



GOV. MSG. NO. 836

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 18, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 18, 2007, the following bill was signed into law:

HB1345 HD2 SD3 CD1

A BILL FOR AN ACT MAKING AN  
EMERGENCY APPROPRIATION FOR  
NATURAL DISASTERS.  
(ACT 078)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 18 2007

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 078**

**H.B. NO.** 1345  
H.D. 2  
S.D. 3  
C.D. 1

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# 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 Constitution of the State of Hawaii.

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 and county of Honolulu as a  
7 result of the October 15, 2006, Kiholo Bay earthquake disaster  
8 to:

9           (1) Cover the costs of statewide response and recovery  
10 efforts to repair damaged homes, public buildings,  
11 transportation infrastructure, utilities, irrigation  
12 systems in Waimea, lower Hamakua, and North Kohala,  
13 hospitals, and nursing homes, especially on the  
14 islands of Hawaii and Maui;

15           (2) Cover the required twenty-five per cent cost share for  
16 the Federal Emergency Management Agency's public  
17 assistance program and individual assistance program,  
18 as required by the Robert T. Stafford Disaster and



1           Emergency Assistance Act, and for the Natural  
2           Resources Conservation Service's emergency watershed  
3           protection program;

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

9           (4) Hire consultants to:

10           (A) Investigate and survey alternate sources of  
11           irrigation water for Hawaii island; and

12           (B) Develop and coordinate plans for public and  
13           private partnerships to improve and to protect  
14           sources and distribution of irrigation water on  
15           Hawaii island; and

16           (5) Provide financial assistance to critical facilities  
17           such as public schools, hospitals, and nursing  
18           facilities for structural and non-structural  
19           mitigation projects.

20           The legislature finds and declares the appropriations under  
21           this Act are in the public interest and ensures public health,  
22           safety, and general welfare of the State.



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$900,000, or so much  
3 thereof as may be necessary, for fiscal year 2006-2007, to cover  
4 operational expenses associated with earthquake disaster  
5 recovery efforts, including but not limited to national guard  
6 personnel on state active duty and helicopter operating  
7 expenses.

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

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



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

- 4 (1) \$1,000,000 for Hulihe'e Palace;
- 5 (2) \$500,000 for the flume repair at Kohala ditch in North  
6 Kohala, including access roads and trails;
- 7 (3) \$3,500,000 for the department of land and natural  
8 resources for harbors and parks, including access  
9 roads and trails;
- 10 (4) \$3,500,000 for the department of agriculture for  
11 Waimea, upper and lower Hamakua irrigation systems;
- 12 (5) \$1,000,000 for the department of transportation for  
13 Kawaihae harbor;
- 14 (6) \$300,000 for the natural energy laboratory of Hawaii  
15 authority for deep water pipeline system;
- 16 (7) \$600,000 for the judiciary for courthouse emergency  
17 repairs;
- 18 (8) \$850,000 for the county of Hawaii for the Ikuo Hisaoka  
19 Gym, Keokea Beach Park, and Paauilo Gym & Annex; and
- 20 (9) \$200,000 for Kona community hospital emergency  
21 repairs.



1           The sum shall also cover operational expenses associated  
2 with the October 15, 2006, Kiholo Bay earthquake disaster  
3 recovery efforts in the counties of Hawaii, Maui, Kauai, and the  
4 city and county of Honolulu pursuant to section 2 of this Act.

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

7           SECTION 5. Each department or agency expending funds  
8 authorized by this Act shall submit annual reports to the  
9 legislature, beginning no later than January 15, 2008. The  
10 information contained in the reports shall:

- 11           (1) Be organized by county;
- 12           (2) Provide summaries of expenditure data on a statewide  
13           basis; and
- 14           (3) Include:
  - 15           (A) The date of each expenditure;
  - 16           (B) The purpose and description of each expenditure;
  - 17           (C) The identification of any recipient of payments  
18           from each expenditure; and
  - 19           (D) For funds not authorized by this Act but  
20           nevertheless used by any department or agency for  
21           the purposes of this Act:



- 1                   (i) The source of those funds, by specific
- 2                   program;
- 3                   (ii) The impact to the programs originally funded
- 4                   by those funds; and
- 5                   (iii) The need for any emergency appropriations
- 6                   that resulted from the diversion of those
- 7                   funds.

8           SECTION 6. Any provision of the Act to the contrary  
9 notwithstanding, the appropriations under this Act shall not  
10 lapse at the end of the fiscal year for which the appropriations  
11 were made. All unexpended and unencumbered balances of the  
12 appropriations made in this Act as of the close of business on  
13 June 30, 2009, shall lapse.

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

21           SECTION 7. In accordance with section 9 of article VII of  
22 the Constitution of the State of Hawaii and sections 37-91 and



1 37-93, Hawaii Revised Statutes, the legislature has determined  
 2 that the general fund expenditure ceiling for fiscal year  
 3 2006-2007 (established at \$5,357,987,705 on November 8, 2006)  
 4 has already been exceeded by \$90,137,694 or 1.68 per cent. The  
 5 appropriations contained in section 3 will cause the state  
 6 general fund expenditure ceiling for fiscal year 2006-2007 to be  
 7 exceeded by an additional \$900,000, or an additional 0.017 per  
 8 cent. The calculation contained in the foregoing sentence  
 9 relates only to the amount of general funds appropriated in this  
 10 Act for fiscal year 2006-2007. The reasons for exceeding the  
 11 general fund expenditure ceiling are that the appropriations  
 12 made in section 3 are necessary to serve the public interest and  
 13 to meet the needs provided for by section 3.

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

APPROVED this 18 day of MAY, 2007



GOVERNOR OF THE STATE OF HAWAII

