



GOV. MSG. NO. 1210

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 22, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 22, 2023, the following bill was signed into law:

HB1369 HD1 SD2 CD1

RELATING TO NURSING FACILITIES.
ACT 109

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 22 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1369
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO NURSING FACILITIES.

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

1 SECTION 1. The legislature finds that the nursing facility
2 sustainability program was established in 2012 and has served a
3 critical role in strengthening the long-term care system in the
4 State. In the eleven years since its inception, the nursing
5 facility sustainability program has helped long-term care
6 facilities treat the most vulnerable patients in the State,
7 especially low-income individuals who require these services.
8 The program has been carried out in a public-private partnership
9 to ensure that patients in the State can access quality,
10 affordable care.

11 The legislature further finds that, even with this program,
12 nursing facilities in the State face major challenges. These
13 challenges are due in part to the health and financial pressures
14 related to the ongoing coronavirus disease 2019 pandemic.
15 Medicaid is jointly financed by the federal and state
16 governments by statutory formula whereby the federal government
17 pays between fifty per cent and seventy-four per cent, with



1 assistance levels determined by each state's per capita income.
2 States with the lowest per capita income relative to the
3 national average receive higher federal matching rates. Under
4 federal rules, the state share must be public funds that are not
5 federal funds. The legislature finds that public funding to
6 help financially sustain Hawaii's nursing facilities should
7 continue to be assessed through the nursing facility
8 sustainability program's provider fee, which is currently
9 scheduled to repeal in 2024.

10 The legislature further finds that provider fees exist in
11 forty-nine states and the District of Columbia as a means of
12 drawing down federal funds to sustain their medicaid programs,
13 increase the number of health care providers, and expand
14 medicaid enrollment. Provider fees, which are collected from
15 specific categories of health care providers, may be imposed on
16 different classes of health care services, including inpatient
17 and outpatient hospital and nursing facility services.

18 The legislature also finds that a provider fee on nursing
19 facilities in the State has resulted in a substantial increase
20 in medicaid payments without putting additional constraints on
21 the State's budget. The additional federal funds obtained via



1 the nursing facility sustainability program have also maintained
2 access to care for medicaid recipients. This has allowed
3 nursing facilities in the State to continue to serve under- or
4 uninsured patients in a timely, effective manner, and helped to
5 ensure the overall sustainability of the health care system in
6 the State.

7 Therefore, the purpose of this Act is to preserve access to
8 health care for medicaid recipients and strengthen the nursing
9 sustainability program by:

- 10 (1) Repealing the sunset dates of Act 156, Session Laws of
11 Hawaii 2012, and Act 124, Session Laws of Hawaii 2014,
12 thereby making the program permanent and permanently
13 exempting the nursing facility sustainability program
14 special fund from the central service and
15 administrative expenses assessments;
- 16 (2) Making various amendments to the nursing facility
17 sustainability program and nursing facility
18 sustainability program special fund;
- 19 (3) Repealing the nursing facility tax; and
- 20 (4) Appropriating funds out of the nursing facility
21 sustainability program special fund.



1 SECTION 2. Section 23-78, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) This section shall apply to the following:

- 4 (1) Section 237-24.7(1)--Amounts received by hotel
5 operators and hotel suboperators for employee wages
6 and fringe benefits;
- 7 (2) Section 237-24.7(2)--Amounts received by a county
8 transportation system operator under a contract with
9 the county;
- 10 (3) Section 237-24.7(4)--Amounts received by orchard
11 property operators for employee wages and fringe
12 benefits;
- 13 (4) Section [~~237-24.7(6)~~] 237-24.7(5)--Amounts received
14 from insurers for damage or loss of inventory of
15 businesses located in a natural disaster area;
- 16 (5) Section [~~237-24.7(7)~~] 237-24.7(6)--Amounts received by
17 community organizations, school booster clubs, and
18 nonprofit organizations for precinct and other
19 election-related activities;
- 20 (6) Section [~~237-24.7(8)~~] 237-24.7(7)--Interest received
21 by persons domiciled outside the State from trust



1 companies acting as payment agents or trustees on
2 behalf of issuers or payees of interest-bearing
3 instruments or obligations;

4 (7) Section [~~237-24.7(9)~~] 237-24.7(8)--Amounts received by
5 management companies from related entities engaged in
6 interstate or foreign common carrier
7 telecommunications services for employee wages and
8 fringe benefits; and

9 (8) Section [~~237-24.7(10)~~] 237-24.7(9)--Amounts received
10 from technology research and development grants."

11 SECTION 3. Section 237-24.7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§237-24.7 Additional amounts not taxable.** In addition to
14 the amounts not taxable under section 237-24, this chapter shall
15 not apply to:

16 (1) Amounts received by the operator of a hotel from the
17 owner of the hotel or from a time share association,
18 and amounts received by the suboperator of a hotel
19 from the owner of the hotel, from a time share
20 association, or from the operator of the hotel, in
21 amounts equal to and [~~which~~] that are disbursed by the



1 operator or suboperator for employee wages, salaries,
2 payroll taxes, insurance premiums, and benefits,
3 including retirement, vacation, sick pay, and health
4 benefits. As used in this paragraph:

5 "Employee" means employees directly engaged in
6 the day-to-day operation of the hotel and employed by
7 the operator or suboperator.

8 "Hotel" means an operation as defined in section
9 445-90 or a time share plan as defined in section
10 514E-1.

11 "Operator" means any person who, pursuant to a
12 written contract with the owner of a hotel or time
13 share association, operates or manages the hotel for
14 the owner or time share association.

15 "Owner" means the fee owner or lessee under a
16 recorded lease of a hotel.

17 "Suboperator" means any person who, pursuant to a
18 written contract with the operator, operates or
19 manages the hotel as a subcontractor of the operator.

20 "Time share association" means an "association"
21 as that term is defined in section 514E-1;



1 (2) Amounts received by the operator of a county
2 transportation system operated under an operating
3 contract with a political subdivision, where the
4 political subdivision is the owner of the county
5 transportation system. As used in this paragraph:

6 "County transportation system" means a mass
7 transit system of motorized buses providing regularly
8 scheduled transportation within a county.

9 "Operating contract" or "contract" means a
10 contract to operate and manage a political
11 subdivision's county transportation system, which
12 provides that:

13 (A) The political subdivision shall exercise
14 substantial control over all aspects of the
15 operator's operation;

16 (B) The political subdivision controls the
17 development of transit policy, service
18 planning, routes, and fares; and

19 (C) The operator develops in advance a draft
20 budget in the same format as prescribed for
21 agencies of the political subdivision. The



1 budget must be subject to the same
2 constraints and controls regarding the
3 lawful expenditure of public funds as any
4 public sector agency, and deviations from
5 the budget must be subject to approval by
6 the appropriate political subdivision
7 officials involved in the budgetary process.

8 "Operator" means any person who, pursuant to an
9 operating contract with a political subdivision,
10 operates or manages a county transportation system.

11 "Owner" means a political subdivision that owns
12 or is the lessee of all the properties and facilities
13 of the county transportation system (including buses,
14 real estate, parking garages, fuel pumps, maintenance
15 equipment, office supplies, etc.), and that owns all
16 revenues derived therefrom;

17 (3) Surcharge taxes on rental motor vehicles imposed by
18 chapter 251 and passed on and collected by persons
19 holding certificates of registration under that
20 chapter;



1 (4) Amounts received by the operator of orchard properties
2 from the owner of the orchard property in amounts
3 equal to and [~~which~~] that are disbursed by the
4 operator for employee wages, salaries, payroll taxes,
5 insurance premiums, and benefits, including
6 retirement, vacation, sick pay, and health benefits.
7 As used in this paragraph:

8 "Employee" means an employee directly engaged in
9 the day-to-day operations of the orchard properties
10 and employed by the operator.

11 "Operator" means a producer who, pursuant to a
12 written contract with the owner of the orchard
13 property, operates or manages the orchard property for
14 the owner where the property contains an area
15 sufficient to make the undertaking economically
16 feasible.

17 "Orchard property" means any real property that
18 is used to raise trees with a production life cycle of
19 fifteen years or more producing fruits or nuts having
20 a normal period of development from the initial



1 planting to the first commercially saleable harvest of
2 not less than three years.

3 "Owner" means a fee owner or lessee under a
4 recorded lease of orchard property;

5 ~~[(5) Taxes on nursing facility income imposed by chapter~~
6 ~~346E and passed on and collected by operators of~~
7 ~~nursing facilities;~~

8 ~~+(6)]~~ (5) Amounts received under property and casualty
9 insurance policies for damage or loss of inventory
10 used in the conduct of a trade or business located
11 within the State or a portion thereof that is declared
12 a natural disaster area by the governor pursuant to
13 section 209-2;

14 ~~+(7)]~~ (6) Amounts received as compensation by community
15 organizations, school booster clubs, and nonprofit
16 organizations under a contract with the chief election
17 officer for the provision and compensation of precinct
18 officials and other election-related personnel,
19 services, and activities, pursuant to section 11-5;

20 ~~+(8)]~~ (7) Interest received by a person domiciled outside
21 the State from a trust company (as defined in section



1 412:8-101) acting as payment agent or trustee on
2 behalf of the issuer or payees of an interest bearing
3 instrument or obligation, if the interest would not
4 have been subject to tax under this chapter if paid
5 directly to the person domiciled outside the State
6 without the use of a paying agent or trustee; provided
7 that if the interest would otherwise be taxable under
8 this chapter if paid directly to the person domiciled
9 outside the State, it shall not be exempt solely
10 because of the use of a Hawaii trust company as a
11 paying agent or trustee;

12 [~~+9~~] (8) Amounts received by a management company from
13 related entities engaged in the business of selling
14 interstate or foreign common carrier
15 telecommunications services in amounts equal to and
16 [~~which~~] that are disbursed by the management company
17 for employee wages, salaries, payroll taxes, insurance
18 premiums, and benefits, including retirement,
19 vacation, sick pay, and health benefits. As used in
20 this paragraph:



1 "Employee" means employees directly engaged in
2 the day-to-day operation of related entities engaged
3 in the business of selling interstate or foreign
4 common carrier telecommunications services and
5 employed by the management company.

6 "Management company" means any person who,
7 pursuant to a written contract with a related entity
8 engaged in the business of selling interstate or
9 foreign common carrier telecommunications services,
10 provides managerial or operational services to that
11 entity.

12 "Related entities" means:

- 13 (A) An affiliated group of corporations within
14 the meaning of section 1504 (with respect to
15 affiliated group defined) of the federal
16 Internal Revenue Code of 1986, as amended;
- 17 (B) A controlled group of corporations within
18 the meaning of section 1563 (with respect to
19 definitions and special rules) of the
20 federal Internal Revenue Code of 1986, as
21 amended;



1 (C) Those entities connected through ownership
2 of at least eighty per cent of the total
3 value and at least eighty per cent of the
4 total voting power of each ~~such~~ entity (or
5 combination thereof), including
6 partnerships, associations, trusts, S
7 corporations, nonprofit corporations,
8 limited liability partnerships, or limited
9 liability companies; and

10 (D) Any group or combination of the entities
11 described in paragraph (C) constituting a
12 unitary business for income tax purposes;
13 whether or not the entity is located within or without
14 the State or licensed under this chapter; and

15 ~~[(10)]~~ (9) Amounts received as grants under
16 section 206M-15."

17 SECTION 4. Section 346D-4.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) There may be established a monthly needs allowance
20 for individuals living in:



- 1 (1) Adult residential care home type I and type II
- 2 facilities;
- 3 (2) Licensed developmental disabilities domiciliary homes
- 4 as defined in section 321-15.9;
- 5 (3) Community care foster family homes as defined in
- 6 section 321-481;
- 7 (4) Certified adult foster homes as defined in
- 8 section 321-11.2;
- 9 (5) Domiciliary care as defined in section 346-1;
- 10 (6) A nursing facility [~~as defined in section 346E-1~~]; or
- 11 (7) A community-based residence as part of the residential
- 12 alternatives community care program."

13 SECTION 5. Section 346F-2, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "[+]§346F-2[+] **Findings and declaration of necessity.** It
 16 is the intent of the legislature to establish a special fund
 17 within the state treasury to receive revenue from the imposition
 18 of a nursing facility sustainability fee to be administered by
 19 the department, which shall use the revenue from the fee and
 20 associated federal medicaid matching funds exclusively to make



1 payments to nursing facilities and for other purposes as set
2 forth in this chapter."

3 SECTION 6. Section 346F-4, Hawaii Revised Statutes, is
4 amended by amending subsections (b) through (d) to read as
5 follows:

6 "(b) Moneys in the special fund shall consist of:

7 (1) All revenues collected or received by the department
8 from the nursing facility sustainability fee as
9 required by this chapter;

10 ~~[-2-] All federal medicaid funds received by the department~~
11 ~~as a result of matching expenditures made with the~~
12 ~~nursing facility sustainability fees;~~

13 ~~[-3-] (2) Any interest or penalties levied in conjunction~~
14 ~~with the administration of this chapter; and~~

15 ~~[-4-] (3) Any designated appropriations, federal funds,~~
16 ~~donations, gifts, or moneys from any other sources.~~

17 (c) Revenue from the nursing facility sustainability fee
18 shall be used exclusively as follows:

19 (1) No less than eighty-eight per cent of the revenue from
20 the nursing facility sustainability fee shall be used
21 for one or more of the following:



- 1 (A) To match federal medicaid funds, with the
2 combined total to be used to enhance capitated
3 rates to medicaid managed care health plans for
4 the purpose of increasing medicaid payments to
5 private nursing facilities to support the
6 availability of services and ensure access to
7 care for the medicaid managed care health plan
8 enrollees; or
- 9 (B) To match federal medicaid funds, with the
10 combined total to enhance capitated rates for the
11 purpose of paying quality incentives; and
- 12 (2) Twelve per cent of the revenue from the nursing
13 facility sustainability fee may be used by the
14 department for other departmental purposes[; ~~and~~
- 15 ~~(3) All moneys remaining in the special fund on June 30,~~
16 ~~2024, shall be distributed to nursing facilities~~
17 ~~within thirty days in the same proportions as received~~
18 ~~from the nursing facilities].~~
- 19 (d) The department shall utilize federal funds derived
20 from state long-term care facility certified expenditures to
21 make [~~supplemental~~] payments to state long-term care facilities



1 to the extent permitted by federal law. The department may
2 receive intergovernmental transfers from the state long-term
3 care facilities to support [~~direct supplemental~~] payments and
4 increased capitation rates to health plans for the benefit of
5 the state long-term care facilities. During any period in which
6 the nursing facility sustainability fee is in effect, certified
7 expenditures of state long-term care facilities shall not be
8 used to make or support [~~direct~~] payments to private nursing
9 facilities."

10 SECTION 7. Section 346F-5, Hawaii Revised Statutes, is
11 amended by amending subsections (b) through (d) to read as
12 follows:

13 "(b) The nursing [+]facility[+] sustainability fee shall
14 be based on the [~~net patient service revenue~~] total resident
15 days of all nursing facilities that are subject to the
16 sustainability fee, as determined by the department.

17 (c) The nursing facility sustainability fee shall not
18 exceed [~~5.5~~] six per cent of overall net patient service revenue
19 and shall be calculated and paid on a per resident day basis,
20 unless the facility qualifies for an exemption identified in
21 subsection (d) (1). The facilities described in subsection



1 (d) (2) shall pay a reduced daily fee compared to other
2 facilities participating in the program.

3 (d) In accordance with the redistribution method set forth
4 in title 42 Code of Federal Regulations section 433.68(e) (1) and
5 (2), the department shall seek a waiver of the broad-based and
6 uniformity provider fee requirements under federal law from
7 which to exclude certain nursing facilities and to permit
8 certain high volume medicaid nursing facilities or facilities
9 with a high number of total annual patient days to pay the
10 sustainability fee at a lesser amount per resident day, as
11 follows:

12 (1) The department shall exempt the following nursing
13 facility providers from the nursing facility
14 sustainability fee subject to federal approval under
15 title 42 Code of Federal Regulations
16 section 433.68(e) (2):

17 (A) Nursing facilities with twenty-eight or fewer
18 licensed beds;

19 (B) Nursing facilities owned, operated by, or
20 affiliated with the Hawaii health systems
21 corporation; and



1 (C) Continuing care retirement communities~~[-]~~;

2 (2) The department shall reduce the fee for [~~high volume~~
3 ~~medicaid nursing facilities or facilities with high~~
4 ~~patient volumes~~] facilities with high medicaid
5 resident days in order to meet the redistributive
6 tests of title 42 Code of Federal Regulations
7 section 433.68(e) (2) ~~[-]~~; and

8 (3) The department, [~~with agreement by~~] upon good faith
9 consultation and negotiation with the nursing facility
10 trade [~~associations~~] association located in [~~Hawaii,~~]
11 the State, may modify, add to, or [~~reduce the~~
12 ~~categories of~~] exclude facilities [~~exempt~~] from the
13 assessment if necessary to obtain and maintain
14 approval of the waiver by the Centers for Medicare and
15 Medicaid Services, if the modification, addition, or
16 exclusion is consistent with the purposes of this
17 chapter."

18 SECTION 8. Section 346F-6, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) The department shall [~~collect and each nursing~~
21 ~~facility shall pay in twelve equal installments~~] impose the



1 nursing facility sustainability fee [~~in section 346F-5 on a~~
2 ~~monthly basis, subject to the terms of this section. The fee~~
3 ~~shall be due within sixty days after the end of each month, with~~
4 ~~the initial payment due on the later of July 31, 2012, or forty-~~
5 ~~five days after the required federal approvals for the~~
6 ~~assessment and any increase in health plan capitation payments~~
7 ~~have been secured from the Centers for Medicare and Medicaid~~
8 ~~Services.] on a monthly basis, which a nursing facility shall
9 pay no later than the sixtieth day after the end of the calendar
10 month that the department imposed the fee; provided that if
11 required federal approvals have not been secured by the end of a
12 calendar month, the fees for that month shall be paid within ten
13 days after the notification to the nursing facilities that the
14 required approvals have been received."~~

15 SECTION 9. Section 346F-9, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) If a nursing facility fails to pay the full amount of
18 the nursing facility sustainability fee when due, there shall be
19 added to the fee, unless waived by the department for reasonable
20 cause, a penalty equal to two per cent of the fee that was not
21 paid when due. Any subsequent payments shall be credited first



1 to unpaid fee amounts [~~rather than to penalty or interest~~
2 ~~amounts,~~] beginning with the most delinquent installment[-],
3 rather than to penalty or interest amounts."

4 SECTION 10. Section 346F-10, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§346F-10 Enhanced rates to medicaid managed care health**
7 **plans.** (a) In accordance with title 42 Code of Federal
8 Regulations part 438, the department shall use revenues from the
9 nursing facility sustainability fee and federal matching funds
10 to enhance the capitated rates paid to medicaid managed care
11 health plans [~~for the period of July 1 through December 31,~~
12 ~~2021, and calendar years 2022 and 2023,~~] consistent with the
13 following objectives:

14 (1) The [~~rate enhancement shall be used exclusively for~~
15 ~~increasing reimbursements to private nursing~~
16 ~~facilities to support the availability of services and~~
17 ~~to ensure access to care to the medicaid managed care~~
18 ~~health plan enrollees;~~] department shall use moneys
19 from the nursing facility sustainability program
20 solely to fulfill the requirements of
21 section 346F-4 (c);



1 (2) The rate enhancement shall be [~~made part of the~~
2 monthly capitated rates] paid by the department to
3 medicaid managed care health plans, which shall
4 provide documentation to the department and the
5 nursing facility trade association located in [~~Hawaii~~]
6 the State certifying that the revenues received under
7 paragraph [~~(1)~~] (3) are used in accordance with this
8 section;

9 (3) The rate enhancement shall be used exclusively to
10 increase reimbursements to private nursing facilities
11 to support the availability of services and ensure
12 access to care for medicaid managed care health plan
13 enrollees;

14 [~~(3)~~] (4) The rate enhancement shall be actuarially sound
15 and approved by the federal government for federal
16 fund participation;

17 [~~(4)~~] (5) The department shall modify the fee-for-service
18 reimbursement rates of the nursing facilities to
19 recognize the medicaid portion of the nursing facility
20 sustainability fee as an additional cost of serving



1 medicaid patients, and to provide a uniform percentage
2 increase in preexisting facility-specific rates; ~~and~~
3 ~~(5)]~~ (6) Payments made by the medicaid managed care health
4 plans shall be made within thirty calendar days upon
5 receipt of ~~[monthly capitation rates]~~ payment from the
6 department~~[-]~~; and

7 (7) Each medicaid managed care health plan shall expend
8 one hundred per cent of any increased payments it
9 receives under this section to carry out the goals of
10 the nursing facility sustainability program.

11 (b) If federal approval pursuant to section 346F-7 is not
12 received until after the end of any month for which the nursing
13 facility sustainability fee is applicable, the department shall
14 make the initial monthly payments within five days after receipt
15 of the nursing facility sustainability fee for the respective
16 month.

17 (c) To the extent the nursing facility sustainability
18 program is not effective for the entire year, the nursing
19 facility sustainability fee, the state medicaid expenses and
20 administrative fee, and the corresponding payments to fulfill



1 the requirements of section 346F-4(c) shall be based on the
2 proportion of the fiscal year the program is in effect."

3 SECTION 11. Section 346F-13, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§346F-13 Termination.** (a) Collection of the nursing
6 facility sustainability fee under section 346F-5 shall be
7 discontinued if:

- 8 (1) The waiver in section 346F-7 or the enhanced
9 capitation rates in section 346F-10 have not been
10 approved by the Centers for Medicare and Medicaid
11 Services;
- 12 (2) The department reduces [~~funding for nursing facility~~
13 ~~services below the state appropriation in effect on~~
14 ~~June 30, 2021,~~] reimbursement rates for private
15 nursing facility services to medicaid patients with
16 the intention of using the sustainability funds to
17 supplant the planned or permanent reduction in rates;
- 18 (3) The department or any other state agency uses the
19 money in the special fund for any use other than the
20 uses permitted pursuant to this chapter; or



1 (4) Federal financial participation to match the nursing
2 facility sustainability fee becomes unavailable under
3 federal law[~~. In such~~], in which case, the department
4 shall terminate the collection of the fee beginning on
5 the effective date of the federal statutory,
6 regulatory, or interpretive change.

7 (b) If [~~collection of~~] the nursing facility sustainability
8 fee is discontinued [~~as provided in this section~~], any
9 [~~remaining~~] money remaining in the nursing facility
10 sustainability program special fund shall be [~~returned~~]
11 distributed to the nursing facilities [~~from which the fee was~~
12 ~~collected~~] within [~~thirty days~~] six months of the date of
13 discontinuation in the same proportions as received from the
14 nursing facilities."

15 SECTION 12. Chapter 346E, Hawaii Revised Statutes, is
16 repealed.

17 SECTION 13. Act 156, Session Laws of Hawaii 2012, as
18 amended by section 3 of Act 142, Session Laws of Hawaii 2013, as
19 amended by section 2 of Act 124, Session Laws of Hawaii 2014, as
20 amended by section 2 of Act 69, Session Laws of Hawaii 2015, as
21 amended by section 2 of Act 59, Session Laws of Hawaii 2016, as



1 amended by section 5 of Act 60, Session Laws of Hawaii 2017, as
2 amended by section 6 of Act 163, Session Laws of Hawaii 2019, as
3 amended by section 7 of Act 24, Session Laws of Hawaii 2021, is
4 amended by amending section 5 to read as follows:

5 "SECTION 5. This Act shall take effect on July 1, 2012[~~7~~
6 and shall be repealed on December 31, 2023; provided that
7 section ~~4~~, Hawaii Revised Statutes, established by section 2
8 of this Act, and the amendment made to section 36-30(a), Hawaii
9 Revised Statutes, in section 3 of this Act, shall be repealed on
10 June 30, 2024]."

11 SECTION 14. Act 124, Session Laws of Hawaii 2014, as
12 amended by section 3 of Act 69, Session Laws of Hawaii 2015, as
13 amended by section 3 of Act 59, Session Laws of Hawaii 2016, as
14 amended by section 6 of Act 60, Session Laws of Hawaii 2017, as
15 amended by section 7 of Act 163, Session Laws of Hawaii 2019, as
16 amended by section 8 of Act 24, Session Laws of Hawaii 2021, is
17 amended by amending section 7 to read as follows:

18 "SECTION 7. This Act shall take effect on June 29, 2014[~~7~~
19 provided that:

20 ~~(1) Section 5 shall take effect on July 1, 2014; and~~



1 ~~(2) The amendments made to sections 36-27(a) and 36-30(a),~~
2 ~~Hawaii Revised Statutes, in sections 3 and 4 of this~~
3 ~~Act shall be repealed on June 30, 2024]."~~

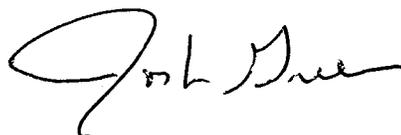
4 SECTION 15. There is appropriated out of the nursing
5 facility sustainability program special fund the sum of
6 \$27,000,000 or so much thereof as may be necessary for fiscal
7 year 2023-2024 and the same sum or so much thereof as may be
8 necessary for fiscal year 2024-2025 for purposes consistent with
9 section 346F-4, Hawaii Revised Statutes.

10 The sums appropriated shall be expended by the department
11 of human services for the purposes of this Act.

12 SECTION 16. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 17. This Act shall take effect upon its approval;
15 provided that sections 14 and 15 shall take effect on July 1,
16 2023.

APPROVED this 22nd day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 1369, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: **MAY 04 2023**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

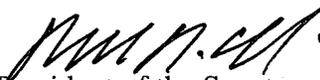


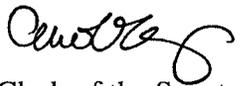
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: MAY 04 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate