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# A BILL FOR AN ACT

RELATING TO EMERGENCY RELIEF 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 Hawaii State Constitution.

4           SECTION 2. The purpose of this Act is to appropriate funds  
5 to:

6           (1) Cover the costs of recovery and remediation efforts as  
7 a result of storms that have occurred in February and  
8 March 2006;

9           (2) Stabilize and repair storm-damaged slopes, drainage  
10 ways, and drainage systems to restore functionality  
11 and prevent future damage;

12           (3) Hire consultants to:

13           (a) Determine the structural integrity of dams and  
14 reservoirs statewide;

15           (b) Assess potential immediate risks; and

16           (c) Recommend long-term plans to ensure dam safety;

17           and



1 (4) Investigate and review legal issues related to dam and  
2 reservoir failures, issues relating to the safety of  
3 dam and reservoir failures, and issues relating to the  
4 safety of existing dams and reservoirs.

5 The legislature finds and declares that the appropriations  
6 under this Act are in the public interest and for the public  
7 health, safety, and general welfare of the state.

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$50,000 or so much  
10 thereof as may be necessary for fiscal year 2005-2006 for staff  
11 expenses and to hire consultants to assess the impact existing  
12 dams and reservoirs have on agricultural operations and the  
13 impact if existing dams and reservoirs were removed.

14 The sum appropriated shall be expended by the department of  
15 agriculture for the purposes of this Act.

16 SECTION 4. There is appropriated out of the emergency  
17 budget reserve fund of the State of Hawaii the sum of \$1,000,000  
18 or so much thereof as may be necessary for fiscal year 2005-2006  
19 to improve and restore, which includes the planning and design  
20 of, the Kailua reservoir and dam as a flood mitigation device in  
21 Waimanalo, Oahu.



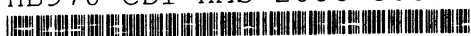
1           The department of agriculture shall also consult with  
2 property owners in the vicinity of the reservoir prior to  
3 commencing and during work on the reservoir.

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

6           SECTION 5. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$500,000 or so much  
8 thereof as may be necessary for fiscal year 2005-2006 for  
9 overtime, travel and other staff expenses, and to hire  
10 consultants and experts to review legal issues related to dam  
11 and reservoir failures, and issues relating to the safety of  
12 existing dams and reservoirs. Funds may also be used for  
13 expenses related to possible litigation concerning dam and  
14 reservoir failures.

15           The sum appropriated shall be expended by the department of  
16 the attorney general for the purposes of this Act.

17           SECTION 6. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$2,000,000 or so much  
19 thereof as may be necessary for fiscal year 2005-2006 to cover  
20 operational expenses associated with storm recovery efforts,  
21 including but not limited to:



- 1 (1) State civil defense twenty-four-hour emergency  
2 operations center overtime costs expended by civil  
3 defense workers;
- 4 (2) Contractors that are helping to pump reservoirs to  
5 maintain safer water levels;
- 6 (3) National guard personnel on state active-duty status;  
7 and
- 8 (4) Blackhawk helicopter operating expenses.

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

11 SECTION 7. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$5,000,000 or so much  
13 thereof as may be necessary for fiscal year 2005-2006 for staff  
14 expenses and to hire consultants to conduct surveys, studies,  
15 and assessments of private and government-owned dams and  
16 reservoirs statewide to determine their current physical  
17 integrity. Assessments shall include recommendations for future  
18 structural needs and identification of potential effects or  
19 threats to areas around and downstream of the dams and  
20 reservoirs.



1 The sum appropriated shall be expended by the department of  
2 land and natural resources for the purposes of this Act.

3 SECTION 8. There is appropriated out of the emergency  
4 budget reserve fund of the State of Hawaii the sum of \$4,375,000  
5 or so much thereof as may be necessary and the same sum or so  
6 much thereof as may be necessary for fiscal year 2005-2006 for  
7 the planning, designing, and constructing of roadways and slope  
8 stabilization measures along Round Top Drive, Oahu, and within  
9 Maunalaha Valley, Oahu.

10 The work on this project includes:

- 11 (1) Installation of drainage systems;
- 12 (2) Installation of retaining walls;
- 13 (3) Grading;
- 14 (4) Removal of sediment and debris; and
- 15 (5) Installation of other soil stabilization measures and  
16 other related work.

17 The sums appropriated shall be expended by the department  
18 of land and natural resources for the purposes of this Act.

19 SECTION 9. There is appropriated out of the emergency  
20 budget reserve fund of the State of Hawaii the sum of \$3,000,000  
21 or so much thereof as may be necessary and the same sum or so

1 much thereof as may be necessary for fiscal year 2005-2006 for  
2 the planning, designing, and constructing of slope stabilization  
3 measures, within and adjacent to forest reserve areas of Round  
4 Top Drive, Oahu, in the Tantalus and Manoa Valley areas.

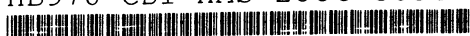
5 The work on this project includes:

- 6 (1) Installation of drainage systems;
- 7 (2) Installation of retaining walls;
- 8 (3) Grading;
- 9 (4) Removal of sediment and debris; and
- 10 (5) Installation of other soil stabilization measures and  
11 other related work.

12 The sum appropriated shall be expended by the department of  
13 land and natural resources for the purposes of this Act.

14 SECTION 10. There is appropriated out of the emergency  
15 budget reserve fund of the State of Hawaii the sum of \$3,000,000  
16 or so much thereof as may be necessary and the same sum or so  
17 much thereof as may be necessary for fiscal year 2005-2006 for  
18 the planning, designing, and constructing of slope stabilization  
19 measures along a portion of Round Top Drive, Oahu, above  
20 Puuhonua Street in Manoa Valley.

21 The work on this project includes:



- 1 (1) Installation of drainage systems;
- 2 (2) Installation of retaining walls;
- 3 (3) Grading;
- 4 (4) Removal of sediment and debris; and
- 5 (5) Installation of other soil stabilization measures and
- 6 other related work.

7 The sum appropriated shall be expended by the department of  
8 land and natural resources for the purposes of this Act.

9 SECTION 11. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$1,275,000 or so much  
11 thereof as may be necessary for fiscal year 2005-2006 for the  
12 engineering division to hire consultants and contractors to  
13 assess, respond to, and clean up storm damage, and to reimburse  
14 the United States Army Corps of Engineers and United States  
15 Geological Survey for work performed and equipment used in dam  
16 inspections.

17 The sum appropriated shall be expended by the department of  
18 land and natural resources for the purposes of this Act.

19 SECTION 12. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$260,750 or so much  
21 thereof as may be necessary for fiscal year 2005-2006 to the

1 division of forestry and wildlife for staff and operating  
2 expenses and to hire consultants and contractors to assess,  
3 respond to, and clean up and repair storm damage, and to  
4 undertake storm-related landslide, rockfall, and hazard tree  
5 mitigation measures on forestry land.

6 The sum appropriated shall be expended by the department of  
7 land and natural resources for the purposes of this Act.

8 SECTION 13. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$1,346,500 or so much  
10 thereof as may be necessary for fiscal year 2005-2006 to the  
11 division of state parks for staff and operating expenses and to  
12 hire consultants and contractors to assess, respond to, and  
13 clean up and repair storm damage, and to undertake rock fall  
14 mitigation measures on state park lands.

15 The sum appropriated shall be expended by the department of  
16 land and natural resources for the purposes of this Act.

17 SECTION 14. There is appropriated out of the emergency  
18 budget reserve fund of the State of Hawaii the sum of \$155,207  
19 or so much thereof as may be necessary for fiscal year 2005-2006  
20 to the division of boating and ocean recreation for staff and  
21 operating expenses and to hire contractors to respond to, clean





1 up, and repair storm damage at small boat harbors, and to clean  
2 up the Ala Wai Canal, Oahu.

3 The sum appropriated shall be expended by the department of  
4 land and natural resources for the purposes of this Act.

5 SECTION 15. There is appropriated out of the emergency  
6 budget reserve fund of the State of Hawaii the sum of \$1,200,000  
7 or so much thereof as may be necessary and the same sum or so  
8 much thereof as may be necessary for the planning, designing,  
9 constructing, and dredging of the channel and entrance leading  
10 to Wailoa small boat harbor, Hawaii.

11 The work for this project includes:

- 12 (1) Dredging;
- 13 (2) Disposal of sediments; and
- 14 (3) Other related work.

15 The sums appropriated shall be expended by the department  
16 of land and natural resources.

17 SECTION 16. There is appropriated out of the emergency  
18 budget reserve fund of the State of Hawaii the sum of \$750,000  
19 or so much thereof as may be necessary and the same sum or so  
20 much thereof as may be necessary for the planning, designing,



1 constructing, and dredging of the canal, upstream and fronting  
2 Waieka boat ramp, Kauai.

3 The work for this project includes:

- 4 (1) Dredging;
- 5 (2) Disposal of sediments; and
- 6 (3) Other related work.

7 The sums appropriated shall be expended by the department  
8 of land and natural resources.

9 SECTION 17. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$115,800 or so much  
11 thereof as may be necessary for fiscal year 2005-2006 to the  
12 division of conservation and resource enforcement for staff and  
13 operating expenses to respond to the storm, and to replace a  
14 damaged radio repeater on the island of Kauai.

15 The sum appropriated shall be expended by the department of  
16 transportation for the purposes of this Act.

17 SECTION 18. There is appropriated out of the state highway  
18 fund the sum of \$600,000 or so much thereof as may be necessary  
19 for fiscal year 2005-2006 in TRN 501 - Oahu highways for  
20 expenses, including but not limited to staff and operating



1 expenses and maintenance expenditures resulting from storm  
2 damage on Oahu.

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

5 SECTION 19. There is appropriated out of the state highway  
6 fund the sum of \$3,500,000 or so much thereof as may be  
7 necessary for fiscal year 2005-2006 in TRN 561 - Kauai highways  
8 for expenses, including but not limited to staff and operating  
9 expenses and maintenance expenditures resulting from storm  
10 damage on Kauai.

11 The sums appropriated shall be expended by the department  
12 of transportation for the purposes of this Act.

13 SECTION 20. There is appropriated out of the state highway  
14 fund (TRN 501) the sum of \$15,500,000 or so much thereof as may  
15 be necessary for fiscal year 2005-2006 and appropriated out of  
16 federal funds the sum of \$500,000 or so much thereof as may be  
17 necessary for fiscal year 2005-2006 for the design, land  
18 acquisition, and construction for remediation of eroded portions  
19 along various state routes on Oahu caused by storm damage.

20 The work on this project includes but is not limited to:



- 1 (1) Installing temporary and permanent erosion control
- 2 measures;
- 3 (2) Restoring roadways, shoulders, and utility
- 4 improvements;
- 5 (3) Installing guardrails;
- 6 (4) Installing slope and shoulder stabilization measures;
- 7 (5) Installing retaining walls; and
- 8 (6) Upgrading drainage structures.

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

11 SECTION 21. There is appropriated out of the state highway  
12 fund (TRN 501) the sum of \$12,500,000 or so much thereof as may  
13 be necessary for fiscal year 2005-2006 and appropriated out of  
14 federal funds the sum of \$500,000 or so much thereof as may be  
15 necessary for fiscal year 2005-2006 for the design, land  
16 acquisition, and construction for remediation of eroded portions  
17 along various state routes on Kauai caused by storm damage.

18 The work on this project includes but is not limited to:

- 19 (1) Installing temporary and permanent erosion control
- 20 measures;

- 1 (2) Restoring roadways, shoulders, and utility
- 2 improvements;
- 3 (3) Installing guardrails;
- 4 (4) Installing slope and shoulder stabilization measures;
- 5 (5) Installing retaining walls; and
- 6 (6) Upgrading drainage structures.

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

9 SECTION 22. There is appropriated out of the emergency  
10 budget reserve fund of the State of Hawaii the sum of \$5,000,000  
11 or so much thereof as may be necessary for fiscal year 2005-2006  
12 for improvements in Kuahea Street in Palolo Valley to  
13 reconstruct a concrete roadway that buckled, repair damaged  
14 underground utilities, and stabilize slopes.

15 The sum appropriated shall be expended by the city and  
16 county of Honolulu for the purposes of this Act.

17 SECTION 23. The governor shall report to the legislature  
18 on the status of the emergency budget reserve fund no later than  
19 July 15, 2006, January 15, 2007, and July 15, 2007.

20 SECTION 24. Each department or agency expending funds  
21 authorized by this Act shall submit reports to the legislature

1 no later than July 15, 2006, January 15, 2007, and July 15,  
2 2007. The information contained in the reports shall:

- 3 (1) Be organized by county;
- 4 (2) Provide summaries of expenditure data on a statewide  
5 basis; and
- 6 (3) Include:
  - 7 (A) The date of each expenditure;
  - 8 (B) The purpose and a description of each  
9 expenditure;
  - 10 (C) The identification of any recipient of payments  
11 from each expenditure; and
  - 12 (D) For funds not authorized by this Act but  
13 nevertheless used by any department or agency for  
14 the purposes of this Act:
    - 15 (i) The source of those funds, by specific  
16 program;
    - 17 (ii) The impact to the programs originally funded  
18 by those funds; and
    - 19 (iii) The need for any emergency appropriations  
20 that resulted from the diversion of those  
21 funds.

1 SECTION 25. The reports required from the department of  
2 land and natural resources under section 24 of this Act shall  
3 also contain progress reports that include:

- 4 (1) A list of dams for which inspections have been  
5 completed;
- 6 (2) A list of dams that are currently in the process of  
7 being inspected; and
- 8 (3) A list of dams that have not yet been inspected.

9 SECTION 26. Any provision of this Act to the contrary  
10 notwithstanding, the appropriations authorized under this Act  
11 shall not lapse at the end of the fiscal year for which the  
12 appropriations were made. All unexpended and unencumbered  
13 balances of the appropriations made in this Act as of the close  
14 of business on June 30, 2007, shall lapse.

15 SECTION 27. This Act shall take effect upon its approval.

**Report Title:**

Emergency Relief for Natural Disasters

**Description:**

Emergency appropriations for the damage and destruction caused by heavy rains and flooding in February and March 2006. (HB970 CD1)

HB970 CD1 HMS 2006-3834

