July 6, 2021

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai‘i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB53 SD1 CD1, without my approval and with the statement of objections relating to the measure.

HB53 SD1 CD1 RELATING TO STATE BONDS.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai‘i
STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 53

Honorable Members
Thirty-First Legislature
State of Hawai‘i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai‘i, I am returning herewith, without my approval, House Bill No. 53, entitled "A Bill for an Act Relating to State Bonds."

The purpose of this bill is to authorize the issuance of general obligation bonds by the State. Further, this bill declares the Legislature's findings with respect to this bond authorization as required by Section 13 of Article VII of the Hawaii State Constitution.

This bill is objectionable because there is insufficient funding for the debt service on the amount of general obligation bonds proposed by this bill and the associated general obligation bond declaration, which renders them invalid.

House Bill No. 54, entitled "A Bill for an Act Relating to the State Budget," and House Bill No. 200, entitled "A Bill for an Act Relating to the State Budget," the General Appropriations Act of 2021, approved as Act 88, both appropriate moneys from the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, § 9901, 135 Stat. 4, 223 (2021), for debt service payments for fiscal years 2021-2022 and 2022-2023. However, according to the federal guidance regarding the spending of ARPA moneys, such funds cannot be used for the payment of debt service. Consequently, general funds must be substituted for the ARPA moneys to pay debt service.

To correct this situation, in my statement of objections to House Bill No. 54, I stated that the appropriation of general funds must be made for fiscal year 2021-2022 for the payment of debt service in the amount of $238,944,470. In addition, I stated that the appropriation of general funds must be made for fiscal year 2022-2023 for the payment of debt service in the amount of $257,446,927. If those general fund
appropriations are not made to provide for debt service payments, then this bill is objectionable because the State would not be able to issue the general obligation bonds authorized by this bill due to the insufficient funding for the debt service payments. If the Legislature is able to meet my objections with respect to debt service in House Bill No. 54, I would likely no longer have objections to this bill, however, to allow sufficient time to correct the errors in House Bill No. 54, the effective date of this bill is objectionable because the funding for this bill is contingent on the corrections to House Bill No. 54. To correct that situation, the effective date of this bill would have to be delayed to provide sufficient time to ensure House Bill No. 54 is enacted prior to this bill being enacted.

For the foregoing reasons, I am returning House Bill No. 53 without my approval.

Respectfully,

[Signature]

DAVID Y. IGE
Governor of Hawai‘i
A BILL FOR AN ACT

RELATING TO STATE BONDS.

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

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

(1) Limitation on general obligation debt. The debt limit of the State is set forth in article VII, section 13, of the state constitution, which states in part: "General obligation bonds may be issued by the State; provided that such bonds at the time of issuance would not cause the total amount of principal and interest
payable in the current or any future fiscal year, whichever is higher, on such bonds and on all outstanding general obligation bonds to exceed: a sum equal to twenty percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance until June 30, 1982; and thereafter, a sum equal to eighteen and one-half percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance." Article VII, section 13, of the Hawaii State Constitution also provides that in determining the power of the State to issue general obligation bonds, certain bonds are excludable, including "[r]eimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year" and bonds constituting instruments of indebtedness under which the State
incurs a contingent liability as a guarantor, but only

to the extent the principal amount of those bonds does

not exceed seven per cent of the principal amount of

outstanding general obligation bonds not otherwise

excluded under article VII, section 13, of the Hawaii

State Constitution.

(2) Actual and estimated debt limits. The limit on

principal and interest of general obligation bonds

issued by the State, actual for fiscal year 2020-2021

and estimated for each fiscal year from 2021-2022 to

2024-2025, is as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Net General Fund Revenues</th>
<th>Debt Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-2018</td>
<td>$7,656,001,540</td>
<td></td>
</tr>
<tr>
<td>2018-2019</td>
<td>7,910,649,595</td>
<td></td>
</tr>
<tr>
<td>2019-2020</td>
<td>7,631,208,089</td>
<td></td>
</tr>
<tr>
<td>2020-2021</td>
<td>8,058,234,000</td>
<td>$1,430,534,652</td>
</tr>
<tr>
<td>2021-2022</td>
<td>7,479,503,000</td>
<td>1,455,338,987</td>
</tr>
<tr>
<td>2022-2023</td>
<td>7,767,188,000</td>
<td>1,428,751,614</td>
</tr>
<tr>
<td>2023-2024</td>
<td>8,065,417,000</td>
<td>1,437,137,042</td>
</tr>
<tr>
<td>2024-2025</td>
<td>(not applicable)</td>
<td>1,437,579,993</td>
</tr>
</tbody>
</table>

For fiscal years 2020-2021, 2021-2022, 2022-2023,

2023-2024, and 2024-2025, respectively, the debt limit

is derived by multiplying the average of the net

general fund revenues for the three preceding fiscal
years by eighteen and one-half per cent. The net
general fund revenues for fiscal years 2017-2018,
2018-2019, and 2019-2020 are actual, as certified by
the director of finance in the Statement of the Debt
Limit of the State of Hawaii as of July 1, 2020, dated
November 19, 2020. The net general fund revenues for
fiscal years 2020-2021 to 2023-2024 are estimates,
based on general fund revenue estimates made as of
March 8, 2021, by the council on revenues, the body
assigned by article VII, section 7, of the Hawaii
State Constitution to make these estimates, and based
on estimates made by the department of budget and
finance of those receipts that cannot be included as
general fund revenues for the purpose of calculating
the debt limit, all of which estimates the legislature
finds to be reasonable.

(3) Principal and interest on outstanding bonds applicable
to the debt limit.
According to the department of budget and finance, the total amount of principal and interest on outstanding general obligation bonds, after the exclusions permitted by article VII, section 13, of the Hawaii State Constitution, for determining the power of the State to issue general obligation bonds within the debt limit as of April 1, 2021, is as follows for fiscal year 2021-2022 to fiscal year 2027-2028:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Principal and Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-2022</td>
<td>$942,978,733</td>
</tr>
<tr>
<td>2022-2023</td>
<td>905,460,017</td>
</tr>
<tr>
<td>2023-2024</td>
<td>890,840,266</td>
</tr>
<tr>
<td>2024-2025</td>
<td>850,362,631</td>
</tr>
<tr>
<td>2025-2026</td>
<td>903,170,962</td>
</tr>
<tr>
<td>2026-2027</td>
<td>704,256,367</td>
</tr>
<tr>
<td>2027-2028</td>
<td>676,904,175</td>
</tr>
</tbody>
</table>

The department of budget and finance further reports that the amount of principal and interest on outstanding bonds applicable to the debt limit generally continues to decline each year from fiscal year 2028-2029 to fiscal year 2040-2041.
when the final installment of $102,695,623 shall be due and payable.

(B) The department of budget and finance further reports that the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is $233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the Hawaii State Constitution.

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

(A) As calculated from the state comptroller's bond fund report as of February 28, 2021, adjusted for:

(i) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill
No. 200, H.D. 1, S.D. 1, C.D. 1 (the General Appropriations Act of 2021);

(ii) Lapses as provided in House Bill No. 200, H.D. 1, S.D. 1, C.D. 1 (the General Appropriations Act of 2021);

(iii) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 185, H.D. 1, S.D. 2, C.D. 1 (the Judiciary Appropriations Act of 2021);

(iv) Lapses as provided in House Bill No. 185, H.D. 1, S.D. 2, C.D. 1 (the Judiciary Appropriations Act of 2021);

(v) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 54, H.D. 1, S.D. 1, C.D. 1; and

(vi) Lapses as provided in House Bill No. 54, H.D. 1, S.D. 1, C.D. 1;
the total amount of authorized but unissued
general obligation bonds is $3,227,451,750. The
total amount of general obligation bonds
authorized in this Act is $1,291,787,000. The
total amount of general obligation bonds
previously authorized and unissued, as adjusted,
and the general obligation bonds authorized in
this Act is $4,519,238,750.

(B) As reported by the department of budget and
finance, the outstanding principal amount of
bonds constituting instruments of indebtedness
under which the State may incur a contingent
liability as a guarantor is $233,500,000, all or
part of which is excludable in determining the
power of the State to issue general obligation
bonds, pursuant to article VII, section 13, of
the Hawaii State Constitution.

(5) Proposed general obligation bond issuance. As
reported therein for the fiscal years 2020-2021,
2021-2022, 2022-2023, 2023-2024, and 2024-2025, the
State proposes to issue $525,000,000 in general
obligation bonds during the second half of fiscal year 2020-2021, and $500,000,000 in general obligation bonds semi-annually during fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025. The State anticipates issuing a combination of twenty-year serial bonds with principal repayments beginning the fifth year and ten-year serial bonds with principal repayments beginning the first year, payable in substantially equal annual installments of principal and interest payment with interest payments commencing six months from the date of issuance and being paid semi-annually thereafter. It is assumed that this practice will continue to be applied to the bonds that are proposed to be issued.

(6) Sufficiency of proposed general obligation bond issuance to meet the requirements of authorized and unissued bonds, as adjusted, and bonds authorized by this Act. From the schedule reported in paragraph (5), the total amount of general obligation bonds that the State proposes to issue during the fiscal years 2020-2021 to 2023-2024 is $3,525,000,000.
An additional $1,000,000,000 is proposed to be issued in fiscal year 2024-2025. The total amount of $3,525,000,000 that is proposed to be issued through fiscal year 2023-2024 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, the total amount of which is $4,519,238,750 reported in paragraph (4), except for $994,238,750.

It is assumed that the appropriations to which an additional $994,238,750 in bond issuance needs to be applied will have been encumbered as of June 30, 2024. The $1,000,000,000 that is proposed to be issued in fiscal year 2024-2025 will be sufficient to meet the requirements of the June 30, 2024 encumbrances in the amount of $994,238,750. The amount of assumed encumbrances as of June 30, 2024, is reasonable and conservative, based upon an inspection of June 30 encumbrances of the general obligation bond fund as reported by the state comptroller. Thus, taking into account the amount of authorized and unissued bonds, as adjusted, and the bonds authorized by this Act versus the amount of bonds proposed to be issued by
June 30, 2024, and the amount of June 30, 2024, encumbrances versus the amount of bonds proposed to be issued in fiscal year 2024-2025, the legislature finds that in the aggregate, the amount of bonds proposed to be issued is sufficient to meet the requirements of all authorized and unissued bonds and the bonds authorized by this Act.

(7) Bonds excludable in determining the power of the State to issue bonds. As noted in paragraph (1), certain bonds are excludable in determining the power of the State to issue general obligation bonds.

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

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

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

However, the legislature notes that with respect
to the principal and interest on outstanding
general obligation bonds, according to the
department of budget and finance, the average
proportion of principal and interest that is
excludable each year from the calculation against
the debt limit is 0.58 per cent for approximately
ten years from fiscal year 2021-2022 to fiscal
year 2030-2031. For the purpose of this
declaration, the assumption is made that
0.50 per cent of each bond issue will be
excludable from the debt limit, an assumption
that the legislature finds to be reasonable and
conservative.

(B) Bonds constituting instruments of indebtedness
under which the State incurs a contingent
liability as a guarantor can be excluded, but
only to the extent the principal amount of those guaranties does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under subparagraph (A) of this paragraph (7); and provided that the State shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State as provided by law. According to the department of budget and finance and the assumptions presented herein, the total principal amount of outstanding general obligation bonds and general obligation bonds proposed to be issued, which are not otherwise excluded under article VII, section 13, of the Hawaii State Constitution for the fiscal years 2020-2021, 2021-2022, 2022-2023, 2023-2024, and 2024-2025 are as follows:
H.B. NO. 53
S.D. 1
C.D. 1

Total amount of
General Obligation Bonds
not otherwise excluded by
Article VII, Section 13
of the State Constitution

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Total amount of General Obligation Bonds</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-2021</td>
<td>$8,928,593,064</td>
</tr>
<tr>
<td>2021-2022</td>
<td>10,123,593,064</td>
</tr>
<tr>
<td>2022-2023</td>
<td>11,118,593,064</td>
</tr>
<tr>
<td>2023-2024</td>
<td>12,113,593,064</td>
</tr>
<tr>
<td>2024-2025</td>
<td>13,108,593,064</td>
</tr>
</tbody>
</table>

Based on the foregoing and based on the assumption that the full amount of a guaranty is immediately due and payable when the guaranty changes from a contingent liability to an actual liability, the aggregate principal amount of the portion of the outstanding guaranties and the guaranties proposed to be incurred, which does not exceed seven per cent of the average amount set forth in the last column of the above table and for which reserve funds have been or will have been established as heretofore provided, can be excluded in determining the power of the State to issue general obligation bonds. As it is not possible to predict with a reasonable degree of certainty when a guaranty will change from a contingent liability to an actual liability, it is assumed in conformity with
fiscal conservatism and prudence, that all guaranties not otherwise excluded pursuant to article VII, section 13, of the Hawaii State Constitution will become due and payable in the same fiscal year in which the greatest amount of principal and interest on general obligation bonds, after exclusions, occurs. Thus, based on these assumptions and on the determination in paragraph (8), all of the outstanding guaranties can be excluded.

(8) Determination whether the debt limit will be exceeded at the time of issuance. From the foregoing and on the assumption that all of the bonds identified in paragraph (5) will be issued at an interest rate not to exceed 5.75 per cent in fiscal years 2021 through 2025, it can be determined from the following schedule that the bonds that are proposed to be issued, which include all authorized and unissued bonds previously authorized, as adjusted, general obligation bonds, and instruments of indebtedness under which the State incurs a contingent liability as a guarantor authorized in this Act, will not cause the
debt limit to be exceeded at the time of the bond issuance:

<table>
<thead>
<tr>
<th>Time of Issuance and Amount to be Counted Against Debt Limit</th>
<th>Debt Limit at Time of Issuance</th>
<th>Greatest Amount and Year of Highest Principal and Interest on Bonds and Guaranties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd half FY 2020-2021 $522,375,000</td>
<td>1,430,534,652</td>
<td>994,966,602 (2021-2022)</td>
</tr>
<tr>
<td>1st half FY 2021-2022 $497,500,000</td>
<td>1,455,338,987</td>
<td>1,022,488,072 (2025-2026)</td>
</tr>
<tr>
<td>2nd half FY 2021-2022 $497,500,000</td>
<td>1,455,338,987</td>
<td>1,066,369,709 (2025-2026)</td>
</tr>
<tr>
<td>1st half FY 2022-2023 $497,500,000</td>
<td>1,428,751,614</td>
<td>1,109,762,541 (2025-2026)</td>
</tr>
<tr>
<td>2nd half FY 2022-2023 $497,500,000</td>
<td>1,428,751,614</td>
<td>1,153,646,566 (2025-2026)</td>
</tr>
<tr>
<td>1st half FY 2023-2024 $497,500,000</td>
<td>1,437,137,042</td>
<td>1,197,065,047 (2025-2026)</td>
</tr>
<tr>
<td>2nd half FY 2023-2024 $497,500,000</td>
<td>1,437,137,042</td>
<td>1,240,947,984 (2025-2026)</td>
</tr>
<tr>
<td>1st half FY 2024-2025 $497,500,000</td>
<td>1,437,579,993</td>
<td>1,284,390,078 (2025-2026)</td>
</tr>
<tr>
<td>2nd half FY 2024-2025 $497,500,000</td>
<td>1,437,579,993</td>
<td>1,328,271,328 (2025-2026)</td>
</tr>
</tbody>
</table>

(9) Overall and concluding finding. From the facts, estimates, and assumptions stated in this declaration of findings, the conclusion is reached that the total amount of principal and interest estimated for the general obligation bonds authorized in this Act, and for all bonds authorized and unissued, and calculated for all bonds issued and outstanding, and all
guaranties, will not cause the debt limit to be
exceeded at the time of issuance.

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

SECTION 3. Authorization for issuance of general
obligation bonds. General obligation bonds may be issued as
provided by law in an amount that may be necessary to finance
projects authorized in House Bill No. 200, H.D. 1, S.D. 1,
C.D. 1 (the General Appropriations Act of 2021), House Bill
No. 185, H.D. 1, S.D. 2, C.D. 1 (the Judiciary Appropriations
Act of 2021), and House Bill No. 54, H.D. 1, S.D. 1, C.D. 1;
passed by the legislature during this regular session of 2021
and designated to be financed from the general obligation bond
fund and from the general obligation bond fund with debt service
cost to be paid from special funds; provided that the sum total
of general obligation bonds so issued shall not exceed
$1,291,787,000.

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

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

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

SECTION 6. This Act shall take effect upon its approval.

APPROVED this day of , 2021

GOVERNOR OF THE STATE OF HAWAII
HB No. 53, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

[Signature]
President of the Senate

[Signature]
Clerk of the Senate