



GOV. MSG. NO. 1217

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

HB1586 HD2 SD1 CD1

RELATING TO DISASTER RESPONSE.  
**ACT 116**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

JUN 27 2022

on \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**ACT 116**  
**H.B. NO.** 1586  
H.D. 2  
S.D. 1  
C.D. 1

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## A BILL FOR AN ACT

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RELATING TO DISASTER RESPONSE.

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

1       SECTION 1. The legislature finds that Hawaii has always  
2       been vulnerable to natural disasters, including hurricanes,  
3       earthquakes, volcanic eruptions, storm surges, tsunamis, and  
4       wildfires. The legislature further finds that over the years,  
5       various state departments and agencies have been affected by  
6       natural disasters and emergencies and have spent departmental  
7       funds to respond to incidents as necessary. Many departments  
8       apply for reimbursement for the costs of emergency response  
9       measures from the Federal Emergency Management Agency. Disaster  
10      reimbursement may take months or years, depending on the federal  
11      government. The delay in disaster reimbursements has resulted  
12      in the holding of federal reimbursement funds in the major  
13      disaster fund, rather than the funds being returned to the  
14      originating department or agency.

15      The purpose of this Act is to:

16      (1) Clarify that federal funds received by the State for  
17      reimbursement of disaster-related expenses, except for



1 federal funds received by the State to reimburse the  
2 department of education for disaster-related expenses,  
3 shall first be applied to the originating fund used by  
4 the department or agency for payment of disaster  
5 relief expenses; provided that if the original  
6 appropriation has lapsed, the funds shall be returned  
7 to the general fund; and

8 (2) Require the administrator of the Hawaii emergency  
9 management agency to submit an annual report to the  
10 legislature on the status of federal reimbursement  
11 moneys for disaster response, and disaster response  
12 spending by each state department and agency.

13 SECTION 2. Section 127A-16, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§127A-16 Major disaster fund.** (a) The administrator  
16 shall submit requests to the legislature to appropriate from the  
17 general revenues of the State sufficient moneys as may be  
18 necessary for expenditure by or under the direction of the  
19 governor for immediate relief in response to an emergency or  
20 disaster in any part of the State; provided that:



- 1           (1) The governor has issued a proclamation of a state of  
2           emergency;
- 3           (2) The governor [~~may~~] shall not expend in excess of  
4           \$10,000,000 for immediate relief as a result of any  
5           single emergency or disaster; and
- 6           (3) In addition to the funds in paragraph (2), an  
7           additional \$5,000,000 may be made available solely for  
8           the purpose of matching federal disaster relief funds  
9           when these funds become available to the State  
10          following a presidential disaster declaration.
- 11 In expending the moneys, the governor may allot any portion  
12 thereof to any agency, office, or employee of the State or a  
13 county for the most efficient relief for the population.
- 14 Notwithstanding this subsection, the only exception to  
15 paragraphs (1), (2), and (3) is that the administrator may use  
16 up to \$250,000 per year to support the emergency management  
17 reserve corps.
- 18          (b) No later than sixty days after any allotment by the  
19 governor or the expenditure of any fund moneys, the  
20 administrator shall report to the legislature on the purpose of  
21 the allotment or expenditure.



1           (c) Except as provided in subsection (d), federal  
2 reimbursement moneys for disaster relief shall be deemed to be  
3 trust moneys and ~~[may]~~ shall be deposited into a trust account  
4 with and under the control of the Hawaii emergency management  
5 agency. ~~[These moneys and any interest earned thereon shall be~~  
6 ~~used for the purpose identified in subsection (a) and shall not~~  
7 ~~lapse to the general fund.]~~ Upon receipt by the Hawaii emergency  
8 management agency, these moneys shall be reimbursed to the  
9 originating fund of the expending agency; provided that if the  
10 original appropriation has lapsed, the funds shall be returned  
11 to the general fund.

12           (d) In cases in which the department of education expends  
13 the funds appropriated to the department for purposes deemed to  
14 be reimbursable by federal reimbursement moneys for disaster  
15 relief, the federal reimbursement moneys shall not lapse to the  
16 general fund and shall be credited directly to the department of  
17 education without regard to whether the original appropriation  
18 has lapsed. Such funds shall carry over in accordance with  
19 section 37-41.5(c).



1 (e) Any unspent funding under \$2,500,000 shall be rolled  
2 over to the next fiscal year to support future emergencies and  
3 disasters.

4 (f) Each state department and agency shall submit to the  
5 administrator no later than August 1 of each year a report of  
6 all funds expended, if any, for the prior fiscal year by the  
7 state department and agency for disaster response. The report  
8 shall include:

- 9 (1) The source of funds, including the name and account  
10 number of the funding source;  
11 (2) The amount and purpose of each expenditure; and  
12 (3) Whether any programs, activities, or contracts were  
13 reduced as a result of disaster response spending by  
14 the state department and agency.

15 (g) The administrator shall submit an annual report to the  
16 legislature no later than September 1 of each year on:

- 17 (1) The amount of federal reimbursement moneys for  
18 disaster response that the State could have applied  
19 for during the prior fiscal year. The report shall  
20 indicate the amount of federal reimbursement moneys



- 1           for disaster response broken down by department and  
2           agency;
- 3       (2)   The amount of federal reimbursement moneys for  
4           disaster response that the State applied for and the  
5           amount received during the prior fiscal year. The  
6           report shall indicate the amount of federal  
7           reimbursement moneys for disaster response broken down  
8           by department and agency;
- 9       (3)   The justification for any difference in the amount of  
10          federal reimbursement moneys for disaster response  
11          that the State was eligible for and the amount the  
12          State applied for;
- 13       (4)   The average amount of time between the submittal of an  
14          application for a Federal Emergency Management Agency  
15          reimbursement and receipt of the funds;
- 16       (5)   The number of disaster accounts opened for the prior  
17          fiscal year; and
- 18       (6)   The information relating to the expenditure of funds  
19          that is reported by each state department and agency  
20          pursuant to subsection (f)."



1       SECTION 3. If any part of this Act is found to be in  
2 conflict with federal requirements that are a prescribed  
3 condition for the allocation of federal funds to the State, the  
4 conflicting part of this Act is inoperative solely to the extent  
5 of the conflict and with respect to the agencies directly  
6 affected, and this finding does not affect the operation of the  
7 remainder of this Act in its application to the agencies  
8 concerned. The rules under this Act shall meet federal  
9 requirements that are a necessary condition to the receipt of  
10 federal funds by the State.

11       SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       SECTION 5. This Act shall take effect on July 1, 2022.

APPROVED this 27th day of June , 2022

*David Y. Ige*

GOVERNOR OF THE STATE OF HAWAII





HB No. 1586, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives

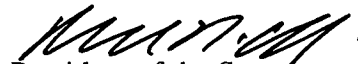



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 3, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate