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# A BILL FOR AN ACT

RELATING TO STATE FINANCES.

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

1           SECTION 1. Section 36-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) [~~Except as provided in this section, and~~  
4 ~~notwithstanding any other law to the contrary, from time to~~  
5 ~~time, the]~~ The director of finance, for the purpose of defraying  
6 the prorated estimate of central service expenses of government  
7 in relation to all special funds [~~, except the:~~

- 8           ~~(1) Special out-of-school time instructional program fund~~  
9           ~~under section 302A-1310;~~
- 10           ~~(2) School cafeteria special funds of the department of~~  
11           ~~education;~~
- 12           ~~(3) Special funds of the University of Hawaii;~~
- 13           ~~(4) State educational facilities improvement special fund;~~
- 14           ~~(5) Convention center enterprise special fund under~~  
15           ~~section 201B-8;~~
- 16           ~~(6) Special funds established by section 206E-6;~~
- 17           ~~(7) Aloha Tower fund created by section 206J-17;~~



- 1        ~~(8) Funds of the employees' retirement system created by~~
- 2            ~~section 88-109;~~
- 3        ~~(9) Hawaii hurricane relief fund established under chapter~~
- 4            ~~431P;~~
- 5        ~~(10) Hawaii health systems corporation special funds and~~
- 6            ~~the subaccounts of its regional system boards;~~
- 7        ~~(11) Tourism special fund established under section~~
- 8            ~~201B-11;~~
- 9        ~~(12) Universal service fund established under section~~
- 10           ~~269-42;~~
- 11        ~~(13) Emergency and budget reserve fund under section~~
- 12           ~~328L-3;~~
- 13        ~~(14) Public schools special fees and charges fund under~~
- 14           ~~section 302A-1130;~~
- 15        ~~(15) Sport fish special fund under section 187A-9.5;~~
- 16        ~~{(16)} Neurotrauma special fund under section 321H-4;~~
- 17        ~~{(17)} Glass advance disposal fee established by section~~
- 18           ~~342G-82;~~
- 19        ~~{(18)} Center for nursing special fund under section~~
- 20           ~~304A-2163;~~



- 1     ~~{(19)} Passenger facility charge special fund established by~~
- 2             ~~section 261-5.5;~~
- 3     ~~{(20)} Solicitation of funds for charitable purposes special~~
- 4             ~~fund established by section 467B-15;~~
- 5     ~~{(21)} Land conservation fund established by section 173A-5;~~
- 6     ~~{(22)} Court interpreting services revolving fund under~~
- 7             ~~section 607-1.5;~~
- 8     ~~{(23)} Trauma system special fund under section 321-22.5;~~
- 9     ~~{(24)} Hawaii cancer research special fund;~~
- 10    ~~{(25)} Community health centers special fund;~~
- 11    ~~{(26)} Emergency medical services special fund;~~
- 12    ~~{(27)} Rental motor vehicle customer facility charge special~~
- 13             ~~fund established under section 261-5.6;~~
- 14    ~~{(28)} Shared services technology special fund under section~~
- 15             ~~27-43;~~
- 16    ~~{(29)} Automated victim information and notification system~~
- 17             ~~special fund established under section 353-136;~~
- 18    ~~{(30)} Deposit beverage container deposit special fund under~~
- 19             ~~section 342G-104;~~
- 20    ~~{(31)} Hospital sustainability program special fund under~~
- 21             ~~{section 346G-4};~~



1     ~~[(32)] Nursing facility sustainability program special fund~~  
2             ~~under [section 346F-4];~~

3     ~~[(33)] Hawaii 3R's school improvement fund under section~~  
4             ~~302A-1502.4;~~

5     ~~[(34)] After-school plus program revolving fund under section~~  
6             ~~302A-1149.5; and~~

7     ~~[(35)] Civil monetary penalty special fund under section 321-~~  
8             ~~30.2,]~~

9 shall deduct five per cent of all receipts of all ~~[other]~~  
10 special funds, which deduction shall be transferred to the  
11 general fund of the State and become general realizations of the  
12 State. All officers of the State and other persons having power  
13 to allocate or disburse any special funds shall cooperate with  
14 the director in effecting these transfers. To determine the  
15 proper revenue base upon which the central service assessment is  
16 to be calculated, the director shall adopt rules pursuant to  
17 chapter 91 for the purpose of suspending or limiting the  
18 application of the central service assessment of any fund. No  
19 later than twenty days prior to the convening of each regular  
20 session of the legislature, the director shall report all



1 central service assessments made during the preceding fiscal  
2 year."

3 SECTION 2. Section 36-30, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Each special fund, except the:

- 6 (1) Special out-of-school time instructional program fund  
7 under section 302A-1310;
- 8 (2) School cafeteria special funds of the department of  
9 education;
- 10 (3) Special funds of the University of Hawaii;
- 11 (4) State educational facilities improvement special fund;
- 12 (5) Special funds established by section 206E-6;
- 13 (6) Aloha Tower fund created by section 206J-17;
- 14 (7) Funds of the employees' retirement system created by  
15 section 88-109;
- 16 (8) Hawaii hurricane relief fund established under chapter  
17 431P;
- 18 (9) Convention center enterprise special fund established  
19 under section 201B-8;
- 20 (10) Hawaii health systems corporation special funds and  
21 the subaccounts of its regional system boards;



- 1       (11)    Tourism special fund established under section
- 2                201B-11;
- 3       (12)    Universal service fund established under section
- 4                269-42;
- 5       (13)    Emergency and budget reserve fund under section
- 6                328L-3;
- 7       (14)    Public schools special fees and charges fund under
- 8                section 302A-1130;
- 9       (15)    Sport fish special fund under section 187A-9.5;
- 10    [+] (16) [+] Neurotrauma special fund under section 321H-4;
- 11    [+] (17) [+] Center for nursing special fund under section
- 12                304A-2163;
- 13    [+] (18) [+] Passenger facility charge special fund established
- 14                by section 261-5.5;
- 15    [+] (19) [+] Court interpreting services revolving fund under
- 16                section 607-1.5;
- 17    ~~[+(20)] Trauma system special fund under section 321-22.5;~~
- 18    ~~+(21)] Hawaii cancer research special fund;~~
- 19    ~~+(22)] Community health centers special fund;~~
- 20    ~~+(23)] Emergency medical services special fund;~~



1     ~~[(24)]~~ (20) Rental motor vehicle customer facility charge  
2             special fund established under section 261-5.6;  
3     ~~[(25)]~~ (21) Shared services technology special fund under  
4             section 27-43;  
5     ~~[(26)]~~ (22) Nursing facility sustainability program special  
6             fund established pursuant to ~~[+]~~section 346F-4~~[+]~~;  
7     ~~[(27)]~~ (23) Automated victim information and notification  
8             system special fund established under section 353-136;  
9     ~~[(28)]~~ (24) Hospital sustainability program special fund under  
10            ~~[+]~~section 346G-4~~[+]~~; and  
11     ~~[(29)]~~ (25) Civil monetary penalty special fund under section  
12            321-30.2,  
13 shall be responsible for its pro rata share of the  
14 administrative expenses incurred by the department responsible  
15 for the operations supported by the special fund concerned."

16         SECTION 3. Section 245-15, Hawaii Revised Statutes, is  
17 amended to read as follows:

18         "**§245-15 Disposition of revenues.** (a) All moneys  
19 collected pursuant to this chapter shall be paid into the state  
20 treasury as state realizations to be kept and accounted for as



1 provided by law; provided that, of the moneys collected under  
2 the tax imposed pursuant to:

3 (1) Section 245-3(a)(5), after September 30, 2006, and  
4 prior to October 1, 2007, 1.0 cent per cigarette shall  
5 be deposited to the credit of the Hawaii cancer  
6 research special fund, established pursuant to section  
7 304A-2168, for research and operating expenses and for  
8 capital expenditures;

9 (2) Section 245-3(a)(6), after September 30, 2007, and  
10 prior to October 1, 2008:

11 (A) 1.5 cents per cigarette shall be deposited to the  
12 credit of the Hawaii cancer research special  
13 fund, established pursuant to section 304A-2168,  
14 for research and operating expenses and for  
15 capital expenditures;

16 (B) 0.25 cents per cigarette shall be deposited to  
17 the credit of the trauma system special fund  
18 established pursuant to section 321-22.5; and

19 (C) 0.25 cents per cigarette shall be deposited to  
20 the credit of the emergency medical services



1 special fund established pursuant to section  
2 321-234;

3 (3) Section 245-3(a)(7), after September 30, 2008, and  
4 prior to July 1, 2009:

5 (A) 2.0 cents per cigarette shall be deposited to the  
6 credit of the Hawaii cancer research special  
7 fund, established pursuant to section 304A-2168,  
8 for research and operating expenses and for  
9 capital expenditures;

10 (B) 0.5 cents per cigarette shall be deposited to the  
11 credit of the trauma system special fund  
12 established pursuant to section 321-22.5;

13 (C) 0.25 cents per cigarette shall be deposited to  
14 the credit of the community health centers  
15 special fund established pursuant to section  
16 321-1.65; and

17 (D) 0.25 cents per cigarette shall be deposited to  
18 the credit of the emergency medical services  
19 special fund established pursuant to section  
20 321-234;



1 (4) Section 245-3(a)(8), after June 30, 2009, and prior to  
2 July 1, 2013:

3 (A) 2.0 cents per cigarette shall be deposited to the  
4 credit of the Hawaii cancer research special  
5 fund, established pursuant to section 304A-2168,  
6 for research and operating expenses and for  
7 capital expenditures;

8 (B) 0.75 cents per cigarette shall be deposited to  
9 the credit of the trauma system special fund  
10 established pursuant to section 321-22.5;

11 (C) 0.75 cents per cigarette shall be deposited to  
12 the credit of the community health centers  
13 special fund established pursuant to section  
14 321-1.65; and

15 (D) 0.5 cents per cigarette shall be deposited to the  
16 credit of the emergency medical services special  
17 fund established pursuant to section 321-234;

18 (5) Section 245-3(a)(11), after June 30, 2013, and prior  
19 to July 1, 2015:

20 (A) 2.0 cents per cigarette shall be deposited to the  
21 credit of the Hawaii cancer research special



1 fund, established pursuant to section 304A-2168,  
2 for research and operating expenses and for  
3 capital expenditures;

4 (B) 1.5 cents per cigarette shall be deposited to the  
5 credit of the trauma system special fund  
6 established pursuant to section 321-22.5;

7 (C) 1.25 cents per cigarette shall be deposited to  
8 the credit of the community health centers  
9 special fund established pursuant to section  
10 321-1.65; and

11 (D) 1.25 cents per cigarette shall be deposited to  
12 the credit of the emergency medical services  
13 special fund established pursuant to section  
14 321-234; and

15 (6) Section 245-3(a)(11), after June 30, 2015, and  
16 [~~thereafter~~] prior to July 1, 2021:

17 (A) 2.0 cents per cigarette shall be deposited to the  
18 credit of the Hawaii cancer research special  
19 fund, established pursuant to section 304A-2168,  
20 for research and operating expenses and for  
21 capital expenditures;



1 (B) 1.125 cents per cigarette, but not more than  
2 \$7,400,000 in a fiscal year, shall be deposited  
3 to the credit of the trauma system special fund  
4 established pursuant to section 321-22.5;

5 (C) 1.25 cents per cigarette, but not more than  
6 \$8,800,000 in a fiscal year, shall be deposited  
7 to the credit of the community health centers  
8 special fund established pursuant to section  
9 321-1.65; and

10 (D) 1.25 cents per cigarette, but not more than  
11 \$8,800,000 in a fiscal year, shall be deposited  
12 to the credit of the emergency medical services  
13 special fund established pursuant to section  
14 321-234.

15 (b) The department shall provide an annual accounting of  
16 these dispositions to the legislature."

17 SECTION 4. Section 249-31, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) In addition to the annual vehicle registration  
20 surcharge fee, for each annual motor vehicle registration fee,



1 the director shall deposit \$40 into the state highway fund and  
2 \$5 into the [~~emergency medical services special~~] general fund."

3 SECTION 5. Section 291-11.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (e) to read as follows:

5 "(e) Violation of this section shall be considered an  
6 offense as defined under section 701-107(5) and shall subject  
7 the violator to the following penalties:

8 (1) For a first conviction, the person shall:

9 (A) Be fined not more than \$100;

10 (B) Be required by the court to attend a child  
11 passenger restraint system safety class conducted  
12 by the division of driver education; provided  
13 that:

14 (i) The class may include video conferences as  
15 determined by the administrator of the  
16 division of driver education as an  
17 alternative method of education; and

18 (ii) The class shall not exceed four hours;

19 (C) Pay a \$50 driver education assessment as provided  
20 in section 286G-3;



- 1 (D) Pay a \$10 surcharge to be deposited into the
- 2 neurotrauma special fund; and
- 3 (E) Pay up to a \$10 surcharge to be deposited into
- 4 the [~~trauma system special~~] general fund if the
- 5 court so orders;
- 6 (2) For a conviction of a second offense committed within
- 7 three years of any other conviction under this
- 8 section, the person shall:
- 9 (A) Be fined not less than \$100 but not more than
- 10 \$200;
- 11 (B) Be required by the court to attend a child
- 12 passenger restraint system safety class not to
- 13 exceed four hours in length conducted by the
- 14 division of driver education if the person has
- 15 not previously attended such a class;
- 16 (C) Pay a \$50 driver education assessment as provided
- 17 in section 286G-3 if the person has not
- 18 previously attended a child passenger restraint
- 19 system safety class conducted by the division of
- 20 driver education;



- 1 (D) Pay a \$10 surcharge to be deposited into the  
2 neurotrauma special fund; and
- 3 (E) Pay up to a \$10 surcharge to be deposited into  
4 the [~~trauma system special~~] general fund if the  
5 court so orders; and
- 6 (3) For a conviction of a third or subsequent offense  
7 committed within three years of any other conviction  
8 under this section, the person shall:
- 9 (A) Be fined not less than \$200 but not more than  
10 \$500;
- 11 (B) Be required by the court to attend a child  
12 passenger restraint system safety class not to  
13 exceed four hours in length conducted by the  
14 division of driver education if the person has  
15 not previously attended such a class;
- 16 (C) Pay a \$50 driver education assessment as provided  
17 in section 286G-3 if the person has not  
18 previously attended a child passenger restraint  
19 system safety class conducted by the division of  
20 driver education;



- 1 (D) Pay a \$10 surcharge to be deposited into the
- 2 neurotrauma special fund; and
- 3 (E) Pay up to a \$10 surcharge to be deposited into
- 4 the [~~trauma system special~~] general fund if the
- 5 court so orders."

6 SECTION 6. Section 291-11.6, Hawaii Revised Statutes, is  
7 amended by amending subsection (e) to read as follows:

8 "(e) A person who fails to comply with the requirements of  
9 this section:

- 10 (1) Shall be subject to:
  - 11 (A) A fine of \$45 for each violation; and
  - 12 (B) A surcharge of \$10 that shall be deposited into
  - 13 the neurotrauma special fund; and
- 14 (2) May be subject to a surcharge of up to \$10 that shall
- 15 be deposited into the [~~trauma system special~~] general
- 16 fund."

17 SECTION 7. Section 291-12, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§291-12 Inattention to driving.** Whoever operates any  
20 vehicle negligently as to cause a collision with, or injury or  
21 damage to, as the case may be, any person, vehicle or other

1 property shall be fined not more than \$500 or imprisoned not  
2 more than thirty days, or both, and may be subject to a  
3 surcharge of up to \$100, which shall be deposited into the  
4 [~~trauma system special~~] general fund."

5 SECTION 8. Section 291-15, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[~~f~~]**\$291-15**[~~t~~] **Trauma system surcharge.** (a) In addition  
8 to any other civil penalties ordered by the court, a person who  
9 violates any offense under this part may be ordered to pay a  
10 trauma system surcharge, provided that:

11 (1) The maximum of which may be \$10 if the violator is not  
12 already required to pay a trauma system surcharge  
13 pursuant to the violation of the offense; and

14 (2) The maximum of which may be \$100 if the violation is  
15 an offense under section 291-12.

16 (b) The surcharge shall not be ordered when the court  
17 determines that the defendant is unable to pay the surcharge.

18 (c) The person shall pay the surcharge to the clerk of the  
19 court. The surcharge shall be deposited with the state director  
20 of finance who shall transmit the surcharge to the [~~trauma~~  
21 ~~system special~~] general fund [~~pursuant to section 321-22.5~~]."



1 SECTION 9. Section 291C-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) The person shall pay the surcharge to the clerk of  
4 the court. The surcharge shall be deposited with the state  
5 director of finance who shall transmit the surcharge to the  
6 [~~trauma system special~~] general fund [~~pursuant to section 321-~~  
7 ~~22.5~~]."

8 SECTION 10. Section 291C-12, Hawaii Revised Statutes, is  
9 amended by amending subsection (e) to read as follows:

10 "(e) For any violation under this section, a surcharge of  
11 up to \$500 may be imposed, in addition to other penalties, which  
12 shall be deposited into the [~~trauma system special~~] general  
13 fund."

14 SECTION 11. Section 291C-12.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (d) to read as follows:

16 "(d) For any violation under this section, a surcharge of  
17 up to \$250 may be imposed, in addition to other penalties, which  
18 shall be deposited into the [~~trauma system special~~] general  
19 fund."

20 SECTION 12. Section 291C-12.6, Hawaii Revised Statutes, is  
21 amended by amending subsection (d) to read as follows:



1           "(d) For any violation under this section, a surcharge of  
2 up to \$100 may be imposed, in addition to other penalties, which  
3 shall be deposited into the [~~trauma system special~~] general  
4 fund."

5           SECTION 13. Section 291C-13, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§291C-13 Accidents involving damage to vehicle or**  
8 **property.** The driver of any vehicle involved in an accident  
9 resulting only in damage to a vehicle or other property that is  
10 driven or attended by any person shall immediately stop such  
11 vehicle at the scene of the accident or as close thereto as  
12 possible, but shall forthwith return to, and in every event  
13 shall remain at, the scene of the accident until the driver has  
14 fulfilled the requirements of section 291C-14. Every such stop  
15 shall be made without obstructing traffic more than is  
16 necessary. For any violation under this section, a surcharge of  
17 up to \$100 may be imposed, in addition to other penalties, which  
18 shall be deposited into the [~~trauma system special~~] general  
19 fund."

20           SECTION 14. Section 291C-14, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:



1           "(c) For any violation under this section, a surcharge of  
2 up to \$100 may be imposed, in addition to other penalties, which  
3 shall be deposited into the [~~trauma system special~~] general  
4 fund."

5           SECTION 15. Section 291C-15, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§291C-15 Duty upon striking unattended vehicle or other**  
8 **property.** The driver of any vehicle which collides with or is  
9 involved in an accident with any vehicle or other property which  
10 is unattended resulting in any damage to the other vehicle or  
11 property shall immediately stop and shall then and there either  
12 locate and notify the operator or owner of such vehicle or other  
13 property of the driver's name, address, and the registration  
14 number of the vehicle the driver is driving or shall attach  
15 securely in a conspicuous place in or on such vehicle or other  
16 property a written notice giving the driver's name, address, and  
17 the registration number of the vehicle the driver is driving and  
18 shall without unnecessary delay notify the nearest police  
19 office. Every such stop shall be made without obstructing  
20 traffic more than is necessary. For any violation under this  
21 section, a surcharge of up to \$100 may be imposed, in addition



1 to other penalties, which shall be deposited into the [~~trauma~~  
2 ~~system special~~] general fund."

3 SECTION 16. Section 291C-16, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) For any violation under this section, a surcharge of  
6 up to \$100 may be imposed, in addition to other penalties, which  
7 shall be deposited into the [~~trauma system special~~] general  
8 fund."

9 SECTION 17. Section 291C-103, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

11 "(c) Any person who violates this section while operating  
12 a vehicle at a speed exceeding the posted speed limit by thirty  
13 miles per hour or more shall be subject to a fine of not more  
14 than \$2,000, a term of imprisonment of not more than one year,  
15 or both; provided that the following additional penalties shall  
16 also apply:

17 (1) For an offense that occurs within five years of a  
18 prior conviction, a one-year license suspension;

19 (2) For an offense that occurs within five years of two  
20 prior convictions:

21 (A) A three-year license suspension; and



1           (B) A vehicle owned by the defendant and used in the  
2                       commission of the offense which has been used in  
3                       at least two prior offenses that resulted in  
4                       convictions may be ordered by the court to be  
5                       subject to forfeiture under chapter 712A; and

6           (3) For all offenses under this section, a surcharge of up  
7                       to \$100 may be deposited in the [~~trauma system~~  
8                       ~~special~~] general fund if the court so orders."

9           SECTION 18. Section 291C-104, Hawaii Revised Statutes, is  
10           amended by amending subsection (c) to read as follows:

11           "(c) Any person who violates this section shall be fined  
12           \$250, may be charged with a surcharge of up to \$100 to be  
13           deposited into the [~~trauma system special~~] general fund, and,  
14           where the violation involves speeding in a school zone, shall be  
15           charged with a surcharge of \$25 to be deposited into the safe  
16           routes to school program special fund."

17           SECTION 19. Section 291C-105, Hawaii Revised Statutes, is  
18           amended by amending subsection (c) to read as follows:

19           "(c) Any person who violates this section shall be guilty  
20           of a petty misdemeanor and shall be sentenced as follows without  
21           the possibility of probation or suspension of sentence:



- 1           (1) For a first offense not preceded by a prior conviction  
2           for an offense under this section in the preceding  
3           five years:
- 4           (A) A fine of not less than \$500 and not more than  
5           \$1,000;
- 6           (B) Thirty-day prompt suspension of license and  
7           privilege to operate a vehicle during the  
8           suspension period, or the court may impose, in  
9           lieu of the thirty-day prompt suspension of  
10          license, a minimum fifteen-day prompt suspension  
11          of license with absolute prohibition from  
12          operating a vehicle and, for the remainder of the  
13          thirty-day period, a restriction on the license  
14          that allows the person to drive for limited work-  
15          related purposes;
- 16          (C) Attendance in a course of instruction in driver  
17          retraining;
- 18          (D) A surcharge of \$25 to be deposited into the  
19          neurotrauma special fund;



- 1 (E) May be charged a surcharge of up to \$100 to be
- 2 deposited into the [~~trauma system special~~
- 3 general fund if the court so orders;
- 4 (F) An assessment for driver education pursuant to
- 5 section 286G-3; and
- 6 (G) Either one of the following:
- 7 (i) Thirty-six hours of community service work;
- 8 or
- 9 (ii) Not less than forty-eight hours and not more
- 10 than five days of imprisonment;
- 11 (2) For an offense that occurs within five years of a
- 12 prior conviction for an offense under this section,
- 13 by:
- 14 (A) A fine of not less than \$750 and not more than
- 15 \$1,000;
- 16 (B) Prompt suspension of license and privilege to
- 17 operate a vehicle for a period of thirty days
- 18 with an absolute prohibition from operating a
- 19 vehicle during the suspension period;
- 20 (C) Attendance in a course of instruction in driver
- 21 retraining;



- 1 (D) A surcharge of \$25 to be deposited into the  
2 neurotrauma special fund;
- 3 (E) May be charged a surcharge of up to \$100 to be  
4 deposited into the [~~trauma system special~~]  
5 general fund if the court so orders;
- 6 (F) An assessment for driver education pursuant to  
7 section 286G-3; and
- 8 (G) Either one of the following:
- 9 (i) Not less than one hundred twenty hours of  
10 community service work; or
- 11 (ii) Not less than five days but not more than  
12 fourteen days of imprisonment of which at  
13 least forty-eight hours shall be served  
14 consecutively; and
- 15 (3) For an offense that occurs within five years of two  
16 prior convictions for offenses under this section, by:
- 17 (A) A fine of \$1,000;
- 18 (B) Revocation of license and privilege to operate a  
19 vehicle for a period of not less than ninety days  
20 but not more than one year;



- 1 (C) Attendance in a course of instruction in driver
- 2 retraining;
- 3 (D) No fewer than ten days but no more than thirty
- 4 days of imprisonment of which at least forty-
- 5 eight hours shall be served consecutively;
- 6 (E) A surcharge of \$25 to be deposited into the
- 7 neurotrauma special fund;
- 8 (F) May be charged a surcharge of up to \$100 to be
- 9 deposited into the [~~trauma system special~~]
- 10 general fund if the court so orders; and
- 11 (G) An assessment for driver education pursuant to
- 12 section 286G-3."

13 SECTION 20. Section 291E-7, Hawaii Revised Statutes, is  
 14 amended by amending subsection (c) to read as follows:

15 "(c) The person shall pay the surcharge to the clerk of  
 16 the court. The surcharge shall be deposited with the state  
 17 director of finance who shall transmit the surcharge to the  
 18 [~~trauma system special~~] general fund [~~pursuant to section 321-~~  
 19 ~~22.5~~]."

20 SECTION 21. Section 291E-61, Hawaii Revised Statutes, is  
 21 amended by amending subsection (b) to read as follows:



1           "(b) A person committing the offense of operating a  
2 vehicle under the influence of an intoxicant shall be sentenced  
3 without possibility of probation or suspension of sentence as  
4 follows:

5           (1) For the first offense, or any offense not preceded  
6 within a ten-year period by a conviction for an  
7 offense under this section or section 291E-4(a):

8           (A) A fourteen-hour minimum substance abuse  
9 rehabilitation program, including education and  
10 counseling, or other comparable program deemed  
11 appropriate by the court;

12           (B) One-year revocation of license and privilege to  
13 operate a vehicle during the revocation period  
14 and installation during the revocation period of  
15 an ignition interlock device on any vehicle  
16 operated by the person;

17           (C) Any one or more of the following:

18           (i) Seventy-two hours of community service work;

19           (ii) No less than forty-eight hours and no more  
20 than five days of imprisonment; or



- 1 (iii) A fine of no less than \$250 but no more than  
2 \$1,000;
- 3 (D) A surcharge of \$25 to be deposited into the  
4 neurotrauma special fund; and
- 5 (E) A surcharge, if the court so orders, of up to \$25  
6 to be deposited into the [~~trauma system special~~]  
7 general fund;
- 8 (2) For an offense that occurs within ten years of a prior  
9 conviction for an offense under this section or  
10 section 291E-4(a):
- 11 (A) Revocation for no less than twenty-four months  
12 nor more than three years of license and  
13 privilege to operate a vehicle during the  
14 revocation period and installation during the  
15 revocation period of an ignition interlock device  
16 on any vehicle operated by the person;
- 17 (B) Either one of the following:
- 18 (i) No less than two hundred forty hours of  
19 community service work; or
- 20 (ii) No less than five days but no more than  
21 thirty days of imprisonment, of which at



- 1                   least forty-eight hours shall be served  
2                   consecutively;
- 3           (C) A fine of no less than \$1,000 but no more than  
4           \$3,000;
- 5           (D) A surcharge of \$25 to be deposited into the  
6           neurotrauma special fund; and
- 7           (E) A surcharge of up to \$50, if the court so orders,  
8           to be deposited into the [~~trauma system special~~]  
9           general fund;
- 10       (3) In addition to a sentence imposed under paragraphs (1)  
11       and (2), any person eighteen years of age or older who  
12       is convicted under this section and who operated a  
13       vehicle with a passenger, in or on the vehicle, who  
14       was younger than fifteen years of age, shall be  
15       sentenced to an additional mandatory fine of \$500 and  
16       an additional mandatory term of imprisonment of forty-  
17       eight hours; provided that the total term of  
18       imprisonment for a person convicted under this  
19       paragraph shall not exceed the maximum term of  
20       imprisonment provided in paragraph (1) or (2), as  
21       applicable. Notwithstanding paragraphs (1) and (2),



1 the revocation period for a person sentenced under  
2 this paragraph shall be no less than two years; and

3 (4) If the person demonstrates to the court that the  
4 person:

5 (A) Does not own or have the use of a vehicle in  
6 which the person can install an ignition  
7 interlock device during the revocation period; or

8 (B) Is otherwise unable to drive during the  
9 revocation period,

10 the person shall be absolutely prohibited from driving  
11 during the period of applicable revocation provided in  
12 paragraphs (1) to (3); provided that the court shall  
13 not issue an ignition interlock permit pursuant to  
14 subsection (i) and the person shall be subject to the  
15 penalties provided by section 291E-62 if the person  
16 drives during the applicable revocation period."

17 SECTION 22. Section 291E-61.5, Hawaii Revised Statutes, is  
18 amended by amending subsection (c) to read as follows:

19 "(c) For a conviction under this section, the sentence  
20 shall be either:



- 1 (1) An indeterminate term of imprisonment of five years;
- 2 or
- 3 (2) A term of probation of five years, with conditions to
- 4 include:
- 5 (A) Mandatory revocation of license and privilege to
- 6 operate a vehicle for a period no less than three
- 7 years but no more than five years;
- 8 (B) No less than ten days imprisonment, of which at
- 9 least forty-eight hours shall be served
- 10 consecutively;
- 11 (C) A fine of no less than \$2,000 but no more than
- 12 \$5,000;
- 13 (D) Referral to a certified substance abuse counselor
- 14 as provided in subsection (d);
- 15 (E) A surcharge of \$25 to be deposited into the
- 16 neurotrauma special fund; and
- 17 (F) May be charged a surcharge of up to \$50 to be
- 18 deposited into the [~~trauma system special~~]
- 19 general fund if the court so orders.
- 20 In addition to the foregoing, any vehicle owned and operated by
- 21 the person committing the offense shall be subject to forfeiture



1 pursuant to chapter 712A; provided that the department of  
2 transportation shall provide storage for vehicles forfeited  
3 under this subsection."

4 SECTION 23. Section 304A-2168, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) The following shall be deposited into the special  
7 fund:

8 [~~1~~] ~~Moneys collected pursuant to section 245-15;~~

9 ~~(2)]~~ (1) All ~~[other]~~ fees, charges, and other moneys  
10 received in conjunction with programs of the cancer  
11 research center of Hawaii;

12 [~~3~~] (2) Transfers from other accounts or funds; and

13 [~~4~~] (3) Interest earned or accrued on moneys in the  
14 special fund."

15 SECTION 24. Section 321-22.5, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) There is established within the state treasury a  
18 special fund to be known as the trauma system special fund to be  
19 administered and expended by the department of health. The fund  
20 shall consist of:



- 1       ~~[(1) Surcharges collected pursuant to sections 291-15,~~  
2                 ~~291C-2, and 291E-7;~~
- 3       ~~(2) Cigarette tax revenues designated under section 245-15;~~
- 4       ~~(3)]~~ (1) Federal funds granted by Congress or executive  
5                 order for the purpose of this chapter; provided that  
6                 the acceptance and use of federal funds shall not  
7                 commit state funds for services and shall not place an  
8                 obligation upon the legislature to continue the  
9                 purpose for which the federal funds are made  
10                available;
- 11       ~~[(4)]~~ (2) Funds appropriated by the legislature for this  
12                purpose, including grants-in-aid;
- 13       ~~[(5)]~~ (3) Grants, donations, and contributions from private  
14                or public sources for the purposes of the trauma  
15                system special fund; and
- 16       ~~[(6)]~~ (4) Interest on and other income from the fund, which  
17                shall be separately accounted for.

18       The unexpended and unencumbered moneys in the fund in  
19       excess of \$7,400,000 on June 30 of each fiscal year shall be  
20       transferred by the director of finance into and become a  
21       realization of the general fund on that date. Expenditures from



1 the trauma system special fund shall be exempt from chapters  
2 103D and 103F."

3 SECTION 25. Section 321-1.65, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§321-1.65 Community health centers special fund. (a)~~

6 ~~There is established within the state treasury a special fund to~~  
7 ~~be known as the community health centers special fund to be~~  
8 ~~administered and expended by the department of health.~~

9 ~~(b) The moneys in the special fund shall be used by the~~  
10 ~~department of health for the operations of federally qualified~~  
11 ~~health centers.~~

12 ~~(c) Moneys collected pursuant to section 245-15 shall be~~  
13 ~~deposited into the special fund." ]~~

14 SECTION 26. Section 321-234, Hawaii Revised Statutes, is  
15 repealed.

16 [~~"§321-234 Emergency medical services special fund. (a)~~

17 ~~There is established within the state treasury a special fund to~~  
18 ~~be known as the emergency medical services special fund to be~~  
19 ~~administered and expended by the department.~~

20 ~~(b) The moneys in the special fund shall be used by the~~  
21 ~~department for operating a state comprehensive emergency medical~~



1 ~~services system including enhanced and expanded services, and~~  
2 ~~shall not be used to supplant funding for emergency medical~~  
3 ~~services authorized prior to [July 1, 2004].~~

4 ~~(c) Fees remitted pursuant to section 249-31, cigarette~~  
5 ~~tax revenues designated under section 245-15, interest and~~  
6 ~~investment earnings attributable to the moneys in the special~~  
7 ~~fund, legislative appropriations, and grants, donations, and~~  
8 ~~contributions from private or public sources for the purposes of~~  
9 ~~the fund, shall be deposited into the special fund.~~

10 ~~(d) The department shall submit an annual report to the~~  
11 ~~legislature no later than twenty days prior to the convening of~~  
12 ~~each regular session that outlines the receipts of, and~~  
13 ~~expenditures from, the special fund." ]~~

14 SECTION 27. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$                    or so  
16 much thereof as may be necessary for fiscal year 2021-2022 for  
17 operating expenses.

18 The sum appropriated shall be expended by the department of  
19 health for the purposes of this Act.

20 SECTION 28. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

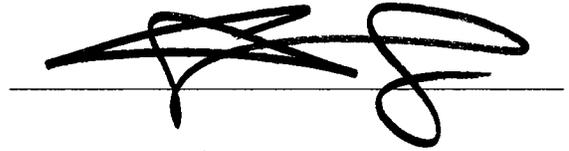


# H.B. NO. 1297

1 SECTION 29. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY:

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JAN 27 2021



# H.B. NO. 1297

**Report Title:**

State Finances; Special Funds; General Fund; Central Services Expenses; Appropriation

**Description:**

Makes all special funds subject to deductions for central service expenses into the general fund. Repeals the community health centers special fund and emergency medical services special fund. Beginning 7/1/2021, transfers to the credit of the general fund any amounts allocated to those special funds, including amounts allocated from the cigarette tax and tobacco tax to those special funds. Makes a general fund appropriation to the department of health for operating expenses.

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

