

ACT 78

H.B. NO. 1345

A Bill for an Act Making an Emergency Appropriation 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 Constitution of the State of Hawaii.

SECTION 2. The purpose of this Act is to make an emergency appropriation for emergency relief operations in the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu as a result of the October 15, 2006, Kiholo Bay earthquake disaster to:

- (1) Cover the costs of statewide response and recovery efforts to repair damaged homes, public buildings, transportation infrastructure, utilities, irrigation systems in Waimea, lower Hamakua, and North Kohala, hospitals, and nursing homes, especially on the islands of Hawaii and Maui;
- (2) Cover the required twenty-five per cent cost share for the Federal Emergency Management Agency's public assistance program and indi-

- vidual assistance program, as required by the Robert T. Stafford Disaster and Emergency Assistance Act, and for the Natural Resources Conservation Service's emergency watershed protection program;
- (3) Upgrade state and county warning systems by providing emergency generators to selected critical facilities such as radio and television stations to ensure continuity of operations in informing the general public of potential immediate risks;
 - (4) Hire consultants to:
 - (A) Investigate and survey alternate sources of irrigation water for Hawaii island; and
 - (B) Develop and coordinate plans for public and private partnerships to improve and to protect sources and distribution of irrigation water on Hawaii island; and
 - (5) Provide financial assistance to critical facilities such as public schools, hospitals, and nursing facilities for structural and non-structural mitigation projects.

The legislature finds and declares the appropriations under this Act are in the public interest and ensures 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 \$900,000, or so much thereof as may be necessary, for fiscal year 2006-2007, to cover operational expenses associated with earthquake disaster recovery efforts, including but not limited to national guard personnel on state active duty and helicopter operating expenses.

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

SECTION 4. There is appropriated out of the emergency and budget reserve fund, established pursuant to section 328L-3, Hawaii Revised Statutes, the sum of \$24,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 for earthquake disaster recovery projects to include the twenty-five per cent non-federal cost share for all earthquake disaster recovery projects made eligible under the Federal Emergency Management Agency's public assistance program. The appropriation will provide for the emergency repair of the Kohala ditch in North Kohala, including access roads, trails, and flume repairs between the Honokane Nui intake and Niulii weir, and the repair and restoration of the Hulihe'e Palace located in Kailua-Kona.

Further provided that of the \$24,000,000 appropriation, the following minimum funds shall be allocated for specific earthquake disaster recovery projects:

- (1) \$1,000,000 for Hulihe'e Palace;
- (2) \$500,000 for the flume repair at Kohala ditch in North Kohala, including access roads and trails;
- (3) \$3,500,000 for the department of land and natural resources for harbors and parks, including access roads and trails;
- (4) \$3,500,000 for the department of agriculture for Waimea, upper and lower Hamakua irrigation systems;
- (5) \$1,000,000 for the department of transportation for Kawaihae harbor;
- (6) \$300,000 for the natural energy laboratory of Hawaii authority for deep water pipeline system;
- (7) \$600,000 for the judiciary for courthouse emergency repairs;
- (8) \$850,000 for the county of Hawaii for the Ikuo Hisaoka Gym, Keokea Beach Park, and Paaulo Gym & Annex; and
- (9) \$200,000 for Kona community hospital emergency repairs.

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The sum shall also 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 pursuant to section 2 of this Act.

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

SECTION 5. Each department or agency expending funds authorized by this Act shall submit annual reports to the legislature, beginning no later than January 15, 2008. 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 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 6. Any provision of the Act to the contrary notwithstanding, the appropriations 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, 2009, shall lapse.

Should any projects paid for by state funds under this Act later become eligible for federal reimbursement the federal reimbursement funds shall be deposited in the emergency and budget reserve fund; provided that moneys expended by departments and agencies of the state or counties for projects under this Act that later become eligible for federal reimbursements shall be reimbursed to the department or agency.

SECTION 7. In accordance with section 9 of article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2006-2007 (established at \$5,357,987,705 on November 8, 2006) has already been exceeded by \$90,137,694 or 1.68 per cent. The appropriations contained in section 3 will cause the state general fund expenditure ceiling for fiscal year 2006-2007 to be exceeded by an additional \$900,000, or an additional 0.017 per cent. The calculation contained in the foregoing sentence relates only to the amount of general funds appropriated in this Act for fiscal year 2006-2007. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in section 3 are necessary to serve the public interest and to meet the needs provided for by section 3.

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

(Approved May 18, 2007.)