

ACT 120

H.B. NO. 2339

A Bill for an Act Making an Emergency Appropriation to the State Drug and Alcohol Toxicology Testing Laboratory Special Fund.

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

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9, of the Constitution of the State of Hawaii.

SECTION 2. Act 196, Session Laws of Hawaii 2021 (Act 196), established the state drug and alcohol toxicology testing laboratory special fund to support a state drug and alcohol toxicology testing laboratory; specified that moneys in the state highway fund may be expended for the cost of establishing a state drug and alcohol toxicology testing laboratory; required that fines imposed on offenders convicted of certain offenses involving operating a vehicle under the influence of an intoxicant be deposited into the state drug and alcohol toxicology testing laboratory special fund; and required the department of health to submit reports to the legislature on expenditures from the state drug and alcohol toxicology testing laboratory special fund.

Act 196 also provided that the state drug and alcohol toxicology testing laboratory special fund shall be abolished and repealed on June 30, 2026, and any unencumbered remaining balances shall lapse to the general fund. Act 196 did not appropriate moneys from the state highway fund to be deposited into the state drug and alcohol toxicology testing laboratory special fund, nor did Act 196 appropriate state drug and alcohol testing laboratory special funds for the establishment of a state drug and alcohol toxicology testing laboratory.

The purpose of this Act is to:

- (1) Make an emergency appropriation from the state highway fund to the department of health's state drug and alcohol toxicology testing laboratory special fund for fiscal year 2021-2022; and
- (2) Authorize the department of health to expend funds from the state drug and alcohol toxicology testing laboratory special fund for the establishment of the state drug and alcohol toxicology testing laboratory.

SECTION 3. There is appropriated out of the state highway fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 to be deposited into the state drug and alcohol toxicology testing laboratory special fund established by Act 196, Session Laws of Hawaii 2021.

SECTION 4. There is appropriated out of the state drug and alcohol toxicology testing laboratory special fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the establishment of a state drug and alcohol toxicology testing laboratory, including the costs of laboratory instrumentation, facility renovation and security upgrades, office furniture and supplies, laboratory equipment, and other purposes that support a state drug and alcohol toxicology testing laboratory.

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

SECTION 5. Any provision of this Act to the contrary notwithstanding, the appropriation authorized under this Act shall not lapse at the end of the fiscal year for which the appropriation is made. Any unexpended and unencumbered balance of the appropriation made in this Act as of the close of business on June 30, 2023, shall lapse back to the credit of the state highway fund.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)