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# A BILL FOR AN ACT

RELATING TO FUNDS.

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

1           SECTION 1. Act 88, Session Laws of Hawaii 2021, as amended  
2 by section 8(1), (5), and (6) of Act 248, Session Laws of Hawaii  
3 2022, is amended as follows:

4           (1) By amending section 61 to read as follows:

5           "SECTION 61. ~~[Repealed.]~~ Any provision of this Act to the  
6 contrary notwithstanding, the governor is authorized to transfer  
7 savings or unrequired balances as may be available from the  
8 appropriated funds of any program in this Act to supplement the  
9 appropriation for any other program in this Act to cope with the  
10 effects of natural disasters or other unforeseen emergencies;  
11 provided that the effects of such natural disasters or  
12 emergencies create an urgent need to pursue a course of action  
13 which is in the best interest of the State; provided further  
14 that the use of such funds does not conflict with general law;  
15 provided further that no funds shall be expended without a  
16 formal declaration of a natural disaster or emergency by the  
17 governor; provided further that this authority shall not extend  
18 beyond July 1 of the immediately succeeding fiscal year;

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

8 (2) By amending section 72 to read as follows:

9 "SECTION 72. [~~Repealed.~~] Unless otherwise provided in  
10 this Act, the governor is authorized to transfer operating funds  
11 between appropriations within the same fund, within an expending  
12 agency, for operating purposes; provided that the governor shall  
13 submit a report to the legislature within five days of each use  
14 of this authority; provided further that the report shall  
15 include the date of transfer, the amount of the transfer, the  
16 program ID from which funds were transferred, the program ID to  
17 which funds were transferred, the impact to the program ID funds  
18 are transferred from, and a detailed explanation of the public  
19 purposes served by the transfer of resources; and provided  
20 further that the governor shall submit to the legislature a  
21 summary report containing the aforementioned information for  
22 each use of this authority for the previous twelve month period

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1 from December 1 to November 30 no later than thirty days prior  
2 to the convening of the regular sessions of 2022 and 2023."

3 (3) By amending section 87 to read as follows:

4 "SECTION 87. [~~Repealed.~~] Notwithstanding any provision in  
5 part III of this Act, the governor is authorized to transfer  
6 savings or unrequired balances as may be available of general  
7 funds from any program in this Act to supplement the department  
8 of land and natural resources' fire fighter's contingency fund;  
9 provided further that these funds shall be used to prevent,  
10 control, and extinguish wildland fires within forest reserves,  
11 public hunting areas, wildlife and plant sanctuaries, and  
12 natural area reserves, and to fulfill mutual aid agreements in  
13 cooperation with fire control agencies of the counties and  
14 federal government."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

20

BY REQUEST

21

**JAN 23 2023**

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**Report Title:**

Funds; Appropriations

**Description:**

Reinstates 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' Fire Fighter'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.*

JUSTIFICATION SHEET

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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' Fire Fighter's Contingency Fund.

MEANS: Amend sections 61, 72, and 87 of Act 88, Session Laws of Hawaii (SLH) 2021, as amended by paragraphs 1, 5, and 6 of section 8 of Act 248, SLH 2022.

JUSTIFICATION: Act 88, SLH 2021, as amended by Act 248, SLH 2022, 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 Fire Fighter's Contingency Fund. This bill reinstates three provisions that were removed from Act 88, SLH 2021, as amended by Act 248, SLH 2022.

Impact on the public: This bill enables the Governor with the flexibility to transfer funds for natural disaster, operating purposes, or the Fire Fighter'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.

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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.