

JAN 22 2007

S.B. NO. 1431

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 Hawaii State Constitution.

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 of Honolulu as a result of the
7 October 15, 2006, Kiholo Bay Earthquake disaster as follows:

- 8 (1) Cover the costs of statewide response and recovery
9 efforts to repair damaged homes, public buildings,
10 transportation infrastructure, utilities, irrigation
11 systems, hospitals, and nursing homes, especially on
12 the islands of Hawaii and Maui;
- 13 (2) Cover the required twenty-five percent cost share for
14 the Federal Emergency Management Agency's public
15 assistance program and individual assistance program,
16 as required by the Robert T. Stafford Disaster and
17 Emergency Assistance Act, and for the Natural
18 Resources Conservative Service emergency watershed
19 protection program;

1 (3) Upgrade State and county warning systems by providing
2 emergency generators to selected critical facilities
3 such as radio and television stations to ensure
4 continuity of operations in informing the general
5 public of potential immediate risks;

6 (4) Hire consultants to:

7 (A) Investigate and survey alternate sources of
8 irrigation water for Hawaii Island.

9 (B) Develop and coordinate plans for public and
10 private partnerships to improve and to protect
11 sources and distribution of irrigation water on
12 Hawaii Island;

13 (5) Provide financial assistance to critical facilities
14 such as public schools, hospitals, and nursing
15 facilities for structural and non-structural
16 mitigation projects;

17 The legislature finds and declares the appropriations under
18 this Act are in the public interest and ensures public health,
19 safety, and general welfare of the state.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$900,000, or so much
22 thereof as may be necessary, for fiscal year 2006-2007 to cover

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1 operational expenses associated with earthquake disaster
2 recovery efforts, including but not limited to national guard
3 personnel on state active duty and helicopter operating
4 expenses.

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

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$24,000,000, or so
9 much thereof as may be necessary for fiscal year 2006-2007, to
10 cover the twenty-five percent non-federal cost share for
11 earthquake disaster recovery projects made eligible under the
12 Federal Emergency Management Agency's public assistance program.

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

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

- 19 (1) Be organized by county;
- 20 (2) Provide summaries of expenditure data on a statewide
21 basis; and
- 22 (3) Include:

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

15 SECTION 6. Any provision of the Act to the contrary
16 notwithstanding, the appropriations under this Act shall not
17 lapse at the end of the fiscal year for which the appropriations
18 were made. All unexpended and unencumbered balances of the
19 appropriations made in this Act as of close of business on June
20 30, 2008, shall lapse.

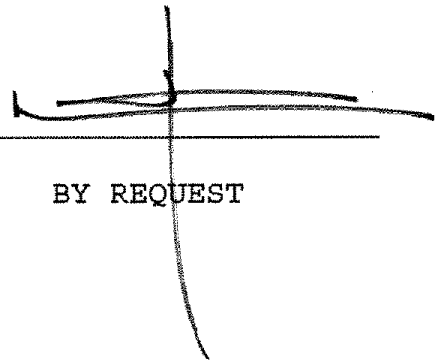
21 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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BY REQUEST

JUSTIFICATION SHEET

SB 1431

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR NATURAL DISASTERS.

PURPOSE: Make emergency appropriations of \$900,000 in general funds to the Department of Defense for fiscal year 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 of Honolulu; and make emergency appropriations of \$24,000,000 in general funds to the Department of Defense for fiscal year 2006-2007 to cover the twenty-five percent non-federal cost share for earthquake disaster recovery projects made eligible under the Federal Emergency Management Agency's Public Assistance program, for emergency watershed protection projects under the Natural Resources Conservative Service, upgrading State and county warning systems, repairing and improving irrigation water systems, and repairing public school facilities, hospitals, and healthcare facilities. Emergency Appropriations funds will also be used for structural and non-structural earthquake mitigation projects.

MEANS: Emergency Appropriations.

JUSTIFICATION: In its continuing efforts at providing necessary and appropriate disaster relief to victims and to government entities impacted by the October 15, 2006, Kiholo Bay Earthquake, the Department of Defense has nearly depleted the balance of the Major Disaster Fund. Therefore, additional emergency funding is required to continue the Department of Defense's disaster relief efforts and to cover the twenty-five percent cost share of the Federal Emergency Management Agency's Public Assistance programs as required by the Robert T. Stafford Disaster and Emergency Assistance Act. Without this emergency appropriation, State agencies will be at risk of losing federal funding for the repair and restoration of damaged government facilities.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular session of 2006, the Executive Branch appropriation ceiling for Fiscal Year 2006-2007 has already been exceeded by \$415,349,859 or 8.51 percent. Funding requested in this measure will assure continued assistance and relief for the October 15, 2006, Kiholo Bay earthquake disaster, and will result in the appropriation ceiling for the Executive Branch to now be exceeded in Fiscal Year 2006-2007 by \$24,900,000 or 0.51 percent. This current emergency declaration takes into account additional general fund appropriations authorized for Fiscal Year 2006-2007 in this measure only, and does not include other general fund appropriations for Fiscal Year 2006-2007 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2007.

Impact on the public: Assures continued assistance and relief for the State's victims of the October 15, 2006, Kiholo Bay Earthquake.

Impact on the department and other agencies: Assures continued receipt of Federal Emergency Management Agency funding.

GENERAL FUND: \$24,900,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED DEPARTMENTS: Departments of: Agriculture; Business, Economic

AGENCIES: Development and Tourism; Accounting and General Services; Education; Health; Human Services; Land and Natural Resources; Labor and Industrial Relations; and Transportation.

EFFECTIVE DATE: Upon approval.