

JAN 19 2023

A BILL FOR AN ACT

RELATING TO THE FUNDING OF GRANTS PURSUANT TO CHAPTER 42F,
HAWAII REVISED STATUTES.

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

1 **PART I. GENERAL PROVISIONS**

2 SECTION 1. SHORT TITLE. This Act shall be known and may
3 be cited as the Grant Funding Act of 2023.

4 SECTION 2. DEFINITIONS. Unless otherwise clear from the
5 context, as used in this Act:

6 "Expending agency" means the executive department,
7 independent commission, bureau, office, board, or other
8 establishment of the state government (other than the
9 legislature, office of Hawaiian affairs, and judiciary), the
10 political subdivisions of the State, or any quasi-public
11 institution supported in whole or in part by state funds, which
12 is authorized to expend specified appropriations made by this
13 Act.

14 Abbreviations, where used to denote the expending agency,
15 shall mean the following:

16 AGR Department of agriculture



- 1 AGS Department of accounting and general services
- 2 ATG Department of the attorney general
- 3 BED Department of business, economic development, and
- 4 tourism
- 5 BUF Department of budget and finance
- 6 CCA Department of commerce and consumer affairs
- 7 DEF Department of defense
- 8 EDN Department of education
- 9 GOV Office of the governor
- 10 HHL Department of Hawaiian home lands
- 11 HMS Department of human services
- 12 HRD Department of human resources development
- 13 HTH Department of health
- 14 LBR Department of labor and industrial relations
- 15 LNR Department of land and natural resources
- 16 LTG Office of the lieutenant governor
- 17 PSD Department of public safety
- 18 SUB Subsidies
- 19 TAX Department of taxation
- 20 TRN Department of transportation
- 21 UOH University of Hawaii



1 CCH City and county of Honolulu

2 COH County of Hawaii

3 COK County of Kauai

4 COM County of Maui

5 "Means of financing" or "MOF" means the source from which
6 funds are appropriated or authorized to be expended for the
7 programs and projects specified in this Act. All appropriations
8 are followed by letter symbols. The letter symbols, where used,
9 shall have the following meanings:

10 A General funds

11 B Special funds

12 C General obligation bond fund

13 D General obligation bond fund with debt service cost to
14 be paid from special funds

15 E Revenue bond funds

16 J Federal aid interstate funds

17 K Federal aid primary funds

18 L Federal aid secondary funds

19 M Federal aid urban funds

20 N Federal funds

21 P Other federal funds



- 1 R Private contributions
- 2 S County funds
- 3 T Trust funds
- 4 U Interdepartmental transfers
- 5 W Revolving funds
- 6 X Other funds

7 "Program ID" means the unique identifier for the specific
8 program and consists of the abbreviation for the organization
9 responsible for carrying out the program followed by the
10 organization number for the program.

11 **PART II. PROGRAM APPROPRIATIONS**

12 SECTION 3. APPROPRIATIONS. The following sums, or so much
13 thereof as may be sufficient to accomplish the purposes and
14 programs designated herein, are hereby appropriated or
15 authorized, as the case may be, from the means of financing
16 specified to the expending agencies designated for the fiscal
17 biennium beginning July 1, 2023, and ending June 30, 2025. The
18 total expenditures and the number of positions in each fiscal
19 year of the biennium shall not exceed the sums and the position
20 ceilings indicated for each fiscal year, except as provided
21 elsewhere in this Act or as provided by general law.



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	M O F
1					
2	A.	ECONOMIC DEVELOPMENT			
3					
4	B.	EMPLOYMENT			
5					
6	C.	TRANSPORTATION FACILITIES			
7					
8	D.	ENVIRONMENTAL PROTECTION			
9					
10	E.	HEALTH			
11					
12	F.	SOCIAL SERVICES			
13					
14	G.	FORMAL EDUCATION			
15					
16	H.	CULTURE AND RECREATION			
17					
18	I.	PUBLIC SAFETY			
19					
20	J.	INDIVIDUAL RIGHTS			
21					
22	K.	GOVERNMENT-WIDE SUPPORT			
23					

24 PART III. CAPITAL IMPROVEMENT PROJECTS

25 SECTION 4. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The

26 sums appropriated or authorized in part II of this Act for

27 capital improvements shall be expended for the projects listed

28 below. Accounting of the appropriations by the department of

29 accounting and general services shall be based on the projects

30 as the projects are listed in this section. Several related or

31 similar projects may be combined into a single project if the



1 combination is advantageous or convenient for implementation;
 2 provided that the total cost of the projects thus combined shall
 3 not exceed the total of the sum specified for the projects
 4 separately. (The amount after each cost element and the total
 5 funding for each project listed in this part are in thousands of
 6 dollars).

7

CAPITAL IMPROVEMENT PROJECTS

APPROPRIATIONS (in 000'S)

CAPITAL ITEM NO.	PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (in 000'S)	
				FISCAL YEAR 2023-2024	M O F
A.		ECONOMIC DEVELOPMENT			
B.		EMPLOYMENT			
C.		TRANSPORTATION FACILITIES			
D.		ENVIRONMENTAL PROTECTION			
E.		HEALTH			
F.		SOCIAL SERVICES			
G.		FORMAL EDUCATION			
H.		CULTURE AND RECREATION			
I.		PUBLIC SAFETY			
J.		INDIVIDUAL RIGHTS			
K.		GOVERNMENT-WIDE SUPPORT			

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1 PART IV. CAPITAL IMPROVEMENT PROGRAM PROVISIONS

2 SECTION 5.

3 PART V. SPECIAL PROVISIONS

4 SECTION 6. The governor may supplement funds for any cost
5 element for a capital improvement project authorized under this
6 Act by transferring sums as may be needed from the funds
7 appropriated for any other cost element of the same project by
8 this Act or any other prior or future act that has not lapsed;
9 provided that the total expenditure of funds for all cost
10 elements shall not exceed the total appropriations for that
11 project; provided further that the governor shall submit a
12 report to the legislature of all uses of this authority for the
13 previous twelve-month period from December 1 to November 30 no
14 later than thirty days prior to the convening of the regular
15 sessions of 2024 and 2025.

16 SECTION 7. Any provision of this Act to the contrary
17 notwithstanding, the appropriations made for capital improvement
18 projects authorized under this Act shall not lapse at the end of
19 the fiscal biennium for which the appropriation is made;
20 provided that all appropriations made to be expended in fiscal
21 biennium 2023-2025 that are unencumbered as of June 30, 2026,



1 shall lapse as of that date; provided further that this lapsing
2 date shall not apply to non-general fund appropriations for
3 projects described in part III of this Act where the
4 appropriations have been deemed necessary to qualify for federal
5 aid financing and reimbursement and are unencumbered as of
6 June 30, 2027, shall lapse as of that date.

7 SECTION 8. In releasing funds for capital improvement
8 projects, the governor shall consider legislative intent and the
9 objectives of the user agency and its programs; the scope and
10 level of the user agency's intended service; and the means,
11 efficiency, and economics by which the project will meet the
12 objectives of the user agency and the State; provided that
13 agencies responsible for construction shall take into
14 consideration legislative intent, the objectives of the user
15 agency and its programs, and the scope and level of the user
16 agency's intended service and construct the improvement to meet
17 the objectives of the user agency in the most efficient and
18 economical manner possible.

19 SECTION 9. With the approval of the governor, designated
20 expending agencies for capital improvement projects authorized
21 in this Act may delegate to other state or county agencies the



1 implementation of projects when it is determined advantageous to
2 do so by both the original expending agency and the agency to
3 which expending authority is to be delegated; provided that the
4 governor shall submit a report to the legislature of all uses of
5 this authority for the previous twelve-month period from
6 December 1 to November 30 no later than thirty days prior to the
7 convening of the regular sessions of 2024 and 2025.

8 SECTION 10. No appropriation authorized in this Act for
9 expenditure by a political subdivision of the State shall be
10 considered to be a mandate to undertake new programs or to
11 increase the level of services under existing programs of that
12 political subdivision. If any appropriation authorized in this
13 Act constitutes such a mandate within the provisions of section
14 5 of article VIII of the Hawaii State Constitution, the
15 authorization shall be void and, in the case of capital
16 improvement appropriations designated to be financed from the
17 general obligation bond fund, the total general obligation bonds
18 authorized for those projects shall be correspondingly
19 decreased.

20 SECTION 11. Whenever the expending agency to which an
21 appropriation is made is changed due to legislation enacted



1 during any session of the legislature that affects the
2 appropriations made by this Act, the governor shall transfer the
3 necessary funds and positions to the proper expending agency as
4 provided by law.

5 SECTION 12. If the State should assume the direct
6 operation of any non-governmental agency receiving state funds
7 under the provisions of this Act, all related state funds shall
8 constitute a credit to the State against the costs of acquiring
9 all or any portion of the property, real, personal, or mixed, of
10 the non-governmental agency. This credit shall be applicable
11 regardless of when the acquisition takes place.

12 SECTION 13. Where an agency is authorized to secure funds
13 or other property from private organizations or individuals to
14 be expended or utilized in connection with any authorized
15 program, the agency, with the governor's approval, may enter
16 into the undertaking; provided that the provisions of the
17 undertaking comply with applicable state constitutional and
18 statutory requirements; provided further that the governor shall
19 submit a report to the legislature of all uses of this authority
20 for the previous twelve-month period from December 1 to



1 November 30 no later than thirty days prior to the convening of
2 the regular sessions of 2024 and 2025.

3 SECTION 14. Except as otherwise provided by general law,
4 negotiations for the purchase of land by state agencies shall be
5 subject to the approval of the governor and the department of
6 land and natural resources or other appropriate agency; provided
7 that private lands may be acquired for the purpose of exchange
8 for federal lands when the department of land and natural
9 resources and the governor determine that the acquisition and
10 exchange are necessary for the completion of any project
11 specifically authorized by this Act.

12 SECTION 15. With the approval of the governor, expending
13 agencies that use appropriations authorized in part II of this
14 Act for planning, land acquisition, design, construction, and
15 equipment for repair and alterations may delegate that
16 responsibility and transfer funds to public works - planning,
17 design, and construction (AGS221) for the implementation of the
18 repair and alterations when it is determined by the agencies
19 that it is advantageous to do so; provided that the governor
20 shall submit to the legislature a summary report of all uses of
21 this authority for the previous twelve-month period from



1 December 1 to November 30 no later than thirty days prior to the
2 convening of the regular sessions of 2024 and 2025.

3 **PART VI. MISCELLANEOUS AND EFFECTIVE DATE**

4 SECTION 16. If any portion of this Act or its application
5 to any person, entity, or circumstance is held to be invalid for
6 any reason, the legislature declares that the remainder of the
7 Act and each and every other provision thereof shall not be
8 affected thereby. If any portion of a specific appropriation is
9 held to be invalid for any reason, the remaining portion shall
10 be expended to fulfill the objective of that appropriation to
11 the extent possible.

12 SECTION 17. If manifest clerical, typographical, or other
13 mechanical errors are found in this Act, the governor is hereby
14 authorized to correct the errors.

15 SECTION 18. This Act shall take effect on July 1, 2023.

16

INTRODUCED BY: *David L. ...*



S.B. NO. 303

Report Title:

Chapter 42F; Grants; Appropriations

Description:

Appropriates operating and capital improvement grants for fiscal year 2023.

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

