

**§37-42 Allotment as limit of expenditures; liability for excessive expenditure.** No department or establishment shall expend or be allowed to expend any sum, or incur or be allowed to incur any obligation in excess of an allotment. No obligation incurred in excess of the balance of an allotment shall be binding against the State, but where the obligation is violative only for having been made in excess of an allotment, the director of finance may authorize payment thereof from unallotted funds. Any officer, employee, or member of any department or establishment, who makes or causes to be made any excessive expenditure or incurs or causes to be incurred any excessive obligation shall be deemed guilty of neglect of official duty and shall be subject to removal from office and shall be liable to the State for such sum as may have been expended or paid, and such sum, together with interest and costs, shall be recoverable in an action instituted by the attorney general.

Provided that any state department, with the prior consent of the governor and of the director, and subject to terms and conditions insuring protection of the State as shall be imposed by the department, may cosponsor with another state department or with the county or any agency thereof, for the purpose of applying for federal funds or assistance for any project, after certification by the state comptroller that proper and sufficient allotment has been made by the governor to the other department or after receipt of resolution adopted by the county council that proper and sufficient sums for the project have been appropriated and encumbered. [L Sp 1959 1st, c 12, pt of §3; am L 1963, c 194, §1; Supp, §35-30; HRS §37-42]

#### **Revision Note**

"County council" substituted for "board of supervisors or city council".