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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 (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 over  
6 twenty-eight thousand applicants on the department of Hawaiian  
7 home lands waitlist.

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 Hawaii State Constitution provides in part that no general  
12 fund appropriation shall be for a period exceeding three years.  
13 This provision therefore permits the encumbrance of biennial  
14 appropriations one year beyond the biennial period, or no later  
15 than June 30, 2024, for the fiscal biennium 2021-2023.  
16 Accordingly, unencumbered funds appropriated by Act 279 will  
17 lapse on June 30, 2024.



1 The purpose of this Act is to:

2 (1) Give practical effect to the legislature's intent for  
3 the appropriation in Act 279 by depositing certain  
4 unexpended or unencumbered funds appropriated through  
5 Act 279 that are set to lapse on June 30, 2024, into  
6 an Act 279 special fund and appropriating funds out of  
7 the Act 279 special fund; and

8 (2) Provide that monies from the appropriation out of the  
9 Act 279 special fund that are unencumbered as June 30,  
10 2026, shall lapse as of that date.

11 SECTION 2. The Hawaiian Homes Commission Act, 1920, as  
12 amended, is amended by adding a new section to be appropriately  
13 designated and to read as follows:

14 "§ . Act 279 special fund. (a) There is established in  
15 the state treasury the Act 279 special fund to be administered  
16 by the department of Hawaiian home lands and into which shall be  
17 deposited:

18 (1) Appropriations made by the legislature to the special  
19 fund;

20 (2) Grants provided by governmental agencies or any other  
21 source;



- 1        (3) Donations and contributions made by private
- 2            individuals or organizations for deposit into the
- 3            special fund;
- 4        (4) Interest accrued on all amounts in the special fund;
- 5            and
- 6        (5) Any other moneys made available to the special fund
- 7            from other sources.
- 8        (b) Moneys in the special fund shall be used by the
- 9        department of Hawaiian home lands to fulfill its fiduciary
- 10       duties to beneficiaries of this Act and Act 279, Session Laws of
- 11       Hawaii 2022, including:
- 12           (1) Developing lots or units;
- 13           (2) Purchasing available land or units;
- 14           (3) Providing funding for an applicant on the waiting list
- 15           or a qualified relative of the applicant similar to
- 16           the qualified relative of a lessee as referenced in
- 17           section 208(5) of the Hawaiian Home Commission Act of
- 18           1920, as amended, who does not own a principal
- 19           residence to purchase;



- 1        (4) Providing a mortgage or rental subsidy to the
- 2                    applicant on the waiting list for the applicant's
- 3                    principal residence in the State; and
- 4        (5) Other services as necessary to address the waiting
- 5                    list."

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

8            "SECTION 6. There is appropriated out of the general  
 9 revenues of the State of Hawaii the sum of \$600,000,000 or so  
 10 much there of as may be necessary for fiscal year 2021-2022 for  
 11 the purposes of this Act; provided that any moneys not expended  
 12 or encumbered for specific purposes shall lapse to the [~~general~~  
 13 ~~fund~~] Act 279 special fund established pursuant to Act ,  
 14 Session Laws of Hawaii 2024, on June 30, [~~2025.~~] 2024.

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

17            SECTION 4. There is appropriated out of the Act 279  
 18 special fund the sum of \$                    or so much thereof as may be  
 19 necessary for fiscal year 2024-2025 for the purposes of the  
 20 special fund; provided that all moneys from the appropriation  
 21 unencumbered as of June 30, 2026, shall lapse as of that date.



1           The sum appropriated shall be expended by the department of  
2 Hawaiian home lands for the purposes of Act 279, Session Laws of  
3 Hawaii 2022.

4           SECTION 5. On June 30, 2026, the Act 279 special fund  
5 shall be abolished and any unexpended and unencumbered balance  
6 as of the close of business on June 30, 2026, shall lapse to the  
7 general fund on that date.

8           SECTION 6. If any provision of this Act, or the  
9 application thereof to any person or circumstance, is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act that can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14           SECTION 7. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 8. This Act shall take effect on June 29, 3000;  
17 provided that section 2 shall be repealed on June 30, 2026.



**Report Title:**

DHHL; Act 279 Special Fund; Appropriation

**Description:**

Establishes the Act 279 special fund until 6/30/2026. Deposits certain unexpended and unencumbered funds appropriated through Act 279, Session Laws of Hawaii 2022, that are set to lapse on 6/30/2024 into the Act 279 special fund and appropriates funds out of the special fund. Lapses unencumbered monies from the appropriation out of the Act 279 special fund on 6/30/2026. Effective 6/29/3000. (HD2)

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

