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# A BILL FOR AN ACT

RELATING TO DISASTER RELIEF.

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

1           SECTION 1. Section 37-41.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§37-41.5 Department of education; carryover of funds.**

4           (a) The department of education may retain up to five per cent  
5 of any appropriation, except for appropriations to fund  
6 financing agreements entered into in accordance with chapter  
7 37D, at the close of a fiscal year and the funds retained shall  
8 not lapse until June 30 of the first fiscal year of the next  
9 fiscal biennium. The department of education shall submit:

10           (1) A report to the director of finance ninety days after  
11 the close of each fiscal year, which shall be prepared  
12 in the form prescribed by the director of finance and  
13 shall identify the total amount of funds that will  
14 carry over to the next fiscal year; and

15           (2) A copy of this report to the legislature, as well as a  
16 report identifying the carryover of funds on a school-  
17 by-school basis, at least twenty days prior to the



1 convening of the next regular session of the  
2 legislature.

3 (b) Appropriations allocated to the schools shall remain  
4 within the budget of the school to which they were originally  
5 allocated; provided that the retention of an appropriation shall  
6 not be used by the department as a basis for reducing a school's  
7 future budget requirements.

8 (c) In addition to the five per cent retainage under  
9 subsection (a), the department of education may retain any  
10 appropriation received pursuant to section 127A-16(a) or as  
11 reimbursement for disaster relief pursuant to section 127A-16(d)  
12 at the close of the fiscal year in which the appropriation or  
13 reimbursement was received and the funds retained shall not  
14 lapse until June 30 of the first fiscal year of the next fiscal  
15 biennium. Such funds shall be considered as separate and  
16 distinct from the funds the department of education is  
17 authorized to retain pursuant to subsection (a)."

18 SECTION 2. Section 127A-16, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§127A-16 Major disaster fund.** (a) The director shall  
21 submit requests to the legislature to appropriate from the



1 general revenues of the State sufficient moneys as may be  
2 necessary for expenditure by or under the direction of the  
3 governor for immediate relief in response to an emergency or  
4 disaster in any part of the State; provided that:

5 (1) The governor has issued a proclamation of a state of  
6 emergency;

7 (2) The governor may not expend in excess of \$5,000,000  
8 for immediate relief as a result of any single  
9 emergency or disaster; and

10 (3) In addition to the funds in paragraph (2), an  
11 additional \$5,000,000 may be made available solely for  
12 the purpose of matching federal disaster relief funds  
13 when these funds become available to the State  
14 following a presidential disaster declaration.

15 In expending the moneys, the governor may allot any portion  
16 thereof to any agency, office, or employee of the State or a  
17 county for the most efficient relief for the population.

18 Notwithstanding this subsection, the only exception to  
19 paragraphs (1), (2), and (3) is that the director may use up to  
20 \$100,000 per year to support emergency reserve corps training.



1 (b) No later than one month after any allotment by the  
2 governor or the expenditure of any fund moneys, the director  
3 shall report to the legislature on the purpose of the allotment  
4 or expenditure.

5 (c) [~~Federal~~] Except as provided in subsection (d),  
6 federal reimbursement moneys for disaster relief shall be deemed  
7 to be trust moneys and may be deposited into a trust account  
8 with and under the control of the department of defense. These  
9 moneys and any interest earned thereon shall be used for the  
10 purpose identified in subsection (a) and shall not lapse to the  
11 general fund.

12 (d) In cases in which the department of education expends  
13 the funds appropriated to the department for purposes deemed to  
14 be reimbursable by federal reimbursement moneys for disaster  
15 relief, the federal reimbursement moneys shall not lapse to the  
16 general fund and shall be credited directly to the department of  
17 education without regard to whether the original appropriation  
18 has lapsed. Such funds shall carryover in accordance with  
19 section 37-41.5(c)."

20 SECTION 3. If any part of this Act is found to be in  
21 conflict with federal requirements that are a prescribed



1 condition for the allocation of federal funds to the State, the  
2 conflicting part of this Act is inoperative solely to the extent  
3 of the conflict and with respect to the agencies affected, and  
4 this finding does not affect the operation of the remainder of  
5 this Act in its application to the agencies concerned. The  
6 rules under this Act shall meet federal requirements that are a  
7 necessary condition to the receipt of federal funds by the  
8 State.

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2051.



**Report Title:**

Disaster Relief; Department of Education; Reimbursement;  
Carryover Funds

**Description:**

Specifies instances in which the Department of Education may retain disaster relief funds. Clarifies that the Department of Education may carry over funds received as disaster relief appropriation or reimbursement. Effective 7/1/2051. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

