

JAN 24 2024

A BILL FOR AN ACT

RELATING TO FUNDS.

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

1 SECTION 1. Act 164, Session Laws of Hawaii 2023, is
2 amended by adding to part VIII three new sections to read as
3 follows:

4 "SECTION 22A. Any provision of this Act to the contrary
5 notwithstanding, the governor is authorized to transfer savings
6 or unrequired balances as may be available from the appropriated
7 funds of any program in this Act to supplement the appropriation
8 for any other program in this Act to cope with the effects of
9 natural disasters or other unforeseen emergencies; provided that
10 the effects of the natural disasters or emergencies create an
11 urgent need to pursue a course of action that is in the best
12 interest of the State; provided further that the use of such
13 funds does not conflict with general law; provided further that
14 no funds shall be expended without a formal declaration of a
15 natural disaster or emergency by the governor; provided further
16 that this authority shall not extend beyond July 1 of the
17 immediately succeeding fiscal year; provided further that any
18 funds unencumbered or unexpended as of July 1 of the immediately

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1 succeeding fiscal year shall lapse as of that date; and provided
2 further that the governor shall notify the legislature within
3 five days of each use of this authority and submit a report to
4 the legislature of all uses of this authority for the previous
5 fiscal year no later than September 1 of each year.

6 SECTION 22B. Unless otherwise provided in this Act, the
7 governor is authorized to transfer operating funds between
8 appropriations within the same fund, within an expending agency,
9 for operating purposes; provided that the governor shall submit
10 a report to the legislature within five days of each use of this
11 authority; provided further that the report shall include the
12 date of transfer, the amount of the transfer, the program ID
13 from which funds were transferred, the program ID to which funds
14 were transferred, the impact to the program ID funds are
15 transferred from, and a detailed explanation of the public
16 purposes served by the transfer of resources; and provided
17 further that the governor shall submit to the legislature a
18 summary report containing the aforementioned information for
19 each use of this authority for the previous twelve-month period
20 from December 1 to November 30 no later than thirty days prior
21 to the convening of the regular session of 2025.

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1 SECTION 22C. Notwithstanding any provision in part III of
2 this Act, the governor is authorized to transfer savings or
3 unrequired balances as may be available of general funds from
4 any program in this Act to supplement the department of land and
5 natural resources' firefighter's contingency fund; provided that
6 these funds shall be used to prevent, control, and extinguish
7 wildland fires within forest reserves, public hunting areas,
8 wildlife and plant sanctuaries, and natural area reserves, and
9 to fulfill mutual aid agreements in cooperation with fire
10 control agencies of the counties and federal government."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

14

INTRODUCED BY:



15

BY REQUEST

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Report Title:

Funds; Firefighter's Contingency Fund; Appropriation

Description:

Reinstates the Governor's authority to transfer funds to cope with the effects of natural disasters, for operating purposes, or to supplement the Department of Land and Natural Resources' Firefighter's Contingency Fund.

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

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JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO FUNDS.

PURPOSE: To reinstate the Governor's authority to transfer funds for operating purposes, in the case of natural disaster, or to supplement the Department of Land and Natural Resources' Firefighter's Contingency Fund.

MEANS: Add three new sections to part VIII of Act 164, Session Laws of Hawaii (SLH) 2023.

JUSTIFICATION: Act 164, SLH 2023, did not contain boilerplate provisions that are generally included in the General Appropriations Act that provide the Governor with authority to transfer funds for operating purposes, natural disaster, or the Firefighter's Contingency Fund. This bill reinstates three provisions that were removed from Act 88, SLH 2021, as amended by Act 248, SLH 2022, and not included in Act 164, SLH 2023.

Impact on the public: This bill enables the Governor the flexibility to transfer funds for natural disaster, operating purposes, or the Firefighter's Contingency Fund. This authority will allow the Governor to better serve the State and the public interest.

Impact on the department and other agencies: This bill will benefit the departments that require transfers to meet operating shortfalls.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: GOV100.

OTHER AFFECTED
AGENCIES:

Departments that require transfers during
the fiscal year to meet operating shortfalls
and the Department of Land and Natural
Resources.

EFFECTIVE DATE: Upon approval.