
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION CARRYOVER FUNDS.

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

1 SECTION 1. Section 37-32, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§37-32 Quarterly allotment periods.** [~~Except as provided~~
4 ~~in section 37-41.5, no~~] No officer, department or establishment
5 shall expend or be allowed to expend during any fiscal year any
6 sum for any purpose not specifically authorized by the
7 legislature for expenditure during that particular fiscal year,
8 and not made available pursuant to the allotment system provided
9 for in sections 37-31 to 37-41. For the purposes of the
10 allotment system, each fiscal year shall be divided into four
11 quarterly allotment periods, beginning, respectively, on the
12 first days of July, October, January, and April; provided that
13 in any case where the quarterly allotment period is
14 impracticable, the director of finance may prescribe a different
15 period suited to the circumstances, not exceeding six months nor
16 extending beyond the end of the fiscal year."



1 SECTION 2. Section 37-41, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§37-41 Appropriations to revert to state treasury;
4 exceptions. Unless otherwise provided by [~~section 37-41.5 or~~
5 ~~any other~~] law, every appropriation or part thereof of any kind
6 made subject to sections 37-31 to 37-40, remaining unexpended
7 and unencumbered at the close of any fiscal year shall lapse and
8 be returned to the general fund in the manner prescribed in
9 section 40-66."

10 SECTION 3. Section 127A-16, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) In cases in which the department of education expends
13 the funds appropriated to the department for purposes deemed to
14 be reimbursable by federal reimbursement moneys for disaster
15 relief, the federal reimbursement moneys shall not lapse to the
16 general fund and shall be credited directly to the department of
17 education without regard to whether the original appropriation
18 has lapsed. [~~Such funds shall carry over in accordance with~~
19 ~~section 37-41.5(e).~~]"

20 SECTION 4. Section 37-41.5, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§37-41.5 Department of education, carryover of funds.~~

2 ~~(a) The department of education may retain up to five per cent~~

3 ~~of any appropriation, except for appropriations to fund~~

4 ~~financing agreements entered into in accordance with chapter~~

5 ~~37D, at the close of a fiscal year and the funds retained shall~~

6 ~~not lapse until June 30 of the first fiscal year of the next~~

7 ~~fiscal biennium. The department of education shall submit:~~

8 ~~(1) A report to the director of finance ninety days after~~

9 ~~the close of each fiscal year, which shall be prepared~~

10 ~~in the form prescribed by the director of finance and~~

11 ~~shall identify the total amount of funds that will~~

12 ~~carry over to the next fiscal year; and~~

13 ~~(2) A copy of this report to the legislature, as well as a~~

14 ~~report identifying the carryover of funds on a school-~~

15 ~~by school basis, at least twenty days prior to the~~

16 ~~convening of the next regular session of the~~

17 ~~legislature.~~

18 ~~(b) Appropriations allocated to the schools shall remain~~

19 ~~within the budget of the school to which they were originally~~

20 ~~allocated; provided that the retention of an appropriation shall~~

1 ~~not be used by the department as a basis for reducing a school's~~
2 ~~future budget requirements.~~

3 ~~(c) In addition to the five per cent retainage under~~
4 ~~subsection (a), the department of education may retain any~~
5 ~~appropriation received pursuant to section 127A 16(a) or as~~
6 ~~reimbursement for disaster relief pursuant to section 127A 16(d)~~
7 ~~at the close of the fiscal year in which the appropriation or~~
8 ~~reimbursement was received and the funds retained shall not~~
9 ~~lapse until June 30 of the first fiscal year of the next fiscal~~
10 ~~biennium. Such funds shall be considered as separate and~~
11 ~~distinct from the funds the department of education is~~
12 ~~authorized to retain pursuant to subsection (a)."]~~

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on June 30, 2019.

16

INTRODUCED BY:



JAN 23 2019



H.B. NO. 1167

Report Title:

DOE; Carryover Funds

Description:

Repeals authorization for the Department of Education to carry over excess funds.

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