

JAN 19 2024

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 (Act 279), appropriated out of the general
3 revenues of the State of Hawaii the sum of \$600,000,000 or so
4 much thereof as may be necessary for fiscal year 2021-2022 to
5 provide a multi-pronged approach to reducing the number of
6 applicants on the department of Hawaiian home lands waitlist,
7 which reached over 28,700 names.

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



1 funds for fiscal year 2024-2025 to make up for any Act 279 funds
2 that lapse on June 30, 2024, in order to give practical effect
3 to the legislature's intent for the appropriation in Act 279.

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

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

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

14 SECTION 3. In accordance with section 9 of article VII, of
15 the Constitution of the State of Hawaii and sections 37-91 and
16 37-93, Hawaii Revised Statutes, the legislature has determined
17 that the appropriation contained in this Act will cause the
18 state general fund expenditure ceiling for fiscal year 2024-2025
19 to be exceeded by \$, or per cent. The reasons
20 for exceeding the general fund expenditure ceiling are that the



1 appropriation made in this Act is necessary to serve the public
2 interest and to meet the needs provided for by this Act.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2024-2025. The sum
6 appropriated shall be expended by the department of Hawaiian
7 home lands for the purposes of Act 279, Session Laws of Hawaii
8 2022.

9 SECTION 5. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on June 29, 2024.

18

INTRODUCED BY:



S.B. NO. 2921

Report Title:

DHHL; Hawaiian Homes; Waitlist; Appropriations; Expenditure Ceiling

Description:

Amends the appropriation of Act 279, SLH 2022, to conform its lapsing provision by 1 year, to conform to constitutional limitations. Appropriates moneys to the Department of Hawaiian Home Lands for fiscal year 2024-2025 to give practical effect to the legislative intent behind Act 279. Declares that the general fund expenditure ceiling will be exceeded.

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

