
A BILL FOR AN ACT

RELATING TO STATE BONDS.

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

1 SECTION 1. Declaration of findings with respect to the
2 general obligation bonds authorized by this Act. Pursuant to
3 article VII, section 13, of the state constitution, which
4 states: "Effective July 1, 1980, the legislature shall include
5 a declaration of findings in every general law authorizing the
6 issuance of general obligation bonds that the total amount of
7 principal and interest, estimated for such bonds and for all
8 bonds authorized and unissued and calculated for all bonds
9 issued and outstanding, will not cause the debt limit to be
10 exceeded at the time of issuance", the legislature finds and
11 declares as follows:

12 (1) Limitation on general obligation debt. The debt limit
13 of the State is set forth in article VII, section 13,
14 of the state constitution, which states in part:
15 "General obligation bonds may be issued by the State;
16 provided that such bonds at the time of issuance would
17 not cause the total amount of principal and interest



1 payable in the current or any future fiscal year,
2 whichever is higher, on such bonds and on all
3 outstanding general obligation bonds to exceed: a sum
4 equal to twenty percent of the average of the general
5 fund revenues of the State in the three fiscal years
6 immediately preceding such issuance until June 30,
7 1982; and thereafter, a sum equal to eighteen and one-
8 half percent of the average of the general fund
9 revenues of the State in the three fiscal years
10 immediately preceding such issuance." Article VII,
11 section 13, of the state constitution also provides
12 that in determining the power of the State to issue
13 general obligation bonds, certain bonds are
14 excludable, including "[r]eimburseable general
15 obligation bonds issued for a public undertaking,
16 improvement or system but only to the extent that
17 reimbursements to the general fund are in fact made
18 from the net revenue, or net user tax receipts, or
19 combination of both, as determined for the immediately
20 preceding fiscal year" and bonds constituting
21 instruments of indebtedness under which the State



1 incurs a contingent liability as a guarantor, but only
 2 to the extent the principal amount of those bonds does
 3 not exceed seven per cent of the principal amount of
 4 outstanding general obligation bonds not otherwise
 5 excluded under said article VII, section 13, of the
 6 state constitution.

7 (2) Actual and estimated debt limits. The limit on
 8 principal and interest of general obligation bonds
 9 issued by the State, actual for fiscal
 10 year - and estimated for each fiscal year
 11 from - to - , is as follows:

12	Fiscal	Net General	
13	<u>Year</u>	<u>Fund Revenues</u>	<u>Debt Limit</u>
14			
15	For fiscal		
16	years - , - , - , - ,		
17	and - , respectively, the debt limit is derived		
18	by multiplying the average of the net general fund		
19	revenues for the three preceding fiscal years by		
20	eighteen and one-half per cent. The net general fund		
21	revenues for fiscal years - , - ,		
22	and - are actual, as certified by the director		



1 of finance in the Statement of the Debt Limit of the
2 State of Hawaii as of July 1, ,
3 dated , . The net general fund revenues
4 for fiscal years - to - are estimates,
5 based on general fund revenue estimates made as
6 of , , by the council on revenues, the
7 body assigned by article VII, section 7, of the state
8 constitution to make such estimates, and based on
9 estimates made by the department of budget and finance
10 of those receipts that cannot be included as general
11 fund revenues for the purpose of calculating the debt
12 limit, all of which estimates the legislature finds to
13 be reasonable.

14 (3) Principal and interest on outstanding bonds applicable
15 to the debt limit.

16 (A) According to the department of budget and
17 finance, the total amount of principal and
18 interest on outstanding general obligation bonds,
19 after the exclusions permitted by article VII,
20 section 13, of the state constitution, for
21 determining the power of the State to issue



1 general obligation bonds within the debt limit as
 2 of April 1, , is as follows for fiscal
 3 year - to fiscal year - :

4 Fiscal Principal
 5 Year and Interest

6 The department of budget and finance further
 7 reports that the amount of principal and interest
 8 on outstanding bonds applicable to the debt limit
 9 generally continues to decline each year from
 10 fiscal year - to fiscal
 11 year - when the final installment of
 12 \$ shall be due and payable.

14 (B) The department of budget and finance further
 15 reports that the outstanding principal amount of
 16 bonds constituting instruments of indebtedness
 17 under which the State may incur a contingent
 18 liability as a guarantor is \$, all or
 19 part of which is excludable in determining the
 20 power of the State to issue general obligation
 21 bonds, pursuant to article VII, section 13, of
 22 the state constitution.



1 (4) Amount of authorized and unissued general obligation
2 bonds and guaranties and proposed bonds and
3 guaranties.

4 (A) As calculated from the state comptroller's bond
5 fund report as of , , adjusted for:

6 (i) Appropriations to be funded by general
7 obligation bonds or reimbursable general
8 obligation bonds as provided in Act ,
9 Session Laws of Hawaii 2025 (the General
10 Appropriations Act of 2025) to be expended
11 in fiscal year - ;

12 (ii) Lapses as provided in Act , Session Laws
13 of Hawaii 2025 (the General Appropriations
14 Act of 2025);

15 (iii) Appropriations to be funded by general
16 obligation bonds or reimbursable general
17 obligation bonds as provided in Act ,
18 Session Laws of Hawaii 2025 (the Judiciary
19 Appropriations Act of 2025); and



1 (iv) Lapses as provided in Act , Session Laws
2 of Hawaii 2025 (the Judiciary Appropriations
3 Act of 2025);
4 the total amount of authorized but unissued
5 general obligation bonds is \$. The
6 total amount of general obligation bonds
7 authorized in this Act is \$. The total
8 amount of general obligation bonds previously
9 authorized and unissued, as adjusted, and the
10 general obligation bonds authorized in this Act
11 is \$.

12 (B) As reported by the department of budget and
13 finance the outstanding principal amount of bonds
14 constituting instruments of indebtedness under
15 which the State may incur a contingent liability
16 as a guarantor is \$, all or part of
17 which is excludable in determining the power of
18 the State to issue general obligation bonds,
19 pursuant to article VII, section 13, of the state
20 constitution.



1 (5) Proposed general obligation bond issuance. As
2 reported therein for the fiscal
3 years - , - , - , - ,
4 and - , the State proposes to issue
5 \$ in general obligation bonds during the
6 first half of fiscal year - , \$ in
7 general obligation bonds during the second half of
8 fiscal year - , \$ in general
9 obligation bonds semiannually during fiscal
10 years - and - , and \$ in
11 general obligation bonds semiannually during fiscal
12 years - and - . Generally, it has been
13 the practice of the State to issue twenty-year serial
14 bonds with principal repayments beginning in the third
15 year, the bonds payable in substantially equal annual
16 installments of principal and interest payment with
17 interest payments commencing six months from the date
18 of issuance and being paid semi-annually thereafter.
19 It is assumed that this practice will continue to be
20 applied to the bonds that are proposed to be issued.



1 (6) Sufficiency of proposed general obligation bond
2 issuance to meet the requirements of authorized and
3 unissued bonds, as adjusted, and bonds authorized by
4 this Act. From the schedule reported in paragraph
5 (5), the total amount of general obligation bonds that
6 the State proposes to issue during the fiscal
7 years - to - is \$. An
8 additional \$ is proposed to be issued in
9 fiscal year - . The total amount of
10 \$ that is proposed to be issued through
11 fiscal year - is sufficient to meet the
12 requirements of the authorized and unissued bonds, as
13 adjusted, the total amount of which is
14 \$ reported in paragraph (4), except for
15 \$. It is assumed that the appropriations to
16 which an additional \$ in bond issuance needs
17 to be applied will have been encumbered as of
18 June 30, . The \$ that is proposed to be
19 issued in fiscal year - will be sufficient to
20 meet the requirements of the June 30, ,
21 encumbrances in the amount of \$. The amount



1 of assumed encumbrances as of June 30, , is
2 reasonable and conservative, based upon an inspection
3 of June 30 encumbrances of the general obligation bond
4 fund as reported by the state comptroller. Thus,
5 taking into account the amount of authorized and
6 unissued bonds, as adjusted, and the bonds authorized
7 by this Act versus the amount of bonds proposed to be
8 issued by June 30, , and the amount of
9 June 30, , encumbrances versus the amount of bonds
10 proposed to be issued in fiscal year - , the
11 legislature finds that in the aggregate, the amount of
12 bonds proposed to be issued is sufficient to meet the
13 requirements of all authorized and unissued bonds and
14 the bonds authorized by this Act.

15 (7) The Hawaii housing finance and development corporation
16 may secure a line of credit or other instrument of
17 indebtedness, in an amount not to exceed
18 \$ during the fiscal biennium beginning July
19 1, 2025, and ending June 30, 2027, to meet the
20 requirements of federal tax law for the bond volume



1 cap recycling program under section 39B-2(f), Hawaii
2 Revised Statutes.

3 (8) Bonds excludable in determining the power of the State
4 to issue bonds. As noted in paragraph (1), certain
5 bonds are excludable in determining the power of the
6 State to issue general obligation bonds.

7 (A) General obligation reimbursable bonds can be
8 excluded under certain conditions. It is not
9 possible to make a conclusive determination as to
10 the amount of reimbursable bonds which are
11 excludable from the amount of each proposed bond
12 issued because:

13 (i) It is not known exactly when projects for
14 which reimbursable bonds have been
15 authorized in prior acts and in this Act
16 will be implemented and will require the
17 application of proceeds from a particular
18 bond issue; and

19 (ii) Not all reimbursable general obligation
20 bonds may qualify for exclusion.



1 However, the legislature notes that with respect
2 to the principal and interest on outstanding
3 general obligation bonds, according to the
4 department of budget and finance, the average
5 proportion of principal and interest that is
6 excludable each year from the calculation against
7 the debt limit is per cent for approximately
8 ten years from fiscal year - to fiscal
9 year - . For the purpose of this
10 declaration, the assumption is made that per
11 cent of each bond issue will be excludable from
12 the debt limit, an assumption that the
13 legislature finds to be reasonable and
14 conservative.

15 (B) Bonds constituting instruments of indebtedness
16 under which the State incurs a contingent
17 liability as a guarantor can be excluded, but
18 only to the extent the principal amount of those
19 guaranties does not exceed seven per cent of the
20 principal amount of outstanding general
21 obligation bonds not otherwise excluded under



1 subparagraph (A) of this paragraph; provided that
2 the State shall establish and maintain a reserve
3 in an amount in reasonable proportion to the
4 outstanding loans guaranteed by the State as
5 provided by law. According to the department of
6 budget and finance and the assumptions presented
7 herein, the total principal amount of outstanding
8 general obligation bonds and general obligation
9 bonds proposed to be issued, which are not
10 otherwise excluded under article VII, section 13,
11 of the state constitution for the fiscal
12 years - , - , - , - ,
13 and - are as follows:

14		Total amount of
15		General Obligation Bonds
16		not otherwise excluded by
17		Article VII, Section 13
18	<u>Fiscal Year</u>	<u>of the State Constitution</u>

19
20 Based on the foregoing and based on the assumption
21 that the full amount of a guaranty is immediately due
22 and payable when such guaranty changes from a
23 contingent liability to an actual liability, the



1 aggregate principal amount of the portion of the
2 outstanding guaranties and the guaranties proposed to
3 be incurred, which does not exceed seven per cent of
4 the average amount set forth in the last column of the
5 above table and for which reserve funds have been or
6 will have been established as heretofore provided, can
7 be excluded in determining the power of the State to
8 issue general obligation bonds. As it is not possible
9 to predict with a reasonable degree of certainty when
10 a guaranty will change from a contingent liability to
11 an actual liability, it is assumed in conformity with
12 fiscal conservatism and prudence, that all guaranties
13 not otherwise excluded pursuant to article VII,
14 section 13, of the state constitution will become due
15 and payable in the same fiscal year in which the
16 greatest amount of principal and interest on general
17 obligation bonds, after exclusions, occurs. Thus,
18 based on such assumptions and on the determination in
19 paragraph (8), all of the outstanding guaranties can
20 be excluded.



1 (9) Determination whether the debt limit will be exceeded
 2 at the time of issuance. From the foregoing and on
 3 the assumption that all of the bonds identified in
 4 paragraph (5) will be issued at an interest rate not
 5 to exceed per cent in fiscal
 6 years through , it can be determined from the
 7 following schedule that the bonds that are proposed to
 8 be issued, which include all authorized and unissued
 9 bonds previously authorized, as adjusted, general
 10 obligation bonds, and instruments of indebtedness
 11 under which the State incurs a contingent liability as
 12 a guarantor authorized in this Act, will not cause the
 13 debt limit to be exceeded at the time of such
 14 issuance:

15	16	17	18	19
	Time of Issuance	Debt Limit	Greatest Amount	
	and Amount to be	at Time of	and Year of	
	Counted Against	Issuance	Highest Principal	
	<u>Debt Limit</u>		and Interest	
			<u>on Bonds and Guaranties</u>	

20 (10) Overall and concluding finding. From the facts,
 21
 22 estimates, and assumptions stated in this declaration
 23 of findings, the conclusion is reached that the total



1 amount of principal and interest estimated for the
2 general obligation bonds authorized in this Act, and
3 for all bonds authorized and unissued, and calculated
4 for all bonds issued and outstanding, and all
5 guaranties, will not cause the debt limit to be
6 exceeded at the time of issuance.

7 SECTION 2. The legislature finds the bases for the
8 declaration of findings set forth in this Act are reasonable.
9 The assumptions set forth in this Act with respect to the
10 principal amount of general obligation bonds that will be
11 issued, the amount of principal and interest on reimbursable
12 general obligation bonds that are assumed to be excludable, and
13 the assumed maturity structure shall not be deemed to be
14 binding, it being the understanding of the legislature that such
15 matters must remain subject to substantial flexibility.

16 SECTION 3. Authorization for issuance of general
17 obligation bonds. General obligation bonds may be issued as
18 provided by law in an amount that may be necessary to finance
19 projects authorized in Act , Session Laws of Hawaii 2025 (the
20 General Appropriations Act of 2025), and Act , Session Laws
21 of Hawaii 2025 (the Judiciary Appropriations Act of 2025);



1 passed by the legislature during this regular session of 2025
2 and designated to be financed from the general obligation bond
3 fund and from the general obligation bond fund with debt service
4 cost to be paid from special funds; provided that the sum total
5 of general obligation bonds so issued shall not exceed
6 \$.

7 Any law to the contrary notwithstanding, general obligation
8 bonds may be issued from time to time in accordance with section
9 39-16, Hawaii Revised Statutes, in such principal amount as may
10 be required to refund any general obligation bonds of the State
11 of Hawaii heretofore or hereafter issued pursuant to law.

12 SECTION 4. Authorization to secure line of credit for the
13 bond volume cap recycling program. Pursuant to section 201H-88,
14 Hawaii Revised Statutes, the Hawaii housing finance and
15 development corporation may secure a line of credit or other
16 instrument of indebtedness, in an amount not to exceed
17 \$ during the fiscal biennium beginning July 1, 2025,
18 and ending June 30, 2027, to meet the requirements of federal
19 tax law for the bond volume cap recycling program under section
20 39B-2(f), Hawaii Revised Statutes.



1 SECTION 5. The provisions of this Act are declared to be
2 severable and if any portion thereof is held to be invalid for
3 any reason, the validity of the remainder of this Act shall not
4 be affected.

5 SECTION 6. In printing this Act, the revisor of statutes
6 shall substitute in section 1 and section 3 the corresponding
7 act numbers for acts identified therein.

8 SECTION 7. This Act shall take effect upon its approval.

9

INTRODUCED BY:



JAN 17 2025



H.B. NO. 794

Report Title:

State Bonds; State Budget; HHFDC; Bond Recycling Program

Description:

Authorizes issuance of general obligation bonds. Makes findings required by Article VII, Section 13, of the Hawaii State Constitution to declare that the issuance of authorized bonds will not cause the debt limit to 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.

