

ACT 42

H.B. NO. 1153

A Bill for an Act Relating to Funding Adjustments for State Programs.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. In prior years, the respective budget acts contained budget special provisions similar to sections 50, 51, 72, and 81 of Act 88, Session Laws of Hawaii 2021, the General Appropriations Act of 2021, which permitted departments to transfer funds between their projects; permitted departments to transfer funds between their programs, provided that the legislature was informed of the transfers; and established a protocol fund as a separate account to be expended at the discretion of the executive head of departments or agencies. However, Act 164, Session Laws of Hawaii 2023, the General Appropriations Act of 2023, (Act 164), as amended by Act 230, Session Laws of Hawaii 2024, the Supplemental Appropriations Act of 2024, does not include the special provisions. Consequently, although funds were appropriated to various state departments for their capital improvement program projects for fiscal biennium 2023-2025, the omission of the special provisions has caused operational limitations by limiting the ability of departments to supplement allotments and transfer funds between projects to address changing conditions.

PART II

SECTION 3. The purpose of this part is to address the omission of the special provisions that authorize supplemental allotments and transfer of unrequired balances for capital improvement program projects and that also establish a protocol fund as a separate account to be expended at the discretion of the executive head of departments in Act 164.

SECTION 4. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.2. If the authorized appropriations specified for capital improvement projects listed in this Act are insufficient and where the source of funding is designated as special funds, general obligation bond fund with debt service cost to be paid from special funds, revenue bond funds, or revolving funds, the governor may make supplemental allotments from the special fund or revolving fund responsible for cash or debt service payments for the projects or transfer unrequired balances from other unlapsed projects in this Act or prior appropriation acts that authorized the use of special funds, general obligation bond fund with debt service costs to be paid from special funds, revenue bond funds, or revolving funds; provided that the supplemental allotments shall not be used to increase the scope of the project; provided further that the supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established.”

SECTION 5. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.3. If the authorized appropriations specified for capital improvement projects listed in this Act are insufficient and where the source of funding is designated as airport passenger facility charge funds, the governor may make supplemental allotments from the airport revenue fund or airport revenue bond funds, or transfer unrequired balances from other unexpired projects in this Act or prior appropriation acts that authorized the use of airport passenger facility charge funds; provided that the supplemental allotments shall not be used to increase the scope of the project; provided further that the supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; provided further that the governor, at the governor’s discretion, may increase the passenger facility charge fund authorization ceiling for the program to accommodate the expenditure of the funds.”

SECTION 6. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.4. Of the respective operating appropriation authorized in part II of this Act for each principal state department as defined by section 26-4, Hawaii Revised Statutes, the sum of \$7,000 in fiscal year 2024-2025 shall be made available in each department to be established as a separate account for a protocol fund to be expended at the discretion of the executive head of the department (i.e., director, chairperson, comptroller, adjutant general, superintendent, president, or attorney general).”

PART III

SECTION 7. The purpose of this part is to address the omission of the transfer proviso by appropriating additional general funds as emergency appropriations for fiscal year 2024-2025 for operating shortfalls in fourth quarter funding for existing programs and to adjust funding for various programs to be commensurate with their anticipated levels of activity. The emergency appropriations and the funding adjustments made in this part are budget neutral.

SECTION 8. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.4 to read as follows:

“4. PSD405 - HAWAII COMMUNITY CORRECTIONAL CENTER			
		193.00*	193.00*
OPERATING	PSD	14,730,758A	[15,820,198A] 16,620,198A”

SECTION 9. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.5 to read as follows:

“5. PSD406 - MAUI COMMUNITY CORRECTIONAL CENTER			
		205.00*	205.00*
OPERATING	PSD	14,872,239A	[16,616,875A] 15,816,875A
		3.00#	3.00# ¹
	PSD	209,721S	[0S] 209,721S”

SECTION 10. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.6 to read as follows:

“6. PSD407 - OAHU COMMUNITY CORRECTIONAL CENTER			
		501.00*	500.00*
OPERATING	PSD	40,621,493A	[42,708,191A]
			<u>44,958,191A”</u>

SECTION 11. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.8 to read as follows:

“8. PSD409 - WOMEN’S COMMUNITY CORRECTIONAL CENTER			
		270.00*	269.00*
OPERATING	PSD	15,860,044A	[21,010,058A]
			<u>18,760,058A”</u>

PART IV

SECTION 12. Part VIII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding two new sections to read as follows:

“SECTION 22.1. Notwithstanding any other provision of law, if unanticipated federal funding cutbacks diminish or curtail essential, federally funded state programs, the governor may utilize savings as may be determined to be available from other state programs for the purpose of maintaining those programs until the next legislative session.

SECTION 22.2. Notwithstanding any other provision of law, if unanticipated federal funding cutbacks diminish or curtail essential, federally funded state programs, the governor may utilize available funds from any other means of financing for the purpose of covering payroll and fringe benefit expenses of federally funded state employees.”

PART V

SECTION 13. The legislature determines that there is \$8,104,977.33 in excess of the requirements of the state educational facilities improvement special fund. The director of finance is authorized to transfer \$8,104,977.33 or so much thereof as may be necessary for fiscal year 2024-2025 to the general fund.

PART VI

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

SECTION 15. This Act shall take effect on or upon its approval; provided that part V shall take effect on June 29, 2025.

(Approved May 14, 2025.)

Notes

1. Prior to amendment, “0.00#” appeared here. “3.00#” should be underscored.