A BILL FOR AN ACT

RELATING TO THE FUNDING OF GRANTS PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES.

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

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the Grant Funding Act of 2019.

SECTION 2. DEFINITIONS. Unless otherwise clear from the context, as used in this Act:

"Expending agency" means the executive department, independent commission, bureau, office, board, or other establishment of the state government (other than the legislature, office of Hawaiian affairs, and judiciary), the political subdivisions of the State, or any quasi-public institution supported in whole or in part by state funds, which is authorized to expend specified appropriations made by this Act.

Abbreviations, where used to denote the expending agency, shall mean the following:

AGR Department of agriculture
1 AGS  Department of accounting and general services
2 ATG  Department of the attorney general
3 BED  Department of business, economic development, and
tourism
4 BUF  Department of budget and finance
5 CCA  Department of commerce and consumer affairs
6 DEF  Department of defense
7 EDN  Department of education
8 GOV  Office of the governor
9 HHL  Department of Hawaiian home lands
10 HMS  Department of human services
11 HRD  Department of human resources development
12 HTH  Department of health
13 LBR  Department of labor and industrial relations
14 LNR  Department of land and natural resources
15 LTG  Office of the lieutenant governor
16 PSD  Department of public safety
17 SUB  Subsidies
18 TAX  Department of taxation
19 TRN  Department of transportation
20 UOH  University of Hawaii
21 CCH  City and county of Honolulu
"Means of financing" or "MOF" means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

A  General funds
B  Special funds
C  General obligation bond fund
D  General obligation bond fund with debt service cost to be paid from special funds
E  Revenue bond funds
J  Federal aid interstate funds
K  Federal aid primary funds
L  Federal aid secondary funds
M  Federal aid urban funds
N  Federal funds
P  Other federal funds
R  Private contributions
S  County funds
Trust funds
Interdepartmental transfers
Revolving funds
Other funds

"Program ID" means the unique identifier for the specific program and consists of the abbreviation for the organization responsible for carrying out the program followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the means of financing specified to the expending agencies designated for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each fiscal year, except as provided elsewhere in this Act or as provided by general law.
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<th>ITEM NO.</th>
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PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 4. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The
sums appropriated or authorized in part II of this Act for
capital improvements shall be expended for the projects listed
below. Accounting of the appropriations by the department of
accounting and general services shall be based on the projects
as the projects are listed in this section. Several related or
similar projects may be combined into a single project if the
combination is advantageous or convenient for implementation;
provided that the total cost of the projects thus combined shall
not exceed the total of the sum specified for the projects
separately. (The amount after each cost element and the total
funding for each project listed in this part are in thousands of
dollars).
## CAPITAL IMPROVEMENT PROJECTS

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PART IV. CAPITAL IMPROVEMENT PROGRAM PROVISIONS

SECTION 5.
PART V. SPECIAL PROVISIONS

SECTION 6. The governor may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring sums as may be needed from the funds appropriated for any other cost element of the same project by this Act or any other prior or future act that has not lapsed; provided that the total expenditure of funds for all cost elements shall not exceed the total appropriations for that project; provided further that the governor shall submit a report to the legislature of all uses of this authority for the previous twelve month period from December 1 to November 30 no later than thirty days prior to the convening of the regular sessions of 2020 and 2021.

SECTION 7. Any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized under this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all appropriations made to be expended in fiscal biennium 2019-2021 that are unencumbered as of June 30, 2022, shall lapse as of that date; provided further that this lapsing date shall not apply to non-general fund appropriations for
projects described in part III of this Act where the appropriations have been deemed necessary to qualify for federal aid financing and reimbursement and are unencumbered as of June 30, 2026, shall lapse as of that date.

SECTION 8. In releasing funds for capital improvement projects, the governor shall consider legislative intent and the objectives of the user agency and its programs; the scope and level of the user agency's intended service; and the means, efficiency, and economics by which the project will meet the objectives of the user agency and the State; provided that agencies responsible for construction shall take into consideration legislative intent, the objectives of the user agency and its programs, and the scope and level of the user agency's intended service and construct the improvement to meet the objectives of the user agency in the most efficient and economical manner possible.

SECTION 9. With the approval of the governor, designated expending agencies for capital improvement projects authorized in this Act may delegate to other state or county agencies the implementation of projects when it is determined advantageous to do so by both the original expending agency and the agency to
which expending authority is to be delegated; provided that the

governor shall submit a report to the legislature of all uses of

this authority for the previous twelve month period from

December 1 to November 30 no later than thirty days prior to the

convening of the regular sessions of 2020 and 2021.

SECTION 10. No appropriation authorized in this Act for

expenditure by a political subdivision of the State shall be

considered to be a mandate to undertake new programs or to

increase the level of services under existing programs of that

political subdivision. If any appropriation authorized in this

Act constitutes such a mandate within the provisions of section

5 of article VIII of the Hawaii State Constitution, the

authorization shall be void and, in the case of capital

improvement appropriations designated to be financed from the

general obligation bond fund, the total general obligation bonds

authorized for those projects shall be correspondingly

decreased.

SECTION 11. Whenever the expending agency to which an

appropriation is made is changed due to legislation enacted

during any session of the legislature that affects the

appropriations made by this Act, the governor shall transfer the
necessary funds and positions to the proper expending agency as provided by law.

SECTION 12. If the State should assume the direct operation of any non-governmental agency receiving state funds under the provisions of this Act, all related state funds shall constitute a credit to the State against the costs of acquiring all or any portion of the property, real, personal, or mixed, of the non-governmental agency. This credit shall be applicable regardless of when the acquisition takes place.

SECTION 13. Where an agency is authorized to secure funds or other property from private organizations or individuals to be expended or utilized in connection with any authorized program, the agency, with the governor's approval, may enter into the undertaking; provided that the provisions of the undertaking comply with applicable state constitutional and statutory requirements; provided further that the governor shall submit a report to the legislature of all uses of this authority for the previous twelve month period from December 1 to November 30 no later than thirty days prior to the convening of the regular sessions of 2020 and 2021.
SECTION 14. Except as otherwise provided by general law, negotiations for the purchase of land by state agencies shall be subject to the approval of the governor and the department of land and natural resources or other appropriate agency; provided that private lands may be acquired for the purpose of exchange for federal lands when the department of land and natural resources and the governor determine that the acquisition and exchange are necessary for the completion of any project specifically authorized by this Act.

SECTION 15. With the approval of the governor, expending agencies that use appropriations authorized in part II of this Act for planning, land acquisition, design, construction, and equipment for repair and alterations may delegate that responsibility and transfer funds to public works - planning, design, and construction (AGS221) for the implementation of the repair and alterations when it is determined by the agencies that it is advantageous to do so; provided that the governor shall submit to the legislature a summary report of all uses of this authority for the previous twelve month period from December 1 to November 30 no later than thirty days prior to the convening of the regular sessions of 2020 and 2021.
PART VI. MISCELLANEOUS AND EFFECTIVE DATE

SECTION 16. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of that appropriation to the extent possible.

SECTION 17. If manifest clerical, typographical, or other mechanical errors are found in this Act, the governor is hereby authorized to correct the errors.

SECTION 18. This Act shall take effect on July 1, 2019.

INTRODUCED BY

JAN 22, 2019
Report Title:
Chapter 42F; Grants; Appropriations

Description:
Appropriates operating and capital improvement grants for fiscal year 2020.

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