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# 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 shall also cover operational expenses associated  
9 with the October 15, 2006, Kiholo Bay earthquake disaster  
10 recovery efforts in the counties of Hawaii, Maui, Kauai, and the  
11 city and county of Honolulu pursuant to section 2 of this Act.

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

14 SECTION 4. There is appropriated out of the emergency and  
15 budget reserve fund, established pursuant to section 328L-3,  
16 Hawaii Revised Statutes, the sum of \$24,000,000, or so much  
17 thereof as may be necessary for fiscal year 2006-2007, for  
18 earthquake disaster recovery projects to include the twenty-five  
19 per cent non-federal cost share for all earthquake disaster  
20 recovery projects made eligible under the Federal Emergency  
21 Management Agency's public assistance program; provided that any  
22 reimbursements made to the State by the Federal Emergency



1 Management Agency shall be redeposited into the emergency and  
2 budget reserve fund. The appropriation will provide for the  
3 emergency repair of the Kohala ditch in North Kohala, including  
4 access roads, trails, and flume repairs between the Honokane Nui  
5 intake and Niulii weir, and the repair and restoration of the  
6 Hulihe'e Palace located in Kailua-Kona.

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

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

- 13 (1) Be organized by county;
- 14 (2) Provide summaries of expenditure data on a statewide  
15 basis; and
- 16 (3) Include:
- 17 (A) The date of each expenditure;
- 18 (B) The purpose and description of each expenditure;
- 19 (C) The identification of any recipient of payments  
20 from each expenditure; and



1 (D) For funds not authorized by this Act but  
2 nevertheless used by any department or agency for  
3 the purposes of this Act:

4 (i) The source of those funds, by specific  
5 program;

6 (ii) The impact to the programs originally funded  
7 by those funds; and

8 (iii) The need for any emergency appropriations  
9 that resulted from the diversion of those  
10 funds.

11 SECTION 6. Any provision of the Act to the contrary  
12 notwithstanding, the appropriations under this Act shall not  
13 lapse at the end of the fiscal year for which the appropriations  
14 were made. All unexpended and unencumbered balances of the  
15 appropriations made in this Act as of the close of business on  
16 June 30, 2008, shall lapse.

17 SECTION 7. In accordance with section 9 of article VII of  
18 the Constitution of the State of Hawaii and sections 37-91 and  
19 37-93, Hawaii Revised Statutes, the legislature has determined  
20 that the general fund expenditure ceiling for fiscal year  
21 2006-2007 (established at \$5,357,987,705 on November 8, 2006)  
22 has already been exceeded by \$90,137,694 or 1.68 per cent. The



1 appropriations contained in section 3 will cause the state  
2 general fund expenditure ceiling for fiscal year 2006-2007 to be  
3 exceeded by an additional \$900,000, or an additional 0.017 per  
4 cent. The calculation contained in the foregoing sentence  
5 relates only to the amount of general funds appropriated in this  
6 Act for fiscal year 2006-2007. The reasons for exceeding the  
7 general fund expenditure ceiling are that the appropriations  
8 made in section 3 are necessary to serve the public interest and  
9 to meet the needs provided for by section 3.

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

