
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 ~~[(e) 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:



1 "§127A-16 Major disaster special fund. (a) There is
2 established within the state treasury the major disaster special
3 fund, which shall consist of:

- 4 (1) Moneys appropriated to the fund by the legislature;
- 5 (2) Federal reimbursement moneys for disaster relief; and
- 6 (3) All interest attributable to investment of money
7 deposited in the fund.

8 Moneys in the major disaster special fund shall be used for
9 purposes identified in subsection (b) and shall lapse to the
10 general fund if not expended within five years after receipt.

11 ~~[(a)]~~ (b) The administrator shall submit requests to the
12 legislature to appropriate from the general revenues of the
13 State sufficient moneys as may be necessary for expenditure by
14 or under the direction of the governor for immediate relief in
15 response to an emergency or disaster in any part of the State;
16 provided that:

- 17 (1) The governor has issued a proclamation of a state of
18 emergency;
- 19 (2) The governor ~~[may]~~ shall not expend in excess of
20 \$10,000,000 for immediate relief as a result of any
21 single emergency or disaster; and



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

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

9 Notwithstanding this subsection, the only exception to
 10 paragraphs (1), (2), and (3) is that the administrator may use
 11 up to \$250,000 per year to support the emergency management
 12 reserve corps.

13 [~~(b)~~] (c) No later than [~~sixty~~] thirty days after any
 14 allotment by the governor or the expenditure of any fund moneys,
 15 the administrator shall report to the legislature on the purpose
 16 of the allotment or expenditure.

17 [~~(c) Except as provided in subsection (d), federal~~
 18 ~~reimbursement moneys for disaster relief shall be deemed to be~~
 19 ~~trust moneys and may be deposited into a trust account with and~~
 20 ~~under the control of the Hawaii emergency management agency.~~
 21 ~~These moneys and any interest earned thereon shall be used for~~



1 ~~the purpose identified in subsection (a) and shall not lapse to~~
2 ~~the general fund.~~

3 ~~(d) In cases in which the department of education expends~~
4 ~~the funds appropriated to the department for purposes deemed to~~
5 ~~be reimbursable by federal reimbursement moneys for disaster~~
6 ~~relief, the federal reimbursement moneys shall not lapse to the~~
7 ~~general fund and shall be credited directly to the department of~~
8 ~~education without regard to whether the original appropriation~~
9 ~~has lapsed. Such funds shall carry over in accordance with~~
10 ~~section 37-41.5(e).~~

11 ~~(e) Any unspent funding under \$2,500,000 shall be rolled~~
12 ~~over to the next fiscal year to support future emergencies and~~
13 ~~disasters.]~~

14 (d) The administrator shall submit an annual report to the
15 legislature no later than September 1 of each year on the
16 following:

17 (1) The amount of federal reimbursement moneys for
18 disaster relief that the State or any county could
19 have applied for during the prior fiscal year, broken
20 down by department, agency, and county;



- 1 (2) The amount of federal reimbursement moneys for
2 disaster relief that the State or any county applied
3 for and the amount received during the prior fiscal
4 year, broken down by department, agency, and county;
- 5 (3) The justification for any difference in the amount of
6 federal reimbursement moneys for disaster relief that
7 the State or county was eligible for and the amount
8 the State or county applied for;
- 9 (4) The average amount of time between the submittal of an
10 application for a Federal Emergency Management Agency
11 reimbursement and receipt of the funds; and
- 12 (5) The number of disaster accounts opened for the prior
13 fiscal year."

14 SECTION 3. If any part of this Act is found to be in
15 conflict with federal requirements that are a prescribed
16 condition for the allocation of federal funds to the State, the
17 conflicting part of this Act is inoperative solely to the extent
18 of the conflict and with respect to the agencies directly
19 affected, and this finding does not affect the operation of the
20 remainder of this Act in its application to the agencies
21 concerned. The rules under this Act shall meet federal



1 requirements that are a necessary condition to the receipt of
2 federal funds by the State.

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

5 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Major Disaster Fund; Special Fund Federal Reimbursements;
Reports

Description:

Repeals language authorizing the DOE to retain federal disaster relief funds. Amends the major disaster fund to be a special fund. Requires federal disaster relief funds to lapse to the general fund if not expended within five years. Shortens the time for reporting the purpose of any allotment or expenditure of fund moneys. Repeals language requiring unspent funds to be rolled over. Requires annual reports to the legislature on federal disaster relief funds. Effective 7/1/2050. (HD1)

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