
A BILL FOR AN ACT

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;

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 agency; and

13 (3) Appropriate funds to the department of defense for
14 disaster response efforts.

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

17 "**§127A-16 Major disaster fund.** (a) The administrator
18 shall submit requests to the legislature to appropriate from the
19 general revenues of the State sufficient moneys as may be
20 necessary for expenditure by or under the direction of the



1 governor for immediate relief in response to an emergency or
2 disaster in any part of the State; provided that:

3 (1) The governor has issued a proclamation of a state of
4 emergency;

5 (2) The governor [~~may~~] shall not expend in excess of
6 \$10,000,000 for immediate relief as a result of any
7 single emergency or disaster; and

8 (3) In addition to the funds in paragraph (2), an
9 additional \$5,000,000 may be made available solely for
10 the purpose of matching federal disaster relief funds
11 when these funds become available to the State
12 following a presidential disaster declaration.

13 In expending the moneys, the governor may allot any portion
14 thereof to any agency, office, or employee of the State or a
15 county for the most efficient relief for the population.

16 Notwithstanding this subsection, the only exception to
17 paragraphs (1), (2), and (3) is that the administrator may use
18 up to \$250,000 per year to support the emergency management
19 reserve corps.

20 (b) No later than sixty days after any allotment by the
21 governor or the expenditure of any fund moneys, the



1 administrator shall report to the legislature on the purpose of
2 the allotment or expenditure.

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

14 (d) In cases in which the department of education expends
15 the funds appropriated to the department for purposes deemed to
16 be reimbursable by federal reimbursement moneys for disaster
17 relief, the federal reimbursement moneys shall not lapse to the
18 general fund and shall be credited directly to the department of
19 education without regard to whether the original appropriation
20 has lapsed. Such funds shall carry over in accordance with
21 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 agency shall submit to the administrator no
5 later than August 1 of each year a report of all funds expended,
6 if any, for the prior fiscal year by the state agency for
7 disaster response. The report shall include:

8 (1) The source of funds, including the name and account
9 number of the funding source;

10 (2) The amount and purpose of each expenditure; and

11 (3) Whether any programs, activities, or contracts were
12 reduced as a result of disaster response spending by
13 the state agency.

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

16 (1) The amount of federal reimbursement moneys for
17 disaster response that the State or any county could
18 have applied for during the prior fiscal year. The
19 report shall indicate the amount of federal
20 reimbursement moneys for disaster response broken down
21 by department, agency, and county;



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

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 for
2 the department of defense for disaster response efforts.

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

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

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2051.



Report Title:

Disaster Response; Disaster Relief; Major Disaster Fund; Federal Reimbursements; Reports; Appropriation

Description:

Requires federal disaster relief reimbursement moneys, except federal disaster relief reimbursement moneys for the Department of Education, to be deposited into a trust account of the Hawaii Emergency Management Agency and reimbursed to the originating fund of the expending agency, with funds to be returned to the general fund upon lapse of the original appropriation. Requires annual reports to the legislature on federal reimbursement moneys, and disaster response spending by each state agency. Appropriates funds. Effective 7/1/2051. (SD1)

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