

ACT 126

H.B. NO. 1471

A Bill for an Act Relating to the Funding of Government Programs.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The purpose of this Act is to address the funding of government programs.

More specifically, this Act:

- (1) Makes an appropriation to the legislative reference bureau for an invasive species study;
- (2) Forces the lapse of certain appropriations for fiscal year 2014-2015 that are not expected to be expended; and
- (3) Re-appropriates some of the lapsed appropriations.

The legislature finds that this Act enables the savings of the forced lapses to be identified as part of the carryover balance for fiscal year 2014-2015 in the state financial plan. The legislature finds that this approach is more efficient than simply allowing the unexpended and unencumbered amounts to lapse. Because lapsed appropriations do not become known until after the fiscal year ends, the legislature is unable to consider lapsed appropriations when making budgetary decisions during the regular session immediately preceding the lapse date.

The legislature emphasizes that the repeal or reduction of the appropriations in this Act does not represent discontinuation of support for the de-funded programs. The intent of this Act is to make more general funds available for the state financial plan.

The legislature also finds that the lapsing, repeal, or reduction of the appropriations for fiscal year 2014-2015 by this Act is not intended to reduce the base budget of the affected programs.

PART II

SECTION 2. The legislature finds that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is a major threat to the State's economy, natural environment, and health. The legislature further finds that immediate action is needed to mitigate the threats and impacts of invasive species.

The legislature previously recognized the critical importance of eliminating invasive species in Hawaii by adopting Senate Concurrent Resolution No. 45, H.D. 1 (2001), and by passing Act 85, Session Laws of Hawaii 2003. Senate Concurrent Resolution No. 45, H.D. 1 (2001), resulted in the 2002 legislative reference bureau study "Filling the Gaps in the Fight Against Invasive Species," and Act 85, Session Laws of Hawaii 2003, resulted in the creation of the interagency Hawaii invasive species council to provide policy level direction, coordination, and planning among agencies. The Hawaii invasive species council has disbursed funds on an annual basis to support critical invasive species prevention, control, outreach, research, and planning projects that enhance or supplement existing departmental projects.

The legislative reference bureau study “Filling the Gaps in the Fight Against Invasive Species,” estimated the annual cost to address invasive species issues in Hawaii at \$50,000,000. The original goal for an annual Hawaii invasive species council budget was \$5,000,000 from the general fund, though the initial approved appropriation in fiscal year 2005 was \$2,000,000. From fiscal years 2010-2013, no general funds were provided. In fiscal year 2014, \$750,000 was provided from the general fund. In fiscal year 2015, \$5,750,000 was provided from the general fund. The legislature finds that a continued commitment to having the best possible understanding, science, plans, and capacity is necessary to maintain and enhance invasive species prevention and mitigation in Hawaii, to effectively protect the State’s natural resources and economy and the health and lifestyle of its people.

The purpose of this part is to provide moneys for and direct the legislative reference bureau to update its 2002 study titled “Filling the Gaps in the Fight Against Invasive Species.”

SECTION 3. (a) The legislative reference bureau shall update its 2002 study “Filling the Gaps in the Fight Against Invasive Species;” provided that the legislative reference bureau shall consult with relevant government and non-government organizations, experts, and individuals in its analysis; provided further that the bureau shall update its study to the extent necessary to describe the present scope of the invasive species problem in Hawaii; economic and other costs to Hawaii; health and safety issues; state, federal, county, and non-government roles and responsibilities; gaps and leaks in prevention and response systems; and recommendations related to policy, programs, and funding to address invasive species.

(b) The legislative reference bureau may contract the services of another entity to perform any economic modeling or any related services that may be required pursuant to this section. Any contract for services executed pursuant to this section shall be exempt from chapter 103D, Hawaii Revised Statutes.

(c) The legislative reference bureau shall submit the updated study to the legislature no later than twenty days prior to the convening of the regular session of 2016.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2015-2016 for contracting for services to update the 2002 study “Filling the Gaps in the Fight Against Invasive Species.”

The sum appropriated shall be expended by the legislative reference bureau for the purposes of this part.

PART III

SECTION 5. The purpose of this part is to provide general funds for the juvenile justice reform initiative for the 2015-2017 fiscal biennium. The general funds are provided from a portion of the appropriation for the Hawaii youth correctional facility for fiscal year 2014-2015 that is expected to lapse on June 30, 2015. The legislature finds that the appropriation rightfully should be re-used for the juvenile justice reform initiative instead of lapsing into the general fund for expenditure on other programs.

The legislature emphasizes its intent that the appropriation made in this part take effect only if the requisite general fund appropriation is lapsed pursuant to section 6.

The legislature intends that the appropriation in this part for the juvenile justice reform initiative be additional to any other appropriation that may be made in the General Appropriations Act of 2015.

The legislature also intends that, under this part, the base budget for the Hawaii youth correctional facility shall not be reduced by the amount lapsed under section 6 of this Act.

SECTION 6. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by adding a new section to part III, social services, to be appropriately designated and to read as follows:

“SECTION A. Provided that of the general fund appropriation for the Hawaii youth correctional facility (HMS503) for fiscal year 2014-2015, \$1,200,000 shall not be expended and shall lapse on June 30, 2015.”

SECTION 7. Except as otherwise provided under section 8, there is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000 or so much thereof as may be necessary for fiscal year 2015-2016 and the same sum or so much thereof as may be necessary for fiscal year 2016-2017 for the juvenile justice reform initiative of the office of youth services.

The sums appropriated shall be expended by the department of human services for the purposes of this part.

SECTION 8. Section 7 shall not take effect unless the general fund appropriation for fiscal year 2014-2015 that is restricted and lapsed by section 6 lapses pursuant to that section.

PART IV

SECTION 9. The purpose of this part is to provide general funds for the agricultural loan revolving fund and appropriate those proceeds for agricultural loans.

The general funds are provided from portions of the appropriation for the department of agriculture for fiscal year 2014-2015 that are expected to lapse on June 30, 2015. The legislature finds that the appropriation rightfully should be re-used for a program of the department of agriculture instead of lapsing into the general fund for expenditure on other programs.

The legislature emphasizes its intent that the appropriations contained in sections 11 and 12 of this part take effect only if the requisite general fund appropriations are lapsed pursuant to section 10. The legislature also intends that under this part, the base budget for plant, pest, and disease control (AGR122), animal disease control (AGR132), or agricultural resource management (AGR141) shall not be reduced by the amounts lapsed under section 10 of this Act.

The legislature finds that the appropriations referred to in section 10 of this part are the following from the executive budget worksheets of the regular session of 2013:

- (1) Sequence 90-001 for plant, pest, and disease control (AGR122);
- (2) A portion of sequence 91-001 for plant, pest, and disease control (AGR122);
- (3) A portion of sequence 3070-001 for animal disease control (AGR132); and
- (4) A portion of sequence 90-001 for agricultural resource management (AGR141).

SECTION 10. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by adding four new sections to part III, economic development, to be appropriately designated and to read as follows:

“SECTION B. Provided that of the general fund appropriation for plant, pest, and disease control (AGR122) for fiscal year 2014-2015, \$162,540 appropriated for the detector dog program shall not be expended during that fiscal year and shall lapse on June 30, 2015.

SECTION C. Provided that of the general fund appropriation for plant, pest, and disease control (AGR122) for fiscal year 2014-2015, \$165,055 appropriated for the queen bee program shall not be expended during that fiscal year and shall lapse on June 30, 2015.

SECTION D. Provided that of the general fund appropriation for animal disease control (AGR132) for fiscal year 2014-2015, \$165,055 appropriated for rent shall not be expended during that fiscal year and shall lapse on June 30, 2015.

SECTION E. Provided that of the general fund appropriation for agricultural resource management (AGR141) for fiscal year 2014-2015, \$500,000 appropriated for livestock pasture improvements shall not be expended during that fiscal year and shall lapse on June 30, 2015.”

SECTION 11. Except as otherwise provided under section 13, there is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2015-2016 for deposit into the agricultural loan revolving fund.

The sum appropriated shall be expended by the department of agriculture for the purposes of this part.

SECTION 12. Except as otherwise provided under section 13, there is appropriated out of the agricultural loan revolving fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2015-2016 for the making of agricultural loans.

The sum appropriated shall be expended by the department of agriculture for the purposes of this part.

SECTION 13. Sections 11 and 12 shall not take effect unless at least \$992,650 of the general fund appropriation for fiscal year 2014-2015 is lapsed in accordance with the amendments made to Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, in section 10 of this Act.

PART V

SECTION 14. The purpose of this part is to repeal the appropriation in Act 164, Session Laws of Hawaii 2014, for the state building code council and staff to carry out their duties and functions.

The legislature finds that the department of accounting and general services does not plan to expend the appropriation.

SECTION 15. Act 164, Session Laws of Hawaii 2014, is amended by repealing section 11.

~~["SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$136,676 or so much thereof as may be necessary for fiscal year 2014-2015 for the state building code council and staff to carry out their duties and functions, including operating costs and staff salaries.~~

~~The sum appropriated shall be expended by the department of accounting and general services for the purposes of this Act."]~~

PART VI

SECTION 16. The purpose of this part is to repeal the appropriation in Act 166, Session Laws of Hawaii 2014, for the counties to implement voter registration at absentee polling places.

The legislature finds that the office of elections does not plan to expend the appropriation.

SECTION 17. Act 166, Session Laws of Hawaii 2014, is amended by repealing section 4.

~~["SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the counties to implement this Act, which may include upgrading the registration process by purchasing electronic poll books.~~

~~The sum appropriated shall be expended by the office of elections for the purposes of this Act."]~~

PART VII

SECTION 18. The purpose of this part is to reduce the appropriations in Act 151, Session Laws of Hawaii 2014, for various programs on aging.

The legislature finds that the executive office on aging does not plan to expend the entire amount of each of the appropriations reduced in this part.

SECTION 19. Act 151, Session Laws of Hawaii 2014, is amended as follows:

1. By amending sections 2, 3, and 4 to read:

~~"SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of [\$4,200,000] \$3,780,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the kupuna care program; provided that the sum appropriated shall be in addition to the base budget of the executive office on aging.~~

~~SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of [\$1,900,000] \$1,710,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the aging and disability resource center.~~

~~SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of [\$476,772] \$429,095 or so much thereof as may be necessary for fiscal year 2014-2015 for the healthy aging partnership program of the department of health's executive office on aging."~~

2. By amending section 8 to read:

“SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of [~~\$500,000~~] \$450,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the executive office on aging to conduct a public education and awareness campaign on long-term care and to obtain an independent evaluation of the campaign’s effectiveness.

The sum appropriated shall be expended by the department of health for the purposes of this part.”

PART VIII

SECTION 20. The purpose of this part is to:

- (1) Reduce a portion of the general fund appropriation for medicaid coverage for non-United States citizens for fiscal year 2014-2015; and
- (2) Repeal Act 179, Session Laws of Hawaii 2014, which makes an appropriation to restore basic adult dental benefits to medicaid enrollees.

The legislature finds that the department of human services does not plan to expend the entire amount of the appropriation referenced in paragraph (1), nor does it plan to spend the appropriation referenced in paragraph (2).

The legislature also intends, under this part, that the base budget for health care payments (HMS401) shall not be reduced by the amount lapsed under section 21 of this Act.

SECTION 21. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by adding a new section to part III, social services, to be appropriately designated and to read as follows:

“SECTION F. Provided that of the general fund appropriation for health care payments (HMS401) for fiscal year 2014-2015, \$7,000,000 shall not be expended for medicaid coverage for non-United States citizens during fiscal year 2014-2015 and shall lapse on June 30, 2015.”

SECTION 22. Act 179, Session Laws of Hawaii 2014, is repealed.

PART IX

SECTION 23. The purpose of this part is to repeal the appropriations made in Act 147, Act 148, and Act 149, Session Laws of Hawaii 2014, for public safety programs.

The legislature finds that the department of public safety does not plan to expend the appropriations.

SECTION 24. Act 147, Session Laws of Hawaii 2014, is amended by repealing section 2.

~~“SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$110,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the department of public safety to provide substance abuse treatment services for inmates of the Halawa correctional facility.~~

~~The sum appropriated shall be expended by the department of public safety for the purposes of this Act.”]~~

SECTION 25. Act 148, Session Laws of Hawaii 2014, is amended by repealing section 2.

~~["SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$125,000 or so much thereof as may be necessary for fiscal year 2014-2015 for funding programs and services for children of incarcerated parents and assisting with family reunification.~~

~~The sum appropriated shall be expended by the department of public safety for the purposes of this Act."]~~

SECTION 26. Act 149, Session Laws of Hawaii 2014, is amended by repealing section 3.

~~["SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the pilot project known as the reentry pilot project for nonviolent, low-risk drug offenders established by this Act.~~

~~The sum appropriated shall be expended by the department of public safety for the purposes of this Act."]~~

PART X

SECTION 27. The purpose of this part is to reduce the appropriation for the tax system modernization for fiscal year 2014-2015.

The legislature finds that the department of taxation does not plan to expend the entire amount appropriated.

The legislature intends that, under this part, the base budget for supporting services-revenue collection (TAX107) shall not be reduced by the amount lapsed under section 28 of this Act.

SECTION 28. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by adding a new section to part III, government-wide support, to be appropriately designated and to read as follows:

"SECTION G. Provided that of the general fund appropriation for supporting services-revenue collection (TAX107) for fiscal year 2014-2015, \$2,400,000 shall not be expended for tax system modernization expenses during that fiscal year and shall lapse on June 30, 2015."

PART XI

SECTION 29. The purpose of this part is to reduce the appropriations for debt service payments for fiscal year 2014-2015.

The legislature finds that the department of budget and finance does not plan to expend the entire amount of each of the appropriations reduced in this part.

The legislature intends that, under this part, the base budget for debt service payments-State (BUF721), debt service-DOE (BUF725), and debt service-UH (BUF728) shall not be reduced by the amounts lapsed under section 30 of this Act.

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SECTION 30. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by adding three new sections to part III, to be designated and to read as follows:

“SECTION H. Provided that of the general fund appropriation for debt service payments-State (BUF721) for fiscal year 2014-2015, \$15,000,000 shall not be expended and shall lapse on June 30, 2015.

SECTION I. Provided that of the general fund appropriation for debt service-DOE (BUF725) for fiscal year 2014-2015, \$10,000,000 shall not be expended and shall lapse on June 30, 2015.

SECTION J. Provided that of the general fund appropriation for debt service-UH (BUF728) for fiscal year 2014-2015, \$5,000,000 shall not be expended and shall lapse on June 30, 2015.”

PART XI¹

SECTION 31. In codifying the new sections added by sections 6, 10, 21, 28, and 30 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 32. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 33. This Act shall take effect on June 29, 2015.

(Approved June 19, 2015.)

Note

1. Should be “XII”.