

JAN 24 2024

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**A BILL FOR AN ACT**

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1           SECTION 1. The legislature finds that Act 279, Session  
2 Laws of Hawaii 2022, appropriated out of the general revenues of  
3 the State of Hawaii the sum of \$600,000,000 or so much thereof  
4 as may be necessary for fiscal year 2021-2022 to provide a  
5 multi-pronged approach to reducing the over 28,000 applicants on  
6 the department of Hawaiian home lands waitlist.

7           The legislature further finds that Act 279, Session Laws of  
8 Hawaii 2022, stipulated that any moneys not encumbered for  
9 specific purposes shall lapse to the general fund on June 30,  
10 2025. Article VII, section 11 of the State Constitution  
11 provides that no appropriation shall be for a period exceeding  
12 three years. This provision therefore permits the encumbrance  
13 of biennial appropriations one year beyond the biennial period,  
14 so no later than June 30, 2024, for the fiscal biennium 2021-  
15 2023. Accordingly, only unencumbered funds appropriated by Act  
16 279 will lapse on June 30, 2024. The purpose of this Act is to  
17 make a new appropriation of general funds for fiscal year 2024-  
18 2025 to make up for any Act 279 funds that lapse on June 30,

1 2024, in order to give practical effect to the legislature's  
2 intent for the appropriation in Act 279.

3 SECTION 2. Act 279, Session Laws of Hawaii 2022, is  
4 amended by amending section 6 to read as follows:

5 "SECTION 6. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$600,000,000 or so  
7 much there of as may be necessary for fiscal year 2021-2022 for  
8 the purposes of this Act; provided that any moneys not expended  
9 or encumbered for specific purposes shall lapse to the general  
10 fund on June 30, [~~2025-~~] 2024.

11 The sum appropriated shall be expended by the department of  
12 Hawaiian home lands for the purposes of this Act."

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or  
15 so much thereof as may be necessary for fiscal year 2024-2025.

16 The sum appropriated shall be expended by the department of  
17 Hawaiian home lands for the purposes of Act 279, Session Laws of  
18 Hawaii 2022.

19 SECTION 4. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or  
22 applications of the Act that can be given effect without the

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1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act, upon its approval, shall take effect  
6 on June 29, 2024.

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INTRODUCED BY: 

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BY REQUEST

# S.B. NO. 3109

**Report Title:**

DHHL; Appropriation

**Description:**

Gives practical effect to the intent of the Legislature that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# SB. NO. 3109

## JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To allow for the expenditure of an equivalent amount of unexpended and unencumbered funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

MEANS: Amend section 6 of Act 279, Session Laws of Hawaii 2022, and make a new appropriation for fiscal year 2024-2025.

JUSTIFICATION: The Legislature intended that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025. This bill gives practical effect to the legislative intent.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing for expenditure of the equivalent amount of unencumbered and unexpended funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

Impact on the department and other agencies: This revision will allow the Department of Hawaiian Home Lands to expend funds by June 30, 2025, as intended by the Legislature instead of the year prior or June 30, 2024.

GENERAL FUND: To be determined.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 602.

OTHER AFFECTED AGENCIES: Department of Budget and Finance.

EFFECTIVE DATE: June 29, 2024.