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

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- 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

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- 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.

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INTRODUCED BY:

JAN 1 9 2024

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.

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