

**ACT 118**

H.B. NO. 970

A Bill for an Act Relating to Emergency Relief for Natural Disasters.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

SECTION 2. 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 have 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; and
- (4) Investigate and review 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.

The legislature finds and declares that the appropriations under this Act are in the public interest and for the public health, safety, and general welfare of the state.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2005-2006 for staff expenses and to hire consultants to assess the impact existing dams and reservoirs have on agricultural operations and the impact if existing dams and reservoirs were removed.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2005-2006 to improve and restore, which includes the planning and design of, the Kailua reservoir and dam as a flood mitigation device in Waimanalo, Oahu.

The department of agriculture shall also consult with property owners in the vicinity of the reservoir prior to commencing and during work on the reservoir.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2005-2006 for overtime, travel and other staff expenses, and to hire consultants and experts to review legal issues related to dam and reservoir failures, and issues relating to the safety of existing dams and reservoirs. Funds may also be used for expenses related to possible litigation concerning dam and reservoir failures.

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

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2005-2006 to cover operational expenses associated with storm recovery efforts, including but not limited to:

- (1) State civil defense twenty-four-hour emergency operations center overtime costs expended by civil defense workers;
- (2) Contractors that are helping to pump reservoirs to maintain safer water levels;
- (3) National guard personnel on state active-duty status; and
- (4) Blackhawk helicopter operating expenses.

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

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2005-2006 for staff expenses and to hire consultants to conduct surveys, studies, and assessments of private and government-owned dams and reservoirs statewide to determine their current physical integrity. Assessments shall include recommendations for future structural needs and identification of potential effects or threats to areas around and downstream of the dams and reservoirs.

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

SECTION 8. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$4,375,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary for fiscal year 2005-2006 for the planning, designing, and constructing of roadways and slope stabilization measures along Round Top Drive, Oahu, and within Maunalaha Valley, Oahu.

The work on this project includes:

- (1) Installation of drainage systems;
- (2) Installation of retaining walls;
- (3) Grading;
- (4) Removal of sediment and debris; and
- (5) Installation of other soil stabilization measures and other related work.

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

**SECTION 9.** There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$3,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary for fiscal year 2005-2006 for the planning, designing, and constructing of slope stabilization measures, within and adjacent to forest reserve areas of Round Top Drive, Oahu, in the Tantalus and Manoa Valley areas.

The work on this project includes:

- (1) Installation of drainage systems;
- (2) Installation of retaining walls;
- (3) Grading;
- (4) Removal of sediment and debris; and
- (5) Installation of other soil stabilization measures and other related work.

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

**SECTION 10.** There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$3,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary for fiscal year 2005-2006 for the planning, designing, and constructing of slope stabilization measures along a portion of Round Top Drive, Oahu, above Puuhonua Street in Manoa Valley.

The work on this project includes:

- (1) Installation of drainage systems;
- (2) Installation of retaining walls;
- (3) Grading;
- (4) Removal of sediment and debris; and
- (5) Installation of other soil stabilization measures and other related work.

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

**SECTION 11.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,275,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the engineering division to hire consultants and contractors to assess, respond to, and clean up storm damage, and to reimburse the United States Army Corps of Engineers and United States Geological Survey for work performed and equipment used in dam inspections.

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

**SECTION 12.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$260,750 or so much thereof as may be necessary for fiscal year 2005-2006 to the division of forestry and wildlife for staff and operating expenses and to hire consultants and contractors to assess, respond to, and clean up and repair storm damage, and to undertake storm-related landslide, rockfall, and hazard tree mitigation measures on forestry land.

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

**SECTION 13.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,346,500 or so much thereof as may be necessary for fiscal year 2005-2006 to the division of state parks for staff and operating expenses and to

hire consultants and contractors to assess, respond to, and clean up and repair storm damage, and to undertake rock fall mitigation measures on state park lands.

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

SECTION 14. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$155,207 or so much thereof as may be necessary for fiscal year 2005-2006 to the division of boating and ocean recreation for staff and operating expenses and to hire contractors to respond to, clean up, and repair storm damage at small boat harbors, and to clean up the Ala Wai Canal, Oahu.

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

SECTION 15. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$1,200,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary for the planning, designing, constructing, and dredging of the channel and entrance leading to Wailoa small boat harbor, Hawaii.

The work for this project includes:

- (1) Dredging;
- (2) Disposal of sediments; and
- (3) Other related work.

The sums appropriated shall be expended by the department of land and natural resources.

SECTION 16. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$750,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary for the planning, designing, constructing, and dredging of the canal, upstream and fronting Waikea boat ramp, Kauai.

The work for this project includes:

- (1) Dredging;
- (2) Disposal of sediments; and
- (3) Other related work.

The sums appropriated shall be expended by the department of land and natural resources.

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$115,800 or so much thereof as may be necessary for fiscal year 2005-2006 to the division of conservation and resource enforcement for staff and operating expenses to respond to the storm, and to replace a damaged radio repeater on the island of Kauai.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 18. There is appropriated out of the state highway fund the sum of \$600,000 or so much thereof as may be necessary for fiscal year 2005-2006 in TRN 501 – Oahu highways for expenses, including but not limited to staff and operating expenses and maintenance expenditures resulting from storm damage on Oahu.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 19. There is appropriated out of the state highway fund the sum of \$3,500,000 or so much thereof as may be necessary for fiscal year 2005-2006 in

TRN 561 – Kauai highways for expenses, including but not limited to staff and operating expenses and maintenance expenditures resulting from storm damage on Kauai.

The sums appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 20. There is appropriated out of the state highway fund (TRN 501) the sum of \$15,500,000 or so much thereof as may be necessary for fiscal year 2005-2006 and appropriated out of federal funds the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the design, land acquisition, and construction for remediation of eroded portions along various state routes on Oahu caused by storm damage.

The work on this project includes but is not limited to:

- (1) Installing temporary and permanent erosion control measures;
- (2) Restoring roadways, shoulders, and utility improvements;
- (3) Installing guardrails;
- (4) Installing slope and shoulder stabilization measures;
- (5) Installing retaining walls; and
- (6) Upgrading drainage structures.

The sums appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 21. There is appropriated out of the state highway fund (TRN 501) the sum of \$12,500,000 or so much thereof as may be necessary for fiscal year 2005-2006 and appropriated out of federal funds the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the design, land acquisition, and construction for remediation of eroded portions along various state routes on Kauai caused by storm damage.

The work on this project includes but is not limited to:

- (1) Installing temporary and permanent erosion control measures;
- (2) Restoring roadways, shoulders, and utility improvements;
- (3) Installing guardrails;
- (4) Installing slope and shoulder stabilization measures;
- (5) Installing retaining walls; and
- (6) Upgrading drainage structures.

The sums appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 22. There is appropriated out of the emergency budget reserve fund of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2005-2006 for improvements in Kuahea Street in Palolo Valley to reconstruct a concrete roadway that buckled, repair damaged underground utilities, and stabilize slopes.

The sum appropriated shall be expended by the city and county of Honolulu for the purposes of this Act.

SECTION 23. The governor shall report to the legislature on the status of the emergency budget reserve fund no later than July 15, 2006, January 15, 2007, and July 15, 2007.

SECTION 24. Each department or agency expending funds authorized by this Act shall submit reports to the legislature no later than July 15, 2006, January 15, 2007, and July 15, 2007. The information contained in the reports shall:

- (1) Be organized by county;

- (2) Provide summaries of expenditure data on a statewide basis; and
- (3) Include:
  - (A) The date of each expenditure;
  - (B) The purpose and a description of each expenditure;
  - (C) The identification of any recipient of payments from each expenditure; and
  - (D) For funds not authorized by this Act but nevertheless used by any department or agency for the purposes of this Act:
    - (i) The source of those funds, by specific program;
    - (ii) The impact to the programs originally funded by those funds; and
    - (iii) The need for any emergency appropriations that resulted from the diversion of those funds.

SECTION 25. The reports required from the department of land and natural resources under section 24 of this Act shall also contain progress reports that include:

- (1) A list of dams for which inspections have been completed;
- (2) A list of dams that are currently in the process of being inspected; and
- (3) A list of dams that have not yet been inspected.

SECTION 26. Any provision of this Act to the contrary notwithstanding, the appropriations authorized under this Act shall not lapse at the end of the fiscal year for which the appropriations were made. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2007, shall lapse.

SECTION 27. This Act shall take effect upon its approval.

(Approved May 22, 2006.)