

A Bill for an Act Relating to the State Budget.

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

PART I

SECTION 1. Notwithstanding the provisions of chapter 328L, Hawaii Revised Statutes, all non-participating manufacturer adjustment moneys received by the State in calendar year 2018 that relate to compliance with the tobacco master settlement agreement from calendar years 2004 to 2017 and have been withheld from the State during any disputed years shall be deposited into the emergency and budget reserve fund established pursuant to section 328L-3, Hawaii Revised Statutes.

SECTION 2. The legislature enacted Act 84, Session Laws of Hawaii 2015, which converted funding for department of land and natural resources programs from special funds to general funds. The legislature finds that there is \$15,307,518 unencumbered in the natural area reserve fund, established under section 195-9, Hawaii Revised Statutes. On July 1, 2018, the director of finance shall transfer from the natural area reserve fund to the general fund the sum of \$15,307,518 or so much thereof as may be necessary for fiscal year 2018-2019.

SECTION 3. The legislature finds that there is at least \$18,929,462 in excess of the requirements of the tobacco settlement special fund. Notwithstanding the provisions of chapter 328L, Hawaii Revised Statutes, this sum shall be utilized to provide revenue to the Hawaii tobacco prevention and control trust fund, established under section 328L-5, Hawaii Revised Statutes, and the university revenue-undertakings fund, established under section 304A-2167.5, Hawaii Revised Statutes, to supplant any losses that result from any discount or reduction taken against regular master settlement agreement payments received by the State between calendar year 2018 and calendar year 2022; provided that the Hawaii tobacco prevention and control trust fund shall have priority over other programs in the event that any remaining sums are insufficient to supplant reductions.

PART II

SECTION 4. The legislature finds that the county of Kauai and portions of the city and county of Honolulu suffered a disastrous occurrence of heavy rains and flooding in April 2018, that caused extensive damage to the slopes adjacent to Kuhio Highway and impacted the communities of Wainiha, Haena, and other regions in the county of Kauai, as well as other areas of the State, thereby endangering the health, safety, and welfare of the people. This severe, sudden, and extraordinary weather event of heavy rains and flooding has caused damage, losses, and suffering, which has affected the health, welfare, and living conditions of a substantial number of persons, and is of such a serious nature as to warrant rehabilitative assistance from the State.

The purpose of this part is to appropriate funds to the department of defense for disaster relief efforts in the county of Kauai and other areas of the State that have been adversely impacted by the extraordinary weather event that occurred in April 2018.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000,000 or so much thereof as may be necessary for fiscal year 2017-2018 to protect the health, safety, and welfare of the people, and provide relief from disaster damages, losses, and suffering caused by the extraordinary weather event that produced torrential rains and resultant flooding in the county of Kauai in April 2018.

The sum appropriated shall be allotted to the department of defense and expended by the adjutant general solely for the express stated purposes of this part; provided that the moneys appropriated pursuant to this section shall not lapse at the end of the fiscal year for which the moneys have been appropriated; provided further that any moneys appropriated pursuant to this section that are unencumbered as of June 30, 2019, shall lapse on that date.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000,000 or so much thereof as may be necessary for fiscal year 2017-2018 to protect the health, safety, and welfare of the people, and provide relief from disaster damages, losses, and suffering caused by the extraordinary weather event that produced torrential rains and resultant flooding in areas of the State other than the county of Kauai in April 2018.

The sum appropriated shall be allotted to the department of defense and expended by the adjutant general solely for the express stated purposes of this part; provided that the moneys appropriated pursuant to this section shall not lapse at the end of the fiscal year for which the moneys have been appropriated; provided further that any moneys appropriated pursuant to this section that are unencumbered as of June 30, 2019, shall lapse on that date.

SECTION 7. (a) Moneys appropriated pursuant to this part shall be expended in accordance with section 127A-12(b), Hawaii Revised Statutes, as the adjutant general and governor deem appropriate.

(b) The appropriations and expenditures made pursuant to this part shall not be subject to the expenditure limitations established in section 127A-16, Hawaii Revised Statutes.

PART III

SECTION 8. This Act shall take effect upon its approval.

(Approved May 10, 2018.)