

JAN 25 2017

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



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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 was reimbursement
13 was received and the funds retained shall not lapse until
14 June 30 of the first fiscal year of the next fiscal biennium.
15 Such funds shall be considered as separate and distinct from the
16 funds the department of education is authorized to retain
17 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.



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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 upon its approval.

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Report Title:

Disaster Relief; DOE; Reimbursement; Carryover Funds

Description:

Allows, in cases where the Department of Education directly expends its own funds for disaster relief to be directly credited with any federal disaster relief reimbursement. Clarifies that the Department of Education may carry over funds received as disaster relief appropriation or reimbursement.

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

