
A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR NATURAL DISASTERS.

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

PART I

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

5 SECTION 2. The purpose of this part is to make emergency
6 appropriations for emergency relief operations as a result of
7 the October 15, 2006, Kiholo bay earthquake in the counties of
8 Hawaii, Maui, Kauai, and the city and county of Honolulu, and to
9 repair damaged stated facilities, including agricultural
10 irrigation infrastructure in Waimea, lower Hamakua, and north
11 Kohala.

12 The legislature finds and declares the appropriations under
13 this part are in the public interest and ensures the public
14 health, safety, and general welfare of the State.

15 SECTION 3. In accordance with section 9 of article VII of
16 the Constitution of the State of Hawaii and sections 37-91 and
17 37-93, Hawaii Revised Statutes, the legislature has determined
18 that the general fund expenditure ceiling for fiscal year



1 2006-2007 has already been exceeded by \$90,137,694 or 1.68 per
 2 cent. The appropriations contained in this part will cause the
 3 state general fund expenditure ceiling for fiscal year 2006-2007
 4 to be exceeded by an additional \$ or per cent.
 5 The calculation contained in the foregoing sentence relates only
 6 to the amount of general funds appropriated in this Act for
 7 fiscal year 2006-2007. The reasons for exceeding the general
 8 fund expenditure ceiling are that the appropriations made in
 9 this Act are necessary to serve the public interest and to meet
 10 the needs provided for by this Act.

11 SECTION 4. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$18,189,896 or so
 13 much thereof as may be necessary for fiscal year 2006-2007 to
 14 cover operational expenses associated with earthquake disaster
 15 recovery efforts, including but not limited to national guard
 16 personnel on state active duty and helicopter operating expense
 17 and to provide for:

- 18 (1) Emergency repair of the Kohala ditch in north Kohala
 19 including access roads, trails, and flume repairs
 20 between the Honokane Nui intake and Niulii Weir; and
- 21 (2) Repair and restoration of the Hulihe'e palace located
 22 in Kailua-Kona.

1 The sum appropriated shall be expended by the department of
2 defense for the purposes of this section.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$5,810,104 or so much
5 thereof as may be necessary for fiscal year 2006-2007 to cover
6 the twenty-five per cent non-federal cost share for earthquake
7 disaster recovery projects eligible under the Federal Emergency
8 Management Agency's public assistance program.

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

11 SECTION 6. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$635,000 or so much
13 thereof as may be necessary for fiscal year 2006-2007 to cover
14 the costs of assessing and analyzing the structural integrity of
15 building and repairing the damage to the district court of the
16 first circuit, including the judiciary's twenty-five per cent
17 cost share under the Federal Emergency Management Agency's
18 public assistance program and to cover operational expenses
19 associated with the earthquake incurred by the district court of
20 the first circuit.

21 The sum appropriated shall be expended by the judiciary for
22 the purposes of this section; provided that all moneys granted



1 by the Federal Emergency Management Agency in reimbursement for
2 the above costs shall be deposited into the general fund.

3 SECTION 7. Each department or agency expending funds
4 authorized by this part shall submit reports to the legislature
5 no later than January 15, 2008. The information contained in
6 the reports shall:

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



1 (iii) The need for any emergency appropriations
2 that resulted from the diversion of those
3 funds.

4 **PART II**

5 SECTION 8. On October 15, 2006, a 6.7 magnitude earthquake
6 struck Kiholo bay, off the northwestern coast of the island of
7 Hawaii. The strong earthquake caused an extensive amount of
8 property damage to homes, commercial buildings, and public
9 infrastructure, with estimated damage amounting to tens of
10 millions of dollars. Particularly hard-hit was the northwest
11 coast of the island of Hawaii, where agricultural irrigation
12 systems have been devastated by landslides that have prevented
13 the flow of surface water to north Kohala and lower Hamakua.
14 Southern areas of Maui were also inundated with rockslides that
15 damaged sections of roadways in the vicinity of Manawainui
16 gulch, Alelele bay, and Kalepa bay.

17 In addition to the property damage, the earthquake also
18 caused a widespread electrical blackout on Hawaii, Maui, and
19 Oahu. The near-total blackout proved especially disruptive for
20 Oahu, with many of its residents and visitors located in high-
21 rise buildings and left without tap water and air-conditioning.
22 Travelers were also severely affected by the lack of information



1 provided to them regarding the availability of transportation,
2 especially air travel.

3 In addition to the efforts of county and state agencies
4 such as civil defense to coordinate and respond to the damage
5 caused by the earthquake, the United States President issued a
6 Presidential Declaration of a major disaster on October 18,
7 2006. Shortly afterwards, federal assistance provided by the
8 Federal Emergency Management Agency was approved pursuant to the
9 Robert T. Stafford Disaster Relief and Emergency Assistance Act.
10 Funding was made available for debris removal and emergency
11 protective measures for public facilities as well as for
12 individual assistance and hazard mitigation measures.

13 The purpose of this part is to provide state general funds
14 to ensure that water irrigation sources in the north Hawaii
15 island are sustained for the agricultural sector as follows:

- 16 (1) Hire consultants to:
 - 17 (A) Investigate and survey alternate sources of
 - 18 irrigation water for the island of Hawaii;
 - 19 (B) Develop and coordinate plans for public and
 - 20 private partnerships to improve and protect
 - 21 sources and the distribution of irrigation water
 - 22 on the island of Hawaii; and



- 1 (C) Investigate and survey areas along I'ilani
- 2 highways 31/37 impacted by rock slides at
- 3 Manawainui gulch, Alelele bay and Kalepa bay; and
- 4 (2) Cover repair and recovery costs of rockslide scaling
- 5 operations to include the protection of cultural
- 6 resources that are not covered by the Federal Public
- 7 Assistance Program.

8 SECTION 9. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2006-2007 to
11 provide for general funds to ensure water irrigation sources in
12 north Hawaii island are sustained for the agricultural sector.

13 PART III

14 SECTION 10. Notwithstanding any provision of this Act to
15 the contrary, the appropriations under this Act shall not lapse
16 at the end of the fiscal year for which the appropriations were
17 made. All unexpended and unencumbered balances of the
18 appropriations made in this Act as of the close of business on
19 June 30, 2008, shall lapse.

20 SECTION 11. This Act shall take effect upon its approval.



Report Title:

Natural Disasters; Emergency Appropriation

Description:

Makes emergency appropriations to: cover operational expenses associated with the October 15, 2006, Kiholo bay earthquake disaster recovery efforts in the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu; cover the 25% non-federal cost share for earthquake disaster recovery projects eligible under the FEMA Public Assistance Program; broaden the scope of the appropriation of general funds, to include the emergency repair of the Kohala ditch in north Kohala, including access roads, trails, and flume repairs between Honokane Nui intake and the Niulii Weir and for the repair and restoration of the Hulihe'e palace located in Kailua-Kona; appropriate funds in the amount of \$635,000 to cover the costs of assessing and analyzing the structural integrity of building and repairing the damage to the district court of the first circuit, including the judiciary's twenty-five per cent cost share under the FEMA's Public Assistance Program to cover its operational expenses associated with the October 15, 2006 Kiholo bay earthquake; and appropriate unspecified funds to ensure that the water irrigation sources in north Hawaii island are sustained for the agricultural sector. (SD1)

