
A BILL FOR AN ACT

RELATING TO CIVIL DEFENSE.

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

1 **PART I**

2 SECTION 1. The legislature finds that Hawaii is vulnerable
3 to a tsunami or hurricane disaster and recognizes the importance
4 of remaining vigilant in protecting its residents and guests
5 from these disasters. In view of lessons learned from the 2004
6 tsunami in South East Asia and Hurricane Katrina in Florida in
7 2005, and because these natural disasters pose a great potential
8 to cause vast devastation to Hawaii, the legislature deems it
9 vitally important to ensure the State is adequately prepared to
10 deal with these disasters. While the State and related private
11 agencies have made great strides in becoming capable of handling
12 a tsunami or hurricane disaster, more resources are needed to
13 upgrade and decrease coverage gaps in the existing warning
14 systems.

15 The purpose of this part is to appropriate funds to address
16 disaster preparedness and recovery.



1 SECTION 2. The director of finance is authorized to issue
2 general obligation bonds in the sum of \$2,500,000, or so much
3 thereof as may be necessary, in each year of fiscal biennium
4 2007-2009, and the same sums, or so much thereof as may be
5 necessary, are appropriated for fiscal biennium 2007-2009, for
6 the purpose of installing additional sirens to the state civil
7 defense warning systems.

8 SECTION 3. The appropriation made for the capital
9 improvement project authorized by this Act shall not lapse at
10 the end of the fiscal biennium for which the appropriation is
11 made; provided that all moneys from the appropriation
12 unencumbered as of June 30, 2010, shall lapse as of that date.

13 SECTION 4. The sums appropriated in section 2 of this Act
14 shall be expended by the department of defense for the purposes
15 of that section.

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$1,000,000, or so
18 much thereof as may be necessary for fiscal year 2007-2008, and
19 the same sum, or so much thereof as may be necessary for fiscal
20 year 2008-2009, for emergency supply caches to support disaster
21 victims and communities that may become isolated due to natural
22 disasters.



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

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1,500,000, or so
5 much thereof as may be necessary for fiscal year 2007-2008, and
6 the same sum, or so much thereof as may be necessary for fiscal
7 year 2008-2009, for the state civil defense major disaster funds
8 established pursuant to section 127-11, Hawaii Revised Statutes.

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

11 SECTION 7. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$150,000, or so much
13 thereof as may be necessary for fiscal year 2007-2008, and the
14 same sum, or so much thereof as may be necessary for fiscal year
15 2008-2009, for the continued funding of non-declared disaster
16 activation and response.

17 The sums appropriated by this section shall be expended by
18 the department of defense for the purposes of this section.

19 **PART II**

20 SECTION 8. Residents and businesses of the State are often
21 twice victimized when natural disasters strike. First, the
22 damage caused by a natural disaster is often extensive and



1 repair or replacement costs are prohibitive. Second, the
2 emergency relief from governmental agencies to meet the
3 immediate needs of victims is often delayed or unavailable for
4 extended periods. For some victims of natural disasters, the
5 delay in receiving emergency assistance can mean a total loss of
6 their homes or businesses. The legislature finds that there is
7 an urgent need to provide victims with prompt emergency relief
8 during or immediately after a natural disaster.

9 The purpose of this part is to allow the governor, upon the
10 declaration of an emergency, to release up to ten per cent of
11 the interest earned on the principal of the moneys in the
12 emergency and budget reserve fund to provide assistance to
13 residents and businesses that have sustained damage during or
14 immediately after a natural disaster.

15 SECTION 9. Chapter 128, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 **"§128- Emergency and budget reserve fund expenditures.**
19 Upon the declaration by the governor of an emergency due to a
20 natural disaster, the governor, by executive order, may
21 authorize the release and expenditure of moneys appropriated
22 from the emergency and budget reserve fund to provide emergency



1 assistance to residents or businesses of the State for damages
2 sustained from a natural disaster, during or immediately after
3 the natural disaster, pursuant to section 328L-3(e)."

4 SECTION 10. Section 328L-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§328L-3 Emergency and budget reserve fund.** (a) There is
7 established in the state treasury the emergency and budget
8 reserve fund, which shall be a special fund administered by the
9 director of finance, into which shall be deposited:

10 (1) Twenty-four and one-half per cent of the moneys
11 received from the tobacco settlement moneys under
12 section 328L-2(b)(1); and

13 (2) Appropriations made by the legislature to the fund.

14 (b) All interest earned from moneys in the emergency and
15 budget reserve fund shall be credited to the general fund.

16 (c) Expenditures from the emergency and budget reserve
17 fund shall be a temporary supplemental source of funding for the
18 State during times of emergency, economic downturn, or
19 unforeseen reduction in revenues. No expenditures shall be made
20 from the emergency and budget reserve fund except pursuant to
21 appropriations[+] or as provided in subsection (e). The general
22 appropriations bill or the supplemental appropriations bill, as



1 defined in section 9 of article VII of the Constitution of the
2 State of Hawaii, shall not be used to appropriate moneys from
3 the emergency and budget reserve fund. The governor, through an
4 appropriations bill, may recommend expenditures from the
5 emergency and budget reserve fund by setting forth the purposes
6 of the expenditures consistent with subsection (d), the amounts,
7 and the reasons justifying the necessity for the appropriations.

8 (d) The legislature may make appropriations from the fund
9 for the following purposes:

- 10 (1) To maintain levels of programs determined to be
11 essential to public health, safety, welfare, and
12 education;
- 13 (2) To provide for counter cyclical economic and
14 employment programs in periods of economic downturn;
- 15 (3) To restore facilities destroyed or damaged or services
16 disrupted by disaster in any county; and
- 17 (4) To meet other emergencies when declared by the
18 governor or determined to be urgent by the
19 legislature.

20 Any act making appropriations from the emergency and budget
21 reserve fund shall include a declaration of findings and
22 purposes setting forth the purposes, the amounts, and the



1 reasons why the appropriations are necessary and shall require a
2 two-thirds majority vote of each house of the legislature.

3 (e) Upon the declaration by the governor of an emergency
4 due to a natural disaster, the governor, by executive order, may
5 authorize the release and expenditure of moneys from the fund to
6 provide emergency assistance to residents or businesses of the
7 State for damages sustained from a natural disaster, during or
8 immediately after the natural disaster, subject to the following
9 requirements:

10 (1) The governor shall determine the amount of moneys to
11 be released based upon the recommendations of state
12 and county civil defense agencies; provided that the
13 amount expended shall not exceed ten per cent of the
14 interest earned on principal from moneys in the fund
15 at the time of the expenditure;

16 (2) Within seventy-two hours after issuing the executive
17 order, the governor shall provide written notice to
18 the president of the senate and the speaker of the
19 house of representatives describing the intended use
20 of the moneys; and

21 (3) The governor shall submit a report to the legislature
22 not later than twenty days prior to the convening of



1 the regular session or any special session immediately
2 following the occurrence of the natural disaster,
3 regarding the release and expenditure of moneys from
4 the fund under this subsection; provided that if the
5 natural disaster occurs in the period between thirty
6 days prior to the convening of a regular session or
7 the closing of the regular session, the governor shall
8 submit the report not later than thirty days after
9 issuing the executive order. At a minimum the report
10 shall:

11 (A) State the amounts released;

12 (B) Describe the purposes under subsection (d) for
13 which the funds were released;

14 (C) Explain the factors that necessitated the use of
15 moneys in the fund; and

16 (D) Provide recommendations for replacing the
17 expended moneys from the fund.

18 ~~(e)~~ (f) Appropriations for the following purposes from
19 the emergency and budget reserve fund are specifically
20 prohibited:

21 (1) To meet expenses of the legislature;



1 with the Hawaii consular corps so they can inform foreign
2 citizens about the nature of the emergency. KZOO (Japanese) and
3 KNDI (all other foreign languages) will broadcast the emergency
4 messages to non-English speaking residents and visitors in the
5 State. KZOO and KNDI will be assisted in their efforts to
6 establish backup power generators." This recommendation
7 supports the need for infrastructure improvements to further
8 support the State's civil defense system in the event of an
9 emergency.

10 The purpose of this part is to appropriate funds to the
11 Ethnic Education Foundation of Hawaii to assist in disseminating
12 information to a broader range of the State's population in the
13 event of a disaster or emergency.

14 SECTION 12. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$, or so
16 much thereof as may be necessary for fiscal year 2007-2008, to
17 the Ethnic Education Foundation of Hawaii, a 501(c)(3) nonprofit
18 organization, for generators to meet power capacity needs to
19 ensure service in emergency situations.

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



1 SECTION 13. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$, or so
3 much thereof as may be necessary for fiscal year 2007-2008, to
4 the Ethnic Education Foundation of Hawaii, a 501(c)(3) nonprofit
5 organization, for other infrastructure improvements and
6 educational programs administered by the Hawaii state civil
7 defense to promote awareness of emergency procedures and
8 contacts to non-English speaking and English-as-a-second-
9 language populations in the State.

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

12 SECTION 14. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 15. This Act shall take effect on July 1, 2007.



Report Title:

Civil Defense; Appropriations;

Description:

Authorizes general obligations bonds to fund the installation of additional sirens to the state civil defense warning system and allows the governor to order the release of up to ten per cent of moneys appropriated from interest earnings in the emergency and budget reserve fund to provide assistance after a natural disaster. Appropriates funds for emergency supply caches, the state civil defense major disaster fund, the non-declared disaster activation and response, and funds for the Ethnic Education Foundation of Hawaii to assist them in disseminating information in the event of a disaster. (SD1)

