

STAND. COM. REP. NO. **419**

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 884  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Health and Commerce and Consumer Protection, to which was referred S.B. No. 884 entitled:

"A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,"

beg leave to report as follows:

The purpose of this measure is to address the budget shortfall by transferring a total of \$19,000,000 from the deposit beverage container deposit special fund and the wireless enhanced 911 fund to the general fund for fiscal year 2009-2010.

Your Committees received testimony in opposition to this measure from the City and County of Honolulu Police Department, the Kauai County Police Department, the National Emergency Numbering Association, The Wireless Association, the American Beverage Association, AT&T, and Reynolds Recycling. Comments on this measure were submitted by the Department of Budget and Finance, the Tax Foundation of Hawaii, and Intrado, Inc.

Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that, due to the recent Hawaii Supreme Court decision in *Hawaii Insurers Council v. Lingle* regarding the transfer of funds from the insurance regulation fund to the general fund, the Legislature may be limited to transferring funds that are considered general tax revenue and not fees.



Your Committees further find that the Attorney General issue a formal opinion as to whether or not the balances in the wireless enhanced 911 fund and the deposit beverage container deposit special fund are considered regulatory fees or general tax revenues, and whether monies from these funds may be transferred to the general fund.

In addition, your Committees find that, in light of the amount of excess funds in the deposit beverage container deposit special fund, authorizing the Governor to set reasonable deposit beverage container fees will provide an opportunity to save taxpayers money.

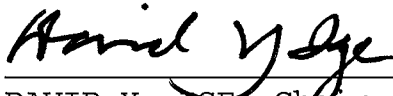
Your Committees have amended this measure by:

- (1) Deleting sections 2 and 5 pertaining to the wireless enhanced 911 fund; and
- (2) Amending section 324G-102(d), Hawaii Revised Statutes, by deleting the one cent and one and a half cent deposit beverage container fee and authorizing the governor to set reasonable deposit beverage container fees.

As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 884, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 884, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and  
Commerce and Consumer  
Protection,

  
ROSALYN H. BAKER, Chair

  
DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

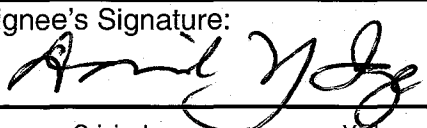
**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 884</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH / CPN WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/12/9</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred			✓	
<b>TOTAL</b>	4	0	1	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">Josh Green</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 884</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH/CPN, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02/12/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman			✓	✓
HEMMINGS, Fred			✓	
<b>TOTAL</b>	5		1	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div><b>Distribution:</b></div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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