

JAN 22 2007

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# A BILL FOR AN ACT

MAKING APPROPRIATIONS RELATING TO NATURAL DISASTERS.

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

1           SECTION 1. The purpose of this Act is to appropriate funds  
2 to:

3           (1) Cover the costs of recovery and remediation efforts as  
4 a result of storms that occurred in February and March  
5 2006;

6           (2) Stabilize and repair storm-damaged slopes, drainage  
7 ways, and drainage systems to restore functionality  
8 and prevent future damage;

9           (3) Hire consultants to:

10           (A) Determine the structural integrity of dams and  
11 reservoirs statewide;

12           (B) Assess potential immediate risks;

13           (C) Recommend long-term plans to ensure dam safety;

14           (D) Investigate and review legal issues related to  
15 dam and reservoir failures, issues relating to  
16 the safety of dam and reservoir failures, and  
17 issues relating to the safety of existing dams  
18 and reservoirs; and

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1           (E) Investigate and litigate, civilly and criminally,  
2           all issues relating to the Ka Loko dam breach  
3           that occurred in March 2006.

4           The legislature finds and declares that the appropriations  
5           made by this Act are in the public interest and for the public  
6           health, safety, and general welfare of the State.

7           SECTION 2. There is appropriated out of the general  
8           revenues of the State of Hawaii the sum of \$2,000,000, or so  
9           much thereof as may be necessary, for fiscal year 2007-2008 for  
10          overtime, travel, and other staff expenses, for litigation  
11          expenses, and to hire attorneys, consultants, and experts with  
12          regard to matters and issues relating to the Ka Loko dam breach  
13          of March 2006.

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

16          SECTION 3. There is appropriated out of the general  
17          revenues of the State of Hawaii the sum of \$500,000, or so much  
18          thereof, as may be necessary for fiscal year 2007-2008 for staff  
19          expenses and to hire consultants to conduct surveys, studies,  
20          investigations, post flood report, and assessments of Kaloko dam  
21          to determine its current physical integrity. Assessments shall  
22          include recommendations for future structural needs and

1 identification of potential effects or threats to areas around  
2 and downstream of the Ka Loko dam.

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

5 SECTION 4. Each department or agency expending funds  
6 authorized by this Act shall submit reports to the legislature  
7 no later than July 15, 2007, January 15, 2008, and July 15,  
8 2008. The information contained in 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 a description of each  
15 expenditure;
- 16 (C) The identification of any recipient of payments  
17 from each expenditure; and
- 18 (D) For funds not authorized by this Act but  
19 nevertheless used by any department or agency for  
20 the purposes of this Act:
- 21 (i) The source of those funds, by specific  
22 program;

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- 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 5. This Act shall take effect upon its approval.

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8 INTRODUCED BY: \_\_\_\_\_  
9 BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO NATURAL DISASTERS.

PURPOSE: The purpose of this Act is to appropriate funds to: (1) cover the costs of recovery and remediation efforts as a result of storms that occurred in February and March 2006; (2) stabilize and repair storm-damaged slopes, drainage ways, and drainage systems to restore functionality and prevent future damage; (3) hire consultants to: (A) determine the structural integrity of dams and reservoirs statewide; (B) assess potential immediate risks; and (C) recommend long-term plans to ensure dam safety; (4) investigate, review, and litigate legal issues related to dam and reservoir failures, issues relating to the safety of dam and reservoir failures, and issues relating to the safety of existing dams and reservoirs; and (5) investigate and litigate, civilly and criminally, all issues relating to the Ka Loko dam breach of March 2006.

MEANS: Appropriations from the general fund.

JUSTIFICATION: The state agencies requesting funds pursuant to this bill continue to respond to the impact of the storms that occurred in February and March 2006 to ensure the safety of all of the Hawaii's residents.

Impact on the public: All of Hawaii's residents, Kauai residents in particular, will benefit from the State's ongoing effort to remediate after the storms of February and March of 2006, to assess dams and reservoirs statewide and recommend and implement safety measures, and to investigate and litigate issues relating to dam and reservoir failure. All of these

efforts will safeguard Hawaii's residents from natural disasters of this sort in the future.

Impact on the department and other agencies:

The appropriations will enable the department and other agencies to continue their efforts to safeguard Hawaii's residents.

GENERAL FUND: \$2,500,000 to be expended for activities relating to the storms in February and March of 2006.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.