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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, hospitals, and nursing homes, especially on  
13           the islands of Hawaii and Maui;
- 14           (2) Cover the required twenty-five per cent cost share for  
15           the Federal Emergency Management Agency's public  
16           assistance program and individual assistance program,  
17           as required by the Robert T. Stafford Disaster and  
18           Emergency Assistance Act, and for the Natural



- 1 Resources Conservation Service's emergency watershed  
2 protection program;
- 3 (3) Upgrade state and county warning systems by providing  
4 emergency generators to selected critical facilities  
5 such as radio and television stations to ensure  
6 continuity of operations in informing the general  
7 public of potential immediate risks;
- 8 (4) Hire consultants to:
- 9 (A) Investigate and survey alternate sources of  
10 irrigation water for Hawaii island; and
- 11 (B) Develop and coordinate plans for public and  
12 private partnerships to improve and to protect  
13 sources and distribution of irrigation water on  
14 Hawaii island; and
- 15 (5) Provide financial assistance to critical facilities  
16 such as public schools, hospitals, and nursing  
17 facilities for structural and non-structural  
18 mitigation projects.

19 The legislature finds and declares the appropriations under  
20 this Act are in the public interest and ensures public health,  
21 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.

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

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

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



- 1           (ii) The impact to the programs originally funded  
2           by those funds; and
- 3           (iii) The need for any emergency appropriations  
4           that resulted from the diversion of those  
5           funds.

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

12          SECTION 7. In accordance with section 9 of article VII of  
13 the Constitution of the State of Hawaii and sections 37-91 and  
14 37-93, Hawaii Revised Statutes, the legislature has determined  
15 that the general fund expenditure ceiling for fiscal year 2006-  
16 2007 (established at \$5,357,987,705 on November 8, 2006) has  
17 already been exceeded by \$90,137,694 or 1.68 per cent. The  
18 appropriations contained in section 3 will cause the state  
19 general fund expenditure ceiling for fiscal year 2006-2007 to be  
20 exceeded by an additional \$900,000, or an additional 0.017 per  
21 cent. The calculation contained in the foregoing sentence  
22 relates only to the amount of general funds appropriated in this



1 Act for fiscal year 2006-2007. The reasons for exceeding the  
2 general fund expenditure ceiling are that the appropriations  
3 made in section 3 are necessary to serve the public interest and  
4 to meet the needs provided for by section 3.

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



**Report Title:**

Emergency Appropriation; Natural Disasters

**Description:**

Makes emergency appropriations of \$900,000 in general funds to department of defense for FY 2006-2007, 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. Makes emergency appropriations of \$24,000,000 from the emergency and budget reserve fund to cover the 25% non-federal cost share for earthquake disaster recovery projects made eligible under the Federal Emergency Management Agency public assistance program, for emergency watershed protection projects under the Natural Resources Conservation Service, upgrading state and county warning systems, repairing and improving irrigation water systems and repairing public school facilities, hospitals, and healthcare facilities; provided that any reimbursements from the Federal Emergency Management Agency shall be returned to the emergency and budget reserve fund. Funds will also be used for structural and non-structural earthquake mitigation projects.  
(SD2)

