes, especially on the
14 islands of Hawaii and Maui;

15 (2) Cover the required twenty-five per cent cost share for
16 the Federal Emergency Management Agency's public
17 assistance program and individual assistance program,
18 as required by the Robert T. Stafford Disaster and



1 Emergency Assistance Act, and for the Natural
2 Resources Conservation Service's emergency watershed
3 protection program;

4 (3) Upgrade state and county warning systems by providing
5 emergency generators to selected critical facilities
6 such as radio and television stations to ensure
7 continuity of operations in informing the general
8 public of potential immediate risks;

9 (4) Hire consultants to:

10 (A) Investigate and survey alternate sources of
11 irrigation water for Hawaii island; and

12 (B) Develop and coordinate plans for public and
13 private partnerships to improve and to protect
14 sources and distribution of irrigation water on
15 Hawaii island; and

16 (5) Provide financial assistance to critical facilities
17 such as public schools, hospitals, and nursing
18 facilities for structural and non-structural
19 mitigation projects.

20 The legislature finds and declares the appropriations under
21 this Act are in the public interest and ensures public health,
22 safety, and general welfare of the State.



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$900,000, or so much
3 thereof as may be necessary, for fiscal year 2006-2007, to cover
4 operational expenses associated with earthquake disaster
5 recovery efforts, including but not limited to national guard
6 personnel on state active duty and helicopter operating
7 expenses.

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

10 SECTION 4. There is appropriated out of the emergency and
11 budget reserve fund, established pursuant to section 328L-3,
12 Hawaii Revised Statutes, the sum of \$24,000,000 or so much
13 thereof as may be necessary for fiscal year 2006-2007 for
14 earthquake disaster recovery projects to include the twenty-five
15 per cent non-federal cost share for all earthquake disaster
16 recovery projects made eligible under the Federal Emergency
17 Management Agency's public assistance program. The
18 appropriation will provide for the emergency repair of the
19 Kohala ditch in North Kohala, including access roads, trails,
20 and flume repairs between the Honokane Nui intake and Niulii
21 weir, and the repair and restoration of the Hulihe'e Palace
22 located in Kailua-Kona.



1 Further provided that of the \$24,000,000 appropriation, the
2 following minimum funds shall be allocated for specific
3 earthquake disaster recovery projects:

- 4 (1) \$1,000,000 for Hulihe'e Palace;
- 5 (2) \$500,000 for the flume repair at Kohala ditch in North
6 Kohala, including access roads and trails;
- 7 (3) \$3,500,000 for the department of land and natural
8 resources for harbors and parks, including access
9 roads and trails;
- 10 (4) \$3,500,000 for the department of agriculture for
11 Waimea, upper and lower Hamakua irrigation systems;
- 12 (5) \$1,000,000 for the department of transportation for
13 Kawaihae harbor;
- 14 (6) \$300,000 for the natural energy laboratory of Hawaii
15 authority for deep water pipeline system;
- 16 (7) \$600,000 for the judiciary for courthouse emergency
17 repairs;
- 18 (8) \$850,000 for the county of Hawaii for the Ikuo Hisaoka
19 Gym, Keokea Beach Park, and Paauilo Gym & Annex; and
- 20 (9) \$200,000 for Kona community hospital emergency
21 repairs.



1 The sum shall also cover operational expenses associated
2 with the October 15, 2006, Kiholo Bay earthquake disaster
3 recovery efforts in the counties of Hawaii, Maui, Kauai, and the
4 city and county of Honolulu pursuant to section 2 of this Act.

5 The sum appropriated shall be expended by the department of
6 defense for the purposes of this Act.

7 SECTION 5. Each department or agency expending funds
8 authorized by this Act shall submit annual reports to the
9 legislature, beginning no later than January 15, 2008. The
10 information contained in the reports shall:

- 11 (1) Be organized by county;
- 12 (2) Provide summaries of expenditure data on a statewide
13 basis; and
- 14 (3) Include:
 - 15 (A) The date of each expenditure;
 - 16 (B) The purpose and description of each expenditure;
 - 17 (C) The identification of any recipient of payments
18 from each expenditure; and
 - 19 (D) For funds not authorized by this Act but
20 nevertheless used by any department or agency for
21 the purposes of this Act:



- 1 (i) The source of those funds, by specific
2 program;
- 3 (ii) The impact to the programs originally funded
4 by those funds; and
- 5 (iii) The need for any emergency appropriations
6 that resulted from the diversion of those
7 funds.

8 SECTION 6. Any provision of the Act to the contrary
9 notwithstanding, the appropriations under this Act shall not
10 lapse at the end of the fiscal year for which the appropriations
11 were made. All unexpended and unencumbered balances of the
12 appropriations made in this Act as of the close of business on
13 June 30, 2009, shall lapse.

14 Should any projects paid for by state funds under this Act
15 later become eligible for federal reimbursement the federal
16 reimbursement funds shall be deposited in the emergency and
17 budget reserve fund; provided that moneys expended by
18 departments and agencies of the state or counties for projects
19 under this Act that later become eligible for federal
20 reimbursements shall be reimbursed to the department or agency.

21 SECTION 7. In accordance with section 9 of article VII of
22 the Constitution of the State of Hawaii and sections 37-91 and



1 37-93, Hawaii Revised Statutes, the legislature has determined
2 that the general fund expenditure ceiling for fiscal year
3 2006-2007 (established at \$5,357,987,705 on November 8, 2006)
4 has already been exceeded by \$90,137,694 or 1.68 per cent. The
5 appropriations contained in section 3 will cause the state
6 general fund expenditure ceiling for fiscal year 2006-2007 to be
7 exceeded by an additional \$900,000, or an additional 0.017 per
8 cent. The calculation contained in the foregoing sentence
9 relates only to the amount of general funds appropriated in this
10 Act for fiscal year 2006-2007. The reasons for exceeding the
11 general fund expenditure ceiling are that the appropriations
12 made in section 3 are necessary to serve the public interest and
13 to meet the needs provided for by section 3.

14 SECTION 8. This Act shall take effect upon its approval.

APPROVED this 18 day of MAY, 2007



GOVERNOR OF THE STATE OF HAWAII

