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# A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

PART I. INTRODUCTION

SECTION 1. The COVID-19 pandemic has swept across the nation and many parts of the world with unanticipated force and brought with it enormous challenges for governments at all levels. These challenges provide opportunities to restructure.

The legislature finds that, fundamentally, non-general funds must be reviewed and scrutinized just as much as general funds to determine if resources are being deployed effectively and efficiently.

The purpose of this Act is to trigger a full accounting of various non-general funded program objectives, performance, and results by repealing or abolishing those non-general funds.

PART II. DEPARTMENT OF AGRICULTURE

SECTION 2. Section 145-38, Hawaii Revised Statutes, is amended to read as follows:

"[+]§145-38[+] Civil penalty. Any person who violates any provision of this part or rule adopted pursuant to section



1 145-39 shall be subject to a civil penalty in an amount not to  
2 exceed \$1,000 per violation. In determining the amount of any  
3 civil penalty, the board of agriculture shall give due  
4 consideration to:

- 5 (1) The history of the person's previous violations;
- 6 (2) The seriousness of the violation; and
- 7 (3) The demonstrated good faith of the person charged in  
8 attempting to achieve compliance with this part after  
9 being notified of the violation.

10 The penalty shall be collected by the department, and the  
11 proceeds shall be deposited into the [~~agricultural development~~  
12 ~~and food security special fund established pursuant to section~~  
13 ~~141-10.~~] general fund."

14 SECTION 3. Section 155-4, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§155-4 Powers and duties of the department.** The  
17 department of agriculture shall have the following powers:

- 18 (1) Employ a secretary, who may be exempt from chapter 76,  
19 and other full-time and part-time employees, subject  
20 to chapter 76, as are necessary to effectuate the  
21 purposes of this chapter, subject [~~further to the~~



1           ~~limitation of funds in the agricultural loan reserve~~  
2           ~~fund,~~] to available funds;

3           (2) Designate agents throughout the State as may be  
4           necessary for property appraisal, the consideration of  
5           loan applications, and the supervision of farming  
6           operations of borrowers. The agents may be  
7           compensated for their services at rates the department  
8           in its discretion may fix;

9           (3) Initiate and carry on a continuing research and  
10          education program, utilizing and coordinating the  
11          services and facilities of other government agencies  
12          and private lenders to the maximum, to inform  
13          qualified farmers concerning procedures for obtaining  
14          loans and to inform private lenders concerning the  
15          advantages of making loans to qualified farmers;

16          (4) Cooperate with private and federal government farm  
17          loan sources to increase the amount of loan funds  
18          available to qualified farmers in the State;

19          (5) Assist individual qualified farmers in obtaining loans  
20          from other sources. Insofar as available funds and  
21          staff permit, counsel and assist individual farmers in



1           establishing and maintaining proper records to prove  
2           their farming ability for loan purposes;

3           (6)   Insure loans made to qualified farmers and food  
4           manufacturers by private lenders under section 155-5;

5           (7)   Participate in loans made to qualified farmers and  
6           food manufacturers by private lenders under section  
7           155-6;

8           (8)   Make direct loans to qualified farmers and food  
9           manufacturers under section 155-8;

10          (9)   Borrow money for loan purposes;

11          (10)  Assign and sell mortgages;

12          (11)  Hold title to, maintain, use, manage, operate, sell,  
13          lease, or otherwise dispose of personal and real  
14          property acquired by way of foreclosure, voluntary  
15          surrender, or otherwise, to recover moneys loaned;

16          (12)  Sue and be sued in the name of the "State of Hawaii";

17          (13)  Exercise incidental powers as are deemed necessary or  
18          requisite to fulfill its duty in carrying out the  
19          purposes of this chapter;

20          (14)  Delegate authority to its chairperson to approve  
21          loans, where the requested amount plus any principal





1 balance on existing loans to the applicant, does not  
2 exceed \$25,000 of state funds; and

3 (15) Adopt rules pursuant to chapter 91 necessary for the  
4 purpose of this chapter."

5 SECTION 4. Section 219-5, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) The department shall have the necessary powers to  
8 carry out the purposes of this chapter, including the following:

9 (1) Prescribe the qualifications for eligibility of  
10 applicants for loans;

11 (2) Establish preferences and priorities in determining  
12 eligibility for loans and loan repayment requirements;

13 (3) Establish the conditions, consistent with the purpose  
14 of this chapter, for the granting or for the  
15 continuance of a grant of a loan;

16 (4) Provide for inspection at reasonable hours of the  
17 plant facilities, books, and records of an enterprise  
18 that has applied for or has been granted a loan and  
19 require the submission of progress and final reports;

20 (5) Make loans for aquacultural products development, such  
21 as financing of plant construction, conversion,



1 expansion, the acquisition of land for expansion, the  
2 acquisition of equipment, machinery, supplies, or  
3 materials or for the supplying of working capital,  
4 consistent with section 219-6;

5 (6) Secure loans by duly recorded first mortgages upon the  
6 following property within the State:

7 (A) Fee simple farm land;

8 (B) Leaseholds of farm land where the lease has an  
9 unexpired term at least two years longer than the  
10 term of the loan;

11 (C) Aquaculture products;

12 (D) Other chattels;

13 (E) A second mortgage when any prior mortgage does  
14 not contain provisions that might jeopardize the  
15 security position of the department or the  
16 borrower's ability to repay; and

17 (F) Written agreements, such as assignments of  
18 income;

19 ~~[(7) Administer the Hawaii aquaculture loan revolving fund~~  
20 ~~and deposit into the fund all moneys received on~~  
21 ~~account of principal;~~



~~(8)~~ (7) Include in its budget for subsequent fiscal periods amounts necessary to effectuate the purposes of this chapter;

~~[(9)]~~ (8) Insure loans made to qualified aquaculturists by private lenders under sections 219-7 and 219-8; provided that at no time shall the aggregate amount of the State's liability, contingent or otherwise, on these loans exceed \$1,000,000;

~~[(10)]~~ (9) Participate in loans made to qualified aquaculturists by private lenders under section 219-8;

~~[(11)]~~ (10) Make direct loans to qualified aquaculturists as provided under section 219-9;

~~[(12)]~~ (11) Establish interest rates chargeable by the State for direct loans and by private lenders for insured and participation loans; and

~~[(13)]~~ (12) Maintain a proper reserve in the aquaculture loan revolving fund to guarantee payment of loans insured under sections 219-7 and 219-8."

SECTION 5. Section 141-2.7, Hawaii Revised Statutes, is repealed.



1       ~~["§141-2.7] Aquaculture development special fund. (a)~~

2       ~~There is established in the state treasury the aquaculture~~  
3       ~~development special fund into which shall be deposited:~~

4       ~~(1) Appropriations from the legislature;~~

5       ~~(2) Moneys collected as fees for special microbiological~~  
6       ~~and histological procedures and expert aquaculture-~~  
7       ~~related services;~~

8       ~~(3) Moneys collected from the sale of any item related to~~  
9       ~~aquaculture development that is purchased from the~~  
10      ~~department;~~

11      ~~(4) Moneys directed to the aquaculture development program~~  
12      ~~from any other sources, including but not limited to~~  
13      ~~grants, gifts, and awards; and~~

14      ~~(5) Moneys derived from interest, dividend, or other~~  
15      ~~income from the above sources.~~

16      ~~(b) Moneys in the aquaculture development special fund~~  
17      ~~shall be used to:~~

18      ~~(1) Implement the aquatic disease management programs and~~  
19      ~~activities of the department, including provision of~~  
20      ~~state funds to match federal grants; and~~



~~(2) Support research and development programs and activities relating to the expansion of the state aquaculture industry. Research and development programs and activities funded under this paragraph may be conducted by department personnel or through contracts with the University of Hawaii or other qualified persons."}]~~

SECTION 6. Section 141-10, Hawaii Revised Statutes, is repealed.

~~["§141-10 Agricultural development and food security special fund; establishment. (a) There is established within the state treasury the agricultural development and food security special fund.~~

~~(b) The following moneys shall be deposited into the special fund:~~

~~(1) The portion of the environmental response, energy, and food security tax specified under section 243-3.5;~~

~~(2) Any appropriation by the legislature into the special fund;~~

~~(3) Any grant or donation made to the special fund; and~~



1       ~~(4) Any interest earned on the balance of the special~~  
2           ~~fund.~~

3       ~~(e) Subject to legislative appropriation, moneys in the~~  
4 ~~special fund may be expended for the following purposes:~~

5       ~~(1) The awarding of grants to farmers for agricultural~~  
6           ~~production or processing activity;~~

7       ~~(2) The acquisition of real property for agricultural~~  
8           ~~production or processing activity;~~

9       ~~(3) The improvement of real property, dams, reservoirs,~~  
10           ~~irrigation systems, and transportation networks~~  
11           ~~necessary to promote agricultural production or~~  
12           ~~processing activity, including investigative studies~~  
13           ~~to identify and assess necessary improvements to dams,~~  
14           ~~reservoirs, irrigation systems, and transportation~~  
15           ~~networks;~~

16       ~~(4) The purchase of equipment necessary for agricultural~~  
17           ~~production or processing activity;~~

18       ~~(5) The conduct of research on and testing of agricultural~~  
19           ~~products and markets;~~

20       ~~(6) The funding of agricultural inspector positions within~~  
21           ~~the department of agriculture;~~



~~(7) The promotion and marketing of agricultural products  
grown or raised in the State;~~

~~(8) Water quality testing and improvement; and~~

~~(9) Any other activity intended to increase agricultural  
production or processing that may lead to reduced  
importation of food, fodder, or feed from outside the  
State.~~

~~(d) The department of agriculture shall submit a report to  
the legislature no later than twenty days prior to the convening  
of each regular session on the status and progress of existing  
programs and activities and the status of new programs and  
activities funded under the agricultural development and food  
security special fund. The report shall also include:~~

~~(1) The spending plan of the agricultural development and  
food security special fund;~~

~~(2) All expenditures of agricultural development and food  
security special fund moneys;~~

~~(3) The targeted markets of the expenditures, including  
the reason for selecting those markets;~~

~~(4) The persons to be served using the expenditures; and~~



1       ~~(5) The specific objectives of the expenditures, including~~  
2           ~~measurable outcomes." ]~~

3       SECTION 7. Section 141-14, Hawaii Revised Statutes, is  
4       repealed.

5       ~~"[§141-14] Industrial hemp special fund; established.~~

6       ~~(a) There is created in the state treasury a special fund to be~~  
7       ~~designated as the industrial hemp special fund to be~~  
8       ~~administered by the department of agriculture. Moneys deposited~~  
9       ~~in this special fund shall be used to fulfill the purposes of~~  
10       ~~this part and shall include:~~

11       ~~(1) Any moneys appropriated by the legislature to the~~  
12           ~~special fund;~~

13       ~~(2) Any fees collected by the department of agriculture in~~  
14           ~~relation to the industrial hemp pilot program; and~~

15       ~~(3) The interest or return on investments earned from~~  
16           ~~moneys in the special fund.~~

17       ~~(b) The department of agriculture may use the moneys in~~  
18       ~~the special fund to carry out the purposes of this part,~~  
19       ~~including hiring employees, specialists, and consultants~~  
20       ~~necessary to complete projects related to the purposes of this~~  
21       ~~part." ]~~





SECTION 8. Section 142-3.6, Hawaii Revised Statutes, is repealed.

~~["§142-3.6] Animal industry special fund. There is established the animal industry special fund to be administered by the board of agriculture. Moneys received by the board of agriculture from:~~

~~(1) The use or rental of the division of animal industry's properties or facilities, including the animal quarantine property or facilities pursuant to section 142-3.5; or~~

~~(2) Appropriations or other moneys made available, shall be deposited into the special fund. All interest earned or accrued on moneys deposited in the special fund shall become part of the special fund. Moneys in the special fund shall be expended to cover costs of the division of animal industry, including the costs of salaries, fringe benefits, operating expenses, equipment, motor vehicles, contract with any qualified person or entity for livestock handling services, and operating and maintenance of the animal industry facilities; provided that moneys in the special fund may be used to fund the department's resource management and planning programs. A reserve shall be~~



1 ~~maintained in the special fund to cover contingency costs,~~  
2 ~~including accrued vacation leave, unemployment insurance, and~~  
3 ~~workers' compensation."]~~

4 SECTION 9. Section 142-28.5, Hawaii Revised Statutes, is  
5 repealed.

6 [~~"§142-28.5 Animal quarantine special fund. There is~~  
7 ~~established the animal quarantine special fund to be~~  
8 ~~administered by the board of agriculture. Moneys received by~~  
9 ~~the board of agriculture from:~~

10 (1) ~~Fees for the quarantine of cats, dogs, and other~~  
11 ~~carnivores pursuant to this chapter;~~  
12 (2) ~~Moneys received for the use of animal quarantine~~  
13 ~~property or facilities pursuant to section 142-3.5; or~~  
14 (3) ~~State appropriations or other moneys made available,~~  
15 ~~shall be deposited into the special fund. All interest earned~~  
16 ~~or accrued on moneys deposited in the special fund shall become~~  
17 ~~part of the special fund. Moneys in the special fund shall be~~  
18 ~~expended to cover all costs of quarantine but not limited to the~~  
19 ~~costs of salaries, fringe benefits, operating expenses,~~  
20 ~~including the defraying of quarantine fees, equipment, motor~~  
21 ~~vehicles, contract with any qualified person or entity for~~



~~1 animal care services, operation and maintenance of the~~  
~~2 quarantine station, and promotional expenses. A reserve shall~~  
~~3 be appropriated and maintained in the special fund to cover~~  
~~4 contingency costs, including but not limited to accrued vacation~~  
~~5 leave, unemployment insurance, and workers' compensation." ]~~

6 SECTION 10. Section 148-67, Hawaii Revised Statutes, is  
7 repealed.

8 ~~["[§148-67] Seal of quality special fund. (a) There is~~  
9 ~~established in the state treasury the seal of quality special~~  
10 ~~fund, into which shall be deposited:~~

11 ~~(1) All revenues from the operations of the seal of~~  
12 ~~quality program established under section 148-61;~~

13 ~~(2) Fines collected under section 148-66; and~~

14 ~~(3) Any appropriations made by the legislature to the~~  
15 ~~fund.~~

16 ~~(b) Moneys in the special fund may be expended for all~~  
17 ~~costs associated with the seal of quality program, including:~~

18 ~~(1) Conducting trade shows, retail shows, conferences,~~  
19 ~~seminars, and other promotional activities;~~

20 ~~(2) Expenses for designs, program labels, items and~~  
21 ~~materials, displays, brochures, media advertisements,~~



1 inspection, and review and investigative activities  
2 relating to application and enforcement of the  
3 program;

4 (3) Printing, mailing, airfare and per diem, lei, decors,  
5 rental of facilities and audio visual equipment,  
6 display and booth fees, participation fees, general  
7 supplies; and

8 (4) Any other expense necessary to administer the  
9 program." ]

10 SECTION 11. Section 150A-4.5, Hawaii Revised Statutes, is  
11 repealed.

12 [ "~~§150A-4.5 Pest inspection, quarantine, and eradication~~  
13 ~~fund.~~ (a) There is established in the state treasury the pest  
14 inspection, quarantine, and eradication fund, into which shall  
15 be deposited:

16 (1) Legislative appropriations for biosecurity and  
17 inspection, quarantine, and eradication services;

18 (2) Service fees, charges, and penalties collected under  
19 section 150A-5.3;

20 (3) Fees imposed for services pursuant to this chapter or  
21 rules adopted under this chapter;



~~(4) Fines for violations of this chapter;~~

~~(5) Federal funds received for biosecurity, pest  
inspection, control, management, quarantine, and  
eradication programs;~~

~~(6) Grants and gifts;~~

~~(7) All interest earned or accrued on moneys deposited in  
the fund; and~~

~~(8) Any other moneys made available to the fund.~~

~~(b) The moneys in the pest inspection, quarantine, and  
eradication fund shall be expended by the department for the  
operation of biosecurity and pest inspection, quarantine,  
eradication, and monitoring programs; the electronic importer  
manifest program; related facilities; the execution of emergency  
remedial measures when pests are detected in the course of  
inspection and quarantine activities by the department; training  
of inspectors; education of the agricultural industry, permit  
and certificate holders, and the general public as to import  
requirements; and for any other purposes deemed necessary to  
carry out the purposes of this chapter. In addition, the moneys  
shall be expended to facilitate the processing and issuance of  
permits and microorganism import documents and for the~~



1 ~~operations, activities, and monitoring of permitted and~~  
2 ~~certified plants, animals, and microorganisms." ]~~

3 SECTION 12. Section 155-14, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§155-14 Funds; application of payments. (a) There is~~  
6 ~~created a special fund to be known as the agricultural loan~~  
7 ~~revolving fund, from which moneys shall be loaned by the~~  
8 ~~department of agriculture under this chapter. The department,~~  
9 ~~by its board of agriculture, may transfer moneys from the~~  
10 ~~agricultural loan revolving fund to the aquaculture loan~~  
11 ~~revolving fund, from which moneys shall be disbursed by the~~  
12 ~~department pursuant to chapter 219, and may transfer moneys from~~  
13 ~~that revolving fund to the agricultural loan revolving fund for~~  
14 ~~disbursement pursuant to this chapter; provided that:~~

15 (1) ~~The amount of moneys transferred shall not exceed~~  
16 ~~\$1,000,000 for each revolving fund within the calendar~~  
17 ~~year; and~~

18 (2) ~~Twenty days prior to the convening of each regular~~  
19 ~~session of the legislature, the department shall~~  
20 ~~report to the legislature all transfers that were made~~  
21 ~~between the agricultural loan revolving fund and the~~



~~aquaculture loan revolving fund during the preceding  
calendar year and the balance of each revolving fund  
as of December 31 of each year.~~

~~(b) All interest and fees collected by the department  
shall be deposited in the agricultural loan reserve fund to the  
extent needed to carry on the operations of the department  
including payments for consultative services that would  
strengthen the agriculture loan program; any moneys surplus to  
these needs shall be transferred to the agricultural loan  
revolving fund at the discretion of the department. All  
payments received on account of principal shall be credited to  
the agricultural loan revolving fund.~~

~~(c) A proper reserve shall be maintained in the  
agricultural loan revolving fund to guarantee payment of loans  
under section 155-5.~~

~~(d) All funds of the department shall be paid out on  
warrants signed by the chairperson of the board of  
agriculture."]~~

SECTION 13. Section 155-34, Hawaii Revised Statutes, is  
repealed.



1       ~~["§155-34] Hawaii water infrastructure special fund. (a)~~

2       ~~There is established the Hawaii water infrastructure special~~  
3       ~~fund into which shall be deposited:~~

4       ~~(1) Water infrastructure charges received for the use and~~  
5       ~~services of the loan program, including the repayment~~  
6       ~~of loans made under the loan program;~~

7       ~~(2) All other funds received by the department and legally~~  
8       ~~available for the purposes of the water infrastructure~~  
9       ~~special fund;~~

10       ~~(3) Interest earnings on all amounts in the water~~  
11       ~~infrastructure special fund; and~~

12       ~~(4) Any other moneys permitted by the board of~~  
13       ~~agriculture.~~

14       ~~(b) Moneys in the water infrastructure special fund may be~~  
15       ~~used for the purposes of:~~

16       ~~(1) Making water infrastructure loans;~~

17       ~~(2) Paying administrative costs of the loan program; or~~

18       ~~(3) Paying any other costs related to the loan program."]~~

19       SECTION 14. Section 157-29, Hawaii Revised Statutes, is  
20       repealed.





1       ~~["§157-29 Milk control special fund. There is established~~  
2       ~~the milk control special fund to be administered by the board of~~  
3       ~~agriculture. All moneys received by the board of agriculture as~~  
4       ~~application fees and for licenses or otherwise under this~~  
5       ~~chapter, and any state appropriations or other moneys made~~  
6       ~~available to carry out the purposes of this chapter, shall be~~  
7       ~~deposited into the special fund. All interest earned or accrued~~  
8       ~~on moneys deposited in the special fund shall become part of the~~  
9       ~~special fund. Moneys in the special fund shall be expended to~~  
10      ~~cover all costs of administering this chapter including but not~~  
11      ~~limited to the costs of salaries, fringe benefits, operating~~  
12      ~~expenses, equipment, motor vehicles, contracts for services, and~~  
13      ~~promotional expenses. Moneys in the special fund may be~~  
14      ~~transferred to the general fund for salaries and fringe benefits~~  
15      ~~of other state employees assisting in administering this chapter~~  
16      ~~and other related costs. A reserve in an amount of not less~~  
17      ~~than \$300,000 shall be maintained in the special fund to cover~~  
18      ~~contingency costs including but not limited to accrued vacation~~  
19      ~~leave, audits, unemployment insurance, and workers'~~  
20      ~~compensation." ]~~



SECTION 15. Section 166-10, Hawaii Revised Statutes, is repealed.

~~["§166-10 Agricultural park special fund. (a) There is created in the state treasury a special fund to be designated as the agricultural park special fund. The proceeds in the fund shall be used for the following purposes:~~

~~(1) Payment of agricultural park lease rents of privately owned lands under lease to the State pursuant to sections 171-112 and 166-3;~~

~~(2) Establishing, operating, maintaining, and improving infrastructure improvements in agricultural parks designated by the department pursuant to section 166-3; and~~

~~(3) Any other purposes deemed necessary by the department for the purpose of maintaining and operating those agricultural parks and related facilities designated by the department pursuant to section 166-3.~~

~~For the purpose of paragraph (2), infrastructure improvements may include, but shall not be limited to: irrigation water system projects, wind power or hydro power and~~



~~pumping systems, waste disposal systems, domestic water systems, roads, street lights, land and roads drainage, and bridges.~~

~~(b) Moneys appropriated for the purpose of the fund; any other provision of the law to the contrary notwithstanding, all moneys received or collected from an agricultural park project designated pursuant to section 166-3, including residential and agricultural lot lease rents; and all money collected or received by the department for the use and maintenance of domestic and irrigation water systems within an agricultural park and other systems enumerated in subsection (a) shall be deposited into the agricultural park special fund. All interest earned or accrued on moneys deposited in the fund shall become a part of the fund. Moneys in the fund shall be expended upon warrants drawn by the comptroller."]~~

SECTION 16. Section 166E-7, Hawaii Revised Statutes, is repealed.

~~["~~§166E-7~~ Non-agricultural park lands special fund; established. (a) There is established in the state treasury the non-agricultural park lands special fund, into which shall be deposited:~~

~~(1) Legislative appropriations to the fund; and~~



~~(2) All lease rent, fees, penalties, and any other revenue or funds collected from non-agricultural park lands that are transferred, or in the process of being transferred, to the department under this chapter.~~

~~(b) Moneys in the special fund shall be used to defray the costs incurred in managing, administering, and overseeing non-agricultural park lands that are transferred, or in the process of being transferred, to the department under this chapter.~~

~~(c) The department shall administer the non-agricultural park lands special fund."]~~

SECTION 17. Section 219-4, Hawaii Revised Statutes, is repealed.

~~["§219-4 Funds; application of payments. (a) There is established a special fund to be known as the aquaculture loan revolving fund from which moneys shall be loaned by the department of agriculture under this chapter. The department, by its board of agriculture, may transfer moneys from the aquaculture loan revolving fund to the agricultural loan revolving fund, from which moneys shall be disbursed by the department pursuant to chapter 155, and may transfer moneys from~~



~~that revolving fund to the aquaculture loan revolving fund for  
disbursement pursuant to this chapter; provided that:~~

~~(1) The amount of moneys transferred shall not exceed  
\$1,000,000 for each revolving fund within the calendar  
year; and~~

~~(2) Twenty days prior to the convening of each regular  
session of the legislature, the department shall  
report to the legislature all transfers that were made  
between the aquaculture loan revolving fund and the  
agricultural loan revolving fund during the preceding  
calendar year and the balance of each revolving fund  
as of December 31 of each year.~~

~~(b) All interests and fees collected by the department  
shall be deposited in a loan reserve fund to the extent needed  
to carry on the operations of this program; any moneys surplus  
to these needs shall be transferred to the aquaculture loan  
revolving fund at the discretion of the department. All  
payments received on account of principal shall be credited to  
the loan revolving fund." ]~~

SECTION 18. Sections 142-3.5, 150A-5.3, 150A-5.4(b),  
150A-7.6(b), 150A-21, 150A-23, 150A-31, 150A-42, 150A-54(a),



1 155-6.5(a), and 171-117(b), Hawaii Revised Statutes, are amended  
2 by substituting the words "general fund" or similar term,  
3 wherever the words "animal industry special fund, established  
4 pursuant to section 142-3.6, and used to defray the operational  
5 costs of the department of agriculture's division of animal  
6 industry", "pest inspection, quarantine, and eradication fund  
7 under section 150A-4.5", "pest inspection, quarantine, and  
8 eradication fund established under section 150A-4.5", "pest  
9 inspection, quarantine, and eradication fund", "pest inspection,  
10 quarantine, and eradication fund established pursuant to section  
11 150A-4.5", "agricultural loan reserve fund", "agricultural park  
12 special fund established under section 166-10", or similar term,  
13 appears, as the context requires.

14 SECTION 19. The following funds (appropriation code) are  
15 abolished:

- 16 (1) Food production & export strategic plan (S-353-A);
- 17 (2) Financial assistance for agr (S-334-A);
- 18 (3) Agr dev/food security - pi (S-333-A);
- 19 (4) Biosecurity program (S-312-A);
- 20 (5) Agr dev/food security - arm (S-335-A);
- 21 (6) Agricultural dev & food security spec fd (S-352-A);



(7) Quality and price assurance (S-329-A);  
(8) Agribusiness development & research (S-337-A);  
(9) Agr dev/food security - add (S-321-A);  
(10) Farm to school program (S-364-A);  
(11) General administration for agriculture (S-319-A);  
(12) Measurement standards (S-309-A); and  
(13) Measurement standards (S-330-A),  
and any unencumbered balances shall lapse to the credit of the  
general fund.

PART III. DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND  
TOURISM

SECTION 20. Section 87A-42, Hawaii Revised Statutes, is  
amended by amending subsection (d) to read as follows:

"(d) In any fiscal year subsequent to the 2017-2018 fiscal  
year in which a county public employer's contributions into the  
fund are less than the amount of the annual required  
contribution, the amount that represents the excess of the  
annual required contribution over the county public employer's  
contributions shall be deposited into the fund from a portion of  
all transient accommodations tax revenues collected by the  
department of taxation under section ~~[237D-6.5(b)(4)].~~



1 237D-6.5(b) (2). The director of finance shall deduct the amount  
2 necessary to meet the county public employer's annual required  
3 contribution from the revenues derived under section  
4 ~~[237D-6.5(b)(4)]~~ 237D-6.5(b) (2) and transfer the amount to the  
5 board for deposit into the appropriate account of the separate  
6 trust fund."

7 SECTION 21. Section 196-61, Hawaii Revised Statutes, is  
8 amended by deleting the definition of "Green infrastructure  
9 special fund".

10 ~~["Green infrastructure special fund" means the special~~  
11 ~~fund created pursuant to section 196-65."]~~

12 SECTION 22. Section 196-62.5, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) With the approval of the governor, a state agency may  
15 apply for financing, subject to availability under the revolving  
16 line of credit for fiscal year 2018-2019, and annually  
17 thereafter, from the green infrastructure loan program pursuant  
18 to ~~[section 196-65(b)(2),]~~ this part upon terms and conditions  
19 as are agreed to between the department or agency and the Hawaii  
20 green infrastructure authority; provided that the loans shall be  
21 issued at an interest rate of 3.5 per cent a year; provided





1 further that the loans shall not adversely affect the  
2 sustainability of the sub-fund or Hawaii green infrastructure  
3 special fund such that the replenishment of funds requires a  
4 higher interest rate in other financing agreements or an  
5 appropriation from the general fund."

6 SECTION 23. Section 196-64, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) In the performance of, and with respect to the  
9 functions, powers, and duties vested in the authority by this  
10 part, the authority, as directed by the director and in  
11 accordance with a green infrastructure loan program order or  
12 orders under section 269-171 or an annual plan submitted by the  
13 authority pursuant to this section, as approved by the public  
14 utilities commission may:

15 (1) Make loans and expend funds to finance the purchase or  
16 installation of green infrastructure equipment for  
17 clean energy technology, demand response technology,  
18 and energy use reduction and demand side management  
19 infrastructure, programs, and services;

20 ~~[(2) Hold and invest moneys in the green infrastructure~~  
21 ~~special fund in investments as permitted by law and in~~



1 ~~accordance with approved investment guidelines~~  
2 ~~established in one or more orders issued by the public~~  
3 ~~utilities commission pursuant to section 269-171;~~

4 ~~(3)]~~ (2) Hire employees necessary to perform its duties,  
5 including an executive director. The executive  
6 director shall be appointed by the authority, and the  
7 employees' positions, including the executive  
8 director's position, shall be exempt from chapter 76;

9 ~~[(4)]~~ (3) Enter into contracts for the service of  
10 consultants for rendering professional and technical  
11 assistance and advice, and any other contracts that  
12 are necessary and proper for the implementation of the  
13 loan program;

14 ~~[(5)]~~ (4) Enter into contracts for the administration of  
15 the loan program, without the necessity of complying  
16 with chapter 103D;

17 ~~[(6)]~~ (5) Establish loan program guidelines to be approved  
18 in one or more orders issued by the public utilities  
19 commission pursuant to section 269-171 to carry out  
20 the purposes of this part;



1       ~~[-(7)]~~ (6) Be audited at least annually by a firm of  
2               independent certified public accountants selected by  
3               the authority, and provide the results of this audit  
4               to the department and the public utilities commission;  
5               and  
6       ~~[-(8)]~~ (7) Perform all functions necessary to effectuate the  
7               purposes of this part."

8           SECTION 24. Section 196-66, Hawaii Revised Statutes, is  
9 amended as follows:

10          1. By amending its title to read:

11               "~~[{]}\$196-66[{]}—Use of]~~ Effectuation of the Hawaii green  
12 infrastructure [special fund;] loan program; application."

13          2. By amending subsection (c) to read:

14               "(c) In accordance with an approved green infrastructure  
15 loan program order or orders, the authority shall utilize ~~[the~~  
16 ~~proceeds of bonds and other amounts deposited in the Hawaii~~  
17 ~~green infrastructure special fund pursuant to [section] 196-65,~~  
18 ~~or to the extent permitted by a financing order,]~~ available  
19 funds to pay financing costs, as defined in section 269-161."

20          SECTION 25. Section 206M-17, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           **"§206M-17 Revenue bond fund accounts.** The development  
2 corporation shall establish separate special funds in accordance  
3 with section 39-62 for the deposit of the proceeds of special  
4 purpose revenue bonds and special facility revenue bonds  
5 authorized under this part and [†]part III[†] respectively. The  
6 development corporation shall have the right to appropriate,  
7 apply, or expend the revenues derived with respect to the  
8 project agreement for a project for the following purposes:

- 9           (1) To pay when due all special purpose revenue bonds and  
10           special facility revenue bonds, premiums, if any, and  
11           interest thereon, for the payment of which the  
12           revenues are or have been pledged, charged, or  
13           otherwise encumbered, including reserves therefor; and  
14           (2) To the extent not paid by the qualified person to  
15           provide for all expenses of administration, operation,  
16           and maintenance of the project, including reserves  
17           therefor.

18           ~~[Unless and until adequate provision has been made for the~~  
19 ~~foregoing purposes, the development corporation shall not~~  
20 ~~transfer the revenues derived from the project agreement to the~~  
21 ~~technology special fund of the State.]"~~



1       SECTION 26. Section 206M-45, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§206M-45 Special facility revenue bonds.** All special  
4 facility revenue bonds authorized to be issued under this part  
5 shall be issued pursuant to part III of chapter 39, except as  
6 follows:

7       (1) No revenue bonds shall be issued unless at the time of  
8 issuance, the development corporation has entered into  
9 a special facility lease with respect to the special  
10 facility for which the revenue bonds are to be issued;

11       (2) The revenue bonds shall be issued in the name of the  
12 development corporation and not in the name of the  
13 State;

14       (3) No further authorization of the legislature shall be  
15 required for the issuance of the special facility  
16 revenue bonds, but the approval of the governor shall  
17 be required for the issuance;

18       (4) The revenue bonds shall be payable solely from and  
19 secured solely by the revenues derived by the  
20 development corporation from the special facility for  
21 which they are issued;



1           (5)    The final maturity date of the revenue bonds shall not  
2                   be later than either the estimated life of the special  
3                   facility for which the revenue bonds are issued or the  
4                   expiration of the initial term of the special facility  
5                   lease;

6           (6)    If deemed necessary or advisable by the development  
7                   corporation, or to permit the obligations of the other  
8                   party to the special facility lease to be registered  
9                   under the U.S. Securities Act of 1933, the development  
10                  corporation, with the approval of the director of  
11                  finance, may appoint a national or state bank within  
12                  or without the State to serve as trustee for the  
13                  holders of the revenue bonds and may enter into a  
14                  trust indenture or trust agreement with the trustee.  
15                  The trustee may be authorized by the development  
16                  corporation to collect, hold, and administer the  
17                  revenues derived from the special facility for which  
18                  the revenue bonds are issued and to apply the revenues  
19                  to the payment of the principal and interest on the  
20                  revenue bonds. In the event that any trustee shall be  
21                  appointed, any trust indenture or trust agreement



1 entered into by the development corporation with the  
2 trustee may contain the covenants and provisions  
3 authorized by part III of chapter 39 to be inserted in  
4 a resolution adopted or certificate issued, as though  
5 the words "resolution" or "certificate" as used in  
6 that part read "trust indenture or trust agreement".

7 The covenants and provisions shall not be  
8 required to be included in the resolution or  
9 certificate authorizing the issuance of the revenue  
10 bonds if included in the trust indenture or trust  
11 agreement. Any resolution or certificate, trust  
12 indenture, or trust agreement adopted, issued, or  
13 entered into by the development corporation pursuant  
14 to this part may also contain any provisions required  
15 for the qualification thereof under the U.S. Trust  
16 Indenture Act of 1939. The development corporation may  
17 pledge and assign to the trustee the special facility  
18 lease and the rights of the development corporation  
19 including the revenues thereunder;

20 (7) If the development corporation, with the approval of  
21 the director of finance, shall have appointed or shall



1           appoint a trustee for the holders of the revenue  
2           bonds, then notwithstanding the provisions of section  
3           39-68, the director of finance may elect not to serve  
4           as fiscal agent for the payment of the principal and  
5           interest, and for the purchase, registration,  
6           transfer, exchange, and redemption of the revenue  
7           bonds, or may elect to limit the functions the  
8           director of finance shall perform as the fiscal agent.  
9           The development corporation, with the approval of the  
10          director of finance, may appoint the trustee to serve  
11          as the fiscal agent, and may authorize and empower the  
12          trustee to perform the functions with respect to  
13          payment, purchase, registration, transfer, exchange,  
14          and redemption, that the development corporation may  
15          deem necessary, advisable, or expedient, including,  
16          without limitation, the holding of the revenue bonds  
17          and coupons, if any, that have been paid and the  
18          supervising and conducting of the destruction thereof  
19          in accordance with sections 40-10 and 40-11. Nothing  
20          in this paragraph shall be a limitation upon or  
21          construed as a limitation upon the powers granted in





1 paragraph (6) to the development corporation with the  
2 approval of the director of finance to appoint the  
3 trustee, or granted in sections 36-3, 39-13, and 39-68  
4 to the director of finance to appoint the trustee or  
5 others, as fiscal agents, paying agents, and  
6 registrars for the revenue bonds or to authorize and  
7 empower the fiscal agents, paying agents, and  
8 registrars to perform the functions referred to in  
9 paragraph (6) and sections 36-3, 39-13, and 39-68, it  
10 being the intent of this paragraph to confirm that the  
11 director of finance may elect not to serve as fiscal  
12 agent for the revenue bonds or may elect to limit the  
13 functions the director of finance shall perform as the  
14 fiscal agent, that the director of finance may deem  
15 necessary, advisable, or expedient;

16 (8) The development corporation may sell the revenue bonds  
17 either at public or private sale;

18 (9) If no trustee is appointed to collect, hold, and  
19 administer the revenues derived from the special  
20 facility for which the revenue bonds are issued, the  
21 revenues shall be held in a separate account in the



1 treasury of the State[, ~~separate and apart from the~~  
2 ~~technology special fund,~~] to be applied solely to the  
3 carrying out of the resolution, certificate, trust  
4 indenture, or trust agreement authorizing or securing  
5 the revenue bonds;

6 (10) If the resolution, certificate, trust indenture, or  
7 trust agreement provides that no revenue bonds issued  
8 thereunder shall be valid or obligatory for any  
9 purpose unless certified or authenticated by the  
10 trustee for the holders of the revenue bonds, the  
11 signatures of the officers of the State upon the bonds  
12 required by section 39-56 may be facsimiles of their  
13 signatures;

14 (11) Proceeds of the revenue bonds may be used and applied  
15 by the development corporation to reimburse the other  
16 party to the special facility lease for all  
17 preliminary costs and expenses, including  
18 architectural and legal costs; and

19 (12) If the special facility lease requires the other party  
20 to operate, maintain, and repair the special facility  
21 that is the subject of the lease, at the other party's



1 expense, the requirement shall constitute compliance  
2 by the development corporation with section 39-  
3 61(a)(2), and none of the revenues derived by the  
4 development corporation from the special facility  
5 shall be required to be applied to the purposes of  
6 section 39-62(2). Sections 39-62(4), 39-62(5), and 39-  
7 62(6) shall not apply to the revenues derived from a  
8 special facility lease."

9 SECTION 27. Section 227D-3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§227D-3 Powers of the authority.** The authority may:

- 12 (1) Sue and be sued;
- 13 (2) Have a seal and alter the same at its pleasure;
- 14 (3) Promote the use of the geothermal energy and natural  
15 resources sites for the purposes provided by law;
- 16 (4) Through its executive director appoint officers,  
17 agents and employees without regard to chapter 76 and  
18 to establish the salaries therefor;
- 19 (5) Adopt rules under chapter 91 necessary to effectuate  
20 this chapter in connection with its operation,  
21 facilities, parks, properties, and projects;



- 1           (6) Make, execute, enter into, amend, supplement, and  
2           carry out contracts and all other instruments,  
3           including concessions for cell towers, necessary or  
4           convenient for the exercise of its powers and  
5           functions under this chapter with any private person,  
6           firm, partnership, association, company, or  
7           corporation only as it may be necessary in the conduct  
8           of its business and on such terms as it may deem  
9           appropriate; provided that the authority shall not  
10          obligate any funds of the State except as have been  
11          appropriated to it. Notwithstanding the foregoing,  
12          the authority may enter into and perform such  
13          contracts, leases, cooperative agreements, or other  
14          transactions with any agency or instrumentality of the  
15          United States, a foreign nation, a state, a territory,  
16          or a possession, or with any political subdivision  
17          thereof;
- 18          (7) Accept, hold, or expend gifts or grants in any form  
19          from any public agency or private source, or from any  
20          other source;



- 1       (8) Impose and collect fees pertaining to the use of  
2           properties and facilities of the authority;
- 3       (9) Formulate budgets to provide for the operation of the  
4           facilities of the authority;
- 5       (10) Submit an annual report to the governor and the  
6           legislature at least twenty days prior to the  
7           convening of each regular session;
- 8       (11) Acquire, own, lease, hold, clear, improve, and  
9           rehabilitate real, personal, or mixed property and  
10          assign, exchange, transfer, convey, lease, sublease,  
11          or encumber any project including by way of easements;
- 12      (12) Construct, reconstruct, rehabilitate, improve, alter,  
13          or repair, or provide for the construction,  
14          reconstruction, rehabilitation, improvement,  
15          alteration, or repair of any project and designate a  
16          qualified person as its agent for this purpose, and  
17          own, hold, assign, transfer, convey, exchange, lease,  
18          sublease, or encumber any project;
- 19      (13) Arrange or initiate appropriate action for the  
20          planning, replanning, opening, grading, or closing of  
21          streets, roads, roadways, alleys, easements, or other



1 places, the furnishings or improvements, the  
2 acquisition of property or property rights, or the  
3 furnishing of property or services in connection with  
4 a research and technology park;

5 (14) Prepare or cause to be prepared plans, specifications,  
6 designs, and estimates of cost for the construction,  
7 reconstruction, rehabilitation, improvement,  
8 alteration, or repair of any project or research and  
9 technology park, and from time to time, modify these  
10 plans, specifications, designs, or estimates;

11 (15) Engage the services of consultants on a contractual  
12 basis for rendering professional and technical  
13 assistance and advice;

14 (16) Procure insurance against any loss in connection with  
15 its properties and other assets and operations in  
16 amounts and from insurers as it deems desirable;

17 (17) Issue bonds pursuant to this chapter in principal  
18 amounts as may be authorized from time to time by law  
19 to finance the cost of a project, including the repair  
20 or addition to its parks and facilities as authorized



1 by law and to provide for the security thereof as  
2 permitted by this chapter;

3 (18) Lend or otherwise apply the proceeds of the bonds  
4 issued for a project or a research and technology park  
5 either directly or through a trustee or a qualified  
6 person for use and application in the acquisition,  
7 construction, installation, or modification of a  
8 project or research and technology park, or agree with  
9 the qualified person whereby any of these activities  
10 shall be undertaken or supervised by that qualified  
11 person or by a person designated by the qualified  
12 person;

13 (19) With or without terminating a project agreement,  
14 exercise any and all rights provided by law for entry  
15 and reentry upon or to take possession of a project at  
16 any time or from time to time upon breach or default  
17 by a qualified person under a project agreement;

18 (20) Create an environment that supports appropriate  
19 natural resource utilization and results in economic  
20 development, including:



1 (A) Supporting research projects and facilitating the  
2 transition from research and development to pilot  
3 scale and then to full commercial operation of  
4 companies using the natural resources available  
5 at the research and technology parks;

6 (B) Developing educational and conservation programs;

7 (C) Supporting commercialization of the natural  
8 resources available at the research and  
9 technology parks, if the commercialization is  
10 compatible with the research, development, and  
11 other retail, commercial, and tourism activities  
12 of the research and technology parks;

13 (D) Identifying issues and impediments to the  
14 development of natural resource utilization; and

15 (E) Providing policy analysis and information  
16 important to the development of natural resource  
17 utilization in Hawaii;

18 (21) Develop programs that support projects and companies  
19 which locate at the research and technology parks;





1       (22) Attract appropriate new uses of the natural resources  
2           in Hawaii, including retail, commercial, and tourism  
3           activities;

4       (23) Acquire, hold, and sell qualified securities; provided  
5           ~~[that the authority shall not acquire qualified~~  
6           ~~securities using authority funds or capital or moneys~~  
7           ~~of the natural energy laboratory of Hawaii authority~~  
8           ~~special fund; provided further]~~ that the authority  
9           shall not acquire, hold, or sell qualified securities  
10          of its tenants without first obtaining the approval of  
11          the board by a simple majority vote in each case  
12          considered. The acquisition and sale of qualified  
13          securities shall be detailed in the annual report of  
14          the natural energy laboratory of Hawaii authority;

15       (24) Accept donations, grants, bequests, and devises of  
16          money, property, services, or other things of value  
17          that may be received from the United States or any  
18          agency thereof, any governmental agency, or any public  
19          or private institution, person, firm, or corporation,  
20          to be held, used, or applied for any or all of the  
21          purposes specified in this chapter. Receipt of each



1 donation, grant, bequest, or devise shall be detailed  
2 in the annual report of the natural energy laboratory  
3 of Hawaii authority. The report shall include the  
4 identity of the donor or grantor, the nature of the  
5 transaction, and any conditions attaching thereto; and  
6 (25) Do any or all other acts reasonably necessary to carry  
7 out the purposes of the authority."

8 SECTION 28. Section 269-161, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By deleting the definition of "Green infrastructure  
11 bond fund".

12 [~~"Green infrastructure bond fund" means the special fund~~  
13 ~~created pursuant to section 196-67."~~]

14 2. By amending the definition of "green infrastructure  
15 loan program order" to read:

16 "'Green infrastructure loan program order" means an order  
17 issued by the public utilities commission under section 269-171  
18 that establishes the use or other disposition of [amounts  
19 deposited and held in the Hawaii green infrastructure special  
20 fund pursuant to section 196-65.] funds pursuant to chapter 196,  
21 part IV."



1           3. By deleting the definition of "green infrastructure  
2 special fund".

3           ~~["Green infrastructure special fund" means the special~~  
4 ~~fund created pursuant to section 196-65."]~~

5           SECTION 29. Section 269-162, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7           "(a) In connection with the issuance of bonds, the  
8 department may apply to the public utilities commission for one  
9 or more financing orders, each of which financing orders  
10 authorizes the following:

11           (1) The imposition, charging, and collection on behalf of  
12 the department of the green infrastructure fee, to  
13 become effective upon the issuance of the bonds, and  
14 the adjustment of the green infrastructure fee on  
15 behalf of the department in accordance with an  
16 adjustment mechanism requested by the department under  
17 this part in amounts sufficient to pay the principal  
18 of and interest on bonds and all related financing  
19 costs on a timely basis; and

20           (2) The creation of green infrastructure property under  
21 the financing order~~[-and~~



1       ~~(3) The deposit of the net proceeds of the bonds into the~~  
2           ~~green infrastructure special fund]."~~

3       SECTION 30. Section 269-170, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) and (b) to read as follows:

5       "(a) The authority shall submit an application to the  
6 public utilities commission for the use or other disposition of  
7 amounts ~~[deposited or held in the green infrastructure special~~  
8 ~~fund pursuant to section 196-65]~~ appropriated for the program  
9 established pursuant to chapter 196, part IV, prior to the  
10 allocation, use, expenditure, or other disposition of ~~[any such]~~  
11 those amounts; provided that this subsection shall not apply to  
12 the expenditure of amounts ~~[deposited or held in the green~~  
13 ~~infrastructure special fund]~~ that have been reviewed and  
14 approved by the public utilities commission for operational or  
15 administrative expenses of the authority pursuant to section  
16 196-64.

17       (b) An application submitted by the authority to the  
18 public utilities commission under this section shall include the  
19 following:

20       (1) A description of each project, program, financing  
21           agreement, or other arrangement for which the



1 authority seeks to allocate, use, expend, or otherwise  
2 dispose of amounts [~~deposited or held in the green~~  
3 ~~infrastructure special fund,~~] appropriated for  
4 purposes of chapter 196, part IV, including:

5 (A) The clean energy technology, demand response  
6 technology, and energy use reduction and demand  
7 side management infrastructure, programs, and  
8 services to be financed;

9 (B) A description of the parties, both direct and  
10 incidental, intended to benefit from any  
11 financing made in connection with the [~~green~~  
12 ~~infrastructure special fund~~] amounts requested by  
13 the authority in an application submitted to the  
14 public utilities commission under this section;

15 (C) A description of the loan programs or other  
16 arrangements designed, established, identified,  
17 agreed to, agreed to in principle, continued,  
18 carried over, or otherwise intended to be  
19 effectuated for the use of the [~~green~~  
20 ~~infrastructure special fund~~] amounts requested by  
21 the authority in an application submitted to the



1 public utilities commission under this section;

2 and

3 (D) Any and all funding or credit sources identified,  
4 pledged, dedicated, or otherwise provided to  
5 supplement the [~~green infrastructure special~~  
6 ~~fund~~] amounts requested by the authority in an  
7 application submitted to the public utilities  
8 commission under this section;

9 (2) Minimum lending, crediting, or investing criteria in  
10 relation to each project, program, financing  
11 agreement, or other arrangement described in an  
12 application submitted to the public utilities  
13 commission under this section;

14 (3) A description of the repayment processes, mechanisms,  
15 and applicable calculations for each project, program,  
16 financing agreement, or other arrangement described in  
17 an application submitted to the public utilities  
18 commission under this section;

19 (4) An explanation of the anticipated impacts and benefits  
20 to electric utility ratepayers of any project,  
21 program, financing agreement, or other arrangement



1 described under an application submitted by the  
2 authority to the public utilities commission under  
3 this section; and

- 4 (5) Any other additional information determined to be  
5 necessary by the public utilities commission upon the  
6 review of an application submitted or resubmitted by  
7 the authority under this section."

8 SECTION 31. Section 196-65, Hawaii Revised Statutes, is  
9 repealed.

10 [~~"§196-65 Hawaii green infrastructure special fund. (a)~~  
11 ~~There is established the Hawaii green infrastructure special~~  
12 ~~fund into which shall be deposited:~~

13 ~~(1) The proceeds of bonds net of issuance costs and~~  
14 ~~reserves or overcollateralization amounts;~~

15 ~~(2) Green infrastructure charges received for the use and~~  
16 ~~services of the loan program, including the repayment~~  
17 ~~of loans made under the loan program;~~

18 ~~(3) All other funds received by the department or the~~  
19 ~~authority and legally available for the purposes of~~  
20 ~~the green infrastructure special fund;~~



~~(4) Interest earnings on all amounts in the green  
infrastructure special fund; and~~

~~(5) Such other moneys as shall be permitted by an order of  
the public utilities commission.~~

~~The Hawaii green infrastructure special fund shall not be  
subject to section 37-53. Any amounts received from green  
infrastructure charges or any other net proceeds earned from the  
allocation, use, expenditure, or other disposition of amounts  
approved by the public utilities commission and deposited or  
held in the Hawaii green infrastructure special fund in excess  
of amounts necessary for the purposes of subsection (b) shall be  
credited to electric utility customers as provided in a green  
infrastructure loan program order or orders. Funds that are  
transferred back to the electric utility in order to credit  
electric utility customers under this subsection shall not be  
considered revenue of the electric utility and shall not be  
subject to state or county taxes.~~

~~(b) Moneys in the Hawaii green infrastructure special fund  
may be used, subject to the approval of the public utilities  
commission, for the purposes of:~~





- ~~(1) Making green infrastructure loans, including for  
installation costs for energy-efficient lighting and  
other energy-efficiency measures;~~
- ~~(2) Creating a \$50,000,000 sub-fund, as a revolving line  
of credit within the Hawaii green infrastructure  
special fund, for any state agency to obtain financing  
to implement cost-effective energy-efficiency  
measures;~~
- ~~(3) Paying administrative costs of the Hawaii green  
infrastructure loan program;~~
- ~~(4) Paying any other costs related to the Hawaii green  
infrastructure loan program; or~~
- ~~(5) Paying financing costs, as defined in section 269-161,  
to the extent permitted by the public utilities  
commission in a financing order issued pursuant to  
section 269-163.~~
- ~~(c) The authority may invest funds held in the Hawaii  
green infrastructure special fund in investments as permitted by  
law, and in accordance with approved investment guidelines  
established in one or more orders issued by the public utilities  
commission pursuant to section 269-171. All amounts in the~~



~~Hawaii green infrastructure special fund shall be exempt from all taxes and surcharges imposed by the State or the counties."]~~

SECTION 32. Section 196-67, Hawaii Revised Statutes, is repealed.

~~["~~§196-67~~] Hawaii green infrastructure bond fund. (a) There is established the Hawaii green infrastructure bond fund as a special fund into which all proceeds of the green infrastructure fee established pursuant to section 269-166 and any other proceeds of green infrastructure property shall be paid. The Hawaii green infrastructure bond fund may also receive other moneys as the department may determine and as provided in a financing order, including, without limitation, green infrastructure charges.~~

~~(b) Moneys in the Hawaii green infrastructure bond fund shall be impressed with the lien created by, and shall be used solely for purposes set forth in, section 269-164. Upon payment or defeasance of all bonds and financing costs, moneys in the fund, at the direction of the department, may be transferred into the Hawaii green infrastructure special fund established pursuant to section 196-65 or other purpose as the department shall specify.~~



~~(c) The Hawaii green infrastructure bond fund shall be audited at least annually by a firm of independent certified public accountants selected by the department, and the results of this audit shall be provided to the department and the public utilities commission.~~

~~(d) Pursuant to section 39-68, the department shall appoint a trustee to receive, hold, and disburse all amounts required to be held in the Hawaii green infrastructure bond fund upon terms and conditions as set forth in a certificate, indenture, or trust agreement.~~

~~The Hawaii green infrastructure bond fund shall not be subject to section 37-53."]~~

SECTION 33. Section 201-12.8, Hawaii Revised Statutes, is repealed.

~~["§201-12.8 Energy security special fund; uses. (a) There is created within the state treasury an energy security special fund, which shall consist of:~~

~~(1) The portion of the environmental response, energy, and food security tax specified under section 243-3.5;~~

~~(2) Moneys appropriated to the fund by the legislature;~~



~~(3) All interest attributable to investment of money  
deposited in the fund; and~~

~~(4) Moneys allotted to the fund from other sources,  
including under section 196-6.5.~~

~~(b) Subject to legislative appropriation, moneys from the  
fund may be expended by the Hawaii state energy office for the  
following purposes and used for no other purposes, except for  
those set forth in this section:~~

~~(1) To support the Hawaii clean energy initiative program  
and projects that promote and advance dependable and  
affordable energy, renewable energy, energy  
efficiency, energy self-sufficiency, and greater  
energy security and resiliency for the State and  
public facilities;~~

~~(2) To fund, to the extent possible, the climate change  
mitigation and adaptation commission and the  
greenhouse gas sequestration task force;~~

~~(3) To support achieving the zero emissions clean economy  
target set forth in section 225P-5;~~

~~(4) To fund the building energy efficiency revolving loan  
fund established in section 201-20;~~



~~(5) To fund projects and incentives to promote the adoption of clean transportation technologies, develop clean vehicle charging infrastructure, and upgrade infrastructure to support the development of clean vehicle charging infrastructure; and~~

~~(6) To fund, to the extent possible, the duties of the state building code council in section 107-24, as they relate to the development of energy conservation codes.~~

~~(c) The department of business, economic development, and tourism shall submit a report to the legislature, no later than twenty days prior to the convening of each regular session, on the status and progress of existing programs and activities and the status of new programs and activities funded by the energy security special fund. The report shall also include:~~

~~(1) The spending plan of the energy security special fund;~~

~~(2) All expenditures of energy security special fund moneys; and~~

~~(3) The targeted markets of the expenditures, including the reason for selecting those markets; the persons to~~



1           ~~be served; and the specific objectives of the~~  
2           ~~expenditures, including measurable outcomes."]~~

3           SECTION 34. Section 201B-8, Hawaii Revised Statutes, is  
4   repealed.

5           ~~["§201B-8 Convention center enterprise special fund. (a)~~

6   ~~There is established the convention center enterprise special~~  
7   ~~fund, into which shall be deposited:~~

8           ~~(1) A portion of the revenues from the transient~~  
9           ~~accommodations tax, as provided by section 237D-6.5;~~

10          ~~(2) All revenues or moneys derived from the operations of~~  
11          ~~the convention center to include all revenues from the~~  
12          ~~food and beverage service, all revenues from the~~  
13          ~~parking facilities or from any concession, and all~~  
14          ~~revenues from the sale of souvenirs, logo items, or~~  
15          ~~any other items offered for purchase at the convention~~  
16          ~~center;~~

17          ~~(3) Private contributions, interest, compensation, gross~~  
18          ~~or net revenues, proceeds, or other moneys derived~~  
19          ~~from any source or for any purpose arising from the~~  
20          ~~use of the convention center facility; and~~



~~(4) Appropriations by the legislature, including any transfers from the tourism special fund established under section 201B-11 for marketing the facility pursuant to section 201B-7(a)(7).~~

~~(b) Moneys in the convention center enterprise special fund shall be used by the authority for the payment of expenses arising from any and all use, operation, maintenance, alteration, improvement, or any unforeseen or unplanned repairs of the convention center, including without limitation the food and beverage service and parking service provided at the convention center facility, the sale of souvenirs, logo items, or other items, for any future major repair, maintenance, and improvement of the convention center facility as a commercial enterprise or as a world class facility for conventions, entertainment, or public events, and for marketing the facility pursuant to section 201B-7(a)(7).~~

~~(c) Moneys in the convention center enterprise special fund may be:~~

~~(1) Placed in interest-bearing accounts; provided that the depository in which the money is deposited furnishes security as provided in section 38-3; or~~



1       ~~(2) Otherwise invested by the authority until such time as~~  
2           ~~the moneys may be needed; provided that the authority~~  
3           ~~shall limit its investments to those listed in section~~  
4           ~~36-21.~~

5       ~~All interest accruing from investment of the moneys shall be~~  
6       ~~credited to the convention center enterprise special fund."]~~

7       SECTION 35. Section 206M-15.3, Hawaii Revised Statutes, is  
8       repealed.

9       ~~["§206M-15.3] Research and development special fund;~~  
10       ~~established. There is established in the treasury of the State~~  
11       ~~of Hawaii the research and development special fund to be~~  
12       ~~administered by the development corporation pursuant to section~~  
13       ~~206M-15.2."]~~

14       SECTION 36. Section 206M-15.5, Hawaii Revised Statutes, is  
15       repealed.

16       ~~["§206M-15.5 Technology special fund. There is~~  
17       ~~established in the state treasury a fund to be known as the~~  
18       ~~technology special fund, into which shall be deposited, except~~  
19       ~~as otherwise provided by section 206M-17:~~

20       ~~(1) Any appropriations or other funds required to be~~  
21       ~~deposited by law; and~~





~~(2) All moneys, fees, and equity from tenants, qualified persons, or other users of the development corporation's industrial parks, projects, other leased facilities, and other services and publications, provided that the total amount of moneys in the fund shall not exceed \$300,000 at the end of any fiscal year. All moneys in the fund are appropriated for the purposes of and shall be expended by the development corporation for the operation, maintenance, and management of its industrial parks, projects, facilities, services, and publications, and to pay the expenses in administering the special purpose revenue bonds of the development corporation or in carrying out its project agreements."]~~

SECTION 37. Section 212-9, Hawaii Revised Statutes, is repealed.

~~["§212-9 Special fund.—There is established in the state treasury a fund to be known as the foreign-trade zones special fund. All fees or other moneys collected under this chapter shall be deposited in this fund. All moneys in the fund are hereby appropriated for the purposes of and shall be expended by~~



1 ~~the public corporation for the operation, capital improvement,~~  
2 ~~and maintenance of the zone."]~~

3 SECTION 38. Section 227D-5, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§227D-5 Special fund. There is established in the state~~  
6 ~~treasury a fund to be known as the natural energy laboratory of~~  
7 ~~Hawaii authority special fund, into which shall be deposited all~~  
8 ~~moneys and fees from tenants or other users of the authority's~~  
9 ~~parks, projects, other leased facilities, and other services and~~  
10 ~~publications as well as any grants or gifts received by the~~  
11 ~~authority. All moneys in the fund are appropriated for the~~  
12 ~~purposes of and shall be expended by the authority for the~~  
13 ~~operation, maintenance, and management of its parks, projects,~~  
14 ~~facilities, services, and publications, and for the design and~~  
15 ~~construction of new facilities and the renovation of or addition~~  
16 ~~to existing facilities."]~~

17 SECTION 39. Sections 196-6.5(c), 206M-8(j), 206M-44(a),  
18 and 227D-2(a), Hawaii Revised Statutes, is amended by  
19 substituting the words "general fund" wherever the words "energy  
20 security special fund established under section 201-12.8",  
21 "technology special fund", "natural energy laboratory of Hawaii



1 authority special fund" or similar words appear, as the context  
2 requires.

3 SECTION 40. The following funds (appropriation code) are  
4 abolished:

- 5 (1) Restraining & workforce development prg (S-363-B);
- 6 (2) Support commercial fishing industry (S-384-B);
- 7 (3) Creative industries division (S-309-B);
- 8 (4) Dep to public utilities commssn spec fd (S-350-B);
- 9 (5) Energy systems and technology training (S-354-B);
- 10 (6) Office of aerospace (S-307-B);
- 11 (7) Innovation grants (S-365-B);
- 12 (8) Hydrogen investment capital special fund (S-308-B);
- 13 (9) Housing relief and resiliency program (S-383-B);
- 14 (10) Hawaii community development authority (S-349-B);
- 15 (11) Tourism spl fnd/hawaii tourism authority (S-348-B);
- 16 (12) Protocol fund - Hawaii tourism authority (S-398-B);
- 17 and
- 18 (13) Tourism emergency spec fund (S-355-B),
- 19 and any unencumbered balances shall lapse to the credit of the
- 20 general fund.



## 1           PART IV.   DEPARTMENT OF LAND AND NATURAL RESOURCES

2           SECTION 41.   Section 6E-3, Hawaii Revised Statutes, is  
3 amended to read as follows:

4           "**§6E-3   Historic preservation program.**   There is  
5 established within the department a division to administer a  
6 comprehensive historic preservation program, which shall include  
7 but not be limited to the following:

- 8           (1)   Development of an ongoing program of historical,  
9               architectural, and archaeological research and  
10              development, including surveys, excavations,  
11              scientific recording, interpretation, signage, and  
12              publications on the State's historical and cultural  
13              resources;
- 14           (2)   Acquisition of historic or cultural properties, real  
15               or personal, in fee or in any lesser interest, by  
16               gift, purchase, condemnation, devise, bequest, land  
17               exchange, or other means; preservation, restoration,  
18               administration, or transference of the property; and  
19               the charging of reasonable admissions to that  
20               property;



- 1       (3) Development of a statewide survey and inventory to  
2       identify and document historic properties, aviation  
3       artifacts, and burial sites, including all those owned  
4       by the State and the counties;
- 5       (4) Preparation of information for the Hawaii register of  
6       historic places and listing on the national register  
7       of historic places;
- 8       (5) Preparation, review, and revisions of a state historic  
9       preservation plan, including budget requirements and  
10      land use recommendations;
- 11      (6) Application for and receipt of gifts, grants,  
12      technical assistance, and other funding from public  
13      and private sources for the purposes of this chapter;
- 14      (7) Provision of technical and financial assistance to the  
15      counties and public and private agencies involved in  
16      historic preservation activities;
- 17      (8) Coordination of activities of the counties in  
18      accordance with the state plan for historic  
19      preservation;
- 20      (9) Stimulation of public interest in historic  
21      preservation, including the development and



1 implementation of interpretive programs for historic  
2 properties listed on or eligible for the Hawaii  
3 register of historic places;

4 (10) Coordination of the evaluation and management of  
5 burial sites as provided in section 6E-43;

6 (11) Acquisition of burial sites in fee or in any lesser  
7 interest, by gift, purchase, condemnation, devise,  
8 bequest, land exchange, or other means, to be held in  
9 trust;

10 (12) Submittal of an annual report to the governor and  
11 legislature detailing the accomplishments of the year,  
12 recommendations for changes in the state plan or  
13 future programs relating to historic preservation, and  
14 an accounting of all income[~~7~~] and expenditures[~~7~~ and  
15 ~~the fund balance~~] of the [Hawaii] historic  
16 preservation [~~special fund~~] program;

17 (13) Regulation of archaeological activities throughout the  
18 State;

19 (14) Employment of sufficient professional and technical  
20 staff for the purposes of this chapter which shall be  
21 in accordance with chapter 76;



1       (15) The charging of fees to be determined by the  
2           department that are proportional to the nature and  
3           complexity of the projects or services provided, and  
4           adjusted from time to time to ensure that the  
5           proceeds, together with all other fines, income, and  
6           penalties collected under this chapter, do not surpass  
7           the annual operating costs of the comprehensive  
8           historic preservation program;

9       (16) Adoption of rules in accordance with chapter 91,  
10          necessary to carry out the purposes of this chapter;  
11          and

12       (17) Development and adoption, in consultation with the  
13          office of Hawaiian affairs native historic  
14          preservation council, of rules governing permits for  
15          access by native Hawaiians and Hawaiians to cultural,  
16          historic, and pre-contact sites and monuments."

17       SECTION 42. Section 171-19, Hawaii Revised Statutes, is  
18       amended to read as follows:

19       "~~§171-19 [Special land and development fund.]~~ Remnant  
20       lands; school land or buildings; sales. [~~(a) There is created~~  
21       ~~in the department a special fund to be designated as the~~



1 ~~"special land and development fund". Subject to the Hawaiian~~  
2 ~~Homes Commission Act of 1920, as amended, and section 5(f) of~~  
3 ~~the Admission Act of 1959, all proceeds of sale of public lands,~~  
4 ~~including interest on deferred payments; all moneys collected~~  
5 ~~under section 171-58 for mineral and water rights; all rents~~  
6 ~~from leases, licenses, and permits derived from public lands;~~  
7 ~~all moneys collected from lessees of public lands within~~  
8 ~~industrial parks; all fees, fines, and other administrative~~  
9 ~~charges collected under this chapter and chapter 183C; a portion~~  
10 ~~of the highway fuel tax collected under chapter 243; all moneys~~  
11 ~~collected by the department for the commercial use of public~~  
12 ~~trails and trail accesses under the jurisdiction of the~~  
13 ~~department; transient accommodations tax revenues collected~~  
14 ~~pursuant to section 237D-6.5(b) (5); and private contributions~~  
15 ~~for the management, maintenance, and development of trails and~~  
16 ~~accesses shall be set apart in the fund and shall be used only~~  
17 ~~as authorized by the legislature for the following purposes:~~  
18       ~~(1) To reimburse the general fund of the State for~~  
19           ~~advances made that are required to be reimbursed from~~  
20           ~~the proceeds derived from sales, leases, licenses, or~~  
21           ~~permits of public lands;~~





1       ~~(2) For the planning, development, management, operations,~~  
2       ~~or maintenance of all lands and improvements under the~~  
3       ~~control and management of the board pursuant to title~~  
4       ~~12, including but not limited to permanent or~~  
5       ~~temporary staff positions who may be appointed without~~  
6       ~~regard to chapter 76; provided that transient~~  
7       ~~accommodations tax revenues allocated to the fund~~  
8       ~~shall be expended as provided in section 237D-~~  
9       ~~6.5(b) (5);~~

10       ~~(3) To repurchase any land, including improvements, in the~~  
11       ~~exercise by the board of any right of repurchase~~  
12       ~~specifically reserved in any patent, deed, lease, or~~  
13       ~~other documents or as provided by law;~~

14       ~~(4) For the payment of all appraisal fees; provided that~~  
15       ~~all fees reimbursed to the board shall be deposited in~~  
16       ~~the fund;~~

17       ~~(5) For the payment of publication notices as required~~  
18       ~~under this chapter; provided that all or a portion of~~  
19       ~~the expenditures may be charged to the purchaser or~~  
20       ~~lessee of public lands or any interest therein under~~  
21       ~~rules adopted by the board;~~



1       ~~(6) For the management, maintenance, and development of~~  
2       ~~trails and trail accesses under the jurisdiction of~~  
3       ~~the department;~~

4       ~~(7) For the payment to private land developers who have~~  
5       ~~contracted with the board for development of public~~  
6       ~~lands under section 171-60;~~

7       ~~(8) For the payment of debt service on revenue bonds~~  
8       ~~issued by the department, and the establishment of~~  
9       ~~debt service and other reserves deemed necessary by~~  
10       ~~the board;~~

11       ~~(9) To reimburse the general fund for debt service on~~  
12       ~~general obligation bonds issued to finance~~  
13       ~~departmental projects, where the bonds are designated~~  
14       ~~to be reimbursed from the special land and development~~  
15       ~~fund;~~

16       ~~(10) For the protection, planning, management, and~~  
17       ~~regulation of water resources under chapter 174C; and~~

18       ~~(11) For other purposes of this chapter.~~

19       ~~(b) Notwithstanding the above provisions, but subject] (a)~~  
20       Subject to the restrictions contained in section 5(f) of the  
21       Admission Act, whenever the board sells remnants to abutting



1 owners, the proceeds therefrom including interest on deferred  
2 payments, shall be deposited into the general fund; provided  
3 that such proceeds shall be set apart to the appropriate fund  
4 where mandatory federal requirements affecting federal funds so  
5 require.

6       ~~[(e)]~~ (b) Notwithstanding the above limitations on use of  
7 the proceeds of sale, where the board sells public lands  
8 including the buildings thereon once used but no longer  
9 necessary for school purposes at the recommendation and request  
10 of the board of education, all net proceeds derived from the  
11 sales shall be used for the acquisition of land or for the  
12 erection of buildings for school purposes to the extent of an  
13 approved building plan in the departmental school district  
14 wherein the sales occur. In the absence of any school building  
15 program in the district or in the event of any surplus remaining  
16 after the completion of buildings constructed pursuant to the  
17 approved plan then the proceeds or surplus shall be used in  
18 other departmental school districts in the county wherein the  
19 sales occur.

20       ~~[(d) When use of the fund is authorized by the legislature~~  
21 ~~for the development of public lands for a particular project, to~~



1 ~~be disposed of by sale, lease, license, or permit, the board may~~  
2 ~~pay from the fund the costs of the development, including the~~  
3 ~~costs of surveys, construction of roads, water lines, sewer~~  
4 ~~lines, and such other improvements as may be necessary for the~~  
5 ~~development of the lands; provided that the project shall meet~~  
6 ~~with the zoning and subdivision requirements of the appropriate~~  
7 ~~county government in which the lands are located, except that~~  
8 ~~plans and specifications for recreational projects, including~~  
9 ~~access roads therefor, shall not be required to meet with such~~  
10 ~~approval; and provided further that no such development of~~  
11 ~~public lands for disposal by sale, lease, license, or permit~~  
12 ~~shall be made unless appropriate roads, water lines, and other~~  
13 ~~improvements are installed which will make the land usable for~~  
14 ~~the purpose for which it is being disposed at the time of~~  
15 ~~disposition.~~

16 ~~(c) All unexpended and unencumbered moneys remaining on~~  
17 ~~balance with the fund at the close of each fiscal year which are~~  
18 ~~deemed, by the director of finance, to be in excess of the~~  
19 ~~moneys necessary to carry out the purposes of this section over~~  
20 ~~the next following fiscal year shall lapse to the credit of the~~  
21 ~~state general fund.] "~~



1       SECTION 43. Section 171-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§171-21 Rights of holder of security interest.** Whenever  
4 any notice of breach or default is given to any party under  
5 section 171-20, or under the terms of any lease, patent,  
6 license, agreement, or other instrument issued or to be issued  
7 under this chapter, a copy of the notice shall be delivered by  
8 the board of land and natural resources to all holders of record  
9 of any security interest in the land or interest covered by the  
10 lease, patent, license, agreement, or other instrument whose  
11 security interest has been recorded with the board. Should the  
12 board seek to forfeit the privilege, interest, or estate created  
13 by the lease, license, agreement, patent, or other instrument,  
14 each holder may, at its option, cure or remedy the breach or  
15 default, if the same can be cured or remedied, by the payment of  
16 money or, if such is not the case, by performing or undertake in  
17 writing to perform all the terms, covenants, restrictions, or  
18 conditions of any lease, patent, license, agreement, or other  
19 instrument capable of performance by the holder, as determined  
20 by the board, within the time period provided in section 171-20  
21 or within such additional period as the board may allow for good



1 cause and add the cost thereof to the mortgage debt and the lien  
2 of the mortgage. Any lease, patent, license, agreement, or  
3 other instrument transferred pursuant to this section shall not  
4 be subject to the requirements in section 171-14. Upon failure  
5 of the holder to exercise its option, the board may:

- 6 (1) Pay to the holder from any moneys at its disposal,  
7 ~~[including the special land and development fund,]~~  
8 which ~~[is]~~ are made available for that purpose, the  
9 amount of the mortgage debt, together with interest  
10 and penalties, and secure an assignment of the debt  
11 and mortgage from the holder, or if ownership of the  
12 interest or estate shall then have vested in the  
13 holder by way of foreclosure or action in lieu thereof  
14 the board shall be entitled to a conveyance of the  
15 interest or estate upon payment to the holder of the  
16 amount of the mortgage debt, including interest and  
17 penalties, and all reasonable expenses incurred by the  
18 holder in connection with the foreclosure and  
19 preservation of its security interest, less  
20 appropriate credits, including income received from



1 the privilege, interest, or estate subsequent to the  
2 foreclosure; or

3 (2) If the property cannot be reasonably reassigned  
4 without loss to the State, then terminate the  
5 outstanding privilege, interest, or estate without  
6 prejudice to any other right or remedy for arrears of  
7 rent or for any preceding or other breach or default,  
8 and use its best efforts to redispense of the affected  
9 land to a qualified and responsible person free and  
10 clear of the mortgage and the debt thereby secured;  
11 provided that a reasonable delay by the board in  
12 instituting or prosecuting any right or remedy it may  
13 have under this section shall not operate as a waiver  
14 of the right or to deprive it of the remedy when it  
15 may still hope otherwise to resolve the problems  
16 created by the breach or default involved.

17 Section 171-19 to the contrary notwithstanding, the proceeds of  
18 any redispense under paragraph (2) shall be applied: first,  
19 to reimburse the board for costs and expenses in connection with  
20 the redispense; second, to discharge in full any unpaid  
21 purchase price or other indebtedness owing the State in



1 connection with the privilege, interest, or estate terminated;  
2 third, to the mortgagee to the extent of the value received by  
3 the State upon redisposition which exceeds the fair market lease  
4 value of the land as previously determined by the State's  
5 appraiser; and fourth, to the owner of the privilege, interest,  
6 or estate. Nothing contained in this section shall be construed  
7 in a manner as to infringe upon or prejudice in any way the  
8 rights of a holder of record having a security interest which  
9 shall have vested prior to the effective date hereof, and to the  
10 extent that this section and section 171-98 shall or may  
11 conflict and adversely affect such interests, the same shall be  
12 of no force and effect."

13 SECTION 44. Section 171-28, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) The board may investigate and develop scientific  
16 commercial management practices for government-owned Hawaiian  
17 fishponds and reconstruct, rehabilitate, improve, and stock the  
18 fishponds[; ~~and expend moneys from the special land and~~  
19 ~~development fund~~]. All revenues derived from any government-  
20 owned Hawaiian fishpond shall be deposited in the general fund."





1       SECTION 45. Section 171-61, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§171-61 Cancellation, surrender.** When public land is  
4 disposed of with a building requirement and, thereafter, prior  
5 to the erection of the building, the land becomes or is  
6 discovered to be unfit for the erection of the building, or by  
7 change of conditions it becomes impossible or impractical to  
8 erect the building, the board of land and natural resources may  
9 cancel the disposition, repossess the land, and return to the  
10 party [~~from the special land and development fund~~],  
11 notwithstanding the order of priority set forth, the aggregate  
12 amount of principal and interest theretofore paid by the party.

13       Whenever land or a portion thereof under lease can be re-  
14 leased or sold for a higher and better use, or for the existing  
15 use to a greater economic benefit to the State, the board,  
16 subject to the consent of the lessee, the lessee's successors,  
17 or assigns, and each holder of record having a security  
18 interest, may cancel the lease without compensation to the  
19 lessee or withdraw a portion of the land from the lease and re-  
20 lease or sell the same; provided that in the event of withdrawal  
21 of a portion, the board may in its discretion allow a



1 proportionate reduction in rent; and provided further that in  
2 the event buildings and improvements have been erected by the  
3 lessee, as permitted under the lease, on the land or portion  
4 thereof under lease affected by the cancellation or withdrawal,  
5 the board shall pay to the lessee a sum not to exceed the  
6 replacement value, less depreciation at the rates used for real  
7 property tax purposes."

8 SECTION 46. Section 171-80, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§171-80 Cancellation of leases.** Whenever the board of  
11 land and natural resources has reason to believe that any term  
12 or condition of a residential lease has been violated, it shall  
13 give notice to the lessee of the suspected violation as provided  
14 in section 171-20, and shall afford the lessee an opportunity to  
15 be heard. If upon the hearing, the board finds that the lessee  
16 has violated the terms and conditions of the lease, it may  
17 declare the lessee's interest in the lease and improvements  
18 forfeited and order the premises to be vacated within a  
19 reasonable time. No such forfeiture shall, however, operate to  
20 forfeit the interest of any mortgagee in the lease and  
21 improvements, and the board shall pay [~~from the special land and~~



1 ~~development fund]~~ the amount due upon and secured by the  
2 mortgage; provided that payment need not be made if a new lease  
3 of the premises and improvements is made to a new lessee who is  
4 willing to assume, and if the mortgagee is willing to accept the  
5 new lessee's assumption of, the mortgage and the debt secured  
6 thereby."

7 SECTION 47. Section 171-81, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§171-81 Surrender of lease.** If at any time the lessee  
10 desires to surrender the lessee's lease and improvements, the  
11 board of land and natural resources may accept the surrender and  
12 purchase the improvements for their fair market value, as  
13 determined by appraisers~~[, with funds from the special land and~~  
14 ~~development fund,]~~; provided that the board has a firm offer  
15 from a person, who is qualified to take the residential lease  
16 under this part, to take the lease and purchase the improvements  
17 for not less than the amount to be paid therefor by the board  
18 and who has a commitment from a recognized lending institution  
19 to finance the purchase. Upon acceptance of the surrender and  
20 purchase of the improvements, the board shall sell the  
21 improvements to that person and make a new lease to the person."



1       SECTION 48. Section 171-171, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "~~[§]171-171[§]~~   **Reimbursable general obligation bonds for**  
4 **conservation easement and other real property interests in**  
5 **Turtle Bay, Oahu.** (a) The department of budget and finance  
6 shall issue reimbursable general obligation bonds for the  
7 department of land and natural resources to acquire a  
8 conservation easement and other real property interests in  
9 Turtle Bay, Oahu, for the protection, preservation, and  
10 enhancement of natural resources, while maintaining public  
11 access, as important to the State. The public shall have  
12 perpetual public access to said conservation easement. The  
13 conservation easement shall be in compliance with chapters 171  
14 and 198. The other real property interests shall be in  
15 compliance with chapter 171.

16       (b) For the purpose of this section, the acquisition of  
17 the conservation easement and other real property interests  
18 shall be deemed an undertaking under chapter 39.

19       ~~[(c) The reimbursable general obligation bonds issued to~~  
20 ~~acquire the conservation easement and other real property~~  
21 ~~interests shall be payable from the transient accommodations tax~~



1 ~~revenues allocated to the Turtle Bay conservation easement~~  
2 ~~special fund established by section 171-172 and from moneys from~~  
3 ~~the land conservation fund. The transient accommodations tax~~  
4 ~~revenues and moneys from the land conservation fund are and~~  
5 ~~shall be deemed user taxes. The revenues allocated shall be~~  
6 ~~deemed user taxes pursuant to chapter 39 for the undertaking.~~

7       ~~(d)]~~ (c) The reimbursable general obligation bonds shall  
8 be issued in accordance with chapter 39."

9       SECTION 49. Section 173-2, Hawaii Revised Statutes, is  
10 amended to read as follows:

11       "**§173-2 Advances and transfers.** ~~[For the purpose of~~  
12 ~~paying]~~ The director of finance may make temporary transfers to  
13 the department for purposes in conformity with section 39-72 to  
14 pay the cost of the issuance of bonds authorized by this  
15 ~~[+]chapter[+]~~ and other preliminary expenses, including but not  
16 limited to expenses for engineering and surveys, plans and  
17 designs, and appraisals and the costs of services of other  
18 departments and agencies~~[, the department of land and natural~~  
19 ~~resources may make advances of such sums as may be necessary~~  
20 ~~from, and as are not then otherwise required for use in, the~~  
21 ~~special land and development fund, which fund shall be~~



1 ~~reimbursed for the advances upon the issuance of the revenue~~  
2 ~~bonds issued to finance the reclamation project in connection~~  
3 ~~with which such costs and expenses are incurred. The state~~  
4 ~~director of finance may also make temporary transfers to the~~  
5 ~~department for such purposes in conformity with the provisions~~  
6 ~~of section 39-72].~~

7       The governor may make advances from loan funds, derived  
8 from the issuance of general obligation bonds, for public  
9 improvements authorized by section 173-1, and the advances shall  
10 be repaid from the proceeds of the revenue bonds when issued,  
11 before any other advances are reimbursed therefrom. When  
12 reimbursed the loan funds shall be available for expenditure for  
13 the public improvements the financing of which by the issuance  
14 of general obligation bonds theretofore was authorized."

15       SECTION 50. Section 173A-5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       "**§173A-5 Land conservation [fund].** ~~[-(a) A land~~  
18 ~~conservation fund, hereinafter called "fund", is hereby~~  
19 ~~established.~~



1       ~~(b)~~] (a) The proceeds from the sale of any general  
2 obligation bonds authorized and issued for purposes of this  
3 chapter shall be deposited in or credited to the general fund.

4       ~~[(e)]~~ (b) Any net proceeds or revenue from the operation,  
5 management, sale, lease, or other disposition of land or the  
6 improvements on the land acquired or constructed by the board  
7 under the provisions of this chapter shall also be deposited in  
8 or credited to the general fund.

9       ~~[(d)]~~ ~~The appropriate percentage identified under section~~  
10 ~~247-7 of all taxes imposed and collected under chapter 247 shall~~  
11 ~~be deposited in or credited to the fund every fiscal year.~~

12       ~~(e)~~ ~~Moneys from any other private or public source may be~~  
13 ~~deposited in or credited to the fund; provided that mandates,~~  
14 ~~regulations, or conditions on these funds do not conflict with~~  
15 ~~the use of the fund under this chapter. Moneys received as a~~  
16 ~~deposit or private contribution shall be deposited, used, and~~  
17 ~~accounted for in accordance with the conditions established by~~  
18 ~~the agency or person making the contribution.~~

19       ~~(f)~~ ~~The fund shall be administered and managed by the~~  
20 ~~department.~~



1       ~~(g)]~~ (c) The acquisition of interests or rights in land  
2       having value as a resource to the State for the preservation of  
3       the following shall constitute a public purpose for which public  
4       funds may be expended or advanced:

- 5       (1) Watershed protection;
- 6       (2) Coastal areas, beaches, and ocean access;
- 7       (3) Habitat protection;
- 8       (4) Cultural and historical sites;
- 9       (5) Recreational and public hunting areas;
- 10      (6) Parks;
- 11      (7) Natural areas;
- 12      (8) Agricultural production; and
- 13      (9) Open spaces and scenic resources.

14      ~~[(h) The fund shall]~~ (d) Public funds may be used for:

- 15      (1) The acquisition of interests or rights in land having  
16           value as a resource to the State, whether in fee title  
17           or through the establishment of permanent conservation  
18           easements under chapter 198 or agricultural easements;
- 19      (2) The payment of any debt service on state financial  
20           instruments relating to the acquisition of interests





1 or rights in land having value as a resource to the  
2 State;

3 (3) Annual administration costs for [~~the fund,~~] this  
4 chapter, not to exceed five per cent of annual [~~fund~~]  
5 revenues [~~of~~] derived from the application of this  
6 chapter during the previous year[+]; and[+]

7 (4) Costs related to the operation, maintenance, and  
8 management of lands acquired by way of this [~~fund~~]  
9 chapter that are necessary to protect, maintain, or  
10 restore resources at risk on these lands, or that  
11 provide for greater public access and enjoyment of  
12 these lands; provided that the costs related to the  
13 operation, maintenance, and management of lands  
14 acquired by way of this [~~fund~~] chapter do not exceed  
15 five per cent of annual fund revenues [~~of~~] derived  
16 from the application of this chapter during the  
17 previous year.

18 [~~(i)~~] (e) Based on applications from state agencies,  
19 counties, and nonprofit land conservation organizations, the  
20 department, in consultation with the senate president and  
21 speaker of the house of representatives, shall recommend to the



1 board specific parcels of land to be acquired, restricted with  
2 conservation easements, or preserved in similar fashion. The  
3 board shall review the selections and approve or reject the  
4 selections according to the availability of moneys [~~in the~~  
5 ~~fund~~]. To be eligible for grants [~~from the fund,~~] made pursuant  
6 to this chapter, state and county agencies and nonprofit land  
7 conservation organizations shall submit applications to the  
8 department that contain:

- 9 (1) Contact information for the project;
- 10 (2) A description of the project;
- 11 (3) The request for funding;
- 12 (4) Cost estimates for acquisition of the interest in the  
13 land;
- 14 (5) Location and characteristics of the land;
- 15 (6) The project's public benefits, including but not  
16 limited to where public access may be practicable or  
17 not practicable and why;
- 18 (7) Results of the applicant's consultation with the staff  
19 of the department, the department of agriculture, and  
20 the agribusiness development corporation regarding the



1           maximization of public benefits of the project, where  
2           practicable; and

3           (8) Other similar, related, or relevant information as  
4           determined by the department.

5           ~~[(j)]~~ (f) For applications approved by the board, the  
6 board may acquire land having value as a resource to the State,  
7 pursuant to section 173A-4, or the board may award grants from  
8 ~~[the fund]~~ available funds to the qualifying state or county  
9 agencies or nonprofit land conservation organizations for the  
10 preservation of the real property. Where the recipient of a  
11 grant is a county agency or nonprofit land conservation  
12 organization, the board shall require additional matching funds  
13 of at least twenty-five per cent of the total project costs.

14 Matching funds may be in the form of:

- 15           (1) Direct moneys;  
16           (2) A combination of public and private funds;  
17           (3) Land value donation;  
18           (4) In-kind contributions; or  
19           (5) Any combination of the above.



1       ~~[(k)]~~ (g) Evidence of the matching funds in subsection  
2       ~~[(j)]~~ (f) shall be made available by the qualifying entities  
3 prior to distribution of ~~[the fund]~~ a grant.

4       ~~[(l)]~~ (h) The board shall:

5       (1) Track amounts disbursed ~~[from the fund]~~ for purposes  
6       of this chapter;

7       (2) Prepare and submit an annual report to the governor  
8       and the legislature at least twenty days prior to the  
9       convening of each regular session. The annual report  
10      shall include:

11      (A) A summary of all interests or rights in land  
12      acquired during the preceding fiscal year;

13      (B) A summary of what value each newly acquired land  
14      has as a resource to the State;

15      (C) Proposals for future land acquisitions, including  
16      a summary of the resource value that the land may  
17      possess;

18      (D) A financial report for the preceding fiscal year;  
19      and

20      (E) Objectives and budget projections for the  
21      following fiscal year; and



(3) Make copies of the annual report available to the public."

SECTION 51. Section 173A-13, Hawaii Revised Statutes, is amended to read as follows:

**"[+]§173A-13[+] Payment of debt service on the Turtle Bay reimbursable general obligation bonds. Notwithstanding any laws to the contrary:**

(1) Beginning July 1, 2015, a nonprofit land conservation organization shall file an application annually with the board requesting \$1,500,000 [~~from the land conservation fund~~] to be used for the reimbursement of debt service on the Turtle Bay reimbursable general obligation bonds until the bonds are fully amortized; and

(2) The board shall not require the nonprofit land conservation organization that is the recipient of a grant for the payment of debt service on the Turtle Bay reimbursable general obligation bonds to provide any additional matching funds[~~and~~]

~~(3) Moneys awarded for the payment of debt service on the Turtle Bay reimbursable general obligation bonds shall~~



1           ~~be deposited into the Turtle Bay conservation easement~~  
2           ~~special fund]."~~

3           SECTION 52. Section 187A-7, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5           "(b) To further the purposes of title 12, the department  
6 may:

7           (1) Use lands set apart for the department's use by the  
8           governor; and

9           (2) Accept gifts and contributions or enter into  
10           contracts. Gifts and contributions may be accepted  
11           from, or contracts entered into with, public or  
12           private agencies or individuals. ~~[Any gifts and~~  
13           ~~contributions accepted under this section to benefit~~  
14           ~~sport fish or sport fishing shall be subject to the~~  
15           ~~requirements specified under section 187A-9.5.]"~~

16           SECTION 53. Section 195-6.5, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18           "(a) There is established in the department, a natural  
19 area partnership program to provide state funds on a two-for-one  
20 basis with private funds for the management of private lands  
21 that are dedicated to conservation. ~~[Payments shall be made~~



1 ~~from the natural area reserve fund with funds specifically~~  
2 ~~appropriated for this purpose.] "~~

3 SECTION 54. Section 195F-2, Hawaii Revised Statutes, is  
4 amended by deleting the definition of "fund".

5 [~~"Fund" means the forest stewardship fund as established~~  
6 ~~by section 195F-4."~~]

7 SECTION 55. Section 195F-3, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) The program shall assist in the forest stewardship of  
10 public lands and in developing education and training programs  
11 for sustainable forestry [~~pursuant to section 195F-4(a)(2)~~]."

12 SECTION 56. Section 195F-6, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By amending subsection (a) to read:

15 "(a) Payments from the forest stewardship [~~fund~~] program  
16 shall not exceed fifty per cent of the total cost of the  
17 landowner in developing and implementing an approved management  
18 plan. Total payments to any one landowner shall be determined  
19 by the board, and the reasonable value of material, goods, and  
20 services contributed toward the plan by the landowner shall be  
21 included in determining the amount of the landowner's cost. The



landowner shall be required to spend private funds before reimbursements are made. In-kind services such as heavy equipment and existing sources of labor may be utilized as a portion of the landowner's contribution in implementing the management plan that is consistent with this chapter."

2. By amending subsection (e) to read:

"(e) The board shall submit annually a detailed report to the governor and legislature that shall:

(1) Identify management objectives that have been completed on private lands resulting from payments made pursuant to ~~[section 195F-4(a)(1)]~~ agreements entered into with qualified landowners to further the purposes of this chapter and provide an analysis of problems and issues encountered in meeting or failing to meet objectives as set forth in the management plans;

(2) Identify all reforestation, forest management, education, and training objectives that have been completed as a result of ~~[any expenditures made pursuant to section 195F-4(a)(2);]~~ this chapter;





(3) Describe the financial condition of the ~~[fund]~~  
program, including receipts and expenditures from the  
previous fiscal year; and

(4) Set forth plans and management objectives for the next  
fiscal year."

SECTION 57. Section 198D-2, Hawaii Revised Statutes, is  
amended by amending subsection (d) to read as follows:

"(d) The moneys specified in subsection (b)(1), (3), (4),  
and (5) shall be deposited in the ~~[special land and development  
fund under section 171-19 for the management, maintenance, and  
development of trails and trail accesses under the jurisdiction  
of the department; provided that the moneys specified in  
subsection (b)(5) shall be expended for the management,  
maintenance, and development of trails and access areas  
frequented by visitors in response to a master plan developed in  
coordination with the Hawaii tourism authority.]~~ general fund."

SECTION 58. Section 200-3, Hawaii Revised Statutes, is  
amended to read as follows:

**"§200-3 Ocean recreation and coastal areas programs.** The  
board shall assume the following functions of the department of  
transportation:



- 1           (1) Managing and administering the ocean-based recreation
- 2           and coastal areas programs of the State;
- 3           (2) Planning, developing, operating, administering, and
- 4           maintaining small boat harbors, launching ramps, and
- 5           other boating facilities and associated aids to
- 6           navigation throughout the State;
- 7           (3) Developing and administering an ocean recreation
- 8           management plan;
- 9           (4) Administering and operating a vessel registration
- 10          system for the State;
- 11          (5) Regulating the commercial use of state waters and
- 12          marine resources, including operations originating
- 13          from private marinas;
- 14          (6) Regulating boat regattas and other ocean water events;
- 15          (7) Administering a marine casualty and investigation
- 16          program;
- 17          (8) Assisting in abating air, water, and noise pollution;
- 18          (9) Conducting public education in boating safety;
- 19          ~~[(10) Administering the boating special fund;~~
- 20          ~~+(11)+~~ (10) Assisting in controlling shoreline erosion;



1       ~~[(12)]~~ (11)   Repairing seawalls and other existing coastal  
2               protective structures under the jurisdiction of the  
3               State; and

4       ~~[(13)]~~ (12)   Removing nonnatural obstructions and public  
5               safety hazards from the shoreline, navigable streams,  
6               harbors, channels, and coastal areas of the State."

7       SECTION 59.   Section 247-7, Hawaii Revised Statutes, is  
8       amended to read as follows:

9       "**§247-7   Disposition of taxes.**   All taxes collected under  
10      this chapter shall be paid into the state treasury to the credit  
11      of the general fund of the State, to be used and expended for  
12      the purposes for which the general fund was created and exists  
13      by law; provided that of the taxes collected each fiscal year[+]

14      ~~(1)   Ten per cent or \$5,100,000, whichever is less, shall~~  
15              ~~be paid into the land conservation fund established~~  
16              ~~pursuant to section 173A-5; and~~

17      ~~(2)   Fifty]~~, fifty per cent or \$38,000,000, whichever is  
18              less, shall be paid into the rental housing revolving  
19              fund established by section 201H-202."

20      SECTION 60.   Section 248-8, Hawaii Revised Statutes, is  
21      amended to read as follows:



1       **"§248-8 Special funds in treasury of State.** There are  
2 created in the treasury of the State [~~three~~] two special funds  
3 to be known, respectively, as the state highway fund[~~7~~] and the  
4 airport revenue fund[, ~~and the boating special fund~~]. All taxes  
5 collected under chapter 243 in each calendar year, except the  
6 "county of Hawaii fuel tax", "city and county of Honolulu fuel  
7 tax", "county of Maui fuel tax", and "county of Kauai fuel tax",  
8 shall be deposited in the state highway fund; provided that:

9       (1) All taxes collected under chapter 243 with respect to  
10 gasoline or other aviation fuel sold for use in or  
11 used for airplanes shall be set aside in the airport  
12 revenue fund; and

13       (2) All taxes collected under chapter 243 with respect to  
14 liquid fuel sold for use in or used for small boats  
15 shall be deposited in the [~~boating special~~] general  
16 fund.

17       As used in this section, "small boats" means all vessels  
18 and other watercraft except those operated in overseas  
19 transportation beyond the State, and ocean-going tugs and  
20 dredges. The chairperson of the board of land and natural  
21 resources, from July 1, 1992, and every three years thereafter,



1 shall establish standards or formulas that will as equitably as  
2 possible establish the total taxes collected under chapter 243  
3 in each fiscal year that are derived from the sale of liquid  
4 fuel for use in or used for small boats. The amount so  
5 determined shall be deposited in the ~~[boating special]~~ general  
6 fund.

7 ~~[An amount equal to 0.3 per cent of the highway fuel tax~~  
8 ~~but not more than \$250,000 collected under chapter 243 shall be~~  
9 ~~allocated each fiscal year to the special land and development~~  
10 ~~fund for purposes of the management, maintenance, and~~  
11 ~~development of trails and trail accesses under the jurisdiction~~  
12 ~~of the department of land and natural resources established~~  
13 ~~under section 198D-2.]"~~

14 SECTION 61. Section 501-23.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§501-23.5 Disposition of fees received at the bureau of**  
17 **conveyances.** Notwithstanding any other law to the contrary, ~~[of~~  
18 ~~the fees received at the bureau of conveyances,~~] the registrar  
19 of conveyances shall deposit all fees received at the bureau of  
20 conveyances to the credit of the state general fund ~~[\$18 for~~  
21 ~~each document recorded and shall deposit the remaining balance~~



1 ~~and all fees other than~~, except the special mortgage recording  
2 fee established pursuant to section 431P-16 and conveyance tax  
3 collected pursuant to section 247-1 ~~[to the credit of the bureau~~  
4 ~~of conveyances special fund established under section 502-8]~~."

5 SECTION 62. Section 502-17, Hawaii Revised Statutes, is  
6 amended by amending subsection (f) to read as follows:

7 "(f) All fees collected under this section~~[, except as~~  
8 ~~provided under sections 501-23.5 and 502-25 for the bureau of~~  
9 ~~conveyances special fund,~~] shall be deposited in the state  
10 treasury to the credit of the general fund."

11 SECTION 63. Section 502-25, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) Notwithstanding any other law to the contrary, ~~[of~~  
14 ~~the fees received at the bureau of conveyances,~~] the registrar  
15 of conveyances shall deposit all fees received at the bureau of  
16 conveyances to the credit of the state general fund ~~[\$18 for~~  
17 ~~each document recorded and shall deposit the remaining balance~~  
18 ~~and all fees other than~~, except the special mortgage recording  
19 fee established pursuant to section 431P-16 and conveyance tax  
20 collected pursuant to section 247-1 ~~[to the credit of the bureau~~  
21 ~~of conveyances special fund established under section 502-8]~~."



1       SECTION 64. Section 6E-16, Hawaii Revised Statutes, is  
2 repealed.

3       ~~["§6E-16 Hawaii historic preservation special fund. (a)~~  
4 ~~There is established a Hawaii historic preservation special fund~~  
5 ~~into which shall be deposited the following moneys:~~

- 6       ~~(1) Appropriations by the legislature to the special fund;~~  
7       ~~(2) Gifts, donations, and grants from public agencies and~~  
8       ~~private persons;~~  
9       ~~(3) All proceeds collected by the department derived from~~  
10       ~~historic preserve user fees, historic preserve leases~~  
11       ~~or concession fees, fees charged to carry out the~~  
12       ~~purposes of this chapter, or the sale of goods; and~~  
13       ~~(4) Civil, criminal, and administrative penalties, fines,~~  
14       ~~and other charges collected under this chapter or any~~  
15       ~~rule adopted pursuant to this chapter.~~

16 ~~All interest earned or accrued on moneys deposited in the fund~~  
17 ~~shall become part of the fund. The fund shall be administered~~  
18 ~~by the department; provided that the department may contract~~  
19 ~~with a public or private agency to provide the day-to-day~~  
20 ~~management of the fund.~~



~~(b) Subject to legislative authorization, the department may expend moneys from the fund:~~

~~(1) For permanent and temporary staff positions;~~

~~(2) To replenish goods;~~

~~(3) To produce public information materials;~~

~~(4) To provide financial assistance to public agencies and private agencies in accordance with chapter 42F involved in historic preservation activities other than those covered by section 6E-9; and~~

~~(5) To cover administrative and operational costs of the historic preservation program.~~

~~(c) The department shall adopt rules in accordance with chapter 91 for the purposes of this section."]~~

SECTION 65. Section 36-29.5, Hawaii Revised Statutes, is repealed.

~~["§36-29.5] Transfer from boating special fund.~~

~~Notwithstanding any law to the contrary, including section 36-27, there shall be deducted from time to time by the director of finance for the purpose of defraying the prorated estimate of central service expenses of government in relation to the boating special fund, five per cent of all receipts and deposits~~





~~1 in the boating special fund after subtracting therefrom any~~  
~~2 amounts pledged, charged, or encumbered for the payment of bonds~~  
~~3 or interest thereon during the time period for which the~~  
~~4 deduction is to be made. The deductions shall be transferred to~~  
~~5 the general fund of the State and shall become general~~  
~~6 realizations of the State.~~

~~7 For the purpose of this section, the term "any amounts~~  
~~8 pledged, charged, or encumbered for the payment of bonds or~~  
~~9 interest thereon" shall include:~~

- ~~10 (1) Amounts that are so pledged, charged, or encumbered;~~  
~~11 and~~  
~~12 (2) Amounts required by law to be paid from the boating~~  
~~13 special fund into the general fund of the State to~~  
~~14 reimburse the general fund for bond requirements for~~  
~~15 general obligation bonds issued for boating facility~~  
~~16 purposes.~~

~~17 The chairperson of the board of land and natural resources~~  
~~18 shall cooperate with the director of finance in effecting the~~  
~~19 transfer." ]~~

~~20 SECTION 66. Section 171-83, Hawaii Revised Statutes, is~~  
~~21 repealed.~~



1       ~~["§171-83 Costs of, and realization from, residential~~  
2 ~~leasing. The board of land and natural resources is authorized~~  
3 ~~to expend from the special land and development fund sufficient~~  
4 ~~moneys to meet all costs of the planning, development, and~~  
5 ~~subdivision of public lands for residential leasing, the sale of~~  
6 ~~residential leases and otherwise to effectuate the purposes of~~  
7 ~~this part, and all realizations from residential leases and the~~  
8 ~~selling of any improvements purchased from lessees shall be paid~~  
9 ~~into the fund."]~~

10       SECTION 67. Section 171-156, Hawaii Revised Statutes, is  
11 repealed.

12       ~~["§171-156] Beach restoration special fund. (a) There~~  
13 ~~is established in the state treasury a special fund to be~~  
14 ~~designated as the "beach restoration special fund" to carry out~~  
15 ~~the purposes of this part. The following moneys shall be~~  
16 ~~deposited into the beach restoration special fund:~~

17       ~~(1) Proceeds from the lease or development of public~~  
18       ~~coastal lands designated pursuant to a beach~~  
19       ~~restoration plan, subject to the Hawaiian Homes~~  
20       ~~Commission Act of 1920, as amended, and section 5(f)~~  
21       ~~of the Admission Act of 1959;~~



- ~~(2) Proceeds from the lease of public lands pursuant to this part for an existing seawall or revetment;~~
- ~~(3) Fines collected for unauthorized shoreline structures on state submerged land or conservation district land;~~
- ~~(4) Appropriations made by the legislature for deposit into this fund;~~
- ~~(5) Donations and contributions made by private individuals or organizations for deposit into this fund;~~
- ~~(6) Fees collected for the processing of applications for coastal and beach erosion control projects; and~~
- ~~(7) Grants provided by governmental agencies or any other source.~~
- ~~(b) The beach restoration special fund may be used by the department for one or more of the following purposes:~~
- ~~(1) Planning, designing, development, or implementation of beach restoration projects pursuant to this part; and~~
- ~~(2) Providing grants to the counties, nongovernmental organizations, and the University of Hawaii for the restoration of beach lands and for research or~~



1           ~~engineering studies necessary to support beach~~  
2           ~~restoration projects, subject to this part."]~~

3           SECTION 68.   Section 171-172, Hawaii Revised Statutes, is  
4   repealed.

5           ~~["[§171-172] Turtle Bay conservation easement special~~  
6   ~~fund. (a) There is established the Turtle Bay conservation~~  
7   ~~easement special fund to be administered by the department of~~  
8   ~~land and natural resources.~~

9           ~~(b) Transient accommodations tax revenues allocated to the~~  
10   ~~Turtle Bay conservation easement special fund pursuant to~~  
11   ~~section 237D-6.5 and moneys from the land conservation fund~~  
12   ~~shall be deposited into the special fund. All interest earned~~  
13   ~~on the moneys in the special fund shall be credited to the~~  
14   ~~special fund.~~

15           ~~(c) Moneys in the Turtle Bay conservation easement special~~  
16   ~~fund shall be expended to reimburse the state general fund for~~  
17   ~~payment of debt service on reimbursable general obligation bonds~~  
18   ~~issued to acquire the conservation easement and other real~~  
19   ~~property interests in Turtle Bay, Oahu.~~



~~(d) The Turtle Bay conservation easement special fund shall be exempt from the central service expenses of section 36-27 and departmental administrative expenses of section 36-30.~~

~~(e) Upon reimbursement to the state general fund of all debt service on reimbursable general obligation bonds issued to acquire the conservation easement in Turtle Bay, Oahu, any unencumbered and unexpended moneys in the Turtle Bay conservation easement special fund shall be transferred to the tourism special fund established under section 201B-11."]~~

SECTION 69. Section 174C-5.5, Hawaii Revised Statutes, is repealed.

~~["[§174C-5.5] Water resource management fund. (a) There is established in the department a special fund to be designated as the water resource management fund. The fund shall be administered by the commission. The water resource management fund shall be used for the following:~~

~~(1) Monitoring programs and activities concerning water resource quality, protection, and management;~~

~~(2) Research programs and activities concerning water conservation and investigation of alternative sources of water;~~



~~(3) Preparation and dissemination of information to the public concerning activities authorized under this chapter;~~

~~(4) Data collection, development, and updating of long-range planning documents authorized under this chapter; and~~

~~(5) Any other protection, management, operational, or maintenance functions authorized and deemed necessary by the commission, including but not limited to funding permanent or temporary staff positions.~~

~~(b) The following shall be deposited into the water resource management fund:~~

~~(1) Appropriations by the legislature to the water resource management fund;~~

~~(2) All fees and administrative charges collected under this chapter or any rule adopted thereunder;~~

~~(3) Moneys collected as fines or penalties imposed under this chapter or any rule adopted thereunder;~~

~~(4) Moneys derived from public and private sources to benefit water resource protection and management;~~



- 1       ~~(5) Any moneys collected from the sale of retail items by~~  
2           ~~the department related to water resources;~~
- 3       ~~(6) Any other moneys collected pursuant to chapter 174C;~~  
4           ~~and~~
- 5       ~~(7) Moneys derived from interest, dividend, or other~~  
6           ~~income from the above sources."]~~

7           SECTION 70. Section 179D-25, Hawaii Revised Statutes, is  
8   repealed.

9           ~~["[§179D-25] Establishment of dam and reservoir safety~~  
10 ~~special fund. (a) There is established in the department a~~  
11 ~~special fund, to be designated the dam and reservoir safety~~  
12 ~~special fund. The fund shall be administered by the board. The~~  
13 ~~following shall be deposited into the dam and reservoir safety~~  
14 ~~special fund:~~

- 15       ~~(1) Appropriations by the legislature;~~
- 16       ~~(2) All fees and administrative charges collected under~~  
17           ~~this chapter or any rule adopted thereunder;~~
- 18       ~~(3) Moneys collected as fines or penalties imposed under~~  
19           ~~this chapter or any rule adopted thereunder;~~
- 20       ~~(4) Moneys derived from public or private sources to~~  
21           ~~benefit dam and reservoir safety;~~



~~(5) Moneys collected in full or partial satisfaction of  
liens created under this chapter;~~

~~(6) Any moneys collected from the sale of retail items by  
the department relating to dam and reservoir safety;~~

~~(7) Any other moneys collected pursuant to this chapter or  
any rules adopted thereunder; and~~

~~(8) Moneys derived from interest, dividends, or other  
income from other sources.~~

~~(b) The board may expend moneys from the dam and reservoir  
safety special fund for:~~

~~(1) Conducting investigations, research, and the  
collection of data, including technological advances  
made in dam and reservoir safety practices elsewhere;~~

~~(2) Conducting investigations, monitoring, and inspection  
programs and activities, and enforcement;~~

~~(3) Preparing and disseminating information to the public  
concerning activities authorized under this chapter;~~

~~(4) Training and providing educational activities for  
department staff and dam and reservoir owners;~~

~~(5) Employing any necessary remedial measures to protect  
persons and property in accordance with this chapter;~~





~~(6) The costs and expenses of the coordination,~~

~~assistance, control, regulation, abatement, and~~

~~inspection provided by this chapter; and~~

~~(7) Other purposes for the administration of the dam and~~

~~reservoir safety program under this chapter or any~~

~~rule adopted thereunder, including but not limited to~~

~~funding permanent or temporary positions that may be~~

~~appointed without regard to chapter 76.~~

~~The board shall provide coordination and assistance to the~~

~~proper state or county agency or agencies to control any dam,~~

~~reservoir, and appurtenances subject to section 179D-24 until~~

~~they have been rendered safe or the emergency has terminated.~~

~~(c) Moneys on balance in the dam and reservoir safety~~

~~special fund at the close of each fiscal year shall remain in~~

~~that fund and shall not be transferred or lapsed to the credit~~

~~of the general fund."]~~

SECTION 71. Section 184-3.4, Hawaii Revised Statutes, is

repealed.

~~["§184-3.4 State parks special fund. (a) There is~~

~~established within the state treasury a fund to be known as the~~

~~state parks special fund, into which shall be deposited:~~



~~(1) All proceeds collected by the state parks programs involving park user fees, any leases or concession agreements, the sale of any article purchased from the department to benefit the state parks programs, or any gifts or contributions; provided that proceeds derived from the operation of Iolani Palace shall be used to supplement its educational and interpretive programs; and~~

~~(2) Transient accommodations tax revenues pursuant to section 237D-6.5; provided that these moneys shall be expended in response to a master plan developed in coordination with the Hawaii tourism authority.~~

~~(b) The department shall expend the moneys from the state parks special fund for the following purposes:~~

~~(1) Permanent and temporary staff positions;~~

~~(2) Planning and development of state parks programs, including the aina hoomalu state parks program;~~

~~(3) Construction, repairs, replacement, additions, and extensions of state parks facilities;~~

~~(4) Operation and maintenance costs of state parks and state parks programs; and~~



1       ~~(5) Administrative costs of the division of state parks.~~

2       ~~(c) There is established within the state parks special~~  
3 ~~fund, a Diamond Head State Monument sub-account, into which~~  
4 ~~shall be deposited fifty-five per cent of all proceeds collected~~  
5 ~~from the admission fees charged at the Diamond Head State~~  
6 ~~Monument. The department shall expend the moneys from the~~  
7 ~~Diamond Head State Monument sub-account for repair, maintenance,~~  
8 ~~and operating costs incurred by the State in the management of~~  
9 ~~the Diamond Head State Monument." ]~~

10       SECTION 72. Section 187A-9.5, Hawaii Revised Statutes, is  
11 repealed.

12       ~~["§187A-9.5 Sport fish special fund. (a) There is~~  
13 ~~established in the department a sport fish special fund.~~

14       ~~(b) The following proceeds shall be retained by or~~  
15 ~~transmitted to the department for deposit into the sport fish~~  
16 ~~special fund:~~

17       ~~(1) Moneys collected as fees for sport fishing licenses~~  
18       ~~and permits, attendance of aquatic resources education~~  
19       ~~programs, use of public fishing areas or other fishing~~  
20       ~~grounds for sport fishing purposes, and use of sport~~  
21       ~~fisheries-related facilities;~~



- 1       ~~(2) Moneys collected under the provision of any law or~~  
2       ~~rule relating to the importation, taking, catching, or~~  
3       ~~killing of any sport fish;~~
- 4       ~~(3) Moneys, other than informers' fees authorized under~~  
5       ~~section 187A-14, collected as fines or bail~~  
6       ~~forfeitures for sport fishing violations of this~~  
7       ~~chapter and chapters 188, 189, and 190;~~
- 8       ~~(4) Moneys collected from the sale of any article~~  
9       ~~purchased from the department related to sport fish or~~  
10      ~~sport fishing;~~
- 11      ~~(5) Any monetary contributions or moneys collected from~~  
12      ~~the sale of non-monetary gifts to benefit sport fish~~  
13      ~~or sport fishing; and~~
- 14      ~~(6) Moneys derived from interest, dividend, or other~~  
15      ~~income from the above sources.~~
- 16      ~~(c) Expenditures from the sport fish special fund shall be~~  
17      ~~limited to the following:~~
- 18      ~~(1) For programs and activities to implement title 12,~~  
19      ~~subtitle 5, including the provision of state funds to~~  
20      ~~match federal grants under the Federal Aid in Sport~~  
21      ~~Fish Restoration (Dingell-Johnson/Wallop-Breaux) Act~~



~~(64 Stat. 430, 16 U.S.C. §777), as amended, for projects concerning sport fish;~~

~~(2) For acquisition of the use, development, or maintenance of trails and accessways into public fishing areas, fishery management areas, marine life conservation districts, or private lands where public sport fishing is authorized; and~~

~~(3) For research programs and activities concerning sport fish conservation and management. Research programs and activities conducted under this paragraph may be conducted by personnel of the department or through grants in aid to or contracts with the University of Hawaii or other qualified organizations or individuals.~~

~~(d) The proceeds of the sport fish special fund shall not be used as security for, or pledged to the payment of principal or interest on, any bonds or instruments of indebtedness.~~

~~(e) In addition to subsection (c), the department may use moneys in the sport fish special fund for the importation into, and the management, preservation, propagation, enforcement, and protection of sport fishes in, the State; provided that the~~



1 ~~department, prior to authorizing expenditures or expending funds~~  
2 ~~from the sport fish special fund, first shall attempt to use~~  
3 ~~those funds to maximize the State's participation to secure~~  
4 ~~federal funds under the Federal Aid in Sport Fish Restoration~~  
5 ~~(Dingell-Johnson/Wallop-Breaux) Act, as amended.~~

6 ~~(f) Nothing in this section shall be construed as~~  
7 ~~prohibiting the funding with general funds or other funds of~~  
8 ~~programs and activities to implement or enforce title 12,~~  
9 ~~subtitle 5, concerning sport fish management and conservation."]~~

10 SECTION 73. Section 189-2.4, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§189-2.4 Commercial fisheries special fund. (a) There~~  
13 ~~is established in the treasury of the State a special fund to be~~  
14 ~~known as the commercial fisheries special fund which shall be~~  
15 ~~administered by the department.~~

16 ~~(b) The following revenues shall be deposited into the~~  
17 ~~commercial fisheries special fund:~~

18 ~~(1) Moneys collected as fees for licenses and permits~~  
19 ~~related to commercial fishing and the sale of aquatic~~  
20 ~~life, use of public fishing grounds for commercial~~



- 1           ~~fishing purposes, and use of commercial fisheries-~~  
2           ~~related facilities;~~
- 3           ~~(2) Moneys collected under the provision of any law or~~  
4           ~~rule related to the importation, rearing, fishing,~~  
5           ~~taking, catching, or killing of any aquatic life for~~  
6           ~~commercial purposes;~~
- 7           ~~(3) Moneys, other than informers' fees authorized under~~  
8           ~~section 187A-14, collected as fines or bail~~  
9           ~~forfeitures or administrative fines for violations of~~  
10          ~~this chapter;~~
- 11          ~~(4) Moneys collected from the sale of any article~~  
12          ~~purchased from the department related to aquatic life~~  
13          ~~used for commercial purposes or fishing for commercial~~  
14          ~~purposes;~~
- 15          ~~(5) Any monetary contributions or moneys collected from~~  
16          ~~the sale of nonmonetary gifts to benefit aquatic life~~  
17          ~~used for commercial purposes or fishing for commercial~~  
18          ~~purposes; and~~
- 19          ~~(6) Moneys derived from interest, dividend, or other~~  
20          ~~income from the above sources.~~



~~(c) The commercial fisheries special fund shall be used  
for the following:~~

~~(1) Programs and activities for projects concerning  
aquatic life used for commercial purposes;~~

~~(2) Developing and conducting resource monitoring  
programs, conducting studies to determine the  
sustainable use of aquatic life for commercial  
purposes, and developing recommendations for  
acceptable levels of use;~~

~~(3) Research programs and activities concerning the  
conservation and management of aquatic life for  
commercial purposes;~~

~~(4) Programs and activities concerning the importation and  
management, preservation, propagation, enforcement,  
and protection of aquatic life used for commercial  
purposes; and~~

~~(5) Payroll for personnel of the department or the  
awarding of grants in aid to or contracts with the  
University of Hawaii or other qualified organizations  
or individuals to develop or implement the programs~~





1           ~~and activities for the conservation and management of~~  
2           ~~aquatic life for commercial purposes.~~

3           ~~(d) The proceeds of the commercial fisheries special fund~~  
4           ~~shall not be used as security for, or pledged to the payment of~~  
5           ~~principal or interest on, any bonds or instruments of~~  
6           ~~indebtedness.~~

7           ~~(e) Nothing in this section shall be construed to prohibit~~  
8           ~~the use of general funds or the funds of other programs and~~  
9           ~~activities to implement or enforce title 12, subtitle 5,~~  
10          ~~concerning management and conservation of aquatic life used for~~  
11          ~~commercial purposes." ]~~

12          SECTION 74. Section 195-9, Hawaii Revised Statutes, is  
13          repealed.

14          ~~[ "§195-9 Natural area reserve fund; heritage program;~~  
15          ~~established. (a) There is hereby established in the state~~  
16          ~~treasury a special fund known as the natural area reserve fund~~  
17          ~~to implement the purposes of this chapter, including the~~  
18          ~~identification, establishment, and management of natural area~~  
19          ~~reserves, the acquisition of private lands for new natural area~~  
20          ~~reserves, the operation of the heritage program, and the~~



~~provision of matching funds for the natural area partnership program. The fund shall be administered by the department.~~

~~(b) The fund shall consist of moneys received from any public or private sources. The fund shall be held separate and apart from all other moneys, funds, and accounts in the state treasury, except that any moneys received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received.~~

~~Investment earnings credited to the assets of the fund shall become a part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the next fiscal year."}]~~

SECTION 75. Section 195F-4, Hawaii Revised Statutes, is repealed.

~~["§195F-4 Forest stewardship fund. (a) There is established a special fund within the state treasury known as the forest stewardship fund which shall be used as follows:~~

~~(1) Payments shall be made by the board pursuant to agreements entered into with qualified landowners to further the purposes of this chapter; and~~



1       ~~(2) Moneys collected from:~~

2           ~~(A) The harvest of non-native forest products from~~  
3           ~~forest reserves;~~

4           ~~(B) The harvest of native forest products from~~  
5           ~~degraded forests as defined in section 186-5.5,~~  
6           ~~within forest reserves;~~

7           ~~(C) The sale of forest products found dead and lying~~  
8           ~~on the ground;~~

9           ~~(D) The sale of tree seedlings from state nurseries;~~

10          ~~(E) The sale of any other products or services, or~~  
11          ~~anything of value derived from forest reserves~~  
12          ~~not described above; or~~

13          ~~(F) The imposition of fines or penalties for~~  
14          ~~violations of this chapter and chapters 183 and~~  
15          ~~185 or any rule adopted thereunder;~~

16          ~~shall be used for: (i) replanting, managing, and~~  
17          ~~maintaining designated timber management areas; (ii)~~  
18          ~~enhancing the management of public forest reserves~~  
19          ~~with an emphasis on restoring degraded koa forests;~~  
20          ~~and (iii) developing environmental education and~~  
21          ~~training programs pertaining to sustainable forestry;~~



1 ~~provided that the activities described in clauses (ii)~~  
2 ~~and (iii) may not be funded unless the activities~~  
3 ~~described in approved management plans pertaining to~~  
4 ~~clause (i) are adequately funded.~~

5 ~~(b) The fund shall consist of moneys received from any~~  
6 ~~public or private sources. The fund shall be held separate and~~  
7 ~~apart from all other moneys, funds, and accounts in the state~~  
8 ~~treasury; provided that any moneys received from the federal~~  
9 ~~government or from private contributions shall be deposited and~~  
10 ~~accounted for in accordance with conditions established by the~~  
11 ~~agencies or persons from whom the moneys are received.~~

12 ~~Investment earnings credited to the fund shall become a~~  
13 ~~part of the assets of the fund. Any balance remaining in the~~  
14 ~~fund at the end of any fiscal year shall be carried forward in~~  
15 ~~the fund for the next fiscal year."]~~

16 SECTION 76. Section 199-1.5, Hawaii Revised Statutes, is  
17 repealed.

18 ~~["§199-1.5] Conservation and resources enforcement~~  
19 ~~special fund; established. (a) There is hereby established in~~  
20 ~~the state treasury a special fund known as the conservation and~~



1 ~~resources enforcement special fund, which shall be administered~~  
2 ~~by the department.~~

3 ~~(b) The following shall be deposited into the conservation~~  
4 ~~and resources enforcement special fund:~~

5 ~~(1) Grants, awards, donations, gifts, transfers, or moneys~~  
6 ~~derived from public or private sources for the~~  
7 ~~purposes of enforcing the provisions of title 12,~~  
8 ~~chapters 6D, 6E, and 6K; or any rule adopted~~  
9 ~~thereunder;~~

10 ~~(2) Fees, reimbursements, administrative charges, and~~  
11 ~~penalties collected for activities related to the~~  
12 ~~enforcement of natural, cultural, and historic~~  
13 ~~resources protection laws and rules, except as~~  
14 ~~otherwise provided by law that provides for deposits~~  
15 ~~into other special funds administered by the~~  
16 ~~department;~~

17 ~~(3) Moneys derived from interest, dividends, or other~~  
18 ~~income from the above-mentioned sources; and~~

19 ~~(4) Appropriations by the legislature to the special fund.~~



- 1       ~~(c) The conservation and resources enforcement special~~  
2 ~~fund shall be used for expenditures, including but not limited~~  
3 ~~to:~~
- 4       ~~(1) Training;~~
  - 5       ~~(2) Research;~~
  - 6       ~~(3) Equipment;~~
  - 7       ~~(4) Preparation and dissemination of information to the~~  
8       ~~public;~~
  - 9       ~~(5) Data collection and development;~~
  - 10       ~~(6) Information technology;~~
  - 11       ~~(7) Safety;~~
  - 12       ~~(8) Wireless communication;~~
  - 13       ~~(9) Management;~~
  - 14       ~~(10) Travel;~~
  - 15       ~~(11) Equipment rental;~~
  - 16       ~~(12) Repairs;~~
  - 17       ~~(13) Planning;~~
  - 18       ~~(14) Information;~~
  - 19       ~~(15) Education;~~
  - 20       ~~(16) Operations;~~



~~(17) Maintenance functions authorized and deemed necessary  
by the department;~~

~~(18) Funding for consultants or contractual hires related  
to the enforcement of:~~

~~(A) Title 12;~~

~~(B) Chapters 6D, 6E, and 6K; or~~

~~(C) Any rule adopted thereunder; and~~

~~(19) Work performed in cooperation with enforcement  
authorities of the State, the counties, and the  
federal government.~~

~~(d) The fund shall be held separate and apart from all  
other moneys, funds, and accounts in the department, except that  
any moneys received from the federal government or from private  
contributions shall be deposited and accounted for in accordance  
with conditions established by the department and agencies or  
persons from whom the moneys are received. Any balance  
remaining in the fund at the end of any fiscal year shall be  
carried forward in the fund for the next fiscal year.~~

~~(e) As used in this section, "department" means the  
department of land and natural resources." ]~~



SECTION 77. Section 200-8, Hawaii Revised Statutes, is repealed.

~~["§200-8 Boating program; payment of costs. The cost of administering a comprehensive statewide boating program, including but not limited to the cost of:~~

- ~~(1) Operating, maintaining, and managing all boating facilities under the control of the department;~~
- ~~(2) Improving boating safety;~~
- ~~(3) Operating a vessel registration and boating casualty investigation and reporting system;~~
- ~~(4) Other boating program activities; and~~
- ~~(5) Planning, developing, managing, operating, or maintaining of all lands and improvements under the control and management of the board, including but not limited to permanent or temporary staff positions who may be appointed without regard to chapter 76, shall be paid from the boating special fund; provided that any fees collected within small boat harbors shall be expended only for costs related to the operation, upkeep, maintenance, and improvement of the small boat harbors. The amortization (principal and interest) of the costs of capital improvements~~





1 ~~for boating facilities appropriated after July 1, 1975,~~  
2 ~~including but not limited to berths, slips, ramps, related~~  
3 ~~accommodations, general navigation channels, breakwaters, aids~~  
4 ~~to navigation, and other harbor structures, may be paid from the~~  
5 ~~boating special fund or from general revenues as the legislature~~  
6 ~~may authorize in each situation. Revenues provided in this~~  
7 ~~chapter for the boating special fund shall be at least~~  
8 ~~sufficient to pay the special fund costs established in this~~  
9 ~~section." ]~~

10 SECTION 78. Section 502-8, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§502-8 Bureau of conveyances special fund. (a) There~~  
13 ~~is established in the state treasury the bureau of conveyances~~  
14 ~~special fund, into which shall be deposited the revenues~~  
15 ~~remitted pursuant to sections 501-23.5 and 502-25, interest~~  
16 ~~earnings, grants, donations, and appropriations from the~~  
17 ~~legislature that shall be held separate and apart from all other~~  
18 ~~moneys, funds, and accounts in the state treasury.~~

19 ~~(b) Moneys in the bureau of conveyances special fund shall~~  
20 ~~be used by the bureau of conveyances for the following purposes:~~



~~(1) Planning, design, construction, and acquisition of equipment, furnishings, and software necessary for the development of the recording system described in this chapter and chapter 501;~~

~~(2) Operating, maintaining, and improving the recording system described in this chapter and chapter 501 or any other purpose deemed necessary by the bureau of conveyances for the purpose of planning, improving, developing, operating, and maintaining the recording system described in this chapter and chapter 501;~~

~~(3) Permanent and temporary staff positions for the purposes of this chapter and chapter 501; and~~

~~(4) Administrative costs for the purposes of this chapter and chapter 501.~~

~~(c) All moneys in excess of \$500,000 remaining on balance in the bureau of conveyances special fund on June 30 of each year shall lapse to the credit of the state general fund; provided that any balance of funds collected pursuant to section 16 of Act 120, Session Laws of Hawaii 2009, shall not lapse to the credit of the state general fund. On July 1 of each year, the director of finance is authorized to transfer any excess~~



1 ~~funds in the bureau of conveyances special fund to the state~~  
2 ~~general fund."~~]

3 SECTION 79. Sections 171-154, 171-155, 179D-8(e),  
4 179D-24(e), 183-16, 190D-33, 200-2.5(d), 200-6(c), 200-10(h),  
5 200-14.5, 200-34, 200-47, 200-47.5(f), and 235-110.97(g), Hawaii  
6 Revised Statutes, are amended by substituting the words "general  
7 fund", or similar term, whenever the words "beach restoration  
8 [special] fund", "dam and reservoir safety special fund", "dam  
9 and reservoir safety special fund created in section 179D-25",  
10 "forest stewardship fund", "special land and development fund to  
11 be used for planning, research, and development of the  
12 aquaculture industry", "boating special fund", "Hawaii historic  
13 preservation special fund established under section 6E-16", or  
14 similar term, appears, as the context requires.

15 SECTION 80. The following funds (appropriation code) are  
16 abolished:

- 17 (1) Water and land development (S-303-C);
- 18 (2) Na ala hele program (S-306-C);
- 19 (3) Public land trust inventory & info sys (S-315-C);
- 20 (4) Prevention of natural disasters (S-323-C);
- 21 (5) Ecosystem protection and restoration (S-341-C);



(6) Cb cost items, bu 14 (S-362-C);

(7) Iucn - sldf (S-371-C); and

(8) County lifeguard services spec fd (S-376-C),

and any unencumbered balances shall lapse to the credit of the general fund.

PART V. DEPARTMENT OF EDUCATION

SECTION 81. Section 302A-405, Hawaii Revised Statutes, is amended to read as follows:

**"§302A-405 School cafeterias; funds; expenditures. (a)**

The price for school meals shall be set by the department to ensure that moneys received from the sale of the meals shall be not less than one-half of the cost of preparing the meals. The prices for school meals may be adjusted annually based on the previous year's costs rounded to the nearest five cents; provided that the department by rule shall provide a lower rate or free meals to children based on their economic need.

~~[(b) All moneys received by or for the public school cafeterias from the sale of meals, the sale of services, the federal government, or any other source, shall be deposited in one special school lunch fund. Except as otherwise provided by~~



1 ~~the legislature, all expenditures for the operation of public~~  
2 ~~school cafeterias shall be made from this fund.~~

3       ~~(e)]~~ (b) It is the intent of this section not to  
4 jeopardize the receipt of any federal aid and to the extent, and  
5 only to the extent necessary to effectuate this intent, the  
6 governor may modify the strict provisions of this section, but  
7 shall promptly report any such modification with the governor's  
8 reasons therefor to the next succeeding session of the  
9 legislature for review."

10       SECTION 82. Section 302A-420, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§302A-420 Profits to pupils.** All net profits arising  
13 from agricultural and industrial pursuits under sections  
14 302A-420 to 302A-431 at any school~~[, under the rules of the~~  
15 ~~department:~~

16       ~~(1) Shall be used by the school for the purchase of~~  
17       ~~equipment and material, not otherwise provided for in~~  
18       ~~the school budget, that will be of general benefit to~~  
19       ~~the pupils; or~~



(2) ~~May be distributed among the pupils actually engaged  
in the pursuits.]~~ shall be deposited into the general  
fund.

The department shall provide for the keeping of simple books of account, showing the source and distribution of the money resulting from the operations carried on pursuant to this section, and for the auditing of these books of account at least quarterly."

SECTION 83. Section 302A-435, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]302A-435[§]~~ **Financing adult and community education program.** ~~[The financial support for this program shall be in part from fees collected from students enrolled, and in part from public funds appropriated for this purpose.]~~ Fees for the financing adult and community education program shall be set in accordance with the recommendations of the advisory council, and may be collected from students regularly enrolled; provided that:

(1) Adults registered with the department of labor and industrial relations and unemployed shall be granted



1 free enrollment in such courses as will tend to assist  
2 these persons in securing employment;

3 (2) Adults certified by the department of human services  
4 as indigent may be enrolled on a nonfee basis in  
5 classes that will tend to assist these persons in  
6 becoming self-sustaining;

7 (3) Discharged veterans who are entitled to federal  
8 educational assistance shall be enrolled upon  
9 authorization of the Department of Veterans Affairs  
10 and fees shall be charged against federal funds in  
11 accordance with Department of Veterans Affairs  
12 contract regulations; ~~and~~

13 (4) Administrative and supervisory costs, costs of  
14 instruction, and all other necessary expenses not  
15 covered by fees and other authorized charges shall be  
16 paid for out of funds appropriated for this  
17 purpose~~[-]~~; and

18 (5) Revenues from the fees shall be deposited into the  
19 general fund.

20 The department shall provide for the keeping of simple books of  
21 account, showing the fees collected."



SECTION 84. Section 302A-1148, Hawaii Revised Statutes, is amended to read as follows:

**"§302A-1148 Use of school facilities and grounds. . (a)**

All public school buildings, facilities, and grounds shall be available for general recreational purposes, and for public and community use, whenever these activities do not interfere with the normal and usual activities of the school and its pupils. Any other law to the contrary notwithstanding, the department shall adopt rules under chapter 91 as are deemed necessary to carry out the purposes of this section and may issue licenses, revocable permits, concessions, or rights of entry to school buildings and grounds for such periods of use as deemed appropriate by the department. All such dispositions, including those in excess of fourteen days, need not be approved by the board of land and natural resources; provided that approval by the board of land and natural resources shall be required when the dispositions are for periods in excess of a year. The department may assess and collect fees and charges from the users of school buildings, facilities, grounds, and equipment, which include fees and charges assessed and collected by the department for parking on roadways and in parking areas under





1 the jurisdiction of the department, pursuant to section  
2 302A-1151.6. The fees and charges shall be deposited into [a  
3 ~~separate fund and expended by the department under rules as may~~  
4 ~~be adopted by the board; provided that any parking fees assessed~~  
5 ~~and collected by a school shall be deposited to the credit of~~  
6 ~~that school's nonappropriated local school fund account.] the~~  
7 general fund.

8 (b) [~~A separate subaccount of the fund established~~  
9 ~~pursuant to subsection (a), to be known as] There is established~~  
10 the school facilities [~~subaccount, shall be established for]~~  
11 account into which shall be deposited all proceeds from the  
12 leases, permits, interest income generated from public school  
13 lands, and other revenue generated from the nonpermanent  
14 disposition of public school lands, including facilities,  
15 pursuant to section 302A-1151.1. The [~~subaccount]~~ account shall  
16 be governed by section 302A-1151.2."

17 SECTION 85. Section 302A-1151.6, Hawaii Revised Statutes,  
18 is amended by amending subsection (c) to read as follows:

19 "(c) Fees collected under this section shall be deposited  
20 into the [~~same fund into which fees and charges assessed and~~  
21 ~~collected by the department for the use of school facilities~~



1 ~~under section 302A-1148 are deposited;]~~ general fund; provided  
2 that any parking fees assessed and collected by a school shall  
3 be deposited to the credit of the school's nonappropriated local  
4 school fund account."

5 SECTION 86. Section 302A-1310, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§302A-1310 Out-of-school time instructional programs;**  
8 **funds[~~, expenditures~~].** All moneys received by and for the  
9 public out-of-school time instructional programs from tuition  
10 and other fees or from any other source shall be deposited [~~in a~~  
11 ~~special out-of-school time instructional program fund; and~~  
12 ~~except as otherwise provided by the legislature, all~~  
13 ~~expenditures for the operation of public out-of-school time~~  
14 ~~instructional programs shall be made from this fund.]~~ into the  
15 general fund."

16 SECTION 87. Section 302A-1502.4, Hawaii Revised Statutes,  
17 is amended by amending subsection (c) to read as follows:

18 "(c) The fund may receive contributions, grants,  
19 endowments, or gifts in cash or otherwise from all sources,  
20 including corporations or other businesses, foundations,  
21 government, individuals, and other interested parties. [~~The~~



1 ~~fund shall also receive moneys transferred to it from the~~  
2 ~~school-level minor repairs and maintenance special fund~~  
3 ~~established under section 302A-1504.5.]~~ The legislature intends  
4 that public and private sectors review and investigate all  
5 potential funding sources. The State may appropriate moneys to  
6 the fund; provided that any appropriations made by the State are  
7 not intended to supplant the funding of any existing programs."

8 SECTION 88. Section 312-3.6, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§312-3.6 ~~[Libraries special fund.]~~ Library donations.

11 ~~[(a) There is established in the state treasury a libraries~~  
12 ~~special fund into which shall be deposited all moneys collected~~  
13 ~~pursuant to section 312-3.5, and all moneys designated to be~~  
14 ~~paid to this fund pursuant to section 235-102.5(c).]~~

15 ~~(b) The fund shall be administered by the state librarian~~  
16 ~~who shall, unless otherwise directed by the library advisory~~  
17 ~~committee, disburse to each public library, the amount~~  
18 ~~commensurate with the moneys received from the library under~~  
19 ~~section 312-3.5 over the previous fiscal period. Allocations~~  
20 ~~shall be made in quarterly installments within thirty days of~~  
21 ~~the end of each calendar quarter.]~~



~~(c) Moneys allocated from the libraries special fund to the public libraries shall be used to purchase books or other library materials. Each public library may post on a bulletin board or other appropriate place a list of the purchases made from the special fund in the preceding quarter.~~

~~(d) The state librarian shall submit an annual report on the status of the libraries special fund, to include information regarding:~~

~~(1) Deposits into the fund and the source of these revenues;~~

~~(2) Allocations to each public library, including allocations established for both the fiscal year covered by the annual report and the subsequent fiscal year;~~

~~(3) Descriptions and amounts of expenditures made from the fund;~~

~~(4) Balances remaining on June 30 of each year;~~

~~(5) Financial information regarding receipt sources by individual libraries; and~~

~~(6) Actual expenditure of receipts by individual libraries;~~



~~provided that this report shall be submitted to the legislature and to the governor, or the director of finance if so delegated by the governor, no later than twenty days prior to the convening of each regular session of the legislature.~~

~~{(e)}~~ The state librarian may receive privately donated moneys and use ~~[such]~~ the moneys in any of the library system's accounts or funds to support the operations of the library system, including the payment of staff salaries and expenses related to operations of library facilities; provided that the donor is advised that the donated moneys may be used for these purposes."

SECTION 89. Section 312-21, Hawaii Revised Statutes, is amended to read as follows:

**"§312-21 Fee for enhanced services program; established.**

(a) The state librarian shall:

(1) Provide for the establishment and ongoing operation of a fee for enhanced services program, which includes but is not limited to the planning, programming, and budgeting of operating, research and development, and capital investment programs; and



(2) Have the ability to designate one or more of the public library's subordinates to be a notary public pursuant to section 456-18. Notwithstanding section 456-18, the designated subordinates, upon duly qualifying and receiving commissions as notaries public in government service, may administer oaths or take acknowledgements in nongovernmental matters, for which services the prescribed fees shall be demanded and received as governmental realizations and deposited into the ~~[library fee for enhanced services special fund; and~~

~~(3) Administer the library fee for enhanced services special fund.~~

~~(b) Notwithstanding section 312-3.6, all moneys collected through the fee for enhanced services program shall be deposited into the library fee for enhanced services special fund established under section 312-22.~~

~~(e)] general fund.~~

(b) The state librarian, with the approval of the board of education, shall determine the types and kinds of enhanced services to be included under the fee for enhanced services



1 program; provided that a schedule of fees for these enhanced  
2 services shall be adopted in accordance with chapter 91.  
3 Libraries shall not be obligated to offer all of the services  
4 specified in the fee for enhanced services program, and each  
5 public library shall determine which services it will provide."

6 SECTION 90. Section 302A-425.5, Hawaii Revised Statutes,  
7 is repealed.

8 ~~["[§302A-425.5] Private trade, vocational, and technical~~  
9 ~~school licensure special fund. There is created in the state~~  
10 ~~treasury a special fund to be designated as the private trade,~~  
11 ~~vocational, and technical school licensure special fund into~~  
12 ~~which shall be deposited:~~

13 ~~(1) All revenues and fees collected by the department~~  
14 ~~pursuant to section 302A-425; and~~

15 ~~(2) Appropriations from the general fund of the State.~~

16 ~~Moneys in the private trade, vocational, and technical school~~  
17 ~~licensure special fund shall be used to fund activities related~~  
18 ~~to the licensure requirements established under section~~  
19 ~~302A-425, including funding for permanent staff positions and~~  
20 ~~administrative and operational costs."]~~



SECTION 91. Section 302A-707, Hawaii Revised Statutes, is repealed.

~~["§302A-707] Felix stipend program special fund. (a)~~

~~There is established the Felix stipend program special fund, into which shall be deposited all moneys received as repayment from students due to a breach in contractual agreements under the Felix stipend program, which offers tuition waivers for qualified candidates who enroll at the University of Hawaii in special education teacher programs at the undergraduate, post-baccalaureate, and graduate levels in exchange for their agreement to work for the department for a period of three to five years immediately following completion of their teacher preparation program.~~

~~(b) The special fund shall be administered and used by the department to provide ongoing funding for the provision of tuition assistance to students for the Felix consent-decree recruitment and retention program, or any successor programs, and related costs."]~~

SECTION 92. Section 302A-1130.6, Hawaii Revised Statutes, is repealed.





1       ~~["§302A-1130.6 Curricular materials fee special account.~~

2       ~~There is established within the department a curricular~~  
3       ~~materials fee special account, into which shall be deposited all~~  
4       ~~fees and charges collected from students or their parents or~~  
5       ~~guardians for the loss, destruction, breakage, or damage of~~  
6       ~~curricular materials. Disbursements from this special account~~  
7       ~~shall be expended by the department for the purposes of~~  
8       ~~purchasing, replacing, or repairing curricular materials."]~~

9       SECTION 93. Section 302A-1504.5, Hawaii Revised Statutes,  
10      is repealed.

11      ~~["§302A-1504.5 School-level minor repairs and maintenance~~  
12      ~~special fund[;] reporting of carry over funds. (a) There is~~  
13      ~~established within the state treasury a special fund to be known~~  
14      ~~as the school-level minor repairs and maintenance special fund,~~  
15      ~~into which shall be deposited all moneys collected pursuant to~~  
16      ~~section 235-102.5(b), and any other moneys received by the~~  
17      ~~department in the form of grants and donations for school-level~~  
18      ~~improvements and minor repairs and maintenance. The special~~  
19      ~~fund shall be administered by the department and used to fund~~  
20      ~~school-level minor repairs and maintenance. The department~~  
21      ~~shall transfer moneys collected pursuant to section 235-~~



1 ~~102.5(b), and may transfer any other moneys received in the form~~  
2 ~~of grants and donations for school-level improvements and minor~~  
3 ~~repairs and maintenance to the Hawaii 3R's school improvement~~  
4 ~~fund established pursuant to section 302A-1502.4.~~

5 ~~(b) The department shall submit to the director of finance~~  
6 ~~a report that shall be prepared in the form prescribed by the~~  
7 ~~director of finance and shall identify the total amount of funds~~  
8 ~~in the school-level minor repairs and maintenance special fund~~  
9 ~~that will carry over to the next fiscal year. The department~~  
10 ~~shall submit the report to the director of finance within ninety~~  
11 ~~days of the close of each fiscal year and a copy of the report~~  
12 ~~to the legislature no later than twenty days prior to the~~  
13 ~~convening of each regular session."]~~

14 SECTION 94. Section 312-22, Hawaii Revised Statutes, is  
15 repealed.

16 ~~["§312-22 Library fee for enhanced services special fund.~~

17 ~~(a) There is established in the state treasury the library fee~~  
18 ~~for enhanced services special fund into which shall be deposited~~  
19 ~~all moneys collected pursuant to section 312-21 and any fee~~  
20 ~~schedules adopted pursuant thereto.~~



~~(b) The special fund shall be administered by the state librarian who shall determine the annual amount that each public library shall receive. Allocations shall be based on the balance in the special fund on the first day of each fiscal year and made in quarterly installments not more than thirty days after the close of each fiscal quarter.~~

~~(c) Moneys allocated from the special fund shall be used by each community, school, or public library to operate its fee for enhanced services program. Each library shall post in a conspicuous place a list of expenditures made by the library from the special fund during the preceding fiscal quarter.~~

~~(d) The state librarian shall submit an annual report on the status of the special fund. The report shall include information about:~~

~~(1) Deposits made into the fund and the source of these deposits;~~

~~(2) Allocations to each public library, including allocations established for both the fiscal year covered by the annual report and the subsequent fiscal year;~~



~~(3) Descriptions and amounts of the expenditures made from  
the fund;~~

~~(4) The balance remaining in the fund on June 30 of each  
year;~~

~~(5) Financial information regarding receipt sources by  
individual libraries; and~~

~~(6) Actual expenditure of receipts by individual  
libraries.~~

~~The report shall be submitted to the legislature and the  
governor not later than twenty days prior to the convening of  
each regular session."]~~

SECTION 95. Section 302A-425(f), Hawaii Revised Statutes,  
is amended by substituting the words "general fund" wherever the  
words "private trade, vocational, and technical school licensure  
special fund" appears, as the context requires.

SECTION 96. Sections 302A-1151.1(b) and 302A-1151.2,  
Hawaii Revised Statutes, are amended by substituting the words  
"school facilities account" wherever the words "school  
facilities subaccount" appears, as the context requires.

SECTION 97: The following funds (account code) are  
abolished:



(1) Regular instruction - high school (S-301-E); and  
(2) E-reg instruction - industrial pursuits (S-301-E),  
and the unencumbered balances shall lapse to the credit of the  
general fund.

PART VI. UNIVERSITY OF HAWAII

SECTION 98. Chapter 304A, Hawaii Revised Statutes, is  
amended by adding seven new sections to be appropriately  
designated and to read as follows:

"§304A- Risk management. The board of regents shall  
develop internal policies and procedures for the management of  
risk at the university that are consistent with the goals of  
public accountability.

§304A- Professional liability. The university may  
establish appropriate charges and fees to individuals who are  
provided professional liability coverage under the university.

§304A- Public service programs. The university may  
establish and collect fees and charges for the following public  
service programs:

(1) Noncredit educational programs in professional  
development and training, personal growth, and  
cultural enrichment; and



1        (2) Cooperative extension and consultative services.

2        §304A- Auxiliary services. The university may  
3 establish and collect fees and charges for the costs of  
4 providing auxiliary services comprising services provided by the  
5 university to students, faculty, staff, and others that are  
6 ancillary to, but facilitate, the instruction, research, and  
7 public service missions of the university and may include food  
8 services, transportation services, counseling and guidance, and  
9 laboratory animal services.

10       §304A- Capital improvements program project  
11 assessments. The president or the president's designee shall  
12 make reasonable assessments on capital improvements program  
13 projects, repair and maintenance projects, and major renovation  
14 projects managed by the university to carry out the program of  
15 centralized management, oversight, and administration of the  
16 projects. The assessments shall be based on the evaluation by  
17 the president or the president's designee of the reasonable  
18 historic and projected costs of providing such services. All  
19 assessments collected shall be deposited into the general fund.



1        §304A-        Athletic program charges.    The university may  
2        establish appropriate charges for activities related to its  
3        athletic programs and the use of its athletic facilities.

4        §304A-        Real property and facilities use.    The board of  
5        regents may establish prices, fees, and charges, including those  
6        for the sale, lease, or use of university real property and  
7        facilities, which include land, buildings, grounds, furnishings,  
8        and equipment; provided that the university shall comply with  
9        all statutory and common law requirements in the disposition of  
10       ceded lands. The board of regents shall be exempt from the  
11       public notice and public hearing requirements of chapter 91 in  
12       establishing and amending the fees and charges. Revenues  
13       pursuant to this section shall be deposited into the general  
14       fund."

15       SECTION 99. Section 304A-116, Hawaii Revised Statutes, is  
16       amended by amending subsection (b) to read as follows:

17       "(b) The provision of child care services may be supported  
18       with proceeds from [~~the child care programs special fund~~  
19       ~~established under section [304A-2173],~~] public funds[~~7~~] and  
20       private grants and gifts to pay for the expenses of operation,



1 including payment of principal and interest on any obligations  
2 incurred."

3 SECTION 100. Section 304A-501, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~[+]§304A-501[+]~~ **University of Hawaii scholarship and**  
6 **assistance program; power of regents to grant scholarship and**  
7 **assistance.** The board of regents, or its designated  
8 representatives, is authorized to grant, modify, or suspend  
9 scholarship and assistance. ~~[The board may exercise this~~  
10 ~~authority through the University of Hawaii scholarship and~~  
11 ~~assistance special fund established under section [304A-2159].]~~"

12 SECTION 101. Section 304A-504, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14 "(b) ~~[Appropriations for the state scholars program shall~~  
15 ~~be deposited into the [University of Hawaii scholarship and~~  
16 ~~assistance special fund] established pursuant to section~~  
17 ~~[304A-2159].]~~ The number of scholarships awarded and amount of  
18 each scholarship shall be determined by the university subject  
19 to the availability of funds.

20 The University of Hawaii shall offer scholarships to pay  
21 for educational costs, such as tuition, fees, books, housing,





1 and other educational costs; provided that the scholarship  
2 applicant:

3 (1) Is a bona fide resident of the State, for tuition  
4 purposes, at the time of admission to the university;

5 (2) Presents evidence of academic excellence by meeting  
6 one or more of the following:

7 (A) Graduation from a public or private high school  
8 in the State as a valedictorian of the  
9 applicant's class;

10 (B) Has a cumulative high school grade point average  
11 of 4.0 as determined for admission to the  
12 university; or

13 (C) Has achieved a test score on a standardized  
14 college admission test recognized and accepted by  
15 the university for admission consideration, such  
16 as SAT or ACT, that places the student among the  
17 top ten percentile of students taking the test  
18 nationwide;

19 (3) Enrolls at a University of Hawaii system campus within  
20 eighteen months of graduating from high school; and



(4) Maintains satisfactory progress toward degree completion and a cumulative 3.0 grade point average."

SECTION 102. Section 304A-701, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) In accordance with chapter 103D, the university may enter into written contracts with collection agencies for the purpose of collecting delinquent loans. All payments collected, exclusive of a collection agency's commissions, shall ~~[revert,~~ and] be credited~~[,~~ to the ~~[Hawaii educator loan program revolving]~~ general fund. A collection agency that enters into a written contract with the university for the collection of delinquent loans pursuant to this section may collect a commission from the debtor in accordance with the terms of, and up to the amounts authorized in, the written contract."

SECTION 103. Section 304A-703, Hawaii Revised Statutes, is amended to read as follows:

**"§304A-703 Capacity of minors in qualifying for Hawaii educator loans.** Any student otherwise qualifying for a loan under the Hawaii educator loan program ~~[revolving fund]~~ shall not be disqualified because the student is under the age of eighteen years, and for the purpose of applying for, receiving,



1 and repaying the loan, any such person shall be deemed to have  
2 full legal capacity to act and shall have all rights, powers,  
3 privileges, and obligations of an adult with respect thereto."

4 SECTION 104. Section 304A-704, Hawaii Revised Statutes, is  
5 amended by amending its title to read as follows:

6 **"§304A-704 Rules governing Hawaii educator loan program**  
7 **~~[revolving fund]~~."**

8 SECTION 105. Section 304A-1653, Hawaii Revised Statutes,  
9 is amended to read as follows:

10 **"[+]§304A-1653[+] State aquarium admission and user fees.**  
11 The board of regents may charge the public a fee for admission  
12 to the aquarium and for the use of aquarium facilities and  
13 programs. In establishing the fees, the board of regents shall  
14 be exempt from the public notice, public hearing, and  
15 gubernatorial approval requirements of chapter 91. The fees may  
16 be established at an open public meeting subject to the  
17 requirements of chapter 92. ~~[The fees shall be deposited into~~  
18 ~~the state aquarium special fund established under section~~  
19 ~~{304A-2165}.~~]"

20 SECTION 106. Section 304A-1902, Hawaii Revised Statutes,  
21 is amended by amending subsection (c) to read as follows:



1       "(c) In establishing the fees, the board of regents shall  
2 be exempt from the public notice, public hearing, and  
3 gubernatorial approval requirements of chapter 91; provided that  
4 the fees shall be established at an open public meeting pursuant  
5 to chapter 92. ~~[The fees shall be deposited into the Mauna Kea~~  
6 ~~lands management special fund established under section 304A-~~  
7 ~~2170.]"~~

8       SECTION 107. Section 304A-1905, Hawaii Revised Statutes,  
9 is amended to read as follows:

10       "~~[+]~~**\$304A-1905**~~[+]~~ **Mauna Kea lands; reporting requirements.**  
11 The board of regents shall report annually to the legislature,  
12 no later than twenty days prior to the convening of each regular  
13 session, on the Mauna Kea lands activities, current and pending  
14 lease agreements and fees, the status of current and pending  
15 administrative rules, ~~[income and expenditures of the Mauna Kea~~  
16 ~~lands [management] special fund established in section 304A-~~  
17 ~~2170,~~] and any other issues that may impact the activities of  
18 the Mauna Kea lands."

19       SECTION 108. Section 304A-2003, Hawaii Revised Statutes,  
20 is amended to read as follows:



1           "[[§304A-2003]] Appropriations; accounts; depositories.  
2   Moneys appropriated by the legislature for the university shall  
3   be payable by the director of finance, upon vouchers approved by  
4   the board of regents or by any officer elected or appointed by  
5   the board under section 304A-105 and authorized by the board to  
6   approve such vouchers on behalf of the board. All moneys  
7   received by or on behalf of the board or the university shall be  
8   deposited with the director of finance; except that any moneys  
9   received from the federal government or from private  
10   contributions shall be deposited and accounted for in accordance  
11   with conditions established by the agencies or persons from whom  
12   the moneys are received and except that, with the concurrence of  
13   the director of finance, moneys received from the federal  
14   government for research, training, and other related purposes of  
15   a transitory nature and moneys in trust, special, or revolving  
16   funds administered by the university may be deposited in  
17   depositories other than the state treasury; provided that the  
18   university informs the director of finance of the depositories  
19   in which moneys from the funds have been deposited and submits  
20   copies of annual statements from each of the depositories in  
21   which the moneys from the funds are deposited. ~~[All income from~~



1 ~~tuition and fees charged for regular courses of instruction and~~  
2 ~~tuition related course and fee charges against students shall be~~  
3 ~~deposited to the credit of the University of Hawaii tuition and~~  
4 ~~fees special fund pursuant to section [304A-2153].~~ Income from  
5 university projects as defined and described in [section  
6 ~~[304A-2167.5] and~~ sections [§] 304A-2671 [§] to [§] 304A-2684 [§],  
7 may be credited to special or other funds."

8 SECTION 109. Section 304A-2101, Hawaii Revised Statutes,  
9 is amended to read as follows:

10 " [§] §304A-2101 [§] General fund budget appropriations;  
11 formulation. (a) The general fund budget appropriations for  
12 the university shall be an amount not less than [~~three~~] four  
13 times and not greater than [~~five~~] six times the amount of  
14 regular tuition and related fee revenues estimated for that  
15 fiscal year.

16 (b) Any general fund budget appropriation for the  
17 university for operating purposes for any fiscal year shall  
18 include the consideration of:

- 19 (1) The fiscal condition of the State;  
20 (2) Enrollment;  
21 (3) Access to educational opportunity;



1 (4) The mix of resident and nonresident students; and

2 (5) Community service and noninstruction programs.

3 ~~[(c) No revenue received by the university pursuant to the~~  
4 ~~University of Hawaii tuition and fees special fund established~~  
5 ~~under section [304A-2153] may be used by the governor or the~~  
6 ~~director of finance as a justification for reducing any budget~~  
7 ~~request or allotment to the university unless the university~~  
8 ~~requests such a reduction.] "~~

9 SECTION 110. Section 304A-2275, Hawaii Revised Statutes,  
10 is amended to read as follows:

11 **"[+]§304A-2275[+] University parking revolving fund.**

12 There is established the university parking revolving fund. All  
13 fees, fines, or other moneys collected under subpart B of part  
14 VI shall be deposited into this fund. ~~[All moneys in the fund~~  
15 ~~are hereby appropriated for the purposes of, and shall be~~  
16 ~~expended by the board of regents in the manner specified by,~~  
17 ~~section [304A-2167.5].]~~"

18 SECTION 111. Section 453-8.8, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§453-8.8 Physician workforce assessment fee; license;**  
21 **physician workforce information.** When a license is renewed,



1 each physician or surgeon and each osteopathic physician or  
2 surgeon shall be assessed a fee of \$60 that shall be transferred  
3 and deposited into the [~~John A. Burns school of medicine special~~  
4 ~~fund established under section 304A-2171 to support ongoing~~  
5 ~~assessment and planning of the physician workforce in Hawaii,~~  
6 ~~including ongoing assessment and planning, as well as the~~  
7 ~~recruitment and retention of physicians, especially for the~~  
8 ~~physician workforce serving rural and medically underserved~~  
9 ~~areas of the State.] general fund. Payment of the physician  
10 workforce assessment fee shall be required for license renewal."~~

11 SECTION 112. Section 304A-1893.1, Hawaii Revised Statutes,  
12 is repealed.

13 [~~"§304A-1893.1 Periodic evaluation. (a) Evaluations~~  
14 ~~shall be conducted of the projects and activities funded by the~~  
15 ~~energy systems development special fund. Using objective~~  
16 ~~criteria, the evaluation shall assess the degree to which the~~  
17 ~~projects and activities comport with and achieve the stated~~  
18 ~~objectives of the energy systems development special fund~~  
19 ~~pursuant to section 304A-2169.1.~~

20 ~~(b) The initial evaluation shall be conducted beginning~~  
21 ~~July 1, 2017, and every three years thereafter by a two-person~~





~~1 panel of independent energy and environmental technical experts~~  
~~2 who shall be appointed by the University of Hawaii office of the~~  
~~3 vice president for research and innovation. The panel shall~~  
~~4 submit a report of the findings and recommendations of each~~  
~~5 evaluation to the legislature no later than twenty days prior to~~  
~~6 the convening of the following regular session. The Hawaii~~  
~~7 natural energy institute shall cooperate with and provide~~  
~~8 support to the evaluation panel." ]~~

9 SECTION 113. Section 304A-1894.1, Hawaii Revised Statutes,  
10 is repealed.

11 [~~"§304A-1894.1 Plan of action. Prior to the initiation of~~  
12 ~~any projects or activities authorized by section 304A-2169.1,~~  
13 ~~the Hawaii natural energy institute shall develop a plan of~~  
14 ~~action in coordination with the chief energy officer of the~~  
15 ~~Hawaii state energy office with the intent of promoting~~  
16 ~~effective prioritization and focusing of efforts consistent with~~  
17 ~~the State's energy programs." ]~~

18 SECTION 114. Section 304A-2151, Hawaii Revised Statutes,  
19 is repealed.

20 [~~"[§304A-2151] University of Hawaii risk management~~  
21 ~~special fund. (a) There is established the University of~~



~~Hawaii risk management special fund. The following may be deposited into the special fund:~~

~~(1) Appropriations by the legislature;~~

~~(2) Assessments for risk management costs as applicable against any funds of the university;~~

~~(3) Moneys received from the settlement of claims or losses of the university that are not contractually or otherwise obligated for other purposes; and~~

~~(4) Moneys received pursuant to an insurance policy.~~

~~(b) Notwithstanding any other law to the contrary, the university may transfer funds at its disposal into the special fund to be expended for the purposes provided herein.~~

~~(c) Revenues deposited into the special fund may be expended by the university for costs and expenses associated with the administration and operation of the risk management program, including but not limited to insurance premiums, retention payments, claims administration and operation, settlements, payment of judgments, other obligations, and legal fees and costs.~~



1       ~~(d) The board of regents shall develop internal policies~~  
2       ~~and procedures for the management of risk at the university that~~  
3       ~~are consistent with the goals of public accountability."]~~

4       SECTION 115. Section 304A-2152, Hawaii Revised Statutes,  
5       is repealed.

6       ~~["~~§304A-2152~~ University of Hawaii at Manoa malpractice~~  
7       ~~special fund.~~ (a) ~~There is established the University of~~  
8       ~~Hawaii at Manoa malpractice special fund, which shall be used~~  
9       ~~for costs arising from the defense and settlement of claims~~  
10      ~~against the university, its students, or its faculty for~~  
11      ~~professional malpractice in programs that provide professional~~  
12      ~~services, including but not limited to clinical medicine,~~  
13      ~~nursing, and law; provided that this fund shall not be used to~~  
14      ~~fund settlements funded through professional liability insurance~~  
15      ~~or through special appropriations of the legislature.~~

16      ~~(b) The university may establish appropriate charges and~~  
17      ~~fees to individuals who are provided professional liability~~  
18      ~~coverage under this section, the proceeds of which shall be~~  
19      ~~deposited in accounts and credited to the University of Hawaii~~  
20      ~~at Manoa malpractice special fund."]~~



SECTION 116. Section 304A-2153, Hawaii Revised Statutes,  
is repealed.

~~["§304A-2153 University of Hawaii tuition and fees special  
fund. (a) There is established the University of Hawaii  
tuition and fees special fund into which shall be deposited all  
revenue collected by the university for regular, summer, and  
continuing education credit tuition, tuition-related course and  
fee charges, and any other charges to students, except as  
provided by law. Moneys deposited into the fund shall be  
expended to maintain or improve the university's programs and  
operations and shall not be:~~

~~(1) Used as a justification for reducing any budget  
request or allotment to the university unless the  
university requests such a reduction;~~

~~(2) Transferred unless otherwise authorized by the  
legislature; and~~

~~(3) Restricted by the governor or the director of finance  
without the prior approval of the legislature.~~

~~Any rule, policy, or action of any agency or individual in  
contravention of this subsection shall be void as against public  
policy.~~



1       ~~(b) Any law to the contrary notwithstanding, the board of~~  
2 ~~regents may authorize expenditures of up to \$3,000,000 annually,~~  
3 ~~excluding in-kind services, from this fund for the purposes of~~  
4 ~~promoting alumni relations and generating private donations for~~  
5 ~~deposit into the University of Hawaii Foundation for the~~  
6 ~~purposes of the university. Any expenditure authorized pursuant~~  
7 ~~to this subsection shall be for a public purpose and shall not~~  
8 ~~be subject to chapters 42F, 103, 103D, and 103F. The university~~  
9 ~~shall submit a comprehensive report to the legislature detailing~~  
10 ~~the use of any funds authorized by the board under this~~  
11 ~~subsection no later than twenty days prior to the convening of~~  
12 ~~each regular session.~~

13       ~~The report shall:~~

- 14       ~~(1) Identify each department of the University of Hawaii~~  
15       ~~Foundation supported by moneys from the fund;~~
- 16       ~~(2) Describe the purposes and activities of each~~  
17       ~~department identified in paragraph (1) and how it~~  
18       ~~participates in fundraising activities and benefits~~  
19       ~~the university;~~



~~(3) Provide the total expenditures of each department identified in paragraph (1) by primary expense categories;~~

~~(4) Identify all moneys from the fund transferred to any fund of the university and provide a justification of how these moneys are used to benefit the university;~~

~~(5) Provide a financial summary of the operating activities of the University of Hawaii Foundation, including revenues and expenditures by major reporting categories; and~~

~~(6) Identify amounts and purposes of all expenditures from the University of Hawaii support fund.~~

~~(c) Any law to the contrary notwithstanding, the university may transfer funds from the University of Hawaii tuition and fees special fund into the scholarship and assistance special fund established pursuant to section 304A-2159.~~

~~(d) In estimating its quarterly budget requirements, each campus of the University of Hawaii shall prepare a plan for the fiscal year for the operation of each of the programs that it is responsible for administering. The operations plan shall be:~~



~~(1) In such form and content as the vice president for budget and finance and chief financial officer of the University of Hawaii may prescribe; and~~

~~(2) Submitted, together with the estimated quarterly budget requirements, to the vice president for budget and finance and chief financial officer on such date as the vice president for budget and finance and chief financial officer may prescribe.~~

~~(e) The president and vice president for budget and finance and chief financial officer of the University of Hawaii:~~

~~(1) Shall review the operations plan for each campus to determine if:~~

~~(A) It is consistent with the policy decisions of the board of regents and appropriations by the legislature;~~

~~(B) It reflects proper planning and efficient management methods; and~~

~~(C) Appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;~~



~~(2) Shall approve the operations plan for each campus if they determine that the operations plan meets the requirements of paragraph (1); and~~

~~(3) May modify or withhold the planned expenditures of any campus at any time during the appropriations period.~~

~~(f) At the end of each fiscal year, the moneys in the University of Hawaii tuition and fees special fund for each campus shall lapse to the credit of program identification number UOH900 (University of Hawaii, system wide support)."]~~

SECTION 117. Section 304A-2154, Hawaii Revised Statutes, is repealed.

~~["[§304A-2154] Systemwide information technology and services special fund. There is established the systemwide information technology and services special fund, from which all moneys shall be used in support of systemwide information technology and services including personnel, equipment costs, and other expenses, as well as planning, design, and implementation of information technology infrastructure within the university. All moneys for the fund shall be provided from revenues collected from users of information technology and~~





1 ~~services and any information technology user fee established~~  
2 ~~pursuant to section [304A-401]."]~~

3 SECTION 118. Section 304A-2155, Hawaii Revised Statutes,  
4 is repealed.

5 ~~["[~~\$304A-2155~~] **Library special fund.** There is established~~  
6 ~~a library special fund for the libraries of the University of~~  
7 ~~Hawaii into which shall be deposited all fines, fees, and other~~  
8 ~~revenue derived from the libraries' operations. Moneys~~  
9 ~~deposited in this fund may be expended to replace or repair~~  
10 ~~lost, damaged, stolen, or outdated books, serials, and~~  
11 ~~periodicals or to support and improve the services provided by~~  
12 ~~the libraries. The amounts allocated to each campus library~~  
13 ~~from the special fund shall be proportionate to the amount of~~  
14 ~~revenues generated by each library."]~~

15 SECTION 119. Section 304A-2156, Hawaii Revised Statutes,  
16 is repealed.

17 ~~["[~~\$304A-2156~~] **University of Hawaii community services**~~  
18 ~~**special fund.** (a) There is established the University of~~  
19 ~~Hawaii community services special fund. Except as otherwise~~  
20 ~~provided by law, all revenues, including interest, derived and~~  
21 ~~collected from the university's provision of public service~~



1 ~~programs shall be deposited into the University of Hawaii~~  
2 ~~community services special fund. The university may establish~~  
3 ~~and collect fees and charges for public service programs. All~~  
4 ~~revenues deposited into the University of Hawaii community~~  
5 ~~services special fund shall be used exclusively for the costs of~~  
6 ~~providing public service programs. The university may establish~~  
7 ~~accounts under the community services special fund to facilitate~~  
8 ~~the administration of this fund among the various campuses and~~  
9 ~~operating units of the University of Hawaii system. All~~  
10 ~~expenditures from this fund shall be subject to legislative~~  
11 ~~appropriation.~~

12 ~~(b) As used in this section, "public service programs"~~  
13 ~~means:~~

14 ~~(1) Noncredit educational programs in professional~~  
15 ~~development and training, personal growth, and~~  
16 ~~cultural enrichment; and~~

17 ~~(2) Cooperative extension and consultative services." ]~~

18 SECTION 120. Section 304A-2157, Hawaii Revised Statutes,  
19 is repealed.

20 ~~[ "~~S304A-2157~~ University of Hawaii auxiliary enterprises~~  
21 ~~special fund. (a) There is established the University of Hawaii~~



~~1 auxiliary enterprises special fund. Except as otherwise  
2 provided by law, all revenues, including interest, derived and  
3 collected from the university's provision of auxiliary services  
4 shall be deposited into the University of Hawaii auxiliary  
5 enterprises special fund and shall be expended solely for the  
6 costs of providing these services. The university may establish  
7 and collect fees and charges for the costs of providing these  
8 services. The university also may transfer other funds into the  
9 University of Hawaii auxiliary enterprises special fund to  
10 offset the cost of these services. The university may establish  
11 accounts under the University of Hawaii auxiliary enterprises  
12 special fund to facilitate the administration of this fund among  
13 the various campuses and operating units of the University of  
14 Hawaii system. All expenditures from this fund shall be subject  
15 to legislative appropriation.~~

~~16 (b) As used in this section, "auxiliary services" means  
17 those services provided by the university to students, faculty,  
18 staff, and others that are ancillary to, but facilitate the  
19 instruction, research, and public service missions of the  
20 university and may include food services, transportation~~



1 ~~services, counseling and guidance, and laboratory animal~~  
2 ~~services."~~]

3 SECTION 121. Section 304A-2159, Hawaii Revised Statutes,  
4 is repealed.

5 ["~~§304A-2159~~] ~~University of Hawaii scholarship and~~  
6 ~~assistance special fund.~~ (a) ~~There is established the~~  
7 ~~University of Hawaii scholarship and assistance special fund to~~  
8 ~~be administered by the University of Hawaii. The special fund~~  
9 ~~shall be administered pursuant to the authority of the board of~~  
10 ~~regents to grant, modify, or suspend the scholarship and~~  
11 ~~assistance under section [304A-501]. This fund shall be used to~~  
12 ~~provide financial assistance to qualified students enrolled at~~  
13 ~~any campus of the University of Hawaii.~~

14 ~~(b) Revenues deposited into this fund shall include but~~  
15 ~~not be limited to state, federal, and private funds, funds~~  
16 ~~transferred by the university from the tuition and fees special~~  
17 ~~fund pursuant to section [304A-2153], and appropriations for the~~  
18 ~~state scholars program; provided that state funds appropriated~~  
19 ~~for any scholarship program, including but not limited to the B~~  
20 ~~Plus scholarship program, the Hawaii state scholars program, and~~



1 ~~the workforce development scholarship program, shall be kept in~~  
2 ~~a separate and distinct account.~~

3 ~~(c) The annual report for the special fund shall include~~  
4 ~~but not be limited to the number of tuition waivers,~~  
5 ~~scholarships, and stipends. The report shall also include but~~  
6 ~~not be limited to the number of tuition waivers granted under~~  
7 ~~section [304A-503] through the Hawaii opportunity program in~~  
8 ~~education. The report shall also include recommendations as~~  
9 ~~appropriate to the legislature on all tuition waivers.~~

10 ~~(d) This fund is not intended to provide loans or keep~~  
11 ~~track of payback provisions."]~~

12 SECTION 122. Section 304A-2162, Hawaii Revised Statutes,  
13 is repealed.

14 ~~["[**\$304A-2162**] **Community colleges special fund.** (a)~~  
15 ~~Section [304A-2003] notwithstanding, there is established a~~  
16 ~~community colleges special fund to receive, disburse, and~~  
17 ~~account for funds of programs and activities of the community~~  
18 ~~colleges, including but not limited to off-campus programs,~~  
19 ~~summer session programs, overseas programs, evening sessions,~~  
20 ~~study abroad, exchange programs, cultural enrichment programs,~~



1 ~~and consultative services that help make available the resources~~  
2 ~~of the community colleges to the communities they serve.~~

3 ~~(b) The special fund may include deposits from:~~

4 ~~(1) The University of Hawaii tuition and fees special fund~~  
5 ~~established in section [304A-2153];~~

6 ~~(2) Tuition, fees, and charges for affiliated~~  
7 ~~instructional, training, and public service courses~~  
8 ~~and programs; and~~

9 ~~(3) Fees, fines, and other money collected for:~~

10 ~~(A) Student health;~~

11 ~~(B) Transcript and diploma;~~

12 ~~(C) Library;~~

13 ~~(D) Facility use;~~

14 ~~(E) Child care;~~

15 ~~(F) Auxiliary enterprises;~~

16 ~~(G) Alumni; and~~

17 ~~(H) Other related activities."]~~

18 SECTION 123. Section 304A-2163, Hawaii Revised Statutes,  
19 is repealed.

20 ~~["[§304A-2163] Center for nursing special fund. There is~~  
21 ~~established a center for nursing special fund into which shall~~



1 ~~be deposited any legislative appropriations, federal or private~~  
2 ~~grants, and any other funds collected for the purposes of the~~  
3 ~~center for nursing established under section [304A-1404]. The~~  
4 ~~fund shall be administered by the university, and moneys in the~~  
5 ~~fund shall be expended to support the center's activities."]~~

6 SECTION 124. Section 304A-2165, Hawaii Revised Statutes,  
7 is repealed.

8 ~~["[§304A-2165] State aquarium special fund. There is~~  
9 ~~established the state aquarium special fund into which shall be~~  
10 ~~deposited all revenues derived from all fees for admission and~~  
11 ~~all fees for the use of aquarium facilities and programs~~  
12 ~~collected in conjunction with the operation of the state~~  
13 ~~aquarium. The special fund may be deposited in depositories~~  
14 ~~other than the state treasury; provided that the university:~~

15 ~~(1) Informs the director of finance of the depositories in~~  
16 ~~which moneys from the special fund have been~~  
17 ~~deposited; and~~

18 ~~(2) Submits copies of annual statements from each of the~~  
19 ~~depositories in which the moneys from the special fund~~  
20 ~~are deposited.~~



1 ~~Moneys deposited in this fund shall be expended for the~~  
2 ~~operation of the state aquarium."]~~

3 SECTION 125. Section 304A-2166, Hawaii Revised Statutes,  
4 is repealed.

5 ~~["[§304A-2166] University of Hawaii-West Oahu special~~  
6 ~~fund. (a) There is established the University of Hawaii-West~~  
7 ~~Oahu special fund. The proceeds of the special fund shall be~~  
8 ~~used for the following purposes:~~

9 ~~(1) Planning, land acquisition, design, construction, and~~  
10 ~~equipment necessary for the development of the~~  
11 ~~permanent campus of the University of Hawaii-West Oahu~~  
12 ~~in Kapolei; and~~

13 ~~(2) Planning, land acquisition, design, improvement, and~~  
14 ~~construction of infrastructure and other public or~~  
15 ~~common facilities necessary for the development of the~~  
16 ~~permanent campus of the University of Hawaii-West Oahu~~  
17 ~~in Kapolei.~~

18 ~~(b) The following shall be deposited into the special~~  
19 ~~fund:~~

20 ~~(1) Appropriations by the legislature to the special fund;~~





~~(2) All net proceeds from the sale of public lands, all net rents from leases, licenses, and permits, or all net proceeds derived from development rights for public lands:~~

~~(A) Proposed for large lot subdivision as a five hundred-acre parcel and designated as Lot 10077 in Land Court Application 1069; and~~

~~(B) Obtained from the Campbell Estate in the land exchange described in section 2 of Act 294, Session Laws of Hawaii 1996, located mauka of the H-1 Freeway and consisting of nine hundred forty-one acres, more or less; and~~

~~(3) Interest earned or accrued on moneys in the special fund.~~

~~(c) The fund shall be managed by the university, which shall also make expenditures from the fund.~~

~~(d) Notwithstanding any other law to the contrary, no moneys from the special fund may be expended for any purposes other than the purposes set forth herein unless otherwise approved by the legislature." ]~~



1           SECTION 126. Section 304A-2167.5, Hawaii Revised Statutes,  
2 is repealed.

3           ~~["§304A-2167.5] University revenue undertakings fund.~~

4 ~~(a) There is established a special fund for the University of~~  
5 ~~Hawaii to be known as the university revenue undertakings fund~~  
6 ~~into which all revenue of the university under subpart D of part~~  
7 ~~VI, including any appropriation allocated pursuant to this~~  
8 ~~section received from, or related to, university projects,~~  
9 ~~university systems, or networks or any combination thereof,~~  
10 ~~constructed or maintained by the board under subpart D of part~~  
11 ~~VI shall be deposited. At the direction of the board, there may~~  
12 ~~be established accounts in the university revenue undertakings~~  
13 ~~fund as required by the resolution authorizing revenue bonds.~~

14           ~~If revenue bonds are issued under subpart D of part VI~~  
15 ~~payable from the revenue of a university parking facility or the~~  
16 ~~revenue of a university system that includes a university~~  
17 ~~parking facility, the board in the resolution authorizing~~  
18 ~~revenue bonds may direct that all or any part of the moneys~~  
19 ~~required by this chapter to be paid into the university parking~~  
20 ~~revolving fund created by section 304A-2275 shall be deposited~~



~~in the university revenue undertakings fund in lieu of being deposited in the university parking revolving fund.~~

~~(b) All moneys in the university revenue undertakings fund shall be applied in accordance with the resolution of the board authorizing the issuance of revenue bonds under subpart D of part VI, as follows:~~

~~(1) To provide for all costs of construction, operation, repair, and maintenance of a university project, university system, network, or any combination thereof, including reserves therefor;~~

~~(2) To pay when due all revenue bonds and interest thereon, for the payment of which all or any part of the revenue of the university is or has been pledged, charged, or otherwise encumbered, including reserves therefor;~~

~~(3) To reimburse the university for all moneys advanced to pay the expenses incurred in making the preparation for the initial issuance of revenue bonds under subpart D of part VI;~~

~~(4) To reimburse the general fund of the State for principal and interest on general obligation bonds~~



~~issued for all university projects, university  
systems, networks, or any combination thereof, or  
issued to refund any of such general obligation bonds,  
to the extent required by law; and~~

~~(5) To provide a reserve for betterments and improvements  
to and renewals and replacements of, university  
projects, university systems, networks, or any  
combination thereof.~~

~~If adequate provision is made for all the foregoing  
purposes, and if permitted by law and the covenants in the  
resolution authorizing the issuance of revenue bonds under  
subpart D of part VI, any moneys remaining in the university  
revenue undertakings fund at the end of a fiscal year may be  
expended by the board in subsequent years in furtherance of any  
of the purposes of the university.~~

~~(c) The following terms used in this section shall be as  
defined in section 304A-2671: "appropriation", "board",  
"construction", "cost of construction", "cost of maintenance",  
"maintenance", "network", "reserves", "revenue bonds", "revenue  
of the university", "university project", and "university  
system"."]~~



SECTION 127. Section 304A-2168, Hawaii Revised Statutes,  
is repealed.

~~["§304A-2168 Hawaii cancer research special fund. (a)~~

~~There is established within the state treasury a special fund to  
be known as the Hawaii cancer research special fund to be  
administered and expended by the University of Hawaii.~~

~~(b) The moneys in the special fund shall be used by the  
University of Hawaii for the cancer research center of Hawaii's  
research and operating expenses and capital expenditures.~~

~~(c) The following shall be deposited into the special  
fund:~~

~~(1) Moneys collected pursuant to section 245-15;~~

~~(2) All other fees, charges, and other moneys received in  
conjunction with programs of the cancer research  
center of Hawaii;~~

~~(3) Transfers from other accounts or funds; and~~

~~(4) Interest earned or accrued on moneys in the special  
fund.~~

~~(d) Beginning on January 1, 2010, the University of Hawaii  
shall report semi-annually to the legislature on the moneys in  
the Hawaii cancer research special fund, including deposits,~~



1 ~~expenditures, and other transactions. The reports shall explain~~  
2 ~~in detail all expenditures from the special fund."]~~

3 SECTION 128. Section 304A-2169.1, Hawaii Revised Statutes,  
4 is repealed.

5 ~~["~~[§304A-2169.1] Energy systems development special fund.~~~~

6 ~~(a) There is established the energy systems development special~~  
7 ~~fund for the purpose of developing an integrated approach to and~~  
8 ~~portfolio management of renewable energy and energy efficiency~~  
9 ~~technology projects that will reduce Hawaii's dependence on~~  
10 ~~fossil fuel, imported oil, and other imported energy resources~~  
11 ~~and move Hawaii toward energy self-sufficiency.~~

12 ~~(b) Deposits into the special fund may be from the~~  
13 ~~following:~~

14 ~~(1) Appropriations from the legislature;~~

15 ~~(2) A portion of the environmental response, energy, and~~  
16 ~~food security tax pursuant to section 243-3.5; and~~

17 ~~(3) Investment earnings, gifts, donations, or other income~~  
18 ~~received by the Hawaii natural energy institute.~~

19 ~~(c) The Hawaii natural energy institute shall administer~~  
20 ~~the special fund and may expend revenues of the special fund for~~  
21 ~~the following activities:~~



- 1       ~~(1) Obtaining matching funds from federal and private~~  
2       ~~sources for research, development, and demonstration~~  
3       ~~of renewable energy sources;~~
- 4       ~~(2) Awarding contracts or grants to develop and deploy~~  
5       ~~technologies that will reduce Hawaii's dependence on~~  
6       ~~imported energy resources and imported oil. Projects~~  
7       ~~may be commissioned that:~~
- 8       ~~(A) Balance the risk, benefits, and time horizons of~~  
9       ~~the investment to ensure tangible benefits to the~~  
10       ~~Hawaii consumer, with priority given to short-~~  
11       ~~term technology development;~~
- 12       ~~(B) Emphasize innovative and renewable energy supply~~  
13       ~~and energy efficient end use technologies~~  
14       ~~focusing on environmental attributes,~~  
15       ~~reliability, and affordability;~~
- 16       ~~(C) Enhance transmission and distribution~~  
17       ~~capabilities of renewable energy supply for~~  
18       ~~electricity;~~
- 19       ~~(D) Enhance reliability and storage capabilities of~~  
20       ~~renewable energy for electricity;~~



- 1           ~~(E) Ensure that research, deployment, and~~  
2           ~~demonstration efforts build on existing programs~~  
3           ~~and resources and are not duplicated;~~
- 4           ~~(F) Address critical technical and scientific~~  
5           ~~barriers to achieving energy self-sufficiency by~~  
6           ~~reducing dependence on imported oil and imported~~  
7           ~~energy resources;~~
- 8           ~~(G) Ensure that technology used and developed for~~  
9           ~~renewable energy production and distribution will~~  
10          ~~be commercially viable; and~~
- 11          ~~(H) Give priority to resources that are indigenous~~  
12          ~~and unique to Hawaii; and~~
- 13          ~~(3) Managing the portfolio of projects commissioned under~~  
14          ~~this subsection." ]~~

15          SECTION 129. Section 304A-2170, Hawaii Revised Statutes,  
16          is repealed.

17          ~~[ "~~§304A-2170~~ ~~Mauna Kea lands management special fund.~~~~

18          ~~(a) There is established the Mauna Kea lands management special~~  
19          ~~fund, into which shall be deposited:~~

20          ~~(1) Appropriations by the legislature;~~





~~(2) All net rents from leases, licenses, and permits,  
including fees and charges for the use of land and  
facilities within the Mauna Kea lands;~~

~~(3) All moneys collected for violations of subpart O of  
part IV; and~~

~~(4) Interest earned or accrued on moneys in the special  
fund.~~

~~(b) The proceeds of the special fund shall be used for:~~

~~(1) Managing the Mauna Kea lands, including maintenance,  
administrative expenses, salaries and benefits of  
employees, contractor services, supplies, security,  
equipment, janitorial services, insurance, utilities,  
and other operational expenses; and~~

~~(2) Enforcing administrative rules adopted relating to the  
Mauna Kea lands.~~

~~(c) No moneys deposited into the Mauna Kea lands  
management special fund may be used by the governor or the  
director of finance as a justification for reducing any budget  
request or allotment to the University of Hawaii unless the  
University of Hawaii requests the reduction.~~



~~(d) The University of Hawaii may establish separate accounts within the special fund for major program activities.~~

~~(e) All expenditures from the special fund shall be subject to legislative appropriation.~~

~~(f) For the purposes of this section, "Mauna Kea lands" shall mean the same as defined in section 304A-1901."]~~

SECTION 130. Section 304A-2171, Hawaii Revised Statutes, is repealed.

~~["§304A-2171 John A. Burns school of medicine special fund. (a) There is established the John A. Burns school of medicine special fund, to be administered and expended by the University of Hawaii.~~

~~(b) The following shall be deposited into the special fund:~~

~~(1) Appropriations by the legislature;~~

~~(2) Physician workforce assessment fees established pursuant to section 453-8.8;~~

~~(3) Grants, donations, gifts, or other income received for the purposes of the special fund; and~~

~~(4) Interest earned or accrued on moneys in the special fund.~~



~~(c) Moneys in the special fund shall be used to support the John A. Burns school of medicine's activities related to physician workforce assessment and planning within Hawaii; provided that of the physician workforce assessment fees transferred and deposited into the special fund pursuant to section 453-8.8, no less than fifty per cent of the total amount of assessment fees deposited shall be used for purposes identified by the Hawaii medical education council to support physician workforce assessment and planning efforts, including the recruitment and retention of physicians, for rural and medically underserved areas of the State; provided further that expenditures from the special fund shall be limited to no more than \$245,000 annually. This shall include but not be limited to maintaining accurate physician workforce assessment information and providing or updating personal and professional information, that shall be maintained in a secure database. The John A. Burns school of medicine may disclose information specific to any physician only with the express written consent of that physician."]~~

SECTION 131. Section 304A-2172, Hawaii Revised Statutes, is repealed.



1       ~~["§304A-2172] University of Hawaii capital improvements~~  
2 ~~program project assessment special fund.~~ (a) ~~There shall be~~  
3 ~~established in the university a special fund to be known as the~~  
4 ~~University of Hawaii capital improvements program project~~  
5 ~~assessment special fund for the purpose of defraying the costs~~  
6 ~~involved in:~~

7       ~~(1) Carrying out capital improvements program projects~~  
8       ~~managed by the university;~~

9       ~~(2) Equitably assessing, collecting, and distributing~~  
10       ~~moneys for current and other expenses associated with~~  
11       ~~capital improvements program projects, repair and~~  
12       ~~maintenance projects, and major renovation projects;~~

13       ~~(3) Managing the payment of expenses assessable against~~  
14       ~~capital improvements program projects managed by or~~  
15       ~~through the university, such as printing, employee~~  
16       ~~transportation requirements, project-related travel~~  
17       ~~costs, travel per diem, and car mileage~~  
18       ~~reimbursements, in accordance with applicable laws and~~  
19       ~~collective bargaining agreements; and~~

20       ~~(4) Managing funds representing accumulated vacation and~~  
21       ~~sick leave credits and retirement benefits for non-~~



1           ~~general funded employees under the capital~~  
2           ~~improvements program projects managed by the~~  
3           ~~university.~~

4           ~~(b) The president or the president's designee shall make~~  
5           ~~reasonable assessments on capital improvements program projects,~~  
6           ~~repair and maintenance projects, and major renovation projects~~  
7           ~~managed by the university to carry out the program of~~  
8           ~~centralized management, oversight, and administration of the~~  
9           ~~projects. The assessments shall be based on the evaluation by~~  
10          ~~the president or the president's designee of the reasonable~~  
11          ~~historic and projected costs of providing such services. All~~  
12          ~~assessments collected shall be deposited into the University of~~  
13          ~~Hawaii capital improvements program project assessment special~~  
14          ~~fund.~~

15          ~~(c) The University of Hawaii capital improvements program~~  
16          ~~project assessment special fund shall be administered by the~~  
17          ~~office of capital improvements of the university.~~

18          ~~(d) All expenditures from the University of Hawaii capital~~  
19          ~~improvements program project assessment special fund shall be~~  
20          ~~made by the president or the president's designee in accordance~~  
21          ~~with applicable laws and rules." ]~~



SECTION 132. Section 304A-2173, Hawaii Revised Statutes,  
is repealed.

~~["§304A-2173] Child care programs special fund. There is established a child care programs special fund for the operation of child care programs established under section 304A-116 and the construction and renovation of child care centers established by the University of Hawaii. Fees charged for child care at child care programs, proceeds from donations to the university for child care programs, and proceeds from loans or other instruments of indebtedness for the construction or renovation of child care centers shall be deposited into the special fund. Expenditures from the special fund shall be made for the operation of child care programs and payment of principal and interest on obligations incurred for the construction or renovation of child care centers."]~~

SECTION 133. Section 304A-2176, Hawaii Revised Statutes,  
is repealed.

~~["§304A-2176] University of Hawaii at Manoa intercollegiate athletics special fund and University of Hawaii at Hilo intercollegiate athletics special fund. Notwithstanding any other law to the contrary, there are established the~~



~~University of Hawaii at Manoa intercollegiate athletics special fund and the University of Hawaii at Hilo intercollegiate athletics special fund for the intercollegiate athletic programs of the University of Hawaii at Manoa and the University of Hawaii at Hilo, which shall be used to receive, deposit, disburse, and account for funds from the activities of the intercollegiate athletic programs. The university may establish appropriate charges for activities related to its athletic programs and the use of its athletic facilities, the proceeds from which shall be deposited into these special funds.~~

~~The university shall maintain the financial integrity and viability of these special funds, including the maintenance of an adequate reserve to cope with the various factors that impact the revenue structure of an intercollegiate athletic program."]~~

SECTION 134. Section 304A-2178, Hawaii Revised Statutes, is repealed.

~~["[§304A-2178] University of Hawaii-Hilo theatre special fund. There is established the University of Hawaii-Hilo theatre special fund, which shall consist of admissions, advertising sales, corporate sponsorships, marketing, merchandising, donations, fundraising, fees, charges, and other~~



~~1 moneys collected in conjunction with the University of Hawaii-~~  
~~2 Hilo theatre program. The special fund shall be administered by~~  
~~3 the office of administrative affairs of the University of Hawaii~~  
~~4 at Hilo. Funds may be expended for all costs associated with~~  
~~5 the theatre program, including artists' fees, production costs,~~  
~~6 personnel costs, honoraria, per diem, hotel and room rentals,~~  
~~7 food and refreshments, printing and mailing, advertising,~~  
~~8 airfare, leis, rental or purchase of equipment, and theater~~  
~~9 supplies and materials."]~~

10 SECTION 135. Section 304A-2180, Hawaii Revised Statutes,  
11 is repealed.

12 ["~~§304A-2180~~] ~~`Ulu`ulu: The Henry Ku`ualoha Giugni~~  
13 ~~Moving Image Archive of Hawai`i special fund.~~ There is  
14 established the ~~`Ulu`ulu: The Henry Ku`ualoha Giugni Moving~~  
15 ~~Image Archive of Hawai`i special fund~~ into which shall be  
16 deposited any legislative appropriations, federal or private  
17 grants, and any other funds collected for the purposes of the  
18 ~~`Ulu`ulu: The Henry Ku`ualoha Giugni Moving Image Archive of~~  
19 ~~Hawai`i designated under section 304A-1864.~~ The fund shall be  
20 administered and expended by the University of Hawaii. Moneys





1 ~~in the fund shall be expended to support the activities of the~~  
2 ~~moving image archive."]~~

3 SECTION 136. Section 304A-2181, Hawaii Revised Statutes,  
4 is repealed.

5 ~~["[§304A-2181] University of Hawaii green special fund.~~

6 ~~(a) There is established the University of Hawaii green special~~  
7 ~~fund, into which may be deposited:~~

8 ~~(1) Savings realized by the university from energy~~  
9 ~~conservation measures;~~

10 ~~(2) Investment earnings, gifts, donations, or other income~~  
11 ~~received by the University of Hawaii;~~

12 ~~(3) Any rebates, grants, or incentives associated with~~  
13 ~~energy conservation measures;~~

14 ~~(4) Capital appropriations for energy conservation~~  
15 ~~measures;~~

16 ~~(5) Until June 30, 2020, funds from any special or~~  
17 ~~revolving fund established to fund energy conservation~~  
18 ~~measures projects at the University of Hawaii; and~~

19 ~~(6) Proceeds from University of Hawaii revenue bonds.~~

20 ~~(b) Moneys in the University of Hawaii green special fund~~  
21 ~~shall be used to support energy efficiency, renewable energy,~~



1 ~~and sustainability projects and services including personnel,~~  
2 ~~equipment costs, project costs, and other expenses, as well as~~  
3 ~~planning, design, and implementation of sustainability projects~~  
4 ~~for the benefit of the university; provided that any expenditure~~  
5 ~~equal to or greater than \$167,000 shall require the approval of~~  
6 ~~the legislature.~~

7 ~~(c) The chief financial officer of the University of~~  
8 ~~Hawaii shall manage the University of Hawaii green special fund~~  
9 ~~and shall have the authority to garner monetary savings realized~~  
10 ~~from campus energy conservation measures projects.~~

11 ~~(d) The University of Hawaii may also transfer other funds~~  
12 ~~into the University of Hawaii green special fund to offset the~~  
13 ~~costs and expenses associated with sustainability initiatives at~~  
14 ~~the University of Hawaii.~~

15 ~~(e) The University of Hawaii shall submit a report to the~~  
16 ~~legislature on the moneys deposited into the University of~~  
17 ~~Hawaii green special fund, including:~~

18 ~~(1) An explanation of how savings were calculated;~~

19 ~~(2) A review of all the revenues deposited;~~

20 ~~(3) A review of the rebates, grants, or incentives~~  
21 ~~received; and~~



1       ~~(4) A review of any other funds that may have been~~  
2           ~~transferred,~~  
3       ~~no later than twenty days prior to the convening of each regular~~  
4       ~~session."]~~

5       SECTION 137. Section 304A-2260, Hawaii Revised Statutes,  
6       is repealed.

7       ~~["[§304A-2260] University of Hawaii graduate application~~  
8       ~~revolving fund. There is established the University of Hawaii~~  
9       ~~graduate application revolving fund for graduate program~~  
10       ~~application processing. The board of regents may establish~~  
11       ~~appropriate charges for application processing. The revenues~~  
12       ~~from the charges shall be deposited into this revolving fund and~~  
13       ~~shall be used to pay the costs of processing applications to all~~  
14       ~~graduate programs."]~~

15       SECTION 138. Section 304A-2274, Hawaii Revised Statutes,  
16       is repealed.

17       ~~["[§304A-2274] University of Hawaii real property and~~  
18       ~~facilities use revolving fund. (a) There is established the~~  
19       ~~University of Hawaii real property and facilities use revolving~~  
20       ~~fund into which shall be deposited all revenues collected by the~~  
21       ~~university for the use of university real property and~~



1 ~~facilities, except as otherwise provided by law. The board of~~  
2 ~~regents may establish prices, fees, and charges, including those~~  
3 ~~for the sale, lease, or use of university real property and~~  
4 ~~facilities, which include land, buildings, grounds, furnishings,~~  
5 ~~and equipment; provided that the university shall comply with~~  
6 ~~all statutory and common law requirements in the disposition of~~  
7 ~~ceded lands. The board of regents shall be exempt from the~~  
8 ~~public notice and public hearing requirements of chapter 91 in~~  
9 ~~establishing and amending the fees and charges. The university~~  
10 ~~may establish separate accounts within the revolving fund for~~  
11 ~~major program activities. Funds deposited into the revolving~~  
12 ~~fund accounts shall be expended to pay the costs of operating~~  
13 ~~university facilities, including maintenance, administrative~~  
14 ~~expenses, salaries, wages, and benefits of employees, contractor~~  
15 ~~services, supplies, security, furnishings, equipment, janitorial~~  
16 ~~services, insurance, utilities, and other operational expenses.~~  
17 ~~Revenues not expended as provided in this section may be~~  
18 ~~transferred to other university funds to be invested or expended~~  
19 ~~for the administrative or overhead costs of the university. All~~  
20 ~~expenditures from this revolving fund shall be subject to~~  
21 ~~legislative appropriation.~~



1       ~~(b) As used in this section, "maintenance" includes~~  
2       ~~repairs, replacement, renewals, operation, and administration."]~~

3       SECTION 139. Section 304A-2276, Hawaii Revised Statutes,  
4       is repealed.

5       ~~["[S304A-2276] Hawaii educator loan program revolving~~  
6       ~~fund. There is established the Hawaii educator loan program~~  
7       ~~revolving fund, for the purpose of providing loans pursuant to~~  
8       ~~section 304A-701. Appropriations made by the legislature,~~  
9       ~~private contributions, repayment of loans, including interest~~  
10      ~~and payments received on account of principal, and moneys from~~  
11      ~~other sources shall be deposited into the revolving fund and~~  
12      ~~shall be expended by the university. An amount from the~~  
13      ~~revolving fund not exceeding five per cent of the total amount~~  
14      ~~of outstanding loans may be set by the university to be used for~~  
15      ~~administrative expenses incurred in administering the revolving~~  
16      ~~fund."]~~

17      SECTION 140. The following funds (account code) are  
18      abolished:

- 19      (1) Grant for the bridge-to-hope program (S-320-F);  
20      (2) Nurse training (S-322-F); and  
21      (3) Legislative relief for claims - UH (S-399-F),



1 and the unencumbered balances shall lapse to the credit of the  
2 general fund.

3 PART VII. DEPARTMENT OF DEFENSE

4 SECTION 141. The personal protective equipment, account  
5 code S-350-G, is abolished and any unencumbered balance shall  
6 lapse to the credit of the general fund.

7 PART VIII. DEPARTMENT OF HEALTH

8 SECTION 142. Section 103D-407, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10 "(d) As used in this section:

11 "Basecourse" means the layer or layers of specified  
12 material or selected material of a designed thickness to support  
13 a surface course.

14 [~~"Environmental management special fund" means the fund~~  
15 ~~established by section 342G-63.~~]

16 "Nonstructural backfill" means use as fill in areas not  
17 subject to structural loading, including but not limited to  
18 utility line bedding, drainage backfill behind retaining walls,  
19 drainage line backfill in leachfields or french drains, and  
20 similar uses."



SECTION 143. Section 286-109.7, Hawaii Revised Statutes,  
is amended to read as follows:

**"§286-109.7 Organ and tissue education fee.**

Notwithstanding any other law to the contrary, beginning July 1,  
2000, a donation of \$1, in addition to any other fees under this  
chapter, may be collected upon designation by an individual or  
entity from each certificate of registration by the director of  
finance of each county to be deposited on a quarterly basis into  
the ~~[organ and tissue education special]~~ general fund ~~[pursuant~~  
~~to section 327-24]~~. The counties may retain a portion of the \$1  
donation as an administrative fee to cover the cost of  
collecting, accounting for, and depositing the balance into the  
~~[organ and tissue education special]~~ general fund. The  
retention shall not exceed \$0.20 for each \$1 collected."

SECTION 144. Section 291-11.5, Hawaii Revised Statutes, is  
amended by amending subsection (e) to read as follows:

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

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

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



1 (B) Be required by the court to attend a child  
2 passenger restraint system safety class conducted  
3 by the division of driver education; provided  
4 that:

5 (i) The class may include video conferences as  
6 determined by the administrator of the  
7 division of driver education as an  
8 alternative method of education; and

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

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

12 (D) Pay a \$10 surcharge to be deposited into the  
13 [~~neurotrauma special~~] general fund; and

14 (E) Pay an additional surcharge of up to a \$10  
15 [~~surcharge~~] to be deposited into the [~~trauma~~  
16 ~~system special~~] general fund if the court so  
17 orders;

18 (2) For a conviction of a second offense committed within  
19 three years of any other conviction under this  
20 section, the person shall:





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



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

18 SECTION 145. Section 291-11.6, Hawaii Revised Statutes, is  
19 amended by amending subsection (e) to read as follows:

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



1 (1) Shall be subject to:

2 (A) A fine of \$45 for each violation; and

3 (B) A surcharge of \$10 that shall be deposited into  
4 the [~~neurotrauma-special~~] general fund; and

5 (2) May be subject to [a] an additional surcharge of up to  
6 \$10 that shall be deposited into the [~~trauma-system~~  
7 ~~special~~] general fund."

8 SECTION 146. Section 291C-12, Hawaii Revised Statutes, is  
9 amended by amending subsections (d) and (e) to read as follows:

10 "(d) For any violation under this section, a surcharge of  
11 \$500 shall be imposed, in addition to any other penalties, and  
12 shall be deposited into the [~~neurotrauma-special~~] general fund.

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

17 SECTION 147. Section 291C-12.5, Hawaii Revised Statutes,  
18 is amended by amending subsections (c) and (d) to read as  
19 follows:



1       "(c) For any violation under this section, a surcharge of  
2       \$250 shall be imposed, in addition to any other penalties, and  
3       shall be deposited into the [~~neurotrauma special~~] general fund.

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

8       SECTION 148. Section 291C-12.6, Hawaii Revised Statutes,  
9       is amended by amending subsections (c) and (d) to read as  
10      follows:

11      "(c) For any violation under this section, a surcharge of  
12      \$100 shall be imposed, in addition to any other penalties, and  
13      shall be deposited into the [~~neurotrauma special~~] general fund.

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

18      SECTION 149. Section 291C-105, Hawaii Revised Statutes, is  
19      amended by amending subsection (c) to read as follows:



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

4       (1) For a first offense not preceded by a prior conviction  
5 for an offense under this section in the preceding  
6 five years:

7       (A) A fine of not less than \$500 and not more than  
8 \$1,000;

9       (B) Thirty-day prompt suspension of license and  
10 privilege to operate a vehicle during the  
11 suspension period, or the court may impose, in  
12 lieu of the thirty-day prompt suspension of  
13 license, a minimum fifteen-day prompt suspension  
14 of license with absolute prohibition from  
15 operating a vehicle and, for the remainder of the  
16 thirty-day period, a restriction on the license  
17 that allows the person to drive for limited work-  
18 related purposes;

19       (C) Attendance in a course of instruction in driver  
20 retraining;



1 (D) A surcharge of \$25 to be deposited into the  
2 [~~neurotrauma-special~~] general fund;

3 (E) May be charged [a] an additional surcharge of up  
4 to \$100 to be deposited into the [~~trauma-system~~  
5 ~~special~~] 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) Thirty-six hours of community service work;

10 or

11 (ii) Not less than forty-eight hours and not more  
12 than five days of imprisonment;

13 (2) For an offense that occurs within five years of a  
14 prior conviction for an offense under this section,  
15 by:

16 (A) A fine of not less than \$750 and not more than  
17 \$1,000;

18 (B) Prompt suspension of license and privilege to  
19 operate a vehicle for a period of thirty days  
20 with an absolute prohibition from operating a  
21 vehicle during the suspension period;



1 (C) Attendance in a course of instruction in driver  
2 retraining;

3 (D) A surcharge of \$25 to be deposited into the  
4 [~~neurotrauma special~~] general fund;

5 (E) May be charged [a] an additional surcharge of up  
6 to \$100 to be deposited into the [~~trauma system~~  
7 ~~special~~] general fund if the court so orders;

8 (F) An assessment for driver education pursuant to  
9 section 286G-3; and

10 (G) Either one of the following:

11 (i) Not less than one hundred twenty hours of  
12 community service work; or

13 (ii) Not less than five days but not more than  
14 fourteen days of imprisonment of which at  
15 least forty-eight hours shall be served  
16 consecutively; and

17 (3) For an offense that occurs within five years of two  
18 prior convictions for offenses under this section, by:

19 (A) A fine of \$1,000;



- 1 (B) Revocation of license and privilege to operate a  
2 vehicle for a period of not less than ninety days  
3 but not more than one year;
- 4 (C) Attendance in a course of instruction in driver  
5 retraining;
- 6 (D) No fewer than ten days but no more than thirty  
7 days of imprisonment of which at least forty-  
8 eight hours shall be served consecutively;
- 9 (E) A surcharge of \$25 to be deposited into the  
10 ~~[neurotrauma-special]~~ general fund;
- 11 (F) May be charged [a] an additional surcharge of up  
12 to \$100 to be deposited into the ~~[trauma-system~~  
13 ~~special]~~ general fund if the court so orders; and
- 14 (G) An assessment for driver education pursuant to  
15 section 286G-3."

16 SECTION 150. Section 291E-61, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) A person committing the offense of operating a  
19 vehicle under the influence of an intoxicant shall be sentenced  
20 without possibility of probation or suspension of sentence as  
21 follows:





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

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

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

(C) Any one or more of the following:

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

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

(iii) A fine of no less than \$250 but no more than \$1,000;

(D) A surcharge of \$25 to be deposited into the ~~[neurotrauma special]~~ general fund; and



1 (E) [A] An additional surcharge, if the court so  
2 orders, of up to \$25 to be deposited into the  
3 ~~[trauma system special]~~ general fund;

4 (2) For an offense that occurs within ten years of a prior  
5 conviction for an offense under this section or  
6 section 291E-4(a):

7 (A) Revocation for no less than twenty-four months  
8 nor more than three years of license and  
9 privilege to operate a vehicle during the  
10 revocation period and installation during the  
11 revocation period of an ignition interlock device  
12 on any vehicle operated by the person;

13 (B) Either one of the following:

14 (i) No less than two hundred forty hours of  
15 community service work; or

16 (ii) No less than five days but no more than  
17 thirty days of imprisonment, of which at  
18 least forty-eight hours shall be served  
19 consecutively;

20 (C) A fine of no less than \$1,000 but no more than  
21 \$3,000;



1 (D) A surcharge of \$25 to be deposited into the

2 [~~neurotrauma-special~~] general fund; and

3 (E) [A] an additional surcharge of up to \$50, if the

4 court so orders, to be deposited into the [~~trauma~~

5 ~~system-special~~] general fund;

6 (3) In addition to a sentence imposed under paragraphs (1)

7 and (2), any person eighteen years of age or older who

8 is convicted under this section and who operated a

9 vehicle with a passenger, in or on the vehicle, who

10 was younger than fifteen years of age, shall be

11 sentenced to an additional mandatory fine of \$500 and

12 an additional mandatory term of imprisonment of forty-

13 eight hours; provided that the total term of

14 imprisonment for a person convicted under this

15 paragraph shall not exceed the maximum term of

16 imprisonment provided in paragraph (1) or (2), as

17 applicable. Notwithstanding paragraphs (1) and (2),

18 the revocation period for a person sentenced under

19 this paragraph shall be no less than two years; and

20 (4) If the person demonstrates to the court that the

21 person:



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

4 (B) Is otherwise unable to drive during the  
5 revocation period,

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

13 SECTION 151. Section 291E-61.5, Hawaii Revised Statutes,  
14 is amended by amending subsection (c) to read as follows:

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

17 (1) An indeterminate term of imprisonment of five years;  
18 or

19 (2) A term of probation of five years, with conditions to  
20 include:



1 (A) Mandatory revocation of license and privilege to  
2 operate a vehicle for a period no less than three  
3 years but no more than five years;

4 (B) No less than ten days imprisonment, of which at  
5 least forty-eight hours shall be served  
6 consecutively;

7 (C) A fine of no less than \$2,000 but no more than  
8 \$5,000;

9 (D) Referral to a certified substance abuse counselor  
10 as provided in subsection (d);

11 (E) A surcharge of \$25 to be deposited into the  
12 [~~neurotrauma special~~] general fund; and

13 (F) May be charged [æ] an additional surcharge of up  
14 to \$50 to be deposited into the [~~trauma system~~  
15 ~~special~~] general fund if the court so orders.

16 In addition to the foregoing, any vehicle owned and operated by  
17 the person committing the offense shall be subject to forfeiture  
18 pursuant to chapter 712A; provided that the department of  
19 transportation shall provide storage for vehicles forfeited  
20 under this subsection."



1       SECTION 152. Section 321-12.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "~~[§]§321-12.5[§]~~ **Certified forensic examination fees.** (a)  
4 The department of health, by rules adopted pursuant to chapter  
5 91, shall establish fees for application and certification as  
6 certified forensic examiners, to be paid by the applicant at the  
7 onset of the application process. The fees shall cover the  
8 costs of training, examination, certification, and monitoring.

9       (b) All moneys collected as fees pursuant to subsection  
10 (a) shall be deposited into the ~~[mental health and substance~~  
11 ~~abuse special]~~ general fund ~~[established by section 334-15]~~.

12       (c) All funds deposited in the ~~[mental health and~~  
13 ~~substance abuse special]~~ general fund pursuant to subsection (b)  
14 shall be used exclusively to support the activities relating to  
15 the application, training, certification, and monitoring of the  
16 certified forensic examination program."

17       SECTION 153. Section 321-30.1, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "~~§321-30.1 Medical cannabis [registry and regulation~~  
20 ~~special fund, established.]~~ registration fee. ~~[(a) There is~~  
21 ~~established within the state treasury the medical cannabis~~



~~registry and regulation special fund. The fund shall be  
expended at the discretion of the director of health.~~

~~(1) To establish and regulate a system of medical cannabis  
dispensaries in the State;~~

~~(2) To offset the cost of the processing and issuance of  
patient registry identification certificates and  
primary caregiver registration certificates;~~

~~(3) To fund positions and operating costs authorized by  
the legislature;~~

~~(4) To establish and manage a secure and confidential  
database;~~

~~(5) To fund public education as required by section  
329D-26;~~

~~(6) To fund substance abuse prevention and education  
programs; and~~

~~(7) For any other expenditure necessary, consistent with  
this chapter and chapter 329D, to implement medical  
cannabis registry and regulation programs.~~

~~(b) The fund shall consist of all moneys derived from fees  
collected pursuant to subsection (c) and section 329D-4. There~~



1 ~~is established within the medical cannabis registry and~~  
2 ~~regulation special fund.~~

3 ~~(1) A medical cannabis registry program sub-account, into~~  
4 ~~which shall be deposited all fees collected pursuant~~  
5 ~~to subsection (c); and~~

6 ~~(2) A medical cannabis dispensary program sub-account,~~  
7 ~~into which shall be deposited all fees collected~~  
8 ~~pursuant to section 329D-4.~~

9 ~~(e)]~~ The department, upon completion of the transfer of  
10 the medical use of cannabis program, shall charge a medical  
11 cannabis registration fee to each qualifying patient, other than  
12 a qualifying out-of-state patient, of no more than \$35 per  
13 year."

14 SECTION 154. Section 321-291, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§321-291 Tests for phenylketonuria, hypothyroidism, and  
17 other metabolic diseases. (a) The department of health may  
18 specify diseases to be screened for in newborn infants and  
19 methods to be employed to best prevent mortality and morbidity  
20 within the population of the State.





1           (b) The person in charge of each institution caring for  
2 newborn infants and the responsible physician attending the  
3 birth of a newborn or the person assisting the birth of a child  
4 not attended by a physician, shall ensure that every infant in  
5 the person's care be tested for phenylketonuria, hypothyroidism,  
6 and any other disease that may be specified by the department of  
7 health; provided that this section shall not apply if the  
8 parents, guardians, or other persons having custody or control  
9 of the child object thereto on the grounds that the tests  
10 conflict with their religious tenets and beliefs and written  
11 objection is made a part of the infant's medical record.

12           (c) The department of health shall adopt rules pursuant to  
13 chapter 91, necessary for the purposes of this section,  
14 including, but not limited to:

- 15           (1) Administration of newborn screening tests;
- 16           (2) Quality and cost control of screening tests;
- 17           (3) Retention of records and related data;
- 18           (4) Reporting of positive test results;
- 19           (5) Guidelines for care, treatment, and follow up of  
20           infants with positive test results;



1 (6) Informing parents about the purposes of these tests;

2 and

3 (7) Maintaining the confidentiality of affected families.

4 ~~[(d) There is created in the treasury of the State the~~  
5 ~~newborn metabolic screening special fund. All moneys for~~  
6 ~~newborn metabolic screening services collected under this~~  
7 ~~chapter shall be deposited in the newborn metabolic screening~~  
8 ~~special fund to be used for the payment of its lawful operating~~  
9 ~~expenditures, including but not limited to laboratory testing,~~  
10 ~~follow-up testing, educational materials, continuing education,~~  
11 ~~quality assurance, equipment, and indirect costs.~~

12 ~~[(e) The director shall submit an annual report to the~~  
13 ~~legislature twenty days prior to the convening of each regular~~  
14 ~~session, identifying all fund balances, transfers, and~~  
15 ~~expenditures made from the newborn metabolic screening special~~  
16 ~~fund, and the purposes for each expenditure.]"~~

17 SECTION 155. Section 323F-21, Hawaii Revised Statutes, is  
18 amended by amending subsections (a) and (b) to read as follows:

19 "[(a) There is created in the state treasury a special  
20 fund to be known as the health systems special fund, into which  
21 shall be deposited all fees, proceeds, reimbursements, and the



1 ~~like owed to or received by the corporation, any regional system~~  
2 ~~board, and its facilities, except as herein provided. There~~  
3 ~~shall be established within the special fund regional~~  
4 ~~subaccounts for each regional system board upon its~~  
5 ~~establishment. The special fund and the regional subaccounts~~  
6 ~~shall be used solely to fulfill the purposes outlined in this~~  
7 ~~chapter.~~

8 ~~The corporation and each regional system board may~~  
9 ~~establish and maintain, within the health systems special fund~~  
10 ~~or any regional subaccount, any other accounts that may be~~  
11 ~~necessary and appropriate to carry out its purposes and~~  
12 ~~responsibilities.~~

13 ~~The corporation and any regional system board may deposit~~  
14 ~~moneys into trustee accounts for the purposes of securing or~~  
15 ~~issuing bonds.~~

16 ~~The corporation and regional system boards may provide~~  
17 ~~reasonable reserves for any of the following purposes:~~

18 ~~(1) Insurance deductibles;~~

19 ~~(2) The improvement, replacement, or expansion of their~~  
20 ~~facilities or services;~~



~~(3) The securing of the corporation's or regional system  
boards' bonds, notes, or other instruments of  
indebtedness; or~~

~~(4) Any other purpose the corporation or the regional  
system boards deem necessary or appropriate in the  
performance of their purposes and responsibilities.~~

~~(b)]~~ (a) The corporation board and regional system boards  
shall collaboratively develop budgetary guidelines and annual  
operating and capital budgets for each facility, taking into  
account anticipated surpluses from or subsidies to the  
facilities pursuant to the annual guidelines described in this  
section, accumulated corporation and regional reserves and  
accounts, subsidies, if any, that are determined to be needed  
from the general fund, and other sources of corporation-wide and  
regional income as may be identified. Two-year budgets will be  
approved for regional system boards, in alignment with State of  
Hawaii biennium budgeting. The corporate board shall not alter  
the two-year budget of a regional system except:

(1) Where state general funding is reduced;

(2) An emergency exists; or



1           (3) There is a renegotiated budget approved by a regional  
2           system board.

3           (b) The corporation and regional system boards shall  
4 collaboratively develop budgetary guidelines and negotiate with  
5 each facility reasonable corporation administrative costs,  
6 including funds determined by the corporation or any regional  
7 system board to be needed from or provided to each facility to:

8           (1) Repay corporation or regional system board debts;

9           (2) Provide subsidies to any facility determined to be  
10           unable to fund from within that facility's programs  
11           and services deemed essential to community needs; and

12           (3) Maintain appropriate reserves."

13           SECTION 156. Section 328L-3, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) There is established in the state treasury the  
16 emergency and budget reserve fund, which shall be a special fund  
17 administered by the director of finance and into which shall be  
18 deposited:

19           ~~[(1) Moneys received from the tobacco settlement moneys~~  
20           ~~under section 328L-2;~~



1       ~~(2)~~ (1) Appropriations made by the legislature to the  
2               fund; and

3       ~~[(3)]~~ (2) Five per cent of the state general fund balance  
4               at the close of the fiscal year, whenever state  
5               general fund revenues for each of two successive  
6               fiscal years exceeds revenues for each of the  
7               preceding fiscal years by five per cent. For the  
8               purpose of this section, the general fund balance at  
9               the close of the fiscal year shall be calculated after  
10              any:

11            (A) Tax refund or tax credit is provided by the  
12               legislature;

13            (B) Deposit into the emergency and budget reserve  
14               fund or another reserve fund is appropriated by  
15               the legislature; or

16            (C) Prepayment of general obligation bond debt  
17               service or pension or other post-employment  
18               benefit liability is appropriated by the  
19               legislature;

20            during the same regular session as the transfer  
21               depositing such moneys to the emergency and budget



1           reserve fund; provided that transfers shall not be  
2           made to the emergency and budget reserve fund whenever  
3           the balance of the emergency and budget reserve fund  
4           is equal to or more than ten per cent of general fund  
5           revenues for the preceding fiscal year. The transfer  
6           shall be executed by the director of finance.

7 All moneys deposited into the emergency and budget reserve fund  
8 under paragraphs (1) and (2) and all moneys deposited under  
9 paragraph (3) shall be kept in separate and distinct accounts."

10           SECTION 157. Section 328L-5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§328L-5 Hawaii tobacco prevention and control trust fund.**

13 (a) There is established the Hawaii tobacco prevention and  
14 control trust fund as a separate fund of a nonprofit entity  
15 having a board of directors and qualifying under section  
16 501(c)(3) of the Internal Revenue Code of 1986, as amended, into  
17 which shall be deposited moneys received [~~as provided under~~  
18 ~~section 328L-2(b)(2)-~~] from federal, state, and local government  
19 sources; private contributions; and income and capital gains  
20 earned by the trust fund. The director of health with the  
21 concurrence of the governor, shall select, in accordance with



1 law, the entity based upon the proven record of accomplishment  
2 of the entity in administering a similar trust fund.

3 (b) Notwithstanding that the Hawaii tobacco prevention and  
4 control trust fund is established within a private entity, the  
5 department of budget and finance shall have oversight authority  
6 over the fund and may make periodic financial audits of the  
7 fund; provided that the director of finance may contract with a  
8 certified public accountancy firm for this purpose. The  
9 director of health with the concurrence of the governor in their  
10 sole discretion may rescind the selection of the entity. If the  
11 selection of the entity [~~is~~] rescinded, moneys in the trust fund  
12 shall revert back to the State and shall be deemed to be trust  
13 moneys.

14 (c) The entity selected under subsection (a), for each  
15 fiscal year, may expend up to fifty per cent of the total market  
16 value of the Hawaii tobacco prevention and control trust fund on  
17 the preceding June 30, for tobacco prevention and control,  
18 including but not limited to, reducing cigarette smoking and  
19 tobacco use among youth and adults through education and  
20 enforcement activities, and controlling and preventing chronic  
21 diseases where tobacco is a risk factor.





(d) The Hawaii tobacco prevention and control trust fund may receive appropriations, contributions, grants, endowments, or gifts in cash or otherwise from any source, including the State, corporations or other businesses, foundations, government, individuals, and other interested parties; provided that any appropriations made by the State shall not supplant or diminish the funding of existing tobacco prevention and control programs or any health related programs funded in whole or in part by the State.

(e) The assets of the Hawaii tobacco prevention and control trust fund shall consist of:

~~[(1) Moneys appropriated under section 328L-2(b)(2),~~

~~(2)]~~ (1) Moneys appropriated to the Hawaii tobacco prevention and control trust fund by the state, county, or federal government;

~~[(3)]~~ (2) Private contributions of cash or property; and

~~[(4)]~~ (3) Income and capital gains earned by the trust fund.

(f) The aggregate principal sum deposited in the Hawaii tobacco prevention and control trust fund shall be invested by the entity selected under subsection (a) in a manner intended to



1 maximize the rate of return on investment of the trust fund  
2 consistent with the objective of preserving the trust fund's  
3 principal.

4 (g) If the entity selected under subsection (a) is  
5 dissolved, the director of health, with the concurrence of the  
6 governor, shall select a successor entity. If the Hawaii  
7 tobacco prevention and control trust fund is terminated, the  
8 moneys remaining in the trust fund shall revert back to the  
9 State and shall be deemed to be trust moneys.

10 (h) The administration of the Hawaii tobacco prevention  
11 and control trust fund shall be advised by the tobacco  
12 prevention and control advisory board created under section  
13 328L-6."

14 SECTION 158. Section 338-14.3, Hawaii Revised Statutes, is  
15 amended by amending subsection (e) to read as follows:

16 "(e) Fees received for verifications in lieu of certified  
17 copies shall be remitted, and one half of the fee shall be  
18 deposited to the credit of the [~~vital statistics improvement~~  
19 ~~special fund in section 338-14.6 and the remainder of the fee~~  
20 ~~shall be deposited to the credit of the state]~~ general fund."



1       SECTION 159. Section 342G-15, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) The coordinator shall prepare and submit an annual  
4 report to each county, the director, the governor, and the  
5 legislature, twenty days prior to the convening of each regular  
6 session of the legislature, describing the activities of the  
7 office. The annual report shall provide the information  
8 required in this chapter, including, but not limited to:

9       (1) A summary of the results achieved in meeting the state  
10 waste reduction goals, including the amounts of waste  
11 disposed of, diverted, and generated in the State, and  
12 the progress toward managing waste in consideration of  
13 the state solid waste management priorities;

14       (2) Results achieved in county integrated solid waste  
15 management planning and the state plan, with  
16 timetables for completion and implementation;

17       (3) Results achieved in implementing procurement programs,  
18 including the amount of recycled goods and materials  
19 purchased by the State and counties;



- 1           (4) Total paper consumption by state and county agencies  
2           and results achieved with the office paper reduction  
3           goal;
- 4           (5) Results achieved by government agencies in  
5           establishing office paper and other materials recovery  
6           programs;
- 7           (6) Results achieved by state and county agencies in  
8           removing barriers to the development of recycling  
9           markets and in developing markets and supporting  
10          businesses that use recovered materials;
- 11          (7) A summary of results achieved by state and county  
12          agencies in the provision and execution of the  
13          statewide public awareness and education program;
- 14          (8) A summary of results achieved by agencies to improve  
15          energy efficiency and to reduce reliance on imported  
16          fuels in compliance with sections 226-18 and 226-52;  
17          and
- 18          (9) A summary and schedule of the key solid waste  
19          management goals and objectives planned for the  
20          following year at state and county levels[~~—and~~



~~(10) Revenues into and expenditures from the environmental management special fund during the previous fiscal year and projections for revenues and expenditures in the coming fiscal year]."~~

SECTION 160. Section 342G-62, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The surcharge collected pursuant to this section shall be deposited into the ~~[environmental management special]~~ general fund. ~~[All interest earned or accrued on moneys deposited in the fund shall become a part of the fund.]"~~

SECTION 161. Section 342G-84, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read:

"§342G-84 Deposit into ~~[environmental management special]~~ the general fund; distribution to counties. (a) Revenues generated from the advance disposal fee shall be deposited into ~~[a special account in the environmental management]~~ the general fund. Moneys from the special account shall be used to fund county glass recovery programs established in accordance with the requirements under section 342G-86; provided that no moneys shall be made available to a county unless the county has first



1 submitted its formally adopted integrated solid waste management  
2 plan to the department for review. In the event of any surplus  
3 in the special account, the department shall recommend a  
4 reduction in the fee as deemed necessary."

5 2. By amending subsection (d) to read:

6 "(d) All moneys distributed to the counties under  
7 subsection (b), and not used by the counties as specified in  
8 section 342G-86, shall be returned to the State for deposit into  
9 the [~~environmental management special~~] general fund at the end  
10 of each annual contract period."

11 SECTION 162. Section 342G-102, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§342G-102 Deposit beverage container fee.** (a) Beginning  
14 on October 1, 2002, every deposit beverage distributor shall pay  
15 to the department a deposit beverage container fee on each  
16 polyethylene terephthalate, high density polyethylene, or metal  
17 deposit beverage container manufactured in or imported into the  
18 State. The fee shall be imposed only once on the same deposit  
19 beverage container. The fee shall be 0.5 cents per deposit  
20 beverage container.



1 (b) Beginning on October 1, 2004, every deposit beverage  
2 distributor shall pay to the department a deposit beverage  
3 container fee on each deposit beverage container manufactured in  
4 or imported into the State. The deposit beverage container fee  
5 shall not apply to deposit beverage containers exported for sale  
6 outside of the State. The fee shall be imposed only once on the  
7 same deposit beverage container. The fee shall be 1 cent per  
8 deposit beverage container.

9 (c) No county shall impose or collect any assessment or  
10 fee on deposit beverage containers for the same or similar  
11 purpose that is the subject of this chapter.

12 (d) Beginning January 1, 2005, and every August 1  
13 thereafter, the department shall notify deposit beverage  
14 distributors in writing of the amount of the deposit beverage  
15 container fee. The effective date of changes to the fee amount  
16 shall be September 1. The fee shall be based on the redemption  
17 rate calculated annually based on the redemption rate  
18 information submitted to the department for the previous period  
19 of July 1 through June 30. The fee amount shall be as follows:

- 20 (1) If the redemption rate is seventy per cent or less: 1  
21 cent per container; and



1           (2) If the redemption rate is greater than seventy per  
2           cent: 1.5 cents per container.

3           ~~[(e) The director may temporarily suspend an automatic~~  
4 ~~increase of the deposit beverage container fee if, after~~  
5 ~~consultation with the auditor, it is determined that the deposit~~  
6 ~~beverage container deposit special fund contains sufficient~~  
7 ~~funds for the purposes of section 342G-104(b).]~~ "

8           SECTION 163. Section 342I-30, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) to read as follows:

10          "(a) Any costs incurred and payable from the general fund  
11 as a result of tire cleanups and associated environmental  
12 assessments and remediation shall be recovered by the attorney  
13 general, upon the request of the department, from the liable  
14 person or persons. The amount of any cost that may be recovered  
15 pursuant to this section for a tire cleanup and associated  
16 assessment and remedial action paid from the general fund shall  
17 include the amount paid from the general fund and legal  
18 interest.

19          (b) Moneys recovered by the attorney general pursuant to  
20 this section shall be deposited ~~[to the special account of the~~  
21 ~~environmental management special]~~ into the general fund."





SECTION 164. Section 466J-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The applicant applying for a license to practice as a radiographer, as a radiation therapist, or as a nuclear medicine technologist shall pay a nonrefundable application fee to the department. All fees received by the department pursuant to this section shall be deposited [~~into the noise, radiation, and indoor air quality special fund established pursuant to section 342P-7; provided that any other moneys collected pursuant to this chapter shall be deposited~~] with the director of finance to the credit of the general fund, unless otherwise provided by law."

SECTION 165. Section 706-650, Hawaii Revised Statutes, is amended to read as follows:

"§706-650 Drug demand reduction assessments [~~special fund~~]. (1) In addition to any disposition authorized by chapter 706 or 853, any person who is:

(a) Convicted of an offense under part IV of chapter 712, except sections 712-1250.5 and 712-1257;

(b) Convicted under section 707-702.5;



1 (c) Convicted of a felony or misdemeanor offense under  
2 part IV of chapter 329;

3 (d) Convicted under section 291-3.1, 291-3.2, 291-3.3,  
4 291E-61, or 291E-61.5;

5 (e) Found in violation of part III of chapter 291E; or

6 (f) Charged with any offense under paragraphs (a) to (d)  
7 who has been granted a deferred acceptance of guilty  
8 or no contest plea;

9 shall be ordered to pay a monetary assessment under subsection  
10 (2), except as provided under subsection ~~[(5)-]~~ (4).

11 (2) Monetary assessments for individuals subject to  
12 subsection (1) shall not exceed the following:

13 (a) \$3,000 when the offense is a class A felony;

14 (b) \$2,000 when the offense is a class B felony;

15 (c) \$1,000 when the offense is a class C felony;

16 (d) \$500 when the offense is a misdemeanor; or

17 (e) \$250 when the person has been found guilty of an  
18 offense under section 712-1249, 291-3.1, 291-3.2,  
19 291-3.3, 291E-61, or has been found in violation of  
20 part III of chapter 291E.



1 Notwithstanding sections 706-640 and 706-641 and any other law  
2 to the contrary, the assessments provided by this section shall  
3 be in addition to and not in lieu of, and shall not be used to  
4 offset or reduce, any fine authorized or required by law and  
5 shall be paid pursuant to section 706-651.

6 ~~[(3) There is established a special fund to be known as~~  
7 ~~the "drug demand reduction assessments special fund" to be~~  
8 ~~administered by the department of health. The disbursement of~~  
9 ~~money from the drug demand reduction assessments special fund~~  
10 ~~shall be used to supplement substance abuse treatment and other~~  
11 ~~substance abuse demand reduction programs.~~

12 ~~[(4)]~~ (3) All monetary assessments paid and interest  
13 accrued on funds collected pursuant to this section shall be  
14 deposited into the ~~[drug demand reduction assessments special]~~  
15 general fund.

16 ~~[(5)]~~ (4) If the court determines that the person has the  
17 ability to pay the monetary assessment and is eligible for  
18 probation or will not be sentenced to incarceration, unless  
19 otherwise required by law, the court may order the person to  
20 undergo a substance abuse treatment program at the person's  
21 expense. If the person undergoes a substance abuse treatment



1 program at the person's expense, the court may waive or reduce  
2 the amount of the monetary assessment. Upon a showing by the  
3 person that the person lacks the financial ability to pay all or  
4 part of the monetary assessment, the court may waive or reduce  
5 the amount of the monetary assessment."

6 SECTION 166. Section 321-1.3, Hawaii Revised Statutes, is  
7 repealed.

8 ~~["§321-1.3 Domestic violence and sexual assault special~~  
9 ~~fund. (a) There is established within the state treasury a~~  
10 ~~special fund to be known as the domestic violence and sexual~~  
11 ~~assault special fund to be administered and expended by the~~  
12 ~~department of health.~~

13 ~~(b) The moneys in the special fund shall be reserved for~~  
14 ~~use by the department of health for programs and grants or~~  
15 ~~purchases of service consistent with chapter 42D that support or~~  
16 ~~provide domestic violence and sexual assault intervention or~~  
17 ~~prevention as authorized by law. Moneys in the special fund~~  
18 ~~shall be used for new or existing programs and shall not~~  
19 ~~supplant any other moneys previously allocated to these~~  
20 ~~programs.~~



~~(c) Fees remitted pursuant to section 338-14.5, income tax remittances allocated under section 235-102.5, interest and investment earnings attributable to the moneys in the special fund, and grants, donations, and contributions from private or public sources for the purposes of the fund, shall be deposited into the special fund.~~

~~(d) The department of health shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session providing the following:~~

~~(1) An accounting of the receipts of, and expenditures from, the special fund; and~~

~~(2) Recommendations on how to improve services for victims of domestic violence and sexual assault."]~~

SECTION 167. Section 321-1.4, Hawaii Revised Statutes, is repealed.

~~["§321-1.4 Office of health care assurance special fund, deposits, expenditures. (a) There is established within the department of health, to be administered by the department of health, the office of health care assurance special fund into which shall be deposited moneys collected under section 321-11.5(b), license fees for the administration of the durable~~



1 ~~medical equipment supplier license program collected pursuant to~~  
2 ~~section 321-544, and all administrative penalties imposed and~~  
3 ~~collected by the office of health care assurance pursuant to~~  
4 ~~section 321-20.~~

5 ~~(b) Moneys in the special fund shall be expended by the~~  
6 ~~department of health.~~

7 ~~(1) To assist in offsetting operating costs and~~  
8 ~~educational program expenses of the department of~~  
9 ~~health's office of health care assurance; and~~

10 ~~(2) For the purpose of enhancing the capacity of office of~~  
11 ~~health care assurance programs to:~~

12 ~~(A) Improve public health outreach efforts, program~~  
13 ~~and community development, and consultations to~~  
14 ~~industries regulated;~~

15 ~~(B) Educate the public, the staff of the department~~  
16 ~~of health, and other departments within the~~  
17 ~~State, as well as staff and providers of all~~  
18 ~~health care facilities and agencies regulated;~~  
19 ~~and~~



~~(C) Administer and support the durable medical  
equipment supplier license program established  
pursuant to part XLIII.~~

~~Not more than \$327,000 of the special fund may be used during  
any fiscal year for the activities carried out by the office of  
health care assurance.~~

~~(e) Any amount in the special fund in excess of \$387,500  
on June 30 of each year shall be deposited into the general  
fund.~~

~~(d) The department of health shall submit a report to the  
legislature concerning the status of the special fund, including  
the amount of moneys deposited into and expended from the  
special fund, and the sources of receipts and uses of  
expenditures, no later than twenty days prior to the convening  
of each regular session."]~~

SECTION 168. Section 321-1.65, Hawaii Revised Statutes, is  
repealed.

~~["§321-1.65] Community health centers special fund. (a)  
There is established within the state treasury a special fund to  
be known as the community health centers special fund to be  
administered and expended by the department of health.~~



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

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

SECTION 169. Section 321-22.5, Hawaii Revised Statutes, is repealed.

~~["§321-22.5 Trauma system special fund. (a) There is established within the state treasury a special fund to be known as the trauma system special fund to be administered and expended by the department of health. The fund shall consist of:~~

~~(1) Surcharges collected pursuant to sections 291-15, 291C-2, and 291E-7;~~

~~(2) Cigarette tax revenues designated under section 245-15;~~

~~(3) Federal funds granted by Congress or executive order for the purpose of this chapter; provided that the acceptance and use of federal funds shall not commit state funds for services and shall not place an obligation upon the legislature to continue the~~





~~purpose for which the federal funds are made  
available;~~

~~(4) Funds appropriated by the legislature for this  
purpose, including grants in aid;~~

~~(5) Grants, donations, and contributions from private or  
public sources for the purposes of the trauma system  
special fund; and~~

~~(6) Interest on and other income from the fund, which  
shall be separately accounted for.~~

~~The unexpended and unencumbered moneys in the fund in  
excess of \$7,400,000 on June 30 of each fiscal year shall be  
transferred by the director of finance into and become a  
realization of the general fund on that date. Expenditures from  
the trauma system special fund shall be exempt from chapters  
103D and 103F.~~

~~(b) The moneys in the trauma system special fund shall be  
used by the department to support the continuing development and  
operation of a comprehensive state trauma system. The trauma  
system special fund shall be used to subsidize the documented  
costs for the comprehensive state trauma system, including but  
not limited to the following:~~



1       ~~(1) Costs of under compensated and uncompensated trauma~~  
2       ~~care incurred by hospitals providing care to trauma~~  
3       ~~patients;~~

4       ~~(2) Costs incurred by hospitals providing care to trauma~~  
5       ~~patients to maintain on call physicians for trauma~~  
6       ~~care; and~~

7       ~~(3) Costs to staff and operate the State's injury~~  
8       ~~prevention program.~~

9       ~~The money in the trauma system special fund shall not be~~  
10      ~~used to supplant funding for trauma services authorized prior to~~  
11      ~~July 1, 2006, and shall not be used for ambulance or medical air~~  
12      ~~transport services.~~

13      ~~(c) Disbursements from the fund shall be made in~~  
14      ~~accordance with a methodology established by the department of~~  
15      ~~health to calculate costs incurred by a hospital providing care~~  
16      ~~to trauma patients that are eligible to receive reimbursement~~  
17      ~~under subsection (d). The methodology shall take into account:~~

18      ~~(1) Physician on call coverage that is demonstrated to be~~  
19      ~~essential for trauma services within the hospital;~~

20      ~~(2) Equipment that is demonstrated to be essential for~~  
21      ~~trauma services within the hospital;~~



1       ~~(3) The creation of overflow or surge capacity to allow a~~  
2       ~~trauma center to respond to mass casualties resulting~~  
3       ~~from an act of terrorism or natural disaster; and~~

4       ~~(4) All other hospital services and resources that are~~  
5       ~~demonstrated to be essential for trauma services~~  
6       ~~within the hospital.~~

7       ~~The department shall adopt rules pursuant to chapter 91 to~~  
8       ~~effectuate the purposes of this section.~~

9       ~~(d) To receive reimbursement, a hospital providing care to~~  
10      ~~trauma patients shall apply to the trauma system special fund on~~  
11      ~~a form and in a manner approved by the department; provided that~~  
12      ~~recipients of reimbursements from the trauma system special fund~~  
13      ~~shall be subject to the following conditions:~~

14      ~~(1) The recipient of a reimbursement shall:~~

15           ~~(A) Comply with applicable federal, state, and county~~  
16           ~~laws;~~

17           ~~(B) Comply with any other requirements the director~~  
18           ~~may prescribe;~~

19           ~~(C) Allow the director, the legislative bodies, and~~  
20           ~~the state auditor access to records, reports,~~  
21           ~~files, and other related documents, to the extent~~



1           ~~permissible under applicable state and federal~~  
2           ~~law, so that the program, management, and fiscal~~  
3           ~~practices of the recipient may be monitored and~~  
4           ~~evaluated to ensure the proper and effective~~  
5           ~~expenditure of public funds;~~

6           ~~(D) Provide care to all injured patients regardless~~  
7           ~~of their ability to pay; and~~

8           ~~(E) Participate in data collection and peer review~~  
9           ~~activities for the purpose of system evaluation~~  
10          ~~and improvement of patient care; and~~

11          ~~(2) Every reimbursement shall be monitored according to~~  
12          ~~rules established by the director under chapter 91 to~~  
13          ~~ensure compliance with this section.~~

14          ~~(e) Necessary administrative expenses to carry out this~~  
15          ~~section shall not exceed five per cent of the total amount~~  
16          ~~collected in any given year.~~

17          ~~(f) The department shall submit an annual report to the~~  
18          ~~legislature no later than twenty days prior to the convening of~~  
19          ~~each regular session that outlines the receipts of and~~  
20          ~~expenditures from the trauma system special fund.~~

21          ~~(g) For the purposes of this section.~~



1       ~~"Comprehensive state trauma system" means a coordinated~~  
2   ~~integrated system providing a spectrum of medical care~~  
3   ~~throughout the State designed to reduce death and disability by~~  
4   ~~appropriate and timely diagnosis and specialized treatment of~~  
5   ~~injuries, which includes hospitals with successive levels of~~  
6   ~~advanced capabilities for trauma care in accordance with~~  
7   ~~nationally accepted standards established by the American~~  
8   ~~College of Surgeons Committee on Trauma.~~

9       ~~"Hospital providing care to trauma patients" means a~~  
10   ~~hospital with emergency services that receives and treats~~  
11   ~~injured patients.~~

12       ~~"Trauma care" means specialized medical care intended to~~  
13   ~~reduce death and disability from injuries.~~

14       ~~"Trauma center" means a facility verified by the American~~  
15   ~~College of Surgeons or designated by the department applying~~  
16   ~~American College of Surgeons recommendations as guidelines as~~  
17   ~~being a level I, level II, level III, or level IV trauma center.~~  
18   ~~Level I represents the highest level attainable by a verified~~  
19   ~~trauma center, and level IV represents the lowest level~~  
20   ~~attainable by a verified trauma center." ]~~



1       SECTION 170. Section 321-27, Hawaii Revised Statutes, is  
2 repealed.

3       ~~["§321-27 Sanitation and environmental health special~~  
4 ~~fund. (a) There is established within the department of health~~  
5 ~~the sanitation and environmental health special fund into which~~  
6 ~~shall be deposited all moneys collected from fees for permits,~~  
7 ~~licenses, inspections, various certificates, variances,~~  
8 ~~investigations, and reviews, pursuant to sections 321-11.5(c)~~  
9 ~~and 321-15.~~

10       ~~(b) Moneys in the fund shall be expended by the department~~  
11 ~~to partially fund the operating costs of program activities and~~  
12 ~~functions authorized pursuant to section 321-11 to enhance the~~  
13 ~~capacity of sanitation and environmental health programs to:~~

14       ~~(1) Improve public outreach efforts and consultations to~~  
15       ~~regulated businesses and industries;~~

16       ~~(2) Educate the public, staff, and regulated businesses~~  
17       ~~and industries;~~

18       ~~(3) Plan for future growth and expansion to meet emerging~~  
19       ~~needs;~~

20       ~~(4) Provide training opportunities to ensure the~~  
21       ~~maintenance of professional competence among~~



~~sanitation and environmental health staff and~~

~~administrators; and~~

~~(5) Conduct program activities and functions of the~~

~~sanitation branch, including permit issuance,~~

~~inspections, and enforcement and the hiring of~~

~~additional inspectors;~~

~~provided that for environmental health programs, not more than~~

~~\$140,000 of the fund may be used during any fiscal year for fund~~

~~administration, including the hiring of not more than two full-~~

~~time equivalent personnel, and the purchase of office and~~

~~electronic equipment.~~

~~(c) Any amount in the fund in excess of \$1,500,000 on~~

~~June 30 of each year shall be deposited into the general fund.~~

~~(d) The department of health shall submit a report to the~~

~~legislature concerning the status of the sanitation and~~

~~environmental health special fund, including:~~

~~(1) The amount of moneys taken in by and expended from the~~

~~fund; and~~

~~(2) The sources of receipts and uses of expenditures,~~

~~not less than twenty days prior to the convening of each regular~~

~~session." ]~~



1       SECTION 171. Section 321-30.2, Hawaii Revised Statutes, is  
2 repealed.

3       ~~["§321-30.2 Civil monetary penalty special fund. (a)~~

4 ~~There is established the civil monetary penalty special fund, to~~  
5 ~~be administered by the department of health. The fund shall~~  
6 ~~consist of moneys collected by the United States Department of~~  
7 ~~Health and Human Services Centers for Medicare and Medicaid~~  
8 ~~Services as federally imposed civil monetary penalty funds when~~  
9 ~~health care facilities or agencies do not meet medicare~~  
10 ~~certification requirements as determined by the department of~~  
11 ~~health when it conducts medicare certification surveys and~~  
12 ~~complaint investigations on health care facilities or agencies~~  
13 ~~in Hawaii in accordance with section 1864 of the Social Security~~  
14 ~~Act. Moneys in the fund shall be expended by the department of~~  
15 ~~health as approved by the Centers for Medicare and Medicaid~~  
16 ~~Services. Moneys in the fund may be used during any fiscal year~~  
17 ~~for the activities carried out by the department of health as~~  
18 ~~approved by the Centers for Medicare and Medicaid Services.~~

19       ~~(b) Pursuant to federal law, civil monetary penalty~~  
20 ~~special fund moneys shall not be subject to deposit into the~~  
21 ~~general fund for any reason.~~





~~(c) The department of health shall submit a report to the legislature concerning the status of the civil monetary penalty special fund, including the amount of moneys deposited into and expended from the civil monetary penalty special fund, and the sources of receipts and uses of expenditures, no later than twenty days prior to the convening of each regular session."~~

SECTION 172. Section 321-234, Hawaii Revised Statutes, is repealed.

~~["§321-234 Emergency medical services special fund. (a) There is established within the state treasury a special fund to be known as the emergency medical services special fund to be administered and expended by the department.~~

~~(b) The moneys in the special fund shall be used by the department for operating a state comprehensive emergency medical services system including enhanced and expanded services, and shall not be used to supplant funding for emergency medical services authorized prior to [July 1, 2004].~~

~~(c) Fees remitted pursuant to section 249-31, cigarette tax revenues designated under section 245-15, interest and investment earnings attributable to the moneys in the special fund, legislative appropriations, and grants, donations, and~~



1 ~~contributions from private or public sources for the purposes of~~  
2 ~~the fund, shall be deposited into the special fund.~~

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

7 SECTION 173. Section 321-355, Hawaii Revised Statutes, is  
8 repealed.

9 ~~["§321-355 Early intervention special fund. (a) There is~~  
10 ~~established in the state treasury a special fund to be known as~~  
11 ~~the early intervention special fund to be administered by the~~  
12 ~~department in accordance with this section.~~

13 ~~(b) The fund shall consist of grants and income earned by~~  
14 ~~the special fund. All program income consisting of federal~~  
15 ~~reimbursement funds received by the State for early intervention~~  
16 ~~funded by legislative appropriations under this part shall be~~  
17 ~~deposited into the special fund, provided that no state~~  
18 ~~appropriations shall be deposited into the special fund."]~~

19 SECTION 174. Section 321-357, Hawaii Revised Statutes, is  
20 repealed.



1       ~~["§321-357 Early intervention special fund, purpose and~~  
2 ~~use. (a) The purpose of the early intervention special fund is~~  
3 ~~to expand and enhance early intervention services for infants~~  
4 ~~and toddlers with special needs by providing a cooperative~~  
5 ~~funding mechanism between the public and private sectors to work~~  
6 ~~together to make and secure appropriations and donations to the~~  
7 ~~fund.~~

8       ~~(b) The department may procure services under chapters~~  
9 ~~103D and 103F in accordance with criteria and procedures~~  
10 ~~established by rules adopted pursuant to chapter 91, for~~  
11 ~~community based, family centered, early intervention services~~  
12 ~~including but not limited to:~~

13       ~~(1) Programs to provide early intervention services for~~  
14       ~~infants and toddlers with developmental delays or at~~  
15       ~~biological or environmental risk,~~

16       ~~(2) Family support programs to strengthen families to~~  
17       ~~reduce the risk of child abuse and neglect,~~

18       ~~(3) Training and education for professionals,~~  
19       ~~paraprofessionals, and families, and~~

20       ~~(4) Research, evaluation, and data management related to~~  
21       ~~early intervention services.~~



1       ~~(c) Services to be procured under this section shall be in~~  
2 ~~accordance with chapters 103D and 103F and take the following~~  
3 ~~forms:~~

4       ~~(1) Purchase of service contracts to private nonprofit~~  
5 ~~organizations, public agencies, or qualified~~  
6 ~~individuals to provide community based, family-~~  
7 ~~centered, early intervention services, or~~

8       ~~(2) Direct payments for services, educational materials,~~  
9 ~~training, quality assurance, equipment, data~~  
10 ~~collection, and program evaluation.~~

11       ~~(d) The Hawaii early intervention coordinating council~~  
12 ~~shall make recommendations to the department for the expenditure~~  
13 ~~of moneys from the early intervention special fund."]~~

14       SECTION 175. Section 321-426, Hawaii Revised Statutes, is  
15 repealed.

16       ~~["§321-426] Birth defects special fund. There is~~  
17 ~~established within the state treasury the birth defects special~~  
18 ~~fund to be administered and expended by the department of~~  
19 ~~health, into which shall be deposited fees remitted pursuant to~~  
20 ~~section 572-5. Moneys in the special fund shall be used for the~~



1 ~~payment of the operating expenses of the birth defects~~  
2 ~~program."]~~

3 SECTION 176. Section 321H-4, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§321H-4 Neurotrauma special fund. (a) There is~~  
6 ~~established the neurotrauma special fund to be administered by~~  
7 ~~the department with advisory recommendations from the~~  
8 ~~neurotrauma advisory board. The fund shall consist of:~~

9 ~~(1) Moneys raised pursuant to the surcharges levied under~~  
10 ~~sections 291-11.5, 291-11.6, 291C-12, 291C-12.5, 291C-~~  
11 ~~12.6, 291C-102, 291C-105, and 291E-61,~~

12 ~~(2) Federal funds granted by Congress or executive order,~~  
13 ~~for the purpose of this chapter, provided that the~~  
14 ~~acceptance and use of federal funds shall not commit~~  
15 ~~state funds for services and shall not place an~~  
16 ~~obligation upon the legislature to continue the~~  
17 ~~purpose for which the federal funds are made~~  
18 ~~available; and~~

19 ~~(3) Funds appropriated by the legislature for the purpose~~  
20 ~~of this chapter.~~



~~(b) The fund shall be used for the purpose of funding and contracting for services relating to neurotrauma as follows:~~

~~(1) Education on neurotrauma;~~

~~(2) Assistance to individuals and families to identify and obtain access to services;~~

~~(3) Creation of a registry of neurotrauma injuries within the State to identify incidence, prevalence, individual needs, and related information; and~~

~~(4) Necessary administrative expenses to carry out this chapter not to exceed two per cent of the total amount collected.~~

~~(c) Moneys in the neurotrauma special fund may be appropriated to obtain federal and private grant matching funds, subject to section 321H-4(a)(2).~~

~~(d) In administering the fund, the director shall maintain records of all expenditures and disbursements made from the neurotrauma special fund.~~

~~(e) The director shall submit to the legislature an annual report on the activities under the neurotrauma special fund no later than twenty days prior to the convening of each regular session." ]~~



1       SECTION 177.   Section 323D-12.6, Hawaii Revised Statutes,  
2   is repealed.

3       ~~["§323D-12.6] State health planning and development~~  
4   ~~special fund; created; deposits; expenditures; fees.~~ (a) ~~There~~  
5   ~~is established within the state treasury, to be administered by~~  
6   ~~the state health planning and development agency, the state~~  
7   ~~health planning and development special fund into which shall be~~  
8   ~~deposited all moneys collected under chapter 323D.~~

9       ~~(b) Moneys in the special fund shall be expended by the~~  
10   ~~state health planning and development agency to assist in~~  
11   ~~offsetting program expenses of the agency.~~

12       ~~(c) The agency shall adopt rules in accordance with~~  
13   ~~chapter 91 to establish reasonable fees for the purposes of this~~  
14   ~~chapter."]~~

15       SECTION 178.   Section 327-24, Hawaii Revised Statutes, is  
16   repealed.

17       ~~["§327-24] Hawaii organ and tissue education special~~  
18   ~~fund.~~ ~~There is established in the state treasury the Hawaii~~  
19   ~~organ and tissue education special fund. Moneys collected under~~  
20   ~~section 286-109.7 shall be deposited into the fund. The fund~~  
21   ~~shall be administered and distributed by the department of~~



1 ~~health and shall be used exclusively for public education~~  
2 ~~programs and activities on organ, tissue, and eye donation."]~~

3 SECTION 179. Section 333F-23, Hawaii Revised Statutes, is  
4 repealed.

5 ~~["§333F-23] Intellectual and developmental disabilities~~  
6 ~~medicaid waiver administrative claiming special fund. (a)~~  
7 ~~There is established in the treasury of the State the~~  
8 ~~intellectual and developmental disabilities medicaid waiver~~  
9 ~~administrative claiming special fund, into which shall be~~  
10 ~~deposited.~~

11 ~~(1) All revenues from medicaid administrative claiming~~  
12 ~~designated for the department that are allowable for~~  
13 ~~operating the Hawaii home and community based services~~  
14 ~~waiver for persons with intellectual and developmental~~  
15 ~~disabilities pursuant to section 1915(c) of the Social~~  
16 ~~Security Act;~~  
17 ~~(2) Appropriations made by the legislature to the fund;~~  
18 ~~(3) Other grants and gifts made to the fund; and~~  
19 ~~(4) Any income and capital gains earned by the fund.~~





~~(b) Moneys in the intellectual and developmental disabilities medicaid waiver administrative claiming special fund shall be used by the department for the following purposes:~~

~~(1) Payment for fiscal management services of the Hawaii home and community based services waiver for persons with intellectual and developmental disabilities pursuant to section 1915(c) of the Social Security Act;~~

~~(2) Training of staff; waiver providers; waiver participants; family members of waiver participants; legal representatives of waiver participants; and community stakeholders;~~

~~(3) Quality management activities for operating the Hawaii home and community based services waiver for persons with intellectual and developmental disabilities pursuant to section 1915(c) of the Social Security Act;~~

~~(4) Ongoing operations and maintenance of the information technology system;~~

~~(5) Conducting rate methodology studies to define rates for the Hawaii home and community based services~~



1           ~~waiver for persons with intellectual and developmental~~  
2           ~~disabilities pursuant to section 1915(c) of the Social~~  
3           ~~Security Act; and~~

4       ~~(6) Assessment services for determining each participant's~~  
5           ~~level of support needs.~~

6       ~~(c) The department shall submit to the legislature no~~  
7       ~~later than twenty days prior to the convening of each regular~~  
8       ~~session a report that provides an accounting of the receipts of~~  
9       ~~and expenditures from the intellectual and developmental~~  
10       ~~disabilities medicaid waiver administrative claiming special~~  
11       ~~fund." ]~~

12           SECTION 180. Section 334-15, Hawaii Revised Statutes, is  
13       repealed.

14       ~~[ "§334-15 Mental health and substance abuse special fund,~~  
15       ~~established. (a) There is established a special fund to be~~  
16       ~~known as the mental health and substance abuse special fund into~~  
17       ~~which shall be deposited all revenues and other moneys collected~~  
18       ~~from certification programs and treatment services rendered by~~  
19       ~~the mental health and substance abuse programs operated by the~~  
20       ~~State. Notwithstanding any other law to the contrary, the~~  
21       ~~department is authorized to establish separate accounts within~~



~~the special fund for depositing moneys received from certification programs and from each mental health and substance abuse program. Moneys deposited into the respective accounts of each program shall be used for the payment of the operating expenses of the respective program.~~

~~(b) The director shall submit a report to the legislature, not later than twenty days prior to the convening of each regular session, which identifies for each account in the special fund, the account balance and ceiling increase, any transfers and expenditures made, and the purposes of the expenditures."]~~

SECTION 181. Section 338-14.6, Hawaii Revised Statutes, is repealed.

~~["§338-14.6 Vital statistics improvement special fund.~~

~~(a) There is established within the state treasury a special fund to be known as the vital statistics improvement special fund. The fund shall be administered and expended by the department of health.~~

~~(b) Moneys in the fund shall be used by the department of health for the modernization and automation of the vital statistics system in this State. Moneys in the fund may be used~~



1 ~~to assist in offsetting costs for the daily operations of the~~  
2 ~~system of vital statistics.~~

3 ~~(c) The fund shall consist of fees remitted pursuant to~~  
4 ~~section 338-14.5. All realizations of the fund shall be subject~~  
5 ~~to the conditions specified in subsection (b)."]~~

6 SECTION 182. Section 339D-10, Hawaii Revised Statutes, is  
7 repealed.

8 ~~["§339D-10 Electronic device recycling fund. (a) There~~  
9 ~~is established in the state treasury the electronic device~~  
10 ~~recycling fund into which shall be deposited all fees, payments,~~  
11 ~~and penalties collected by the department pursuant to this~~  
12 ~~chapter.~~

13 ~~(b) The electronic device recycling fund shall be~~  
14 ~~administered by the department of health. Moneys in the fund~~  
15 ~~shall be expended by the director for the purpose of~~  
16 ~~implementing and enforcing this chapter. Moneys may also be~~  
17 ~~expended by the director to support county electronics~~  
18 ~~collections."]~~

19 SECTION 183. Section 340B-3.5, Hawaii Revised Statutes, is  
20 repealed.



1       ~~["§340B-3.5] Wastewater treatment certification board~~  
2 ~~special fund. (a) There is established in the state treasury a~~  
3 ~~special fund to be known as the wastewater treatment~~  
4 ~~certification board special fund. The following moneys~~  
5 ~~collected by the board shall be deposited into the special fund.~~

6       ~~(1) Registration fees for examinations;~~

7       ~~(2) Renewal fees;~~

8       ~~(3) Reciprocity fees; and~~

9       ~~(4) Temporary certificates fees.~~

10 ~~All interest earned or accrued on moneys deposited into the~~  
11 ~~special fund shall become a part of the special fund.~~

12       ~~(b) All moneys paid into the special fund shall be~~  
13 ~~expended by the board to finance its operations."]~~

14       SECTION 184. Section 342B-32, Hawaii Revised Statutes, is  
15 repealed.

16       ~~["§342B-32] Clean air special fund. (a) There is~~  
17 ~~created in the state treasury a special fund to be designated as~~  
18 ~~the clean air special fund. The proceeds in the fund shall be~~  
19 ~~used solely to pay for all reasonable direct and indirect costs~~  
20 ~~required to develop, support, and administer the permit program~~  
21 ~~requirements of this chapter including reasonable costs of:~~



- ~~(1) Reviewing and acting upon any application for or  
renewal of a permit;~~
- ~~(2) Implementing and enforcing the terms and conditions of  
any permit, including legal support as defined by  
rules;~~
- ~~(3) Monitoring emissions and ambient air quality including  
resources to audit and inspect source operated  
monitoring requirements at least once a year;~~
- ~~(4) Preparing generally applicable rules or guidelines;~~
- ~~(5) Performing or reviewing modeling, analyses, and  
demonstrations;~~
- ~~(6) Preparing emissions inventories and tracking systems;~~
- ~~(7) Providing support to the small business assistance  
program; and~~
- ~~(8) Administering the fund.~~

~~(b) All moneys collected as fees pursuant to section 342B-  
29 shall be deposited into the clean air special fund. All  
interest earned or accrued on moneys deposited in the fund shall  
become a part of the fund." ]~~

SECTION 185. Section 342G-63, Hawaii Revised Statutes, is  
repealed.



1       ~~["§342G-63 Establishment of the environmental management~~  
2 ~~special fund. (a) There is created in the state treasury an~~  
3 ~~environmental management special fund. The fund may receive~~  
4 ~~legislative appropriations, grants and gifts.~~

5       ~~(b) All moneys collected pursuant to section 342G-62 shall~~  
6 ~~be deposited into the environmental management special fund.~~  
7 ~~All interest earned or accrued on moneys deposited into the fund~~  
8 ~~shall become a part of the fund.~~

9       ~~(c) The department shall expend moneys contained in the~~  
10 ~~environmental management special fund to:~~

11       ~~(1) Partially fund the operating costs of the program~~  
12 ~~including its regulatory functions and the development~~  
13 ~~of waste reduction and diversion activities as~~  
14 ~~mandated by chapter 342G;~~

15       ~~(2) Fund statewide education, demonstration, and market~~  
16 ~~development programs, through direct contract or~~  
17 ~~direct transfer of funds to the counties and the~~  
18 ~~department of business, economic development, and~~  
19 ~~tourism, or under a grant program that may be~~  
20 ~~developed under rules pursuant to chapter 91; and~~



~~(3) Provide for annual training for municipal solid waste operators in compliance with 40 Code of Federal Regulations Part 258 and chapter 11-58, Hawaii Administrative Rules."]~~

SECTION 186. Section 342G-64, Hawaii Revised Statutes, is repealed.

~~["§342G-64] Administration of the environmental management special fund. (a) The department may adopt rules to administer the environmental management special fund. During the interim period until such rules are established, the department may distribute funding to the counties or the department of business, economic development, and tourism in the form of a contractual agreement pursuant to section 103-22.~~

~~(b) The office shall not award any grant or contract under this section to any county that has failed to comply with the conditions set forth in this part and any rules adopted pursuant thereto.~~

~~(c) Unexpended or unencumbered grant funds shall revert to the environmental management special fund at the end of the fiscal year following the year in which the funds were granted."]~~





SECTION 187. Section 342G-104, Hawaii Revised Statutes, is repealed.

~~["§342G-104 Deposit into deposit beverage container deposit special fund; use of funds. (a) There is established in the state treasury the deposit beverage container deposit special fund, into which shall be deposited:~~

~~(1) All revenues generated from the deposit beverage container fee as described under sections 342G-102 and 342G-105;~~

~~(2) All revenues generated from the deposit beverage container deposit as described under sections 342G-105 and 342G-110; and~~

~~(3) All accrued interest from the fund.~~

~~(b) Moneys in the deposit beverage container deposit special fund shall be used to reimburse refund values and pay handling fees to redemption centers. The department may also use the money to:~~

~~(1) Fund administrative, audit, and compliance activities associated with collection and payment of the deposits and handling fees of the deposit beverage container program;~~



~~(2) Conduct recycling education and demonstration~~

~~projects;~~

~~(3) Promote recyclable market development activities;~~

~~(4) Support the handling and transportation of the deposit~~

~~beverage containers to end markets;~~

~~(5) Hire personnel to oversee the implementation of the~~

~~deposit beverage container program, including~~

~~permitting and enforcement activities; and~~

~~(6) Fund associated office expenses.~~

~~(c) Any funds that accumulate in the deposit beverage~~

~~container deposit special fund shall be retained in the fund~~

~~unless determined by the legislature to be in excess."]~~

SECTION 188. Section 342I-29, Hawaii Revised Statutes, is  
repealed.

~~["§342I-29] Deposit into environmental management special  
fund. The surcharge collected pursuant to this part shall be  
deposited into a special account in the environmental management  
special fund established by section 342G-63. All interest  
earned or accrued on moneys deposited in the fund pursuant to  
this section shall become part of the account. Moneys from this  
special account may be used by the department to:~~



- ~~(1) Support permitting, monitoring, and enforcement activities, including personnel costs regarding used tire management, collection, recycling, and disposal facilities;~~
- ~~(2) Promote improved market development and reuse opportunities for recovered motor vehicle tires;~~
- ~~(3) Promote tire recovery, recycling, and reuse in the State through education, research, and demonstration projects;~~
- ~~(4) Implement the surcharge program under this part;~~
- ~~(5) Support programs to prevent illegal dumping; and~~
- ~~(6) Clean up improper tire disposal sites including conducting related environmental assessments and remediation."]~~

SECTION 189. Section 342P-7, Hawaii Revised Statutes, is repealed.

~~["§342P-7] Noise, radiation, and indoor air quality special fund; established. (a) There is established within the department of health a noise, radiation, and indoor air quality special fund into which shall be deposited all moneys collected from fees for permits, licenses, inspections, certificates,~~



1 ~~notifications, variances, investigations, and review, pursuant~~  
2 ~~to sections 342F-14, 342P-28, 466J-4, and 466J-5.~~

3 ~~(b) Moneys in the fund shall be expended by the department~~  
4 ~~to:~~

5 ~~(1) Partially fund the operating costs of the program~~  
6 ~~mandated activities and functions;~~

7 ~~(2) Fund statewide education, demonstration, and outreach~~  
8 ~~programs;~~

9 ~~(3) Provide training opportunities to ensure the~~  
10 ~~maintenance of professional competence among staff and~~  
11 ~~administrators; and~~

12 ~~(4) Plan for future growth and expansion to meet emerging~~  
13 ~~needs." ]~~

14 SECTION 190. Section 342P-8, Hawaii Revised Statutes, is  
15 repealed.

16 ~~["§342P-8 Asbestos and lead abatement special fund.](a)~~  
17 ~~There is established within the department of health an asbestos~~  
18 ~~and lead abatement special fund into which shall be deposited~~  
19 ~~all moneys collected from fees for permits, licenses,~~  
20 ~~inspections, certificates, notifications, variances,~~  
21 ~~investigations, and reviews.~~



~~(b) Moneys in the asbestos and lead abatement special fund shall be expended by the department to:~~

~~(1) Partially fund the operating costs of the asbestos and lead abatement program's mandated activities and functions;~~

~~(2) Fund statewide education, demonstration, and outreach programs;~~

~~(3) Provide for the accreditation of training programs;~~

~~(4) Provide training opportunities to ensure the maintenance of professional competence among staff and administrators; and~~

~~(5) Plan for future growth and expansion to meet emerging needs."]~~

SECTION 191. Section 348F-7, Hawaii Revised Statutes, is repealed.

~~["§348F-7 Disability and communication access board special fund. (a) There is established the disability and communication access board special fund to be administered by the disability and communication access board. All moneys received by the disability and communication access board shall be deposited into the special fund. All interest earned or~~



1 ~~accrued on moneys deposited into this special fund shall become~~  
2 ~~part of the special fund.~~

3 ~~(b) Moneys in the disability and communication access~~  
4 ~~board special fund shall be expended to defray costs of~~  
5 ~~administering this chapter.~~

6 ~~(c) All moneys collected as application fees or fees for~~  
7 ~~continuing education units for credentialing of interpreters~~  
8 ~~shall be deposited into the disability and communication access~~  
9 ~~board special fund."]~~

10 SECTION 192. Section 448B-10, Hawaii Revised Statutes, is  
11 repealed.

12 ~~["§448B-10 Dietitian licensure special fund. (a) There~~  
13 ~~is established in the state treasury a special fund to be known~~  
14 ~~as the dietitian licensure special fund to be administered by~~  
15 ~~the department. Fees collected under section 448B-9 shall be~~  
16 ~~deposited in the dietitian licensure special fund and may be~~  
17 ~~expended for costs associated with administering the licensure~~  
18 ~~program, including but not limited to education.~~

19 ~~(b) Not more than \$30,000 of the dietitian licensure~~  
20 ~~special fund may be used during any fiscal year for activities~~



1 ~~associated with administering the licensure program including~~  
2 ~~the costs associated with administering the licensure program.~~

3 ~~(c) Any amount in the dietitian licensure special fund in~~  
4 ~~excess of \$35,000 on June 30 of each fiscal year shall be~~  
5 ~~deposited into the general fund.~~

6 ~~(d) The department shall submit a report to the~~  
7 ~~legislature concerning the status of the dietitian licensure~~  
8 ~~special fund, including deposits to and expenditures from the~~  
9 ~~dietitian licensure special fund and the sources of receipts and~~  
10 ~~uses of expenditures, no later than twenty days prior to the~~  
11 ~~convening of each regular session." ]~~

12 SECTION 193. Section 342G-1, Hawaii Revised Statutes, is  
13 amended by deleting the definition of "environmental management  
14 special fund".

15 [~~"Environmental management special fund" means the fund~~  
16 ~~created by section 342G-63."~~]

17 SECTION 194. The following funds (appropriation code) are  
18 abolished:

- 19 (1) Communicable disease & pub hlth nursing (S-318-H);  
20 (2) Child and adolescent mental health (S-306-H);  
21 (3) Home visitation program (S-369-H);



- 1 (4) Health resources administration (S-332-H);
- 2 (5) Exec ofc on aging adm claim special fd (S-333-H);
- 3 (6) Cb cost items, BU9 (S-368-H);
- 4 (7) Cb cost items, BU1, 10 (S-372-H);
- 5 (8) Cb cost items, BU1, 10 (S-375-H);
- 6 (9) Hawaii health systems corp (N S/T) (S-403-H);
- 7 (10) Alii community care (S-385-H);
- 8 (11) Community hospitals administration (S-303-H);
- 9 (12) Hilo hospital (S-350-H);
- 10 (13) Honokaa hospital (S-351-H);
- 11 (14) Ka'u hospital (S-352-H);
- 12 (15) Kohala hospital (S-353-H);
- 13 (16) Kona hospital (S-354-H);
- 14 (17) Maui memorial hospital (S-355-H);
- 15 (18) Kula hospital (S-371-H);
- 16 (19) Lanai community hospital (S-358-H);
- 17 (20) Kauai veterans mem hospital (S-359-H);
- 18 (21) Samuel mahelona mem hospital (S-373-H);
- 19 (22) Maluhia hospital (S-365-H);
- 20 (23) Leahi hospital (S-312-H);
- 21 (24) Medical cannabis registry special fund (S-345-H);





1 (25) Environmental hth pgm enhance/educate fd (S-340-H);  
2 (26) Environmental health administration (S-315-H);  
3 (27) HHSC - regions (S-356-H);  
4 (28) Hana medical center (S-356-H); and  
5 (29) Dev disabiliy medicaid waiver adm clm fd (S-347-H),  
6 and any unencumbered balances shall lapse to the credit of the  
7 general fund.

8 SECTION 195. Sections 103-50, 291-12, 291-15, 291C-2,  
9 291C-13, 291C-14, 291C-15, 291C-16, 291C-102, 291C-103,  
10 291C-104, 291E-7, 321-11.5, 321-15, 321-15.6, 321-544, 329D-4,  
11 340B-11, 342B-17, 342B-56, 342B-73, 342F-14, 342G-110, 342G-113,  
12 342I-28, 342P-28, and 466J-4, Hawaii Revised Statutes, are  
13 amended by substituting the words "general fund", or similar  
14 term, whenever the words "asbestos and lead abatement special  
15 fund or noise, radiation, and indoor air quality special fund",  
16 "clean air special fund established in section 342B-32", "clean  
17 air special fund established under section 342B-32 to be used  
18 for the purposes thereof", "deposit beverage container deposit  
19 special fund as described in section 342G-104", "deposit  
20 beverage container deposit special fund", "disability and  
21 communication access board special fund established under



1 section 348F-7", "environmental management special fund",  
2 "medical cannabis registry and regulation special fund  
3 established pursuant to section 321-30.1", "medical cannabis  
4 registry and regulation special fund pursuant to section 321-  
5 30.1", "neurotrauma special fund", "noise, radiation, and indoor  
6 air quality special fund established pursuant to section  
7 342P-7", "office of health care assurance special fund created  
8 under section 321-1.4", "office of health care assurance special  
9 fund pursuant to section 321-1.4", "office of health care  
10 assurance special fund", "sanitation and environmental health  
11 special fund established under section 321-27", "trauma system  
12 special fund pursuant to section 321-22.5", "trauma system  
13 special fund", "wastewater treatment certification board special  
14 fund", or similar term, appears, as the context requires.

15 PART IX. DEPARTMENT OF HAWAIIAN HOME LANDS

16 SECTION 196. Section 213 of the Hawaiian Homes Commission  
17 Act, 1920, as amended, is amended to read as follows:

18 "§213. **Funds and accounts.** (a) There are established in  
19 the treasury of the State two revolving funds, to be known  
20 respectively as the Hawaiian home loan fund and the Hawaiian  
21 home general loan fund.



1 (b) Hawaiian home loan fund. The moneys in this fund  
2 shall be available for the purposes enumerated in section 214  
3 and for payments provided in section 209 and shall not be  
4 expended for any other purpose except as provided in subsection  
5 (e).

6 Any interest or other earnings arising out of investments  
7 from this fund shall be credited to and deposited into the  
8 Hawaiian home operating fund.

9 (c) Hawaiian home general loan fund. Moneys appropriated  
10 by the legislature for the construction of homes but not  
11 otherwise set aside for a particular fund, for construction of  
12 replacement homes, for home repairs or additions, or for the  
13 development and operation of a farm, ranch, or aquaculture  
14 operation; moneys transferred from other funds; and installments  
15 of principal paid by the lessees upon loans made to them from  
16 this fund, or as payments representing reimbursements on account  
17 of advances, but not including interest on such loans or  
18 advances, shall be deposited into this fund. The moneys in the  
19 fund shall be used for purposes enumerated in section 214 and  
20 for payments provided in section 209; provided that, in addition



1 to the conditions enumerated in section 215, farm loans shall be  
2 subject to the following conditions:

3 (1) To be eligible for a farm loan the applicant shall

4 derive, or present an acceptable plan to derive, a

5 major portion of the applicant's income from farming;

6 (2) Farm loans made for the purpose of soil and water

7 conservation shall not exceed \$20,000 and shall be for

8 a term not to exceed ten years;

9 (3) Subsidies and grants or cost-sharing funds entitled

10 and received by the lessee for soil and water

11 conservation purposes shall be assigned to the

12 department for the repayment of the outstanding farm

13 indebtedness; and

14 (4) The lessee shall carry out recommended farm management

15 practices approved by a qualified agricultural agency.

16 The department may create an account within this fund to  
17 support the guarantee of repayment of loans made by government  
18 agencies or private lending institutions to a holder of a lease  
19 under section 207(a) or license issued under section  
20 207(c) (1) (B) .



1       The department may create an account within this fund for  
2 moneys borrowed from government agencies or private lending  
3 institutions to be used for any of the purposes enumerated in  
4 section 214. Installments of principal and that part of the  
5 interest equal to the interest charged to the department by the  
6 lender paid by the lessees on the loans made to them from this  
7 account shall be deposited into the same account. Any  
8 additional interest or other earnings arising out of investments  
9 from this account shall be credited to and deposited into the  
10 Hawaiian home receipts fund.

11       (d) There are established in the treasury of the State  
12 four trust funds, to be known respectively as the Hawaiian home  
13 operating fund, the Hawaiian home receipts fund, the Hawaiian  
14 home trust fund, and the native Hawaiian rehabilitation fund and  
15 one special fund to be known as the Hawaiian home administration  
16 account.

17       (e) Hawaiian home operating fund. The interest  
18 transferred from the Hawaiian home loan fund, all moneys  
19 received by the department from any other source, and moneys  
20 transferred from the Hawaiian home receipts fund, shall be  
21 deposited into the Hawaiian home operating fund. The moneys in



1 this fund, without the prior written approval of the governor,  
2 shall be available:

3 (1) For construction and reconstruction of revenue-  
4 producing improvements intended to serve principally  
5 occupants of Hawaiian home lands, including  
6 acquisition or lease therefor of real property and  
7 interests therein, such as water rights or other  
8 interests;

9 (2) For payment into the treasury of the State of such  
10 amounts as are necessary to meet the interest and  
11 principal charges for state bonds issued for such  
12 revenue-producing improvements;

13 (3) For operation and maintenance of such improvements  
14 constructed from such funds or other funds;

15 (4) For the purchase of water or other utilities, goods,  
16 commodities, supplies, or equipment needed for  
17 services, or to be resold, rented, or furnished on a  
18 charge basis to occupants of Hawaiian home lands; and

19 (5) For appraisals, studies, consultants (including  
20 architects and engineers), or any other staff services



1 including those in section 202(b) required to plan,  
2 implement, develop, or operate these projects.

3 The moneys in this fund may be supplemented by other funds  
4 available for or appropriated by the legislature for the same  
5 purposes. In addition to such moneys, this fund, with the  
6 approval of the governor, may be supplemented by transfers, made  
7 on a loan basis from the Hawaiian home loan fund for a period  
8 not exceeding ten years; provided that the aggregate amount of  
9 such transfers outstanding at any one time shall not exceed  
10 \$500,000.

11 In addition, moneys of this fund shall be made available  
12 with the prior written approval of the governor for offsite  
13 improvements and development necessary to serve present and  
14 future occupants of Hawaiian home lands; for improvements,  
15 additions, and repairs to all assets owned or leased by the  
16 department excluding structures or improvements that the  
17 department is obligated to acquire under section 209; for  
18 engineering, architectural, and planning services to maintain  
19 and develop properties; for such consultant services as may be  
20 contracted for under this Act; for purchase or lease of  
21 necessary equipment; for acquisition or lease of real property



1 and interest therein; and for improvements constructed for the  
2 benefit of beneficiaries of this Act and not otherwise permitted  
3 in the various loan funds or the administration account.

4 ~~[(f) Hawaiian home administration account. The entire~~  
5 ~~receipts derived from any leasing or other disposition of the~~  
6 ~~available lands pursuant to section [204(a)(2)] and transfers~~  
7 ~~from the Hawaiian home receipts fund shall be deposited into~~  
8 ~~this account. Any interest or other earnings arising out of~~  
9 ~~investments from this fund shall be credited to and deposited~~  
10 ~~into this fund. The moneys in this account shall be expended by~~  
11 ~~the department for salaries and other administration expenses of~~  
12 ~~the department in conformity with general law applicable to all~~  
13 ~~departments of the State, and no sums shall be expended for~~  
14 ~~structures and other permanent improvements. This account shall~~  
15 ~~be subject to the following conditions and requirements:~~

16 ~~(1) The department, when required by the governor but not~~  
17 ~~later than November 15 preceding each regular session~~  
18 ~~of the legislature, shall submit to the state director~~  
19 ~~of finance its budget estimates of expenditures for~~  
20 ~~the next fiscal period in the manner required by~~  
21 ~~general law;~~





~~(2) The department's budget as approved by the governor shall be included in the governor's budget report and shall be transmitted to the legislature for its approval;~~

~~(3) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made available for the fiscal period may be transferred to the Hawaiian home operating fund.~~

~~(g)]~~ (f) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the



1 Hawaiian home trust fund, and any loan fund in accordance with  
2 rules adopted by the department.

3       ~~[(h)]~~ (g) Hawaiian home trust fund. Except for gifts,  
4 bequests, and other moneys given for designated purposes, moneys  
5 deposited into this fund shall be available for transfers into  
6 any other fund or account authorized by the Act or for any  
7 public purpose deemed by the commission to further the purposes  
8 of the Act. Public purpose, as used herein, includes the  
9 formation of an account within the Hawaiian home trust fund as a  
10 reserve for loans insured or guaranteed by the Federal Housing  
11 Administration, Department of Veterans Affairs, or any other  
12 federal agency and their respective successors and assigns,  
13 which are authorized to insure or guarantee loans.  
14 Notwithstanding any other law to the contrary, the department is  
15 expressly authorized to deposit the reserve for loans in any  
16 duly organized bank in the State or elsewhere in the United  
17 States with automatic fund transfer capabilities and at such  
18 reserve amounts as shall be reasonably required by the federal  
19 agencies as a condition for participation in their respective  
20 insurance or guarantee programs.



1        [~~(i)~~] (h) Native Hawaiian rehabilitation fund. Pursuant  
2 to Article XII, Section 1, of the Hawaii Constitution, thirty  
3 per cent of the state receipts, derived from lands previously  
4 cultivated as sugarcane lands under any other provision of law  
5 and from water licenses, shall be deposited into this fund. The  
6 department shall use this money for the rehabilitation of native  
7 Hawaiians, native Hawaiian families, and Hawaiian homestead  
8 communities, which shall include the educational, economic,  
9 political, social, and cultural processes by which the general  
10 welfare and conditions of native Hawaiians are thereby improved  
11 and perpetuated.

12        The native Hawaiian rehabilitation fund shall be subject to  
13 the following conditions:

- 14        (1) All moneys received by the fund shall be deposited  
15                into the state treasury and kept separate and apart  
16                from all other moneys in the state treasury;
- 17        (2) The director of finance shall serve as a custodian of  
18                the fund. All payments from the fund shall be made by  
19                the director of finance only upon vouchers approved by  
20                the commission;



1           (3) The commission shall develop guidelines for the  
2           investment of moneys in the fund;

3           (4) The commission may invest and reinvest in investments  
4           authorized by chapter 88, Hawaii Revised Statutes.

5           The commission may hold, purchase, sell, assign,  
6           transfer, or dispose of any securities and investments  
7           in which any of the moneys shall have been invested,  
8           as well as the proceeds of such investments; and

9           (5) The commission may pay out of any of the moneys held  
10          for investment, a reasonable amount to any person for  
11          supplying investment advisory or consultive services;  
12          and to meet such other costs incident to the prudent  
13          investment of moneys as the commission may approve.

14          Any payment of principal, interest, or other earnings  
15          arising out of the loan or investment of money from this fund  
16          shall be credited to and deposited into this fund.

17          Sections 214, 215, 216, and 217 shall not apply to  
18          administration of this fund. The department is authorized to  
19          adopt rules under chapter 91, Hawaii Revised Statutes, necessary  
20          to administer and carry out the purposes of this fund."



SECTION 197. Section 228 of the Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"§228. Commercial and multipurpose project leases; extension of term. (a) Notwithstanding any law to the contrary, the procedures under this section shall apply to commercial and multipurpose projects under section 204 or 220.5, and shall be in addition to any other procedures required by law.

(b) Prior to the disposition of available land through a request for proposals for an initial lease for a commercial or multipurpose project, the department shall consult with beneficiaries of the trust in the master planning of the available lands. The process of beneficiary consultation shall be as established by the department and shall:

- (1) Engage beneficiaries and beneficiary-serving organizations;
- (2) Provide for the timely dissemination of information about the proposed project and the gathering of input; and
- (3) Allow for a reasonable time and reasonable access to relevant information for evaluation and consideration.



1 (c) Notwithstanding section 220.5(d)(1), the department  
2 may extend the term of a lease of Hawaiian home lands for  
3 commercial or multipurpose projects and with the approval by the  
4 department of a written agreement proposed by the lessee, or the  
5 lessee and developer, to:

6 (1) Make improvements to the leased property; or

7 (2) Obtain financing for the improvement of the leased  
8 lands.

9 The extension of the lease pursuant to this section shall be  
10 based upon the improvements made or to be made, shall be no  
11 longer than twenty years, and shall be granted only once.

12 (d) Before the written agreement is approved, the lessee,  
13 or the lessee and developer, shall submit to the department the  
14 plans and specifications for the proposed development. The  
15 department shall review the plans, specifications, and the  
16 written agreement and determine:

17 (1) Whether the development is of sufficient value and  
18 meets the priorities of the commission to justify an  
19 extension of the lease;



(2) The estimated time needed to complete the improvements and expected date of completion of the improvements; and

(3) The minimum revised annual rent based on the fair market value of the lands to be developed, as determined by an appraiser for the department, and percentage rent where gross receipts exceed a specified amount.

The commission shall adopt and publish a policy pursuant to chapter 91, Hawaii Revised Statutes, which shall be used to evaluate any request for a lease extension, including the terms of the lease, prospective payments, and renegotiation, and shall be used by the commission for any final determination on a lease extension request.

(e) The department shall submit an annual report to the legislature and the United States Department of the Interior, no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2011, of all leases of available lands for commercial and multipurpose projects, including the following:

(1) The total number of leases;



(2) Acreage of each lease;

(3) Terms of each lease;

(4) Whether the lessee is a beneficiary or beneficiary controlled organization; and

(5) Whether the lease was for retained available lands not required for leasing under section 207(a), and was negotiated with a native Hawaiian, or organization or association owned or controlled by native Hawaiians, under section 204(a)(2).

(f) All lease revenues from commercial and multipurpose project leases collected by the department to which this section applies shall be deposited into the ~~[Hawaiian home administration account established under section 213(f).]~~ general fund.

(g) As used in this section, "improvements" means any renovation, rehabilitation, reconstruction, or construction of the property, including minimum requirements for off-site and on-site improvements."

SECTION 198. Section 213.5, of the Hawaiian Homes Commission Act, 1920, as amended, is repealed.





1       ~~["§213.5. Establishment of special fund. A separate~~  
2       ~~special fund of the department shall be established for each~~  
3       ~~undertaking or part thereof financed from the proceeds of~~  
4       ~~revenue bonds equally secured. Each fund shall be designated~~  
5       ~~"department of Hawaiian home lands revenue bond special fund"~~  
6       ~~and bear any additional designation the department deems~~  
7       ~~appropriate to properly identify the fund. Any law to the~~  
8       ~~contrary notwithstanding, including any provision of this Act,~~  
9       ~~from and after the issuance of revenue bonds under and pursuant~~  
10      ~~to the provisions of this Act and part III of chapter 39, Hawaii~~  
11      ~~Revised Statutes, to finance an undertaking, all rentals,~~  
12      ~~income, receipts, and other revenues derived by the department~~  
13      ~~from the particular undertaking for which financing is~~  
14      ~~undertaken shall be paid into the special fund established~~  
15      ~~pursuant to this Act and applied in the manner and for the~~  
16      ~~purposes set forth in part III of chapter 39, Hawaii Revised~~  
17      ~~Statutes, and the proceedings authorizing the issuance of~~  
18      ~~revenue bonds."]~~

19           SECTION 199. The following funds (account number) are  
20      abolished:

21           (1) Hawaiian home administration account (S-305-I); and



(2) Protocol funds for executive heads (S-398-I), and any unencumbered balances shall lapse to the credit of the general fund.

PART X. JUDICIARY

SECTION 200. Section 607-5.6, Hawaii Revised Statutes, is amended to read as follows:

"§607-5.6 Surcharge for parent education for separating parties in matrimonial actions, where either party has a minor child, and for parties in parentage actions[~~, special fund~~].

(a) In addition to the fees prescribed under section 607-5 for a matrimonial action where either party has a minor child, or a family court proceeding under chapter 584, the court shall collect a surcharge of \$50 at the time of filing the initial complaint or petition. In cases where the surcharge has been initially waived, the court may collect the surcharge subsequent to the filing with such surcharge to be assessed from either party or apportioned between both parties.

(b) No surcharge shall be assessed:

(1) Against any party who has received an initial waiver of filing fees, except that the court may subsequently



1 determine that a party has the financial ability to  
2 pay the surcharge; or

3 (2) Against any party proceeding on behalf of the State or  
4 any of the various counties.

5 (c) Surcharges subject to this section shall be limited to  
6 one surcharge per case.

7 ~~[(d) There is established within the state treasury the~~  
8 ~~parent education special fund into which shall be deposited~~  
9 ~~revenues assessed under subsection (a), interest and investment~~  
10 ~~earnings, grants, donations, and contributions from private or~~  
11 ~~public sources. The fund shall be administered by the~~  
12 ~~judiciary, subject to the conditions specified in subsection~~  
13 ~~(e).~~

14 ~~(e) The special fund shall be used solely for expenditures~~  
15 ~~related to providing education on all islands for separating~~  
16 ~~parents in matrimonial actions and parties in parentage actions~~  
17 ~~and their minor children. Revenues deposited into the special~~  
18 ~~fund may be used for existing or enhanced parent education~~  
19 ~~programs administered by the judiciary, or for grants or~~  
20 ~~purchases of service pursuant to chapter 42F. All~~



~~appropriations or authorizations from the special fund shall be expended by the judiciary.~~

~~(f) The judiciary shall submit an annual financial report to the legislature, prior to the convening of each regular session, which shall include an accounting of all [deposits and expenditures from the fund.]~~

(d) Revenues assessed under subsection (a) shall be deposited into the general fund."

SECTION 201. Section 607-5.7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (f) and (g) to read:

~~"[(f) There is established a special fund to be known as the indigent legal assistance fund. The funds raised under subsections (a), (b), (c), and (d) shall be transmitted to the administrative director of the courts and deposited in the indigent legal assistance fund.~~

~~(g) This fund shall be administered by the administrative director of the courts, or pursuant to contract with the administrative director of the courts. If the fund is administered pursuant to contract with the]~~



1        (f) The funds raised under subsections (a), (b), (c), and  
2        (d) shall be deposited into the general fund.

3        (g) Subject to available funds, the administrative  
4        director of the courts, [the contractor shall be a] may enter  
5        into a contract with a fund administrator; provided that the  
6        fund administrator is a nonprofit organization that has at least  
7        one year's experience in administering grants to providers of  
8        civil legal services for indigents. The fund administrator  
9        shall receive not more than five per cent of the total amount  
10       collected under this section each fiscal year as compensation  
11       for performing the duties under this section."

12       2. By amending subsection (j) to read:

13       "(j) The administrative director of the courts, or the  
14       ~~[contractor administering the fund]~~ fund administrator  
15       administering the available funds pursuant to contract with the  
16       administrative director of the courts, shall review, on a  
17       biennial basis, the indigent legal assistance fund to determine  
18       whether it is meeting the civil legal needs of indigent persons  
19       and shall report its findings and recommendations to the  
20       legislature no later than twenty days prior to the convening of



1 the regular session of the legislature in each even-numbered  
2 year beginning with the regular session of 2014."

3 SECTION 202. Section 286G-2, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§286G-2 Driver education and training fund. There is~~  
6 ~~established in the state treasury a special fund to be known as~~  
7 ~~the driver education and training fund. All driver education~~  
8 ~~assessments collected pursuant to this chapter shall be~~  
9 ~~deposited in the driver education and training fund to be~~  
10 ~~expended by the administrative director of the courts for driver~~  
11 ~~education and training programs administered by the judiciary,~~  
12 ~~subject to part III of chapter 37 to the extent that the same~~  
13 ~~applies to appropriations for the judiciary."]~~

14 SECTION 203. Section 601-3.6, Hawaii Revised Statutes, is  
15 repealed.

16 [~~"§601-3.6 Spouse and child abuse special account,~~  
17 ~~judiciary. (a) There is established within the state treasury~~  
18 ~~a special fund to be known as the "spouse and child abuse~~  
19 ~~special account", and to be administered and expended by the~~  
20 ~~judiciary.~~



~~(b) The proceeds of the account shall be reserved for use by the judiciary for staff programs, and grants or purchases of service, consistent with chapters 42F and 103F, that support or provide spouse or child abuse intervention or prevention as authorized by law. These proceeds shall be used for new or existing programs and shall not supplant any other funds previously allocated to these programs. The account shall be kept separate and apart from all other funds in the treasury.~~

~~(c) The account shall consist of fees remitted pursuant to sections 338-14.5 and 572-5, income tax remittances allocated under section 235-102.5, fines collected pursuant to sections [586-4(c)], 580-10, and 586-11, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the account shall be subject to the conditions specified in subsection (b).~~

~~(d) The judiciary, in coordination with the department of health, shall submit an annual report to the legislature, prior to the convening of each regular session, providing an accounting of the receipts of and expenditures from the account."~~



1       SECTION 204. Section 601-3.7, Hawaii Revised Statutes, is  
2 repealed.

3       ~~["§601-3.7 Judiciary computer system special fund. (a)~~  
4 ~~There is established in the state treasury a special fund to be~~  
5 ~~known as the judiciary computer system special fund, which shall~~  
6 ~~contain the following:~~

7       ~~(1) Moneys collected from administrative fees pursuant to~~  
8       ~~section 287-3(a);~~

9       ~~(2) Fees prescribed by the supreme court by rule of court~~  
10       ~~for electronic document certification, electronic~~  
11       ~~copies of documents, and for providing bulk access to~~  
12       ~~electronic court records and compilations of data; and~~

13       ~~(3) Fees pursuant to sections 607-4(b)(10) and~~  
14       ~~607-5(c)(32).~~

15       ~~(b) The fund shall be used for:~~

16       ~~(1) Consulting and other related fees and expenses in the~~  
17       ~~selection, implementation, programming, and subsequent~~  
18       ~~upgrades in judiciary computer system for a statewide~~  
19       ~~computer system; and~~

20       ~~(2) The purchase of hardware and related software for a~~  
21       ~~judiciary computer system.~~





1       ~~(c) The fund may be used for other expenses relating to~~  
2       ~~new technology in traffic enforcement and civil, criminal, and~~  
3       ~~appellate case processing and management, including operations~~  
4       ~~and maintenance.~~

5       ~~(d) Moneys in the judiciary computer system special fund~~  
6       ~~shall not revert to the general fund."]~~

7       SECTION 205. Section 706-649, Hawaii Revised Statutes, is  
8       repealed.

9       ~~["§706-649 Probation services special fund. (1) There is~~  
10      ~~established in the state treasury a special fund to be known as~~  
11      ~~the probation services special fund. All probation services~~  
12      ~~fees collected under section 706-648 shall be deposited into~~  
13      ~~this fund.~~

14      ~~(2) Moneys in the probation services special fund shall be~~  
15      ~~used by the judiciary to:~~

16      ~~(a) Monitor and enforce compliance with the terms and~~  
17              ~~conditions of probation and other supervision programs~~  
18              ~~for defendants; and~~

19      ~~(b) Support other duties and activities related to the~~  
20              ~~supervision of defendants."]~~



SECTION 206. Sections 286G-3(d), 353B-6, 580-10(e), 586-4(f), 586-11(b), 607-4(a), 607-5(a), and 706-648(4), Hawaii Revised Statutes, are amended by substituting the words "general fund" wherever the words "driver education and training fund", "probation services special fund established in section 706-649", "spouse and child abuse special account established under section 601-3.6", "judiciary computer system special fund pursuant to section 601-3.7", "probation services special fund pursuant to section 706-649", or similar term appears, as the context requires.

SECTION 207. The first judicial circuit fund, account code S-317-J, is abolished and any unencumbered balance shall lapse to the credit of the general fund.

PART XI. DEPARTMENT OF HUMAN SERVICES

SECTION 208. Section 346-7.5, Hawaii Revised Statutes, is repealed.

~~["§346-7.5 Spouse and child abuse special fund. (a) There is established within the state treasury a special fund to be known as the "spouse and child abuse special fund", and to be administered and expended by the department of human services.~~



~~(b) The proceeds of the special fund shall be reserved for use by the department of human services for staff programs, and grants or purchases of service, consistent with chapters 42F and 103F, that support or provide spouse or child abuse intervention or prevention as authorized by law. These proceeds shall be used for new or existing programs and shall not supplant any other funds previously allocated to these programs.~~

~~(c) The special fund shall consist of fees remitted pursuant to sections 338 14.5 and 572 5, income tax remittances allocated under section 235 102.5, federal reimbursements received through Title IV E of the Social Security Act received in the following fiscal year from which the Title IV E funds were expended, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the special fund shall be subject to the conditions specified in subsection (b).~~

~~(d) The department of human services shall submit an annual report to the legislature, prior to the convening of each regular session, providing an accounting of the receipts of and expenditures from the special fund.~~



~~(e) All unencumbered and unexpended moneys in excess of \$3,000,000 in the spouse and child abuse special fund shall lapse to the credit of the general fund. Upon dissolution of the spouse and child abuse special fund, any unencumbered moneys in the fund shall lapse to the general fund."~~

SECTION 209. Section 346-57.5, Hawaii Revised Statutes, is repealed.

~~["§346-57.5] Interim assistance reimbursement special~~

~~fund. (a) There is established in the state treasury the interim assistance reimbursement special fund, to be~~

~~administered by the department, into which shall be deposited:~~

~~(1) Moneys received from the federal government pursuant to section 346-57;~~

~~(2) Appropriations made by the legislature to the fund;~~

~~(3) Any interest that accrues upon the balance in the fund; and~~

~~(4) Any other revenues designated for the fund.~~

~~(b) Moneys in the interim assistance reimbursement special fund shall be used for:~~

~~(1) State funded financial assistance payments; and~~



~~(2) Programs that support and assist recipients to qualify for supplemental security income.~~

~~(c) All unencumbered and unexpended moneys in excess of \$3,000,000 in the interim assistance reimbursement special fund shall lapse to the credit of the general fund. Upon dissolution of the special fund, any unencumbered and unexpended moneys remaining on balance in the fund shall lapse to the credit of the general fund.~~

~~(d) Moneys in the interim assistance reimbursement special fund may be used for general assistance to households without minor dependents; provided that these moneys shall not be considered by the director in determining the general assistance allowance as set forth in section 346-53(b).~~

~~(e) The department shall submit a report to the legislature detailing the amount of, and reason for, any expenditure from the interim assistance reimbursement special fund within ten business days of the expenditure."]~~

SECTION 210. Act 156, Session Laws of Hawaii 2012, section 5, as amended by section 3 of Act 142, Session Laws of Hawaii 2013, as amended by section 2 of Act 124, Session Laws of Hawaii 2014, as amended by section 2 of Act 69, Session Laws of Hawaii



1 2015, as amended by section 2 of Act 59, Session Laws of Hawaii  
2 2016, as amended by section 5 of Act 60, Session Laws of Hawaii  
3 2017, as amended by section 6 of Act 163, Session Laws of Hawaii  
4 2019, is amended by amending section 5 to read as follows:

5 "SECTION 5. This Act shall take effect on July 1, 2012,  
6 and shall be repealed on June 30, 2021; provided that section  
7 -4, Hawaii Revised Statutes, established by section 2 of  
8 this Act, and the amendment made to section 36-30(a), Hawaii  
9 Revised Statutes, in section 3 of this Act, shall be repealed on  
10 ~~[December 31,]~~ July 1, 2021."

11 SECTION 211. Act 124, Session Laws of Hawaii 2014, section  
12 7, as amended by section 3 of Act 69, Session Laws of Hawaii  
13 2015, as amended by section 3 of Act 59, Session Laws of Hawaii  
14 2016, and as amended by section 6 of Act 60 Session Laws of  
15 Hawaii 2017, as amended by section 7 of Act 163, Session Laws of  
16 Hawaii 2019, is amended by amending section 7 to read as  
17 follows:

18 "SECTION 7. This Act shall take effect on June 29, 2014;  
19 provided that:

20 (1) Section 5 shall take effect on July 1, 2014; and



1           (2) The amendments made to section 36-27(a) and 36-30(a),  
2           Hawaii Revised Statutes, in sections 3 and 4 of this  
3           Act shall be repealed on [~~December 31,~~] July 1, 2021."

4           SECTION 212. Act 217, Session Laws of Hawaii 2012, section  
5   5, as amended by section 2 of Act 141, Session Laws of Hawaii  
6   2013, as amended by section 2 of Act 123, Session Laws of Hawaii  
7   2014, as amended by section 2 of Act 70, Session Laws of Hawaii  
8   2015, as amended by section 3 of Act 60, Session Laws of Hawaii  
9   2016, as amended by section 5 of Act 59, Session Laws of Hawaii  
10   2017, as amended by section 6 of Act 173, Session Laws of Hawaii  
11   2019, is amended to read as follows:

12           "SECTION 5. This Act shall take effect on July 1, 2012,  
13   and shall be repealed on June 30, 2021; provided that section  
14   -4, Hawaii Revised Statutes, in section 2 of this Act, and  
15   the amendment to section 36-30(a), Hawaii Revised Statutes, in  
16   section 3 of this Act, shall be repealed on [~~December 31,~~]  
17   July 1, 2021."

18           SECTION 213. Act 123, Session Laws of Hawaii 2014, section  
19   7, as amended by section 3 of Act 70, Session Laws of Hawaii  
20   2015, as amended by section 4 of Act 60, Session Laws of Hawaii  
21   2016, as amended by section 6 of Act 59, Session Laws of Hawaii



2017, as amended by section 7 of Act 173, Session Laws of Hawaii  
2019, is amended to read as follows:

"SECTION 7. This Act shall take effect on June 29, 2014;  
provided that:

(1) Section 5 shall take effect on July 1, 2014; and

(2) The amendments made to sections 36-27(a) and 36-30(a),  
Hawaii Revised Statutes, in sections 3 and 4 of this  
Act shall be repealed on [~~December 31,~~] July 1, 2021."

SECTION 214. The following funds (account code) are  
abolished:

(1) General Support for health care payments (S-302-K);

(2) Health care payments (S-303-K);

(3) General assistance payments (S-317-K);

(4) Financial assistance for housing (S-339-K); and

(5) Child care grant program (S-353-K),

and the unencumbered balances shall lapse to the credit of the  
general fund.

PART XII. DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SECTION 215. Section 383-1, Hawaii Revised Statutes, is  
amended by deleting the definition of "administration fund".





1       ~~["Administration fund" means the special unemployment~~  
2 ~~insurance administration fund established pursuant to section~~  
3 ~~383-127."]~~

4       SECTION 216. Section 383-74, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "**§383-74 Appeal; correction of assessment or**  
7 **contributions.** Any person aggrieved by any assessment of a  
8 contribution or a penalty or contributions assessed pursuant to  
9 this chapter, having paid the contribution or penalty, may  
10 appeal from the assessment by filing a written notice of appeal  
11 with the department within twenty days after the date of mailing  
12 of the notice of assessment to the person's last known address.  
13 The appeal shall be heard by the referee in accordance with  
14 applicable provisions of sections 383-38 and 383-39. Any amount  
15 determined to have been erroneously paid as a result of the  
16 final determination of the appeal in favor of the employing  
17 unit, or as a result of a final judgment for the employing unit  
18 in an action brought pursuant to section 40-35, shall be  
19 refunded, without interest and without the addition of any other  
20 charges, in the same manner as other refunds under this chapter.  
21 Notwithstanding any other provisions of law to the contrary, any



1 amount which is paid under protest or which is covered by any  
2 appeal or action referred to in this section shall not be held  
3 as a special deposit, but the amount shall in all respects be  
4 subject to ~~[sections]~~ section 383-122 ~~[and 383-127]~~ to the same  
5 effect as though the amount had not been paid under protest and  
6 was not covered by the appeal or action."

7 SECTION 217. Section 383-76, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) If not later than four years after the date of  
10 payment of any amount as a contribution or contributions or  
11 interest thereon or penalty with respect thereto, an employing  
12 unit which has made such payment erroneously makes application  
13 for an adjustment thereof in connection with subsequent  
14 contribution payments, or for a refund thereof because the  
15 adjustment cannot be made within a reasonable time, and if the  
16 department of labor and industrial relations determines that  
17 payment of such contribution or contributions or interest or  
18 penalty or any portion thereof was erroneous, the department  
19 shall allow the employing unit to make an adjustment thereof,  
20 without interest, in connection with subsequent contribution  
21 payments by the employing unit, or if the adjustment cannot be



1 made within a reasonable time, the department shall refund from  
2 the unemployment compensation fund [~~or the administration fund~~  
3 ~~as may be appropriate~~], without interest, the amount erroneously  
4 paid. For like cause and within the same period, adjustment or  
5 refund may be so made on the department's own initiative. Any  
6 number of [~~such~~] payments erroneously made by an employing unit  
7 may form the basis of one application. The four-year limitation  
8 period stated above shall be applicable with respect to payments  
9 made in the year 1937 and in all subsequent years."

10 SECTION 218. Section 383-129, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) In addition to contributions determined by section  
13 383-68, every employer, except an employer who has selected an  
14 alternative method of financing liability for unemployment  
15 compensation benefits pursuant to section 383-62, or an employer  
16 who has been assigned a minimum rate of zero per cent or the  
17 maximum rate of the applicable schedule in accordance with  
18 section 383-68, shall be subject to an employment and training  
19 [~~fund~~] assessment at a rate of .01 per cent of taxable wages as  
20 specified in section 383-61."



SECTION 219. Section 706-650.5, Hawaii Revised Statutes,  
is amended to read as follows:

"§706-650.5 Human trafficking victim services ~~[fund.]~~ fee.

(1) In addition to any disposition authorized by chapter 706,  
any individual who is:

(a) Convicted of an offense under part VIII of chapter  
707; or

(b) Convicted of an offense under part I of chapter 712;  
shall be ordered to pay a fee under subsection (2).

(2) Fees for individuals subject to subsection (1) shall  
not exceed the following:

(a) \$5,000 when the offense is a class A felony;

(b) \$2,500 when the offense is a class B felony;

(c) \$1,000 when the offense is a class C felony;

(d) \$500 when the offense is a misdemeanor; or

(e) \$250 when the offense is a petty misdemeanor.

~~[(3) There is established within the state treasury a  
special fund to be known as the human trafficking victim  
services fund to be administered by the department of labor and  
industrial relations. The disbursement of money from the human  
trafficking victim services fund shall be used to supplement~~



~~1 programs, grants, or purchase of service contracts that support~~  
~~2 or provide comprehensive services to victims of labor~~  
~~3 trafficking crimes under part VIII of chapter 707, or victims of~~  
~~4 trafficking related to crimes under part I of chapter 712.~~  
~~5 Moneys in the special fund shall be used for new or existing~~  
~~6 programs, grants, or purchase of service contracts and shall not~~  
~~7 supplant any other moneys previously allocated to these~~  
~~8 programs, grants, or purchase of service contracts.~~

~~9~~        ~~[(4)]~~ (3) All fees paid ~~[and interest accrued on funds~~  
~~10 collected]~~ pursuant to this section shall be deposited into the  
~~11 [human trafficking victim services]~~ general fund.

~~12~~        ~~[(5)]~~ (4) When a defendant is ordered to make payments in  
~~13 addition to the human trafficking victim services fee authorized~~  
~~14 under subsection (2), payments by the defendant shall be made~~  
~~15 pursuant to section 706-651.~~

~~16~~        ~~[(6)]~~ (5) The department of labor and industrial relations  
~~17 shall submit to the legislature no later than twenty days prior~~  
~~18 to the convening of each regular session a written annual report~~  
~~19 that provides the following:~~

~~20~~        (a) An accounting of the receipts of and expenditures from  
~~21~~                the human trafficking victim services fund; and



1 (b) Any recommendations to improve support of and services  
2 to victims of labor trafficking crimes under part VIII  
3 of chapter 707, or victims of trafficking related to  
4 crimes under part I of chapter 712."

5 SECTION 220. Section 132C-9, Hawaii Revised Statutes, is  
6 repealed.

7 ~~["§132C-9] Reduced ignition propensity cigarette program~~  
8 ~~special fund. (a) There is established in the state treasury a~~  
9 ~~reduced ignition propensity cigarette program special fund, into~~  
10 ~~which shall be deposited all moneys collected by the state fire~~  
11 ~~council from the reduced ignition propensity cigarette program~~  
12 ~~pursuant to section 132C-4. All interest earned or accrued on~~  
13 ~~moneys deposited in the fund shall become part of the fund.~~

14 ~~(b) Moneys in the reduced ignition propensity cigarette~~  
15 ~~program special fund shall be administered and expended by the~~  
16 ~~state fire council to defray the actual cost of activities and~~  
17 ~~requirements of section 132C-4, including employing one full-~~  
18 ~~time administrator and one full-time assistant whose duties~~  
19 ~~include:~~

20 ~~(1) Adopting administrative rules for program~~  
21 ~~implementation, establishing compliance inspections,~~



1           ~~and approving forms and enforcement procedures and~~  
2           ~~guidelines;~~

3       ~~(2) Receiving certifications for approximately six hundred~~  
4       ~~different brands and styles of cigarettes from the~~  
5       ~~manufacturers;~~

6       ~~(3) Compiling a list of the cigarette brands and styles~~  
7       ~~for which manufacturers have submitted certifications,~~  
8       ~~verifying tax stamp compliance with the department of~~  
9       ~~the attorney general, and posting the list of~~  
10       ~~certified brands and styles on a state website for~~  
11       ~~informational purposes only;~~

12       ~~(4) Reviewing and approving, as needed, any alternative~~  
13       ~~test methods or fire standard compliance markings~~  
14       ~~submitted by the manufacturer, and~~

15       ~~(5) If needed, submitting certified cigarettes to an~~  
16       ~~accredited laboratory for testing to verify that~~  
17       ~~performance standards have been met." ]~~

18       SECTION 221. Section 371-12.5, Hawaii Revised Statutes, is  
19       repealed.

20       ~~[ " [ § 371-12.5 ] Labor law enforcement special fund,~~  
21       ~~establishment, purposes. (a) There is established in the state~~



~~treasury the labor law enforcement special fund into which shall  
be deposited:~~

~~(1) All penalties collected pursuant to section 388-9.7;~~

~~(2) All penalties collected pursuant to section 388-10;~~

~~(3) All civil penalties assessed pursuant to section  
396-10;~~

~~(4) Moneys appropriated by the legislature to the fund;  
and~~

~~(5) Any income and capital gains earned by the fund.~~

~~(b) The purpose of the special fund is to provide for  
sufficient operating costs to collect penalties and fees  
assessed by the department. Moneys in the fund may be used for:~~

~~(1) Personnel and operating expenses;~~

~~(2) Staff development, training, fees, and expenses; and~~

~~(3) Litigation expenses, including but not limited to  
transcript costs, and interpretation and translation  
services.~~

~~(c) The unencumbered balance of the fund exceeding  
\$500,000 at the end of every fiscal year shall be deposited into  
the general fund on or about June 30 every year."]~~





1       SECTION 222.   Section 383-127, Hawaii Revised Statutes, is  
2   repealed.

3       ~~["§383-127] Special unemployment insurance administration~~  
4   ~~fund. (a) There is created in the state treasury a special~~  
5   ~~fund to be known as the special unemployment insurance~~  
6   ~~administration fund. All interest, fines, and penalties~~  
7   ~~collected under this chapter on and after October 1, 1987, shall~~  
8   ~~be paid into this fund and shall not be commingled with other~~  
9   ~~state funds but maintained in a separate account on the books of~~  
10   ~~the depository. Interest earned upon moneys in the~~  
11   ~~administration fund shall be deposited and credited to the~~  
12   ~~administration fund.~~

13       ~~All moneys payable to the administration fund shall be~~  
14   ~~transferred immediately into the administration fund from the~~  
15   ~~clearing account of the unemployment compensation fund. The~~  
16   ~~director of finance shall be the treasurer and custodian of the~~  
17   ~~administration fund and shall administer the fund in accordance~~  
18   ~~with directions by the director of labor and industrial~~  
19   ~~relations. The director of finance shall be liable on the~~  
20   ~~director's official bond for the faithful performance of all~~  
21   ~~duties in connection with the administration fund. All sums~~



1 ~~recovered on such surety bond for losses sustained by the~~  
2 ~~administration fund shall be deposited into the fund.~~

3 ~~(b) Notwithstanding any other provisions of this section~~  
4 ~~to the contrary, the moneys in the administration fund shall be~~  
5 ~~used for the payment of the following expenses and obligations~~  
6 ~~relating to the administration of the unemployment insurance~~  
7 ~~program:~~

8 ~~(1) Refunds or adjustments of interest on delinquent~~  
9 ~~contributions and penalties or fines erroneously~~  
10 ~~collected under this chapter;~~

11 ~~(2) Expenses for which allocation of federal funds have~~  
12 ~~been duly requested but not yet received, subject to~~  
13 ~~the reimbursement of the expenditures against the~~  
14 ~~funds received;~~

15 ~~(3) Expenditures deemed necessary by the director in the~~  
16 ~~administration of this chapter for which no~~  
17 ~~allocations of federal administration funds have been~~  
18 ~~made; and~~

19 ~~(4) Interest due under the provisions of section 1202(b)~~  
20 ~~of the Social Security Act, as amended, for advances~~  
21 ~~made to the unemployment compensation fund.~~



1       ~~(c) No moneys in the administration fund shall be expended~~  
2       ~~for any purpose for which federal funds would otherwise be~~  
3       ~~available.~~

4       ~~(d) All expenditures from the administration fund, except~~  
5       ~~for refunds of penalties and interest erroneously collected,~~  
6       ~~shall be approved by the director.~~

7       ~~(e) All moneys deposited or paid into the administration~~  
8       ~~fund shall be continuously available to the director for~~  
9       ~~expenditures consistent with this section and shall not lapse at~~  
10       ~~any time. The director may transfer moneys deposited in the~~  
11       ~~administration fund to the unemployment compensation fund as the~~  
12       ~~director deems necessary.~~

13       ~~(f) Twenty days before the convening of the legislature in~~  
14       ~~regular session each year, the director shall submit a report to~~  
15       ~~the legislature on the financial status of the special~~  
16       ~~unemployment insurance administration fund."]~~

17       SECTION 223. Section 383-128, Hawaii Revised Statutes, is  
18       repealed.

19       ~~["§383-128 Employment and training fund established. (a)~~  
20       ~~Effective January 1, 1992, there is established in the state~~  
21       ~~treasury, apart from all other funds in this State, a special~~



1 ~~fund to be known as the employment and training fund. All~~  
2 ~~assessments collected pursuant to section 383-129 and all other~~  
3 ~~moneys received by the fund from any other source shall be~~  
4 ~~deposited into the employment and training fund.~~

5 ~~(b) The moneys in the employment and training fund may be~~  
6 ~~used for funding.~~

7 ~~(1) The operation of the state employment service for~~  
8 ~~which no federal funds have been allocated,~~

9 ~~(2) Business specific training programs to create a more~~  
10 ~~diversified job base and to carry out the purposes of~~  
11 ~~the new industry training program pursuant to section~~  
12 ~~394-8 with emphasis on serving small businesses by~~  
13 ~~serving the training needs for industries included in~~  
14 ~~the State's economic development strategy as~~  
15 ~~recommended by the department of business, economic~~  
16 ~~development, and tourism and training needs identified~~  
17 ~~by the county workforce investment boards, employer~~  
18 ~~organizations, industry or trade associations, labor~~  
19 ~~organizations and similar organizations,~~

20 ~~(3) Industry or employer specific training programs where~~  
21 ~~there are critical skill shortages in high growth~~



~~occupational or industry areas with emphasis on  
serving small businesses by serving the training needs  
for industries included in the State's economic  
development strategy as recommended by the department  
of business, economic development, and tourism and  
training needs identified by the county workforce  
investment boards, employer organizations, industry or  
trade associations, labor organizations and similar  
organizations;~~

~~(4) Training and retraining programs to assist workers who  
have become recently unemployed or are likely to be  
unemployed;~~

~~(5) Programs to assist residents who do not otherwise  
qualify for federal or state job training programs to  
overcome employment barriers;~~

~~(6) Training programs to provide job-specific skills for  
individuals in need of assistance to improve career  
employment prospects; and~~

~~(7) For the period from July 1, 2013, to June 30, 2014,  
costs to administer, manage, report, and oversee title~~



~~I programs funded under the federal Workforce~~

~~Investment Act of 1998, P.L. 105-220, as amended.~~

~~(c) The director shall require employers who use or who are assisted by any of these programs to contribute fifty per cent of the cost of the assistance in cash or in kind contributions.~~

~~(d) The department may contract for employment, education, and training services from public and private agencies and nonprofit corporations. Contracts, pursuant to subsection (b), shall be exempt from chapter 103F so funds for these services may be expended in a timely manner to effectuate the purposes of this section. All other disbursements shall be in accordance with chapters 103D and 103F.~~

~~(e) The department shall ensure the proper administration of the employment and training fund program by:~~

~~(1) Standardizing contractual language and requirements for all grantees and vendors;~~

~~(2) Expediting the program's macro grant application process by either eliminating the county advisory committees' review or by formalizing, defining, and~~



1 ~~including specific time frames related to these~~  
2 ~~committees;~~

3 ~~(3) Providing evidence that grant applications are treated~~  
4 ~~in accordance with fund policies by documenting the~~  
5 ~~reasons for acceptance and denial of each proposed~~  
6 ~~grant;~~

7 ~~(4) Improving the program's monitoring of funds disbursed~~  
8 ~~by, at a minimum:~~

9 ~~(A) Establishing and implementing an organized filing~~  
10 ~~system;~~

11 ~~(B) Requiring documentation of all contact made with~~  
12 ~~grant applicants and recipients; and~~

13 ~~(C) Ensuring that staff in all branch offices are~~  
14 ~~familiar with the various reports and submittals~~  
15 ~~required of the different fund recipients;~~

16 ~~(5) Developing and disseminating the state participant~~  
17 ~~evaluation form to the program's vendors;~~

18 ~~(6) Developing and implementing strategies for evaluating~~  
19 ~~the program's overall success that include but are~~  
20 ~~limited to:~~



- 1           ~~(A) Assessing whether the program is improving the~~  
2           ~~long-term employability of Hawaii's people;~~
- 3           ~~(B) Measuring program outcomes related to work unit~~  
4           ~~and company performance; and~~
- 5           ~~(C) Collecting and comparing wage data from workers~~  
6           ~~who have utilized the fund versus those who have~~  
7           ~~not;~~
- 8           ~~(7) Increasing awareness of the fund and its programs by~~  
9           ~~strengthening publicity;~~
- 10          ~~(8) Establishing consistent attendance reporting~~  
11          ~~requirements for both macro grant projects and micro~~  
12          ~~vendors and comparing attendance rates for projects~~  
13          ~~and vendors who charge additional fees to participants~~  
14          ~~versus those who do not; and~~
- 15          ~~(9) Reporting as encumbrances only those obligations for~~  
16          ~~which the fund has entered into bona fide contracts.~~
- 17          ~~(f) For purposes of grants awarded under subsection (d),~~  
18          ~~any organization requesting a grant shall:~~
- 19          ~~(1) Be licensed and accredited, as applicable, under the~~  
20          ~~laws of the State;~~





~~(2) Have at least one year's experience with the project or in the program area for which the request or proposal is being made; except that the director may grant an exception where the project or program area deals with new industry training; and~~

~~(3) Be, employ, or have under contract persons who are qualified to engage in the program or activity to be funded by the State.~~

~~(g) Recipients of grants shall be subject to the following conditions:~~

~~(1) Any organization requesting a grant shall submit its request together with all the information required by the director on an application form provided by the department;~~

~~(2) The recipient of a grant shall not use public funds for purposes of entertainment or perquisites;~~

~~(3) The recipient of a grant shall comply with applicable federal, state, and county laws;~~

~~(4) The recipient of a grant shall comply with any other requirements the director may prescribe;~~



1       ~~(5) The recipient of a grant shall allow the director, the~~  
2       ~~legislative bodies, and the legislative auditor full~~  
3       ~~access to records, reports, files, and other related~~  
4       ~~documents so that the program, management, and fiscal~~  
5       ~~practices of the grant recipient may be monitored and~~  
6       ~~evaluated to assure the proper and effective~~  
7       ~~expenditure of public funds;~~

8       ~~(6) Every grant shall be monitored according to rules~~  
9       ~~established by the director to ensure compliance with~~  
10      ~~this section; and~~

11      ~~(7) Any recipient of a grant under this section who~~  
12      ~~withholds or omits any material fact or deliberately~~  
13      ~~misrepresents facts to the director or who violates~~  
14      ~~the terms of the recipient's contract shall be in~~  
15      ~~violation of this section and, in addition to any~~  
16      ~~other penalties provided by law, shall be prohibited~~  
17      ~~from applying for a grant under this section for a~~  
18      ~~period of five years from the date of termination.~~

19      ~~(h) The director shall submit a report to the legislature~~  
20      ~~on the status of the employment and training fund, including~~



~~expenditures and program results, at least twenty days prior to the convening of each regular legislative session.~~

~~(i) The director of finance shall act as the treasurer and custodian of the employment and training fund, invest those moneys in accordance with applicable laws and rules, and disburse the moneys in the employment and training fund in accordance with directions by the director of labor and industrial relations; provided that if administrative encumbrances are executed, then any portions thereof that are unexpended at the close of each fiscal year shall be lapsed into the employment and training fund. All interest earned from investment of moneys in the employment and training fund shall be deposited in the fund. The director of finance shall be liable on the director's official bond for the faithful performance of all duties in connection with the employment and training fund. All sums recovered on the surety bond for losses sustained by the employment and training fund shall be deposited in the fund.~~

~~(j) Administrative costs for the collection of employment and training fund contributions and for costs related to the establishment and maintenance of the employment and training~~



1 ~~fund shall be borne by the fund beginning with fiscal year 1992-~~  
2 ~~1993 and thereafter.~~

3 ~~(k) The director may establish positions and hire~~  
4 ~~necessary personnel to establish and administer the employment~~  
5 ~~and training fund in accordance with chapter 76." ]~~

6 SECTION 224. Sections 132C-4(a), 383-66(b), 383-98(b) and  
7 (d), 383-99, 383-123(b), 388-10(a), 394B-9(d), and 396-10(p),  
8 Hawaii Revised Statutes, are amended by substituting the words  
9 "general fund" wherever the words "reduced ignition propensity  
10 cigarette program special fund under section 132C-9", "special  
11 unemployment insurance administration fund in accordance with  
12 section 383-127", "employment security administration fund",  
13 "labor law enforcement special fund", "employment and training  
14 fund under section 383-128", or similar term appears, as the  
15 context requires.

16 SECTION 225. The following funds (account code) are  
17 abolished:

- 18 (1) Human trafficking victim services fund (S-350-L);  
19 (2) Labor law enforcement special fund (S-351-L);  
20 (3) Placement services (employment & trng) (S-318-L);



1           (4)   Hawaii occupational safety and health program  
2                   (S-331-L);  
3           (5)   Employment and training fund (S-316-L);  
4           (6)   Hawaii occupational safety & health prog (S-331-L);  
5           (7)   Special unemployment insurance administration fund  
6                   (S-313-L);  
7           (8)   General administration (S-311-L);  
8           (9)   Office of community services (S-338-L);  
9           (10)   Food assistance (S-352-L); and  
10          (11)   Support to public high school seniors (S-353-L),  
11 and any unencumbered balances shall lapse to the credit of the  
12 general fund.

13                   PART XIII.   ACCOUNTING AND GENERAL SERVICES

14           SECTION 226.   Section 9-3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§9-3   Duties.**   The foundation shall:

17           (1)   Assist in coordinating the plans, programs, and  
18                   activities of individuals, associations, corporations,  
19                   and agencies concerned with the preservation and  
20                   furtherance of culture and the arts and history and  
21                   the humanities;



- 1           (2)   Establish written standards and criteria by which  
2               grant contracts shall be evaluated;
- 3           (3)   Appraise the availability, adequacy, and accessibility  
4               of culture and the arts and history and the humanities  
5               to all persons throughout the State and devise  
6               programs whereby culture and the arts and history and  
7               the humanities can be brought to those who would  
8               otherwise not have the opportunity to participate;
- 9           (4)   Stimulate, guide, and promote culture and the arts and  
10              history and the humanities throughout the State;
- 11          (5)   Devise and recommend legislative and administrative  
12              action for the preservation and furtherance of culture  
13              and the arts and history and the humanities;
- 14          (6)   Study the availability of private and governmental  
15              grants for the promotion and furtherance of culture  
16              and the arts and history and the humanities;
- 17          (7)   Through its executive director:
- 18              (A)   Administer funds allocated by grant, gift, or  
19                    bequest to the foundation; accept, hold,  
20                    disburse, and allocate funds that may become  
21                    available from other governmental and private



1 sources; provided that all those funds shall be  
2 disbursed or allocated in compliance with any  
3 specific designation stated by the donor and in  
4 the absence of any designation, the funds shall  
5 be disbursed or allocated for the promotion and  
6 furtherance of culture and the arts and history  
7 and the humanities; and

8 (B) Accept, hold, disburse, and allocate public funds  
9 that are made available to the foundation by the  
10 legislature for disbursement or allocation,  
11 pursuant to the standards and procedures  
12 established in part II, for the promotion and  
13 furtherance of culture and the arts and history  
14 and the humanities;

15 (8) Submit an annual report with recommendations to the  
16 governor and legislature, prior to February 1, of each  
17 year. Annual reports shall include the total number  
18 and amount of gifts and other grants and income  
19 received, payroll disbursements, contracts entered  
20 into, and progress and accomplishments made during the  
21 year, including the efforts of the Hawaii arts



1 education partners and its progress in implementing  
2 the Hawaii arts education strategic plan and the  
3 accomplishments of the art in public places and  
4 relocatable works of art programs and the state art  
5 museum;

6 (9) Convene the Hawaii arts education partners, which is  
7 composed of the department of education, the colleges  
8 of education and arts and humanities of the University  
9 of Hawaii at Manoa, the Hawaii Association of  
10 Independent Schools, and the Hawaii Alliance for Art  
11 Education, to fully implement the terms of the Hawaii  
12 arts education strategic plan;

13 (10) Display student art works in public buildings, sponsor  
14 student art displays, promote arts education, and in  
15 other ways encourage the development of creative  
16 talent among the young people of Hawaii;

17 (11) In cooperation with qualified organizations, conduct  
18 research, studies, and investigations in the fields of  
19 ethnohistory and the humanities:

20 (A) Make, publish, and distribute works documenting  
21 the contributions of individual ethnic groups in





1           their relationship to one another and to the  
2           whole population of Hawaii;

3           (B) Place ethnohistorical and cultural materials  
4           developed by the foundation or received by the  
5           foundation as gifts and donations in public  
6           archives, libraries, and other suitable  
7           institutions accessible to the public; and

8           (C) Maintain a register of the location of such  
9           materials;

10          (12) Cooperate with and assist the department of land and  
11          natural resources and other state agencies in  
12          developing and implementing programs relating to  
13          historic preservation, research, restoration, and  
14          presentation, as well as museum activities;

15          (13) Establish an individual artist fellowship program to  
16          encourage artists to remain and work in Hawaii and to  
17          reaffirm the importance of Hawaii's artists and their  
18          cultural and economic contributions to the State by:

19          (A) Recognizing and honoring Hawaii's exceptionally  
20          talented visual and performing artists for their



1 outstanding work in and commitment to the arts;

2 and

3 (B) Enabling these artists to further their artistic

4 goals;

5 (14) In consultation with the comptroller and affected

6 agencies and departments, administer the art in public

7 places and relocatable works of art programs

8 ~~[established pursuant to section 103-8.5]; and~~

9 (15) Administer the operations of the state art museum

10 established pursuant to section 9-22."

11 SECTION 227. Section 9-4, Hawaii Revised Statutes, is

12 amended to read as follows:

13 "§9-4 Student art work. The foundation, in consultation  
14 with the department of education, the University of Hawaii,  
15 private schools, and community art groups, shall establish a  
16 program for the recognition and display of student art work.

17 Student art work shall mean any work of art made by any student  
18 attending any elementary, intermediate, high school, college, or  
19 university in the State.

20 Recognition shall be through the sponsoring of student art  
21 exhibits and the granting of scholarships, monetary awards, or



1 certificates to the student whose art work is being recognized.  
2 Any funds appropriated to the foundation may be used for the  
3 recognition of student art work. Student art work recognized  
4 under this section may be acquired for the purpose of temporary  
5 or permanent display in state buildings and public facilities  
6 ~~[pursuant to section 103-8.5]~~."

7 SECTION 228. Section 9-21, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[~~§~~9-21~~§~~] **Purpose.** The foundation shall administer the  
10 art in public places and relocatable works of art programs~~[~~  
11 ~~pursuant to section 103-8.5,~~] and the state art museum to  
12 achieve the following purposes:

13 (1) Replace in public state buildings the natural beauty  
14 displaced in construction with works of art expressive  
15 of the State's cultural, creative, and traditional  
16 arts of its various ethnic groups;

17 (2) Support, promote, and recognize excellence of the  
18 State's diverse cultural, creative, and traditional  
19 artists; and

20 (3) Create, display, and maintain in public places and the  
21 state art museum a collection of works of art that:



(A) Represents the diversity and excellence of the State's artistic expression; and

(B) Provides to all the citizens of the State the fullest possible access to the highest quality aesthetic and educational experiences available."

SECTION 229. Section 9-22, Hawaii Revised Statutes, is amended to read as follows:

"~~[f]~~§9-22~~[f]~~ State art museum; establishment. The state art museum is established within the foundation. The operations of the state art museum shall be funded and supported by the ~~[works of art special]~~ general fund~~[, pursuant to section 103-8.5]~~."

SECTION 230. Section 27-43, Hawaii Revised Statutes, is amended to read as follows:

"§27-43 Office of enterprise technology services; chief information officer; information technology steering committee; establishment; responsibilities. (a) There is established within the department of accounting and general services the office of enterprise technology services, which shall be headed by a full-time chief information officer to organize, manage, and oversee statewide information technology governance. The



1 chief information officer shall be appointed by the governor as  
2 provided in section 26-34. The chief information officer shall  
3 report directly to the governor and shall:

4 (1) Develop, implement, and manage statewide information  
5 technology governance;

6 (2) Develop, implement, and manage the state information  
7 technology strategic plans;

8 (3) Develop and implement statewide technology standards;

9 (4) Work with each executive branch department and agency  
10 to develop and maintain its respective multi-year  
11 information technology strategic and tactical plans  
12 and road maps that are part of the State's overall  
13 information technology strategic plans, road maps, and  
14 directions;

15 (5) Coordinate each executive branch department and  
16 agency's information technology budget request,  
17 forecast, and procurement purchase to ensure  
18 compliance with the department or agency's strategic  
19 plan and road map and with the office of enterprise  
20 technology services' information technology governance  
21 processes and enterprise architecture policies and



standards, including policies and standards for systems, services, hardware, software, and security management;

(6) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan;

(7) Update the state information technology strategic plan every four years;

(8) Perform other necessary or desirable functions to facilitate the intent of this section;

(9) Employ persons exempt from chapters 76 and 89;

(10) Provide centralized computer information management and processing services, coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve the efficiency, effectiveness, and productivity of state government programs;

(11) Establish, coordinate, and manage a program to provide a means for public access to public information and



1 develop and operate an information network in  
2 conjunction with overall plans for establishing a  
3 communication backbone for state government; and

4 (12) Adopt rules, pursuant to chapter 91, necessary for the  
5 purposes of this part.

6 (b) There is established an information technology  
7 steering committee to assist the chief information officer in  
8 developing the State's information technology standards and  
9 policies, including but not limited to:

10 (1) Assisting the chief information officer in developing  
11 and implementing the state information technology  
12 strategic plans;

13 (2) Assessing executive branch departments' progress in  
14 meeting the objectives defined in the state  
15 information technology strategic plans and identifying  
16 best practices for shared or consolidated services;

17 (3) Ensuring technology projects are selected based on  
18 their potential impact and risk to the State, as well  
19 as their strategic value;



1       (4) Ensuring that executive branch departments maintain  
2           sufficient tools to assess the value and benefits of  
3           technology initiatives;

4       (5) Assisting the chief information officer in developing  
5           state information technology standards and policies;  
6           and

7       (6) Clarifying the roles, responsibilities, and authority  
8           of the office of enterprise technology services,  
9           specifically as it relates to its statewide duties.

10       The information technology steering committee shall consist  
11   of eleven members, with four members to be appointed by the  
12   senate president, four members to be appointed by the speaker of  
13   the house of representatives, one member to be appointed by the  
14   chief justice, and one member to be appointed by the governor,  
15   and shall include representatives from executive branch  
16   departments, including large user agencies such as the  
17   department of education and the University of Hawaii; the  
18   judiciary; the legislature; and private individuals. The chief  
19   information officer shall serve as the chair of the committee  
20   and shall ensure that the committee is evaluated periodically.





1       ~~[(c) There is established within the department of~~  
2       ~~accounting and general services a special fund to be known as~~  
3       ~~the shared services technology special fund to be administered~~  
4       ~~and expended by the chief information officer for the purposes~~  
5       ~~of this subsection. Three per cent of the receipts collected~~  
6       ~~from special funds pursuant to section 36-27 shall be deposited~~  
7       ~~into the shared services technology special fund. Any law to~~  
8       ~~the contrary notwithstanding, the moneys in the fund shall be~~  
9       ~~used to fund the operations of the chief information officer and~~  
10       ~~the information technology steering committee, including the~~  
11       ~~employment and training of staff and any other activities deemed~~  
12       ~~necessary by the chief information officer to carry out the~~  
13       ~~purposes of this section.~~

14       ~~(d)]~~ (c) The chief information officer and the comptroller  
15       may raise funds to defray administrative costs and may accept  
16       donations of money and personal property on behalf of the  
17       information technology steering committee; provided that all  
18       donations accepted from private sources shall be expended in the  
19       manner prescribed by the contributor, and all moneys received  
20       shall be deposited into the information technology trust  
21       account. The chief information officer may also directly



1 receive donated personal services and personal property for  
2 which funding is not required.

3       ~~[(+e)]~~ (d) The chief information officer shall submit an  
4 annual report to the governor and the legislature no later than  
5 twenty days prior to the convening of each regular session of  
6 the legislature on the activities and programs under the  
7 authority of the chief information officer and the information  
8 technology steering committee, and the expenditures of all  
9 moneys received from all sources and deposited into the  
10 information technology trust account ~~[and the shared services~~  
11 ~~technology special fund]~~.

12       ~~[(+f)]~~ (e) The chief information officer shall submit the  
13 updated state information technology strategic plan, revised  
14 pursuant to subsection (a)(7), to the governor and the  
15 legislature no later than twenty days prior to the convening of  
16 every fourth regular session of the legislature; provided that  
17 the chief information officer shall submit the first updated  
18 state information technology strategic plan to the governor and  
19 the legislature no later than twenty days prior to the convening  
20 of the regular session of 2021."



1       SECTION 231. Section 94-8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       " ~~[f]~~ §94-8 ~~[f]~~ State ~~[archives preservation and long term~~  
4 ~~access special fund, state]~~ archives preservation fee. ~~[(a)~~  
5 ~~There shall be established in the state treasury the state~~  
6 ~~archives preservation and long term access special fund for the~~  
7 ~~preservation of and long term access to government records.~~

8       ~~(b) All revenues collected from fees for services provided~~  
9 ~~by the state archives shall be deposited in the state archives~~  
10 ~~preservation and long term access special fund and be expended~~  
11 ~~by the comptroller to carry out the purposes of this section,~~  
12 ~~including funding for staff positions and for administrative and~~  
13 ~~operational costs of the program. All interest earned or~~  
14 ~~accrued on moneys deposited in the fund shall become part of the~~  
15 ~~fund.~~

16       ~~(e)]~~ In addition to any other fee authorized by law, a  
17 state archives preservation fee of \$1 shall be assessed for each  
18 document that is filed or registered by members of the public  
19 with a governmental entity and listed on an authorized records  
20 retention and disposition schedule as permanent. The  
21 preservation fee shall be collected and deposited in the [state



1 ~~archives preservation and long term access special]~~ general fund  
2 ~~[and used to preserve and keep accessible electronic records of~~  
3 ~~such documents in a usable state for the good of the public]."~~

4 SECTION 232. Section 109-2, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§109-2 Stadium authority; powers and duties. The powers  
7 and duties of the stadium authority shall be as follows:

8 (1) To maintain, operate, and manage the stadium and  
9 related facilities;

10 (2) To prescribe and collect rents, fees, and charges for  
11 the use or enjoyment of the stadium or any of its  
12 facilities;

13 (3) To make and execute contracts and other instruments  
14 necessary or convenient to exercise its powers under  
15 this chapter and subject to any limitations in this  
16 chapter, to exercise all powers necessary, incidental,  
17 or convenient to carry out and effectuate the purposes  
18 and provisions of this chapter;

19 (4) To adopt, amend, and repeal in accordance with chapter  
20 91 rules it may deem necessary to effectuate this



1 chapter and in connection with its projects,  
2 operations, and facilities;

- 3 (5) To appoint a manager and a deputy manager who shall  
4 have qualifications as the authority deems necessary  
5 and who shall hold their respective offices at the  
6 pleasure of the authority. The manager and deputy  
7 manager shall be exempt from the requirements of  
8 chapters 76 and 89. Effective July 1, 2005, the  
9 manager shall be paid a salary not to exceed eighty-  
10 seven per cent of the salary of the director of human  
11 resources development. Effective July 1, 2005, the  
12 deputy manager shall be paid a salary not to exceed  
13 eighty-five per cent of the manager's salary. The  
14 manager shall have full power to administer the  
15 affairs of the stadium and related facilities, subject  
16 to the direction and approval of the authority. The  
17 manager shall, subject to the approval of the  
18 authority, have power to appoint, suspend, and  
19 discharge a secretary who shall be exempt from the  
20 requirements of chapters 76 and 89, and other  
21 employees, subordinates, and assistants as may be



1           necessary for the proper conduct of the business of  
2           the authority. Except for persons hired on contract  
3           ~~[or otherwise as provided in section 109-3]~~ and except  
4           for the manager, deputy manager, and secretary, all  
5           appointments, suspensions, or discharges shall be made  
6           in conformity with the applicable provisions of  
7           chapter 76; and

8           (6) To plan, promote, and market the stadium and related  
9           facilities."

10          SECTION 233. Section 109-8, Hawaii Revised Statutes, is  
11          amended to read as follows:

12          "**§109-8 Lost and found money or property at the stadium.**

13          All money or property found at the stadium shall be reported or  
14          delivered by the finder to the stadium lost and found, and when  
15          so delivered shall be held by the stadium for forty-five days or  
16          until claimed by some person who establishes title or right of  
17          custody thereto to the satisfaction of the stadium manager,  
18          whichever is shorter. In the event of establishment of title or  
19          right of custody, the money or property shall be delivered to  
20          the claimant by the manager or the manager's agent. If after  
21          forty-five days no claimant establishes a right to the money or



1 property, the money or property may be claimed by the person who  
2 delivered it to the stadium lost and found; provided that if the  
3 person who delivered it to the stadium lost and found fails to  
4 claim the money or property within thirty days after being  
5 notified by the manager, the manager shall deposit the money  
6 into the state treasury to the credit of the [~~stadium-special~~]  
7 general fund or shall dispose of the property by public auction.  
8 The manager shall give public notice, giving details as to time  
9 and place of the auction and giving notice to all persons  
10 interested in claiming the property that unless claims are made  
11 by persons who can provide satisfactory proof of ownership  
12 before a specified date, the property will be sold at public  
13 auction to the highest bidder; provided that if the manager  
14 considers the highest bid to be insufficient, the manager shall  
15 have the right to decline the sale to the highest bidder and may  
16 reoffer the property at a subsequent public auction. On the day  
17 and at the place specified in the notice, all property for which  
18 no satisfactory proof of ownership is made shall be sold by  
19 auction by or under the direction of the manager.

20 If any property [~~which~~] that is of a perishable nature or  
21 [~~which~~] that is unreasonably expensive to keep or safeguard



1 remains unclaimed at the stadium, the manager may sell that  
2 property at public auction, at a time and after notice that is  
3 reasonable under the circumstances. If the manager determines  
4 that any property delivered to the manager pursuant to this  
5 section has no apparent commercial value, the manager at any  
6 time thereafter may destroy or otherwise dispose of the  
7 property.

8       The manager shall deposit into the [~~stadium special~~]  
9 general fund all moneys received from the sale, destruction, or  
10 disposition of any property. No action or proceeding shall be  
11 brought or maintained against the State or any officer thereof  
12 on account of such sale, destruction, or disposition. The  
13 purchaser of property at any sale conducted by the manager  
14 pursuant to this section shall receive good title to the  
15 property purchased and shall take possession of the property  
16 free from any and all claims of the owner, prior owners, and any  
17 person claiming title.

18       For purposes of this section, notice by regular mail to the  
19 last known address of the person who delivered the money or  
20 property to the stadium lost and found shall be deemed  
21 sufficient."





1       SECTION 234. Section 138-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:

3       "(h) The members shall serve without compensation.  
4 Members shall be entitled to reimbursements from the [~~enhanced~~  
5 ~~911~~] general fund for reasonable traveling expenses incurred in  
6 connection with the performance of board duties."

7       SECTION 235. Section 138-4, Hawaii Revised Statutes, is  
8 amended by amending subsection (f) to read as follows:

9       "(f) A communications service provider or reseller shall  
10 remit to the [~~enhanced-911~~] general fund, within sixty days  
11 after the end of the calendar month in which the surcharge is  
12 collected, an amount that represents the surcharges collected  
13 less amounts retained for administrative expenses incurred by  
14 the communications service provider or reseller, as provided in  
15 subsection (e)."

16       SECTION 236. Section 261-5.6, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18       "(c) The rental motor vehicle customer facility charge  
19 special fund shall be exempt from [~~sections~~] section 36-30 [~~and~~  
20 ~~103-8.5~~]."



1 SECTION 237. Section 27G-6, Hawaii Revised Statutes, is  
2 repealed.

3 ~~["§27G-6 Access Hawaii committee special fund. There is~~  
4 ~~established in the state treasury the access Hawaii committee~~  
5 ~~special fund, into which shall be deposited fees collected by~~  
6 ~~the office of enterprise technology services for the purpose of~~  
7 ~~supporting the access Hawaii committee. The chief information~~  
8 ~~officer may appoint a portal program manager exempt from chapter~~  
9 ~~76, which may be funded by the access Hawaii committee special~~  
10 ~~fund. Expenditures from the access Hawaii committee special~~  
11 ~~fund shall be approved by the access Hawaii committee, provided~~  
12 ~~that information on income and expenditures shall be subject to~~  
13 ~~legislative review and oversight in each budget submittal from~~  
14 ~~the department of accounting and general services."]~~

15 SECTION 238. Section 103-8.5, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§103-8.5 Works of art special fund. (a) There is~~  
18 ~~created a works of art special fund, into which shall be~~  
19 ~~transferred one per cent of all state fund appropriations for~~  
20 ~~capital improvements designated for the construction cost~~  
21 ~~element, provided that this transfer shall apply only to capital~~



~~improvement appropriations that are designated for the construction or renovation of state buildings. The one per cent transfer requirement shall not apply to appropriations from the passenger facility charge special fund established by section 261-5.5 and the rental motor vehicle customer facility charge special fund established under section 261-5.6.~~

~~(b) The works of art special fund shall be used solely for the following purposes:~~

~~(1) Costs related to the acquisition of works of art, including any consultant or staff services required to carry out the art in public places and relocatable works of art programs;~~

~~(2) Site modifications, display, and interpretive work necessary for the exhibition of works of art;~~

~~(3) Upkeep services, including maintenance, repair, and restoration of works of art;~~

~~(4) Storing and transporting works of art.~~

~~(c) The one per cent amount, which is included in all capital improvement appropriations, shall be calculated at the time the appropriation bills are signed into law. The moneys shall be transferred into the works of art special fund upon~~



1 ~~availability of moneys from the appropriations. Each agency~~  
2 ~~receiving capital improvement appropriations shall calculate the~~  
3 ~~one per cent amount and transfer the moneys into the works of~~  
4 ~~art special fund.~~

5 ~~(d) The comptroller and the state foundation on culture~~  
6 ~~and the arts shall decide on the specific art objects to~~  
7 ~~acquire, giving first consideration to placing appropriate~~  
8 ~~pieces of art at the locations of the original appropriation.~~

9 ~~The selection of, commissioning artists for, reviewing of~~  
10 ~~design, execution, and placement of, and the acceptance of works~~  
11 ~~of art shall be the responsibility of the comptroller and the~~  
12 ~~state foundation on culture and the arts in consultation with~~  
13 ~~the affected agency or department.~~

14 ~~Expenditures from the works of art special fund shall be~~  
15 ~~made by the comptroller.~~

16 ~~(e) The comptroller shall:~~

17 ~~(1) Provide each agency receiving capital improvement~~  
18 ~~appropriations with information regarding items that~~  
19 ~~shall be included and excluded from the one per cent~~  
20 ~~amount;~~



~~(2) Ensure that each agency calculates its one per cent amount correctly; and~~

~~(3) Ensure that each agency transfers the correct amount to the works of art special fund in a timely manner.~~

~~(f) The comptroller and the executive director shall track amounts due from each agency under the one per cent requirement as provided in this section."]~~

SECTION 239. Section 109-3, Hawaii Revised Statutes, is repealed.

~~["§109-3 Stadium special fund. There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited. The stadium special fund shall be applied, used, and disposed of for the payment of:~~

~~(1) The expenses of the operation, maintenance, promotion, and management of; and~~

~~(2) All or a portion of the cost of financing any capital improvement project for;~~

~~the stadium and related facilities; provided that all services required for the stadium and related facilities shall be performed by persons hired on contract or otherwise, without~~



~~regard for chapter 76, provided further that the authority shall report to the legislature all receipts and expenditures of the stadium special fund account twenty days prior to the convening of each regular session."]~~

SECTION 240. Section 138-1, Hawaii Revised Statutes, is amended by deleting the definition of "enhanced 911 fund".

~~["Enhanced 911 fund" or "fund" means the special fund established by section 138-3."]~~

SECTION 241. Section 138-3, Hawaii Revised Statutes, is repealed.

~~["§138-3 Enhanced 911 fund. There is established outside the state treasury a special fund, to be known as the enhanced 911 fund, to be administered by the board. The fund shall consist of amounts collected under section 138-4. The board shall place the funds in an interest bearing account at any federally insured financial institution, separate and apart from the general fund of the State. Moneys in the fund shall be expended exclusively by the board for the purposes of ensuring adequate funding to deploy and sustain enhanced 911 service, developing and funding future enhanced 911 technologies, and funding expenses of administering the fund."]~~



SECTION 242. The following funds (account number) are  
abolished:

- (1) State archives preservation and long-term access  
special fund (S-365-M);
  - (2) Shared services technology special fund (S-333-M);
  - (3) Access Hawaii committee special fund (S-338-M);
  - (4) Central services - custodial services (S-326-M);
  - (5) State foundation on culture and the arts (S-359-M);
  - (6) No. 1. captl dist bldg access impr, Oahu-L (S-400-M);
  - (7) Aloha Stadium - repairs & maintenance (S-353-M);
  - (8) Enhanced 911 fund (S-341-M);
  - (9) Wireless enhanced 911 fund (S-341-M);
  - (10) Kekuanaoa building renovations (S-363-M);
  - (11) Leeward coast homeless project (S-335-M);
  - (12) DLNR Kauai dams and reservoirs (S-362-M);
  - (13) Stadium special fund (S-307-M);
  - (14) Stadium manager's discretionary fund (S-318-M);
  - (15) Works of art special fund (S-319-M); and
  - (16) Works of art special fund (S-366-M),
- and any unencumbered balances shall lapse to the credit of the  
general fund.



## 1 PART XIV - DEPARTMENT OF THE ATTORNEY GENERAL

2 SECTION 243. Section 706-603, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "§706-603 DNA analysis monetary assessment; DNA registry  
5 special fund. (1) In addition to any disposition authorized by  
6 chapter 706 or 853, every defendant convicted of a felony  
7 offense shall be ordered to pay a monetary assessment of \$500 or  
8 the actual cost of the DNA analysis, whichever is less. The  
9 court may reduce the monetary assessment if the court finds,  
10 based on evidence presented by the defendant and not rebutted by  
11 the State, that the defendant is not and will not be able to pay  
12 the full monetary assessment and, based on the finding, shall  
13 instead order the defendant to pay an assessment that the  
14 defendant will be able to pay within five years.

15 (2) Notwithstanding any other law to the contrary, the  
16 assessment and penalty provided by this section shall be in  
17 addition to, and not in lieu of, and shall not be used to offset  
18 or reduce, any fine or restitution authorized or required by  
19 law. ~~[All assessments and penalties shall be paid into the DNA~~  
20 ~~registry special fund established in subsection (3).~~





~~(3) There is established a special fund to be known as the DNA registry special fund which shall be administered by the attorney general. The fund shall consist of:~~

~~(a) All assessments and penalties ordered pursuant to subsection (1);~~

~~(b) All other moneys received by the fund from any other source; and~~

~~(c) Interest earned on any moneys in the fund.~~

~~Moneys in the DNA registry special fund shall be used for the Hawaii sexual assault response and training program established pursuant to chapter 844G; costs related to testing and storage of sexual assault evidence collection kits pursuant to chapter 844G; and DNA collection, DNA testing, and related costs of recording, preserving, and disseminating DNA information pursuant to chapter 844D.~~

~~(4)]~~ (3) Restitution shall be made before payment of the monetary assessment pursuant to section 706-651."

SECTION 244. Section 844D-128, Hawaii Revised Statutes, is amended to read as follows:

"~~[§] §844D-128 [§]~~ **Payment.** Analysis ordered pursuant to section 844D-123(a) shall be paid for using funds ~~[from the DNA~~



1 ~~registry special fund established pursuant to section [706-~~  
2 ~~603(3)]-]~~ appropriated by the legislature for that purpose.

3 The court may require payment for analysis ordered pursuant to  
4 section 844D-123(b) to be made by the defendant, ~~[the-DNA~~  
5 ~~registry special fund,~~] paid from funds appropriated by the  
6 legislature for that purpose, or a combination thereof."

7 SECTION 245. Section 846F-3, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) The defendant shall pay the internet crimes against  
10 children fee to the clerk of the court. The fee shall be  
11 deposited with the director of finance who shall transmit the  
12 fee to the ~~[internet crimes against children special fund~~  
13 ~~pursuant to section 846F-4.]~~ general fund."

14 SECTION 246. Section 28-91.5, Hawaii Revised Statutes, is  
15 repealed.

16 ~~["[§28-91.5] Medicaid investigations recovery fund,~~  
17 ~~established. There is established in the state treasury the~~  
18 ~~medicaid investigations recovery fund as a special fund, and~~  
19 ~~which is to be administered by the department of the attorney~~  
20 ~~general, into which shall be deposited all funds that have been~~  
21 ~~recovered as a result of medicaid fraud settlements. Moneys~~



1 ~~from this special fund shall be used to support a portion of~~  
2 ~~operating expenses of the medicaid fraud unit within the~~  
3 ~~department of the attorney general."]~~

4 SECTION 247. Section 467B-15, Hawaii Revised Statutes, is  
5 repealed.

6 ~~["§467B-15] Solicitation of funds for charitable purposes~~  
7 ~~special fund. There is established in the state treasury the~~  
8 ~~solicitation of funds for charitable purposes special fund, into~~  
9 ~~which shall be deposited all fees, fines, penalties, attorneys'~~  
10 ~~fees, and costs of investigation collected under this chapter.~~  
11 ~~Moneys in the fund may be expended by the attorney general for~~  
12 ~~the enforcement of this chapter, the dissemination of public~~  
13 ~~information, and the oversight of charities and professional~~  
14 ~~fundraisers."]~~

15 SECTION 248. Section 846F-4, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§846F-4] Internet crimes against children special fund,~~  
18 ~~established. (a) There is established in the state treasury~~  
19 ~~the internet crimes against children special fund, into which~~  
20 ~~shall be deposited.~~

21 ~~(1) All fees collected pursuant to section 846F-3;~~



~~(2) Moneys appropriated by the legislature to the fund;~~

~~(3) Other grants and gifts made to the fund; and~~

~~(4) Any income and capital gains earned by the fund.~~

~~(b) Moneys in the internet crimes against children special fund shall be expended by the department of the attorney general for the following purposes:~~

~~(1) To provide training and equipment for local law enforcement agencies to use in investigating and prosecuting internet crimes against children, including funding to increase the forensic capacity of digital evidence;~~

~~(2) To enable law enforcement to investigate and prosecute internet crimes against children; and~~

~~(3) To assist groups working directly to combat internet crimes against children.~~

~~(c) All unexpended and unencumbered moneys remaining in the internet crimes against children special fund at the close of each fiscal year that are deemed, by the director of finance, to be in excess of the moneys necessary to carry out the purpose of this section over the following fiscal year shall lapse to the credit of the state general fund." ]~~



SECTION 249. Sections 245-26(a) and 245-41(c), Hawaii Revised Statutes, are amended by substituting the words "general fund" wherever the words "department of the attorney general's tobacco enforcement special fund" or "tobacco enforcement special fund", appears, as the context requires.

SECTION 250. The following funds (account code) are abolished:

- (1) Legislative relief for claims - dot (S-399-N); and
  - (2) Sex assault response, train & kit test (S-308-N),
- and the unencumbered balances shall lapse to the credit of the general fund.

PART XV. DEPARTMENT OF BUDGET AND FINANCE

SECTION 251. Section 328L-3, Hawaii Revised Statutes, is repealed.

~~["§328L-3 Emergency and budget reserve fund. (a) There is established in the state treasury the emergency and budget reserve fund, which shall be a special fund administered by the director of finance and into which shall be deposited:~~

- ~~(1) Moneys received from the tobacco settlement moneys under section 328L-2;~~



~~(2) Appropriations made by the legislature to the fund,  
and  
(3) Five per cent of the state general fund balance at the  
close of the fiscal year, whenever state general fund  
revenues for each of two successive fiscal years  
exceeds revenues for each of the preceding fiscal  
years by five per cent. For the purpose of this  
section, the general fund balance at the close of the  
fiscal year shall be calculated after any:  
(A) Tax refund or tax credit is provided by the  
legislature;  
(B) Deposit into the emergency and budget reserve  
fund or another reserve fund is appropriated by  
the legislature; or  
(C) Prepayment of general obligation bond debt  
service or pension or other post-employment  
benefit liability is appropriated by the  
legislature;  
during the same regular session as the transfer  
depositing such moneys to the emergency and budget  
reserve fund; provided that transfers shall not be~~



~~made to the emergency and budget reserve fund whenever the balance of the emergency and budget reserve fund is equal to or more than ten per cent of general fund revenues for the preceding fiscal year. The transfer shall be executed by the director of finance.~~

~~All moneys deposited into the emergency and budget reserve fund under paragraphs (1) and (2) and all moneys deposited under paragraph (3) shall be kept in separate and distinct accounts.~~

~~(b) All interest earned from moneys in the emergency and budget reserve fund shall be credited to the emergency and budget reserve fund.~~

~~(c) Expenditures from the emergency and budget reserve fund shall be a temporary supplemental source of funding for the State during times of emergency, severe economic downturn, or unforeseen reduction in revenues. No expenditures shall be made from the emergency and budget reserve fund except pursuant to appropriations. The general appropriations bill or the supplemental appropriations bill, as defined in section 9 of article VII of the Hawaii constitution, shall not be used to appropriate moneys from the emergency and budget reserve fund. The governor, through an appropriations bill, may recommend~~



~~1 expenditures from the emergency and budget reserve fund by~~  
~~2 setting forth the purposes of the expenditures consistent with~~  
~~3 subsection (d), the amounts, and the reasons justifying the~~  
~~4 necessity for the appropriations.~~

~~5 (d) The legislature may make appropriations from the fund~~  
~~6 for the following purposes:~~

~~7 (1) To maintain levels of programs determined to be~~  
~~8 essential to public health, safety, welfare, and~~  
~~9 education;~~

~~10 (2) To provide for counter cyclical economic and~~  
~~11 employment programs in periods of economic downturn;~~

~~12 (3) To restore facilities destroyed or damaged or services~~  
~~13 disrupted by disaster in any county; and~~

~~14 (4) To meet other emergencies when declared by the~~  
~~15 governor or determined to be urgent by the~~  
~~16 legislature.~~

~~17 Any act making appropriations from the emergency and budget~~  
~~18 reserve fund shall include a declaration of findings and~~  
~~19 purposes setting forth the purposes, the amounts, and the~~  
~~20 reasons why the appropriations are necessary and shall require a~~  
~~21 two thirds majority vote of each house of the legislature.~~





1       ~~(e) Appropriations for the following purposes from the~~  
2 ~~emergency and budget reserve fund are specifically prohibited:~~

3       ~~(1) To meet expenses of the legislature;~~

4       ~~(2) To provide for salary adjustments for officials~~  
5 ~~appointed pursuant to article V, section 6 or article~~  
6 ~~VI, section 3 of the Hawaii constitution and for~~  
7 ~~others whose salaries are directly related to salaries~~  
8 ~~of these officials; and~~

9       ~~(3) To fund cost items in any collective bargaining~~  
10 ~~contract.~~

11       ~~(f) The legislature shall not appropriate from the~~  
12 ~~emergency and budget reserve fund:~~

13       ~~(1) More than fifty per cent of the total balance of the~~  
14 ~~fund in a fiscal year;~~

15       ~~(2) In a fiscal year, an amount that exceeds ten per cent~~  
16 ~~of the total discretionary funds appropriated by the~~  
17 ~~legislature for the same fiscal year for which~~  
18 ~~emergency and budget reserve fund moneys are~~  
19 ~~appropriated. For the purpose of this paragraph,~~  
20 ~~"discretionary funds" means the total amount of~~  
21 ~~general fund moneys appropriated or authorized by the~~



1 ~~legislature for expenditure during the fiscal year for~~  
2 ~~operating costs less nondiscretionary funds, where~~  
3 ~~"nondiscretionary funds" means the total amount of~~  
4 ~~general fund moneys appropriated or authorized by the~~  
5 ~~legislature for expenditure during the same fiscal~~  
6 ~~year for:~~

7 ~~(A) Debt service payments for general obligation~~  
8 ~~bonds;~~

9 ~~(B) Employer contributions for pension and retirement~~  
10 ~~benefits of state government employees;~~

11 ~~(C) Employer contributions for health insurance~~  
12 ~~benefits of state government employees and state~~  
13 ~~government retirees;~~

14 ~~(D) Medicaid service costs, meaning the costs of~~  
15 ~~services provided to low income persons under the~~  
16 ~~medical assistance program established under~~  
17 ~~chapter 346 and funded in part under title XIX of~~  
18 ~~the federal Social Security Act, as amended.~~

19 ~~"Medicaid service costs" does not include the~~  
20 ~~costs of management, administrative, or other~~



1                   ~~overhead services performed by the department of~~

2                   ~~human services for medicaid, and~~

3           ~~(E) Other costs, including but not limited to~~

4                   ~~payroll, lease costs for real property, and~~

5                   ~~equipment for the same fiscal year, as determined~~

6                   ~~by the legislature, and~~

7           ~~(3) Any amount for expenditure in the succeeding fiscal~~

8                   ~~year, unless the State has collected or is projected~~

9                   ~~to collect less general fund tax revenue in the~~

10                  ~~current fiscal year compared to the immediately~~

11                  ~~preceding fiscal year."]~~

12           SECTION 252. The following funds (account code) are  
13   abolished:

14           (1) Departmental administration & budget div (S-316-O);

15           (2) CB cost items, bul1 (S-331-O);

16           (3) CB cost items, bul1 excluded (S-332-O);

17           (4) CB cost items, bul, 10 (S-346-O);

18           (5) CB cost items, bul, 10 excluded (S-351-O);

19           (6) Emerg & budget reserve fnd separate acct (S-354-O);

20           (7) Emergency \* budget reserve fnd-cares act (S-358-O);

21           and



(8) CB cost items, bul, 10 - cip (S-416-O),  
and the unencumbered balances shall lapse to the credit of the  
general fund.

PART XVI. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SECTION 253. Section 26-5, Hawaii Revised Statutes, is  
amended to read as follows:

"§26-5 Department of human resources development. (a)

The department of human resources development shall be headed by  
a single executive to be known as the director of human  
resources development.

(b) The department shall administer the state human  
resources program, including human resources development and  
training, and central human resources services such as  
recruitment, examination, classification, pay administration,  
and payment of any claims as required under chapter 386.

(c) There shall be within the department of human  
resources development a board to be known as the merit appeals  
board which shall sit as an appellate body on matters set forth  
in section 76-14. The board shall consist of three members.  
All members shall have knowledge of public employment laws and  
prior experience with public employment; provided that at least



1 one member's experience was with an employee organization as a  
2 member or an employee of that organization and at least one  
3 member's experience was with management. The governor shall  
4 consider the names of qualified individuals submitted by  
5 employee organizations or management before appointing the  
6 members of the board. The chairperson of the board shall be  
7 designated as specified in the rules of the board.

8 (d) The provisions of section 26-34 shall not apply and  
9 the board members shall be appointed by the governor for four-  
10 year terms and may be re-appointed without limitation; provided  
11 that the initial appointments shall be for staggered terms, as  
12 determined by the governor. The governor shall fill any vacancy  
13 by appointing a new member for a four-year term. The governor  
14 may remove for cause any member after due notice and public  
15 hearing.

16 (e) Nothing in this section shall be construed as in any  
17 manner affecting the civil service laws applicable to the  
18 several counties, the judiciary, or the Hawaii health systems  
19 corporation or its regional system boards, which shall remain  
20 the same as if this chapter had not been enacted.



1 (f) There is established within the department of human  
2 resources development an administrative assistant position  
3 exempt from chapter 76. The administrative assistant shall be  
4 appointed by and report to the director of human resources  
5 development.

6 The administrative assistant shall:

7 (1) Facilitate and expedite the hiring and recruitment for  
8 civil service positions under the jurisdiction of the  
9 department of human resources development; and

10 (2) Have the authority to reclassify and abolish vacant  
11 positions within state departments and agencies that  
12 are under the jurisdiction of the department of human  
13 resources development, subject to the following  
14 conditions:

15 (A) Prior to reclassifying or abolishing any vacant  
16 position as provided under this paragraph, the  
17 administrative assistant shall submit a report to  
18 the legislature no later than twenty days prior  
19 to each regular session. The report shall  
20 include a list of vacant positions for  
21 reclassification or abolishment, identify the



1           agency each position is attached to, provide  
2           reasons for reclassifying or abolishing the  
3           position, and state the duration the position has  
4           been vacant; and

5           (B) The administrative assistant may reclassify or  
6           abolish any vacant position as provided under  
7           this paragraph no earlier than sixty days after  
8           the report has been submitted to the legislature  
9           as provided under this paragraph.

10          ~~[(g) There is established in the state treasury the human~~  
11          ~~resources development special fund, to be administered by the~~  
12          ~~department of human resources development, which shall consist~~  
13          ~~of: all revenues received by the department as a result of~~  
14          ~~entrepreneurial efforts in securing new sources of funds not~~  
15          ~~provided for in the department's budget for services rendered by~~  
16          ~~the department, all revenues received by the department from the~~  
17          ~~charging of participant fees for in-service training that are in~~  
18          ~~addition to general fund appropriations in the department's~~  
19          ~~budget for developing and operating in-service training~~  
20          ~~programs, appropriations made by the legislature to the fund,~~



1 ~~and moneys directed to the department from any other source,~~  
2 ~~including gifts, grants, and awards.~~

3 ~~Moneys in the human resources development special fund~~  
4 ~~shall be used for the following purposes:~~

5 ~~(1) Supporting the department's entrepreneurial~~

6 ~~initiatives, training activities, and programs;~~

7 ~~(2) Administrative costs of the department's~~

8 ~~entrepreneurial initiatives, training activities, and~~

9 ~~programs; and~~

10 ~~(3) Any other purpose deemed necessary by the director for~~

11 ~~the purpose of facilitating the department's~~

12 ~~entrepreneurial initiatives, training activities, and~~

13 ~~programs.~~

14 ~~(h)]~~ (g) The department of human resources development

15 shall submit, no later than twenty days prior to the convening

16 of each regular session of the legislature beginning with the

17 regular session of 2007, a report of the number of exempt

18 positions that were converted to civil service positions during

19 the previous twelve months. The report shall include but not be

20 limited to:

21 (1) When the position was established;





- 1           (2) The purpose of the position;  
2           (3) Rationale for the conversion; and  
3           (4) How many exempt positions remain in each state  
4           department after the conversions."

5                       PART XVII. OFFICE OF THE GOVERNOR

6           SECTION 254. The governor's discretionary fund, account  
7           code S-350-Q, is abolished and any unencumbered funds shall  
8           lapse to the credit of the general fund.

9                       PART XVIII. DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

10          SECTION 255. Section 26-9, Hawaii Revised Statutes, is  
11          amended by amending subsection (o) to read as follows:

12          "(o) Every person licensed under any chapter within the  
13          jurisdiction of the department of commerce and consumer affairs  
14          and every person licensed subject to chapter 485A or registered  
15          under chapter 467B shall pay upon issuance of a license, permit,  
16          certificate, or registration a fee and a subsequent annual fee  
17          to be determined by the director and adjusted from time to time  
18          to ensure that the proceeds, together with all other fines,  
19          income, and penalties collected under this section, do not  
20          surpass the annual operating costs of conducting compliance  
21          resolution activities required under this section. The fees may



1 be collected biennially or pursuant to rules adopted under  
2 chapter 91, and shall be deposited into the ~~[special fund~~  
3 ~~established under this subsection.]~~ general fund. Every filing  
4 pursuant to chapter 514E or section 485A-202(a)(26) shall be  
5 assessed, upon initial filing and at each renewal period in  
6 which a renewal is required, a fee that shall be prescribed by  
7 rules adopted under chapter 91, and that shall be deposited into  
8 the ~~[special fund established under this subsection.]~~ general  
9 fund. Any unpaid fee shall be paid by the licensed person, upon  
10 application for renewal, restoration, reactivation, or  
11 reinstatement of a license, and by the person responsible for  
12 the renewal, restoration, reactivation, or reinstatement of a  
13 license, upon the application for renewal, restoration,  
14 reactivation, or reinstatement of the license. If the fees are  
15 not paid, the director may deny renewal, restoration,  
16 reactivation, or reinstatement of the license. The director may  
17 establish, increase, decrease, or repeal the fees when necessary  
18 pursuant to rules adopted under chapter 91. The director may  
19 also increase or decrease the fees pursuant to section 92-28.

20 ~~[There is created in the state treasury a special fund to~~  
21 ~~be known as the compliance resolution fund to be expended by the~~



1 ~~director's designated representatives as provided by this~~  
2 ~~subsection. Notwithstanding any law to the contrary, all~~  
3 ~~revenues, fees, and fines collected by the department shall be~~  
4 ~~deposited into the compliance resolution fund. Unencumbered~~  
5 ~~balances existing on June 30, 1999, in the cable television fund~~  
6 ~~under chapter 440G, the division of consumer advocacy fund under~~  
7 ~~chapter 269, the financial institution examiners' revolving~~  
8 ~~fund, section 412:2-109, the special handling fund, section~~  
9 ~~414-13, and unencumbered balances existing on June 30, 2002, in~~  
10 ~~the insurance regulation fund, section 431:2-215, shall be~~  
11 ~~deposited into the compliance resolution fund. This provision~~  
12 ~~shall not apply to the drivers education fund underwriters fee,~~  
13 ~~sections 431:10C-115 and 431:10C-107, insurance premium taxes~~  
14 ~~and revenues, revenues of the workers' compensation special~~  
15 ~~compensation fund, section 386-151, the captive insurance~~  
16 ~~administrative fund, section 431:19-101.8, the insurance~~  
17 ~~commissioner's education and training fund, section 431:2-214,~~  
18 ~~the medical malpractice patients' compensation fund as~~  
19 ~~administered under section 5 of Act 232, Session Laws of Hawaii~~  
20 ~~1984, and fees collected for deposit in the office of consumer~~  
21 ~~protection restitution fund, section 487-14, the real estate~~



1 ~~appraisers fund, section 466K-1, the real estate recovery fund,~~  
2 ~~section 467-16, the real estate education fund, section 467-19,~~  
3 ~~the contractors recovery fund, section 444-26, the contractors~~  
4 ~~education fund, section 444-29, the condominium education trust~~  
5 ~~fund, section 514B-71, and the mortgage foreclosure dispute~~  
6 ~~resolution special fund, section 667-86.] Any law to the~~  
7 ~~contrary notwithstanding, the director may [use the moneys in~~  
8 ~~the fund to] employ, without regard to chapter 76, hearings~~  
9 ~~officers and attorneys. All other employees may be employed in~~  
10 ~~accordance with chapter 76. [Any law to the contrary~~  
11 ~~notwithstanding, the moneys in the fund shall be used to fund~~  
12 ~~the operations of the department. The moneys in the fund may be~~  
13 ~~used to train personnel as the director deems necessary and for~~  
14 ~~any other activity related to compliance resolution.~~

15 ~~A separate special subaccount of the compliance resolution~~  
16 ~~fund, to be known as the post secondary education authorization~~  
17 ~~special subaccount, shall be established for fees collected by~~  
18 ~~the department of commerce and consumer affairs pursuant to~~  
19 ~~chapter 305J. The special subaccount shall be governed by~~  
20 ~~section 305J-19.]~~

21 As used in this subsection, unless otherwise required by



1 the context, "compliance resolution" means a determination of  
2 whether:

3 (1) Any licensee or applicant under any chapter subject to  
4 the jurisdiction of the department of commerce and  
5 consumer affairs has complied with that chapter;

6 (2) Any person subject to chapter 485A has complied with  
7 that chapter;

8 (3) Any person submitting any filing required by chapter  
9 514E or section 485A-202(a)(26) has complied with  
10 chapter 514E or section 485A-202(a)(26);

11 (4) Any person has complied with the prohibitions against  
12 unfair and deceptive acts or practices in trade or  
13 commerce; or

14 (5) Any person subject to chapter 467B has complied with  
15 that chapter;

16 and includes work involved in or supporting the above functions,  
17 licensing, or registration of individuals or companies regulated  
18 by the department, consumer protection, and other activities of  
19 the department.

20 ~~[The director shall prepare and submit an annual report to~~  
21 ~~the governor and the legislature on the use of the compliance~~



~~resolution fund. The report shall describe expenditures made from the fund including non-payroll operating expenses.] "~~

SECTION 256. Section 302A-417, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The department may establish the requirements for the position of traffic safety education specialist and may employ at least one traffic safety education specialist for the purposes of this section. ~~[The traffic safety education specialist may be paid out of fees allocated to the director of commerce and consumer affairs from the special drivers education fund account pursuant to section 431:10C-115.] "~~

SECTION 257. Section 305J-6, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) In administering its responsibilities, the department may assess fees sufficient to provide for the self-sufficiency of the program ~~[pursuant to section 26-9(e)] ."~~

SECTION 258. Section 412:2-109, Hawaii Revised Statutes, is amended to read as follows:

**"§412:2-109 Compliance resolution [fund]; financial institution examiners. (a) Any law to the contrary notwithstanding, fees and fines collected by the commissioner of**



1 financial institutions shall be deposited into the [~~compliance~~  
2 ~~resolution fund established pursuant to section 26-9(o).~~]  
3 general fund.

4 (b) The commissioner may appoint financial institution  
5 examiners, in accordance with chapter 76, who shall examine the  
6 affairs, transactions, accounts, records, documents, and assets  
7 of financial institutions. The commissioner also may appoint  
8 administrative support personnel, in accordance with chapter 76,  
9 who shall assist and support the examiners. [~~The commissioner~~  
10 ~~may pay the salaries of the financial institution examiners and~~  
11 ~~administrative support personnel from the compliance resolution~~  
12 ~~fund.~~]

13 (c) [~~The compliance resolution fund also may be used to~~]  
14 Subject to legislative appropriation, the commissioner may  
15 reimburse financial institution examiners and administrative  
16 support personnel for the following expenses necessarily  
17 incurred on account of an examination and the education and  
18 training of financial institution examiners and administrative  
19 support personnel:

- 20 (1) Actual travel expenses in amounts customary for these  
21 expenses and approved by the commissioner;



(2) A reasonable living expense allowance at a rate customary for these expenses and approved by the commissioner; and

(3) Any fee or tuition necessary to attend educational and training conferences, workshops, seminars, and any similar events of this nature.

(d) ~~[The compliance resolution fund also may be used]~~

Subject to legislative appropriation, commissioner may expend funds for other expenses relating to examinations of financial institutions and administrative costs, including personnel costs of the division and costs incurred by supporting offices and divisions.

(e) All persons receiving any reimbursement or compensation ~~[from the compliance resolution fund]~~ approved by the commissioner shall submit to the commissioner for approval a detailed account of all expenses and compensation necessarily incurred. Persons shall not receive or accept any additional compensation on account of an examination. In the case of an examination, any reimbursement or compensation ~~[made by the fund and]~~ approved by the commissioner shall be charged to the





1 financial institution being examined by the commissioner and all  
2 receipts shall be credited to the general fund.

3 ~~[(f) Moneys in the compliance resolution fund shall not~~  
4 ~~revert to the general fund.] "~~

5 SECTION 259. Section 431:2-215, Hawaii Revised Statutes,  
6 is amended by amending its title and subsections (a), (b), (c),  
7 and (d) to read as follows:

8 "§431:2-215 Deposits [~~to compliance resolution fund~~]. (a)

9 All assessments, fees, fines, penalties, and reimbursements  
10 collected by or on behalf of the insurance division under title  
11 24, except for the commissioner's education and training fund  
12 (section 431:2-214), and the patients' compensation fund (Act  
13 232, Session Laws of Hawaii 1984), [~~the drivers education fund~~  
14 ~~underwriters fee (sections 431:10C 115 and 431:10C 107), and the~~  
15 ~~captive insurance administrative fund (section 431:19 101.8) to~~  
16 ~~the extent provided by section 431:19 101.8(b),]~~ shall be  
17 deposited into the [~~compliance resolution fund under section 26-~~  
18 ~~9(o). All sums transferred from the insurance division into the~~  
19 ~~compliance resolution fund may be expended by the commissioner~~  
20 ~~to carry out the commissioner's duties and obligations under~~  
21 ~~title 24.~~



1       ~~(b) Sums from the compliance resolution fund expended by~~  
2       ~~the commissioner shall be used to defray any administrative~~  
3       ~~costs, including personnel costs, associated with the programs~~  
4       ~~of the division, and costs incurred by supporting offices and~~  
5       ~~divisions.]~~ general fund.

6       (b) Any law to the contrary notwithstanding, the  
7       commissioner may ~~[use the moneys in the fund to]~~ employ or  
8       retain, by contract or otherwise, without regard to chapter 76,  
9       hearings officers, attorneys, investigators, accountants,  
10      examiners, and other necessary professional, technical,  
11      administrative, and support personnel to implement and carry out  
12      the purposes of title 24; provided that any position, except any  
13      attorney position, that was subject to chapter 76 prior to July  
14      1, 1999, shall remain subject to chapter 76.

15      ~~[(c) Moneys deposited by the commissioner in the fund~~  
16      ~~shall not revert to the general fund.]~~

17      ~~(d)]~~ (c) The amount or amounts to be assessed for each  
18      line or type of insurance or entity regulated under title 24  
19      shall be determined and assessed as provided below:



- 1           (1) The insurers or entities regulated under title 24  
2           shall be provided at least sixty days notice of when  
3           their respective assessments are due;
- 4           (2) The total amount or amounts to be assessed of insurers  
5           or entities regulated under title 24 in all lines or  
6           types of insurance shall be calculated based on the  
7           commissioner's proposed fiscal year budget, less funds  
8           in the insurance regulation sub-account of the  
9           compliance resolution fund on June 30 of the fiscal  
10          year immediately preceding the fiscal year of the  
11          proposed budget and less the commissioner's  
12          anticipated revenues;
- 13          (3) The assessments by line or type shall bear a  
14          reasonable relationship to the costs of regulating the  
15          line or type of insurance, including any  
16          administrative costs of the division; and
- 17          (4) The sum total of all assessments made and collected  
18          shall not exceed the special fund ceiling or ceilings  
19          related to the fund that are established by the  
20          legislature; provided that the total assessments for



1           all lines or types of insurance in any one fiscal year  
2           shall not exceed \$5,000,000."

3           SECTION 260. Section 431:2-216, Hawaii Revised Statutes,  
4 is amended to read as follows:

5           "**§431:2-216 Assessments of health insurers.** (a) Each  
6 mutual benefit society under article 1 of chapter 432, health  
7 maintenance organization under chapter 432D, and any other  
8 entity offering or providing health benefits or services under  
9 the regulation of the commissioner, except an insurer licensed  
10 to offer accident and health or sickness insurance under article  
11 10A, shall deposit with the commissioner by July 1 of each year  
12 an assessment of \$10,000 for the first seventy thousand private,  
13 nongovernment members the entity covers and an additional  
14 assessment on a pro rata basis to be determined and imposed by  
15 the commissioner for covered members exceeding seventy thousand;  
16 provided that in the third year and each year thereafter,  
17 assessments shall be borne on a pro rata basis. The aggregate  
18 annual assessment shall not exceed \$1,000,000. This assessment  
19 shall be credited to the [~~compliance resolution~~] general fund.  
20 If assessments are increased, the commissioner shall provide to



1 any organization or entity subject to the increased assessment,  
2 justification for the increase.

3 (b) The assessments shall be used to defray any  
4 administrative costs, including personnel costs, associated with  
5 the programs of the division, and costs incurred by supporting  
6 offices and divisions. Any law to the contrary notwithstanding,  
7 the commissioner may use the moneys from assessments to employ  
8 or retain, by contract or otherwise, without regard to chapter  
9 76, hearings officers, attorneys, investigators, accountants,  
10 examiners, and other necessary professional, technical,  
11 administrative, and support personnel to implement and carry out  
12 the purposes of title 24 as it relates to accident and health or  
13 sickness insurance; provided that any position, except any  
14 attorney position, that was subject to chapter 76 prior to  
15 July 1, 1999, shall remain subject to chapter 76.

16 ~~[(c) Moneys credited to the compliance resolution fund~~  
17 ~~that are not used for insurance regulation, general~~  
18 ~~administration purposes, or as otherwise allowed pursuant to~~  
19 ~~section 26-9(e) shall not revert to the general fund nor shall~~  
20 ~~be used for other purposes.~~



1       ~~(d)~~ (c) The commissioner may suspend any assessment made  
2 against any mutual benefit society under article 1 of chapter  
3 432, health maintenance organization under chapter 432D, and any  
4 other entity offering or providing health benefits or services  
5 under the regulation of the commissioner if the commissioner  
6 determines that the entity may reach insolvency or other  
7 financial difficulty if the assessment is made against the  
8 entity."

9       SECTION 261. Section 431:3-221, Hawaii Revised Statutes,  
10 is amended to read as follows:

11       "**§431:3-221 Power to fine.** In addition to or in lieu of the  
12 suspension, revocation, or refusal to extend any certificate of  
13 authority, the commissioner, after hearing, may levy a fine upon  
14 the insurer in an amount not less than \$500 and not more than  
15 \$50,000. The order levying the fine shall specify the period  
16 within which the fine shall be fully paid, which shall not be less  
17 than thirty nor more than forty-five days from the date of the  
18 order. Upon failure to pay the fine when due, the commissioner  
19 shall revoke the insurer's certificate of authority if not already  
20 revoked, and the fine shall be recovered in a civil action brought  
21 on behalf of the commissioner by the attorney general. Any fine



1 so collected shall be [~~paid by the commissioner to the director of~~  
2 ~~finance for the account of the compliance resolution~~] deposited  
3 into the general fund."

4 SECTION 262. Section 431:9-238, Hawaii Revised Statutes,  
5 is amended by amending subsection (d) to read as follows:

6 "(d) Any fine collected shall be [~~paid by the commissioner~~  
7 ~~to the director of finance for the account of the compliance~~  
8 ~~resolution fund.~~] deposited into the general fund."

9 SECTION 263. Section 431:9A-126, Hawaii Revised Statutes,  
10 is amended by amending subsection (c) to read as follows:

11 "(c) Any fine collected shall be [~~paid by the commissioner~~  
12 ~~to the director of finance for the account of the compliance~~  
13 ~~resolution fund.~~] deposited into the general fund."

14 SECTION 264. Section 431:10C-115, Hawaii Revised Statutes,  
15 is amended to read as follows:

16 "**§431:10C-115 Drivers education fund underwriters fee.**

17 (a) The commissioner shall assess and levy upon each insurer,  
18 and self-insurer, a drivers education fund underwriters fee of  
19 \$3 a year on each motor vehicle insured by each insurer or self-  
20 insurer. This fee is due and payable on an annual basis by  
21 means and at a time to be determined by the commissioner.



1 (b) The commissioner shall deposit the fees into [a  
2 ~~special drivers education fund account.~~

3 ~~(c) The commissioner shall allocate the fees deposited for~~  
4 ~~each fiscal year in the following manner.~~

5 ~~(1) \$1 per registration to the commissioner to be expended~~  
6 ~~for the operation of the drivers education program~~  
7 ~~provided in section 286-128(d); and~~

8 ~~(2) \$2 per registration to the director of commerce and~~  
9 ~~consumer affairs for.~~

10 ~~(A) The drivers education program administered by the~~  
11 ~~department of education for high school students,~~  
12 ~~and~~

13 ~~(B) The traffic safety education program established~~  
14 ~~and administered by the department of education~~  
15 ~~pursuant to section 302A-417.~~

16 ~~(d)]~~ the general fund.

17 (c) Motor vehicles insured under the joint underwriting  
18 plan shall be excluded from the drivers education fund  
19 assessment.





1        ~~[(e)]~~ (d) The commissioner shall adopt rules in accordance  
2 with chapter 91 for the execution of this section ~~[and the~~  
3 ~~distribution of this fund]~~."

4        SECTION 265. Section 431:10G-107, Hawaii Revised Statutes,  
5 is amended to read as follows:

6        "\$431:10G-107 Drivers education fund underwriters fee~~[+~~  
7 ~~motorcycle and motor scooter operators education fund]~~. ~~[(a)]~~  
8 The commissioner shall assess and levy upon each insurer, and  
9 self-insurer, a drivers education fund underwriters fee of \$2 a  
10 year on each motorcycle or motor scooter insured by each insurer  
11 or self-insurer. This fee shall be due and payable on an annual  
12 basis by means and at a time to be determined by the  
13 commissioner.

14        ~~[(b)] There is created in the treasury of the State a~~  
15 ~~special fund to be known as the motorcycle and motor scooter~~  
16 ~~operators education fund.]~~ The commissioner shall deposit the  
17 fees collected under this section into the ~~[motorcycle and motor~~  
18 ~~scooter operators education fund.]~~

19        ~~[(c)] The fees deposited for each fiscal year into the~~  
20 ~~motorcycle and motor scooter operators education fund, when~~  
21 ~~appropriated, shall be available to the department of~~



1 ~~transportation for the administration of a drivers education~~  
2 ~~program for operators of motorcycles or motor scooters. The~~  
3 ~~department of transportation may spend the amount collected from~~  
4 ~~these fees for the purposes of this section.] general fund."~~

5 SECTION 266. Section 440E-7, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

7 "(d) In addition to the payment of other fees and moneys  
8 due under this chapter, a licensed promoter shall pay:

9 (1) An event fee of two per cent of the total gross  
10 receipts from admission fees to an event, exclusive of  
11 federal, state, and local taxes; and

12 (2) The lesser of \$50,000 or two per cent of the gross  
13 receipts from fees charged for viewing a simultaneous  
14 or pay per view telecast of a contest or event,  
15 exclusive of federal, state, and local taxes.

16 Payments under this subsection shall be deposited into [a  
17 ~~separate account in the compliance resolution fund and shall be~~  
18 ~~used to cover the costs of administering this chapter.] the  
19 general fund."~~

20 SECTION 267. Section 454F-23, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§454F-23   Payment of fees. All fees collected pursuant to  
2   section 454F-22, administrative fines, and other charges  
3   collected pursuant to this chapter, except fees designated for  
4   deposit into the mortgage loan recovery fund shall be deposited  
5   into the [~~compliance resolution fund established pursuant to~~  
6   ~~section 26-9(e)~~] general fund and shall be payable through NMLS,  
7   to the extent allowed by NMLS. Fees not eligible for payment  
8   through NMLS shall be deposited into [~~a separate account within~~  
9   ~~the compliance resolution fund for use by the division.~~] the  
10   general fund."

11       SECTION 268. Section 454M-11, Hawaii Revised Statutes, is  
12   amended to read as follows:

13       " [†] §454M-11 [‡] ~~Compliance resolution fund.~~ Fees and fines  
14   collected. Any law to the contrary notwithstanding, fees and  
15   fines collected by the commissioner shall be deposited into the  
16   [~~compliance resolution fund established pursuant to section 26-~~  
17   ~~9(e).~~] general fund."

18       SECTION 269. Section 457-9.5, Hawaii Revised Statutes, is  
19   amended to read as follows:

20       " [†] §457-9.5 [‡]   Center for nursing fee.   [†] (a) [‡]   Upon  
21   the issuance of a new license and at each license renewal



1 period, each nurse shall pay an additional fee of \$40, which  
2 shall be deposited ~~[in a separate account in the compliance~~  
3 ~~resolution fund established pursuant to section 26-9(o).]~~ into  
4 the general fund.

5 ~~[+]~~ (b) ~~[+—The]~~ On a quarterly basis, the director of  
6 commerce and consumer affairs shall disburse ~~[on a quarterly~~  
7 ~~basis from the compliance resolution fund, established pursuant~~  
8 ~~to section 26-9(o),]~~ funds to the credit of the center for  
9 nursing special fund ~~[all moneys deposited in the separate~~  
10 ~~account established pursuant to [this section].]~~ that have been  
11 appropriated for that purpose."

12 SECTION 270. Section 465D-6, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Upon issuance of a new license and at each license  
15 renewal period, each behavior analyst shall pay, in addition to  
16 a license fee or renewal fee, a surcharge of \$50~~[, which shall~~  
17 ~~be maintained in a separate account within the compliance~~  
18 ~~resolution fund established pursuant to section 26-9(o). At the~~  
19 ~~end of each quarter, the moneys contained in the separate~~  
20 ~~account established pursuant to this section shall be~~  
21 ~~transferred to the compliance resolution fund until such]~~ until



1 a time that the total [~~transferred~~] surcharge amounts equal the  
2 amount appropriated in section 5 of Act 199, Session Laws of  
3 Hawaii 2015. Thereafter, no surcharge shall be assessed, and  
4 any funds in excess of the amount appropriated in section 5 of  
5 Act 199, Session Laws of Hawaii 2015, shall be deposited into  
6 the [~~compliance resolution~~] general fund."

7 SECTION 271. Section 667-86, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§667-86 Mortgage foreclosure dispute [~~resolution special~~  
10 ~~fund.~~] program revenues; land court affidavit fee; bureau of  
11 conveyances fee. (a) [~~There is established in the state~~  
12 ~~treasury a special fund to be known as the mortgage foreclosure~~  
13 ~~dispute resolution special fund to be administered by the~~  
14 ~~department to implement and operate the mortgage foreclosure~~  
15 ~~dispute resolution program established by this part.~~] Moneys  
16 collected as fees or fines under sections 454M-10, 667-76,  
17 667-78, 667-79, and 667-53, for the mortgage dispute resolution  
18 program and contributions from the sources identified under  
19 subsection (b) shall be deposited in the general fund.  
20 [~~Interest earned from the balance of the fund shall become a~~  
21 ~~part of the fund.~~]



1 (b) All persons who record an affidavit in the office of  
2 the assistant registrar of the land court, pursuant to section  
3 501-118, or who record a conveyance document in the bureau of  
4 conveyances for an owner-occupied property subject to a  
5 nonjudicial power of sale foreclosure shall pay a fee of \$100,  
6 which shall be deposited into the [~~mortgage-foreclosure-dispute~~  
7 ~~resolution special fund on a quarterly basis.~~] general fund."

8 SECTION 272. Section 706-643, Hawaii Revised Statutes, is  
9 amended by amending subsection (2) to read as follows:

10 "(2) All fines and other final payments received by a  
11 clerk or other officer of a court shall be accounted for, with  
12 the names of persons making payment, and the amount and date  
13 thereof, being recorded. All [~~such~~] funds shall be deposited  
14 with the director of finance to the credit of the general fund  
15 of the State. With respect to fines and bail forfeitures that  
16 are proceeds of the wildlife revolving fund under section 183D-  
17 10.5, [~~and fines that are proceeds of the compliance-resolution~~  
18 ~~fund under sections 26-9(o) and 431:2-410,~~] the director of  
19 finance shall transmit the fines and forfeitures to [~~the~~  
20 ~~respective funds.~~] that fund."



SECTION 273. Section 269-33, Hawaii Revised Statutes, is amended repealed.

~~["§269-33 Public utilities commission special fund. (a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271C, 269E, and 486J, and for costs incurred by the department of commerce and consumer affairs to fulfill the department's limited oversight and administrative support functions; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy and deposited in the compliance resolution fund established pursuant to section 26-9(o); provided that all moneys allocated by the public utilities~~



~~commission from the fund to the division of consumer advocacy  
shall be in accordance with legislative appropriations.~~

~~(b) All moneys appropriated to, received, and collected by  
the public utilities commission that are not otherwise pledged,  
obligated, or required by law to be placed in any other special  
fund or expended for any other purpose shall be deposited into  
the public utilities commission special fund including, but not  
limited to, all moneys received and collected by the public  
utilities commission pursuant to sections 92-21, 269-28, 269-30,  
271-27, 271-36, 271G-19, 269E-6, 269E-14, and 607-5.~~

~~(c) The public utilities commission shall submit an update  
as part of its annual report submitted pursuant to section 269-5  
detailing all funds received and all moneys disbursed out of the  
fund.~~

~~(d) All moneys in excess of \$1,000,000 remaining on  
balance in the public utilities commission special fund on  
June 30 of each year shall lapse to the credit of the state  
general fund."]~~

SECTION 274. Section 305J-19, Hawaii Revised Statutes, is  
repealed.





1       ~~["§305J-19] Post secondary education authorization~~  
2   ~~special subaccount. (a) All moneys collected pursuant to~~  
3   ~~section 305J-18 shall be deposited into the post secondary~~  
4   ~~education authorization special subaccount of the compliance~~  
5   ~~resolution fund established pursuant to section 26-9(o).~~

6       ~~(b) Any law to the contrary notwithstanding, the moneys in~~  
7   ~~the special subaccount shall be used to fund the operations of~~  
8   ~~the department to carry out its duties under this chapter. Any~~  
9   ~~law to the contrary notwithstanding, the director may use the~~  
10   ~~moneys in the special subaccount to employ personnel to carry~~  
11   ~~out the department's duties under this chapter. The moneys in~~  
12   ~~the special subaccount may be used to train personnel as the~~  
13   ~~director deems necessary and for any other activity related to~~  
14   ~~this chapter."}]~~

15       SECTION 275. Section 431:19-101.8, Hawaii Revised  
16   Statutes, is repealed.

17       ~~["§431:19-101.8 Captive insurance administrative fund.~~  
18   ~~(a) The commissioner may establish a separate fund designated~~  
19   ~~as the captive insurance administrative fund to be expended by~~  
20   ~~the commissioner to carry out the commissioner's duties and~~  
21   ~~obligations under this article.~~



1       ~~(b) All moneys collected pursuant to this article,~~  
2       ~~including premium taxes from captive insurance companies~~  
3       ~~licensed in this State under this article, all captive insurance~~  
4       ~~company application fees, annual license fees, and examination~~  
5       ~~fees, shall be credited to the captive insurance administrative~~  
6       ~~fund.~~

7       ~~(c) Up to ten per cent of the total moneys credited to the~~  
8       ~~fund in the prior fiscal year may be used for purposes of~~  
9       ~~promoting Hawaii as a captive insurance domicile. Disbursements~~  
10       ~~for promotional activities from the fund shall be subject to the~~  
11       ~~approval of the director of commerce and consumer affairs.~~

12       ~~(d) Sums from the fund expended by the commissioner shall~~  
13       ~~be used to defray any administrative costs, including personnel~~  
14       ~~costs associated with the captive programs of the insurance~~  
15       ~~division, and costs incurred by supporting offices, branches,~~  
16       ~~divisions, and departments. Notwithstanding any law to the~~  
17       ~~contrary, the commissioner may use the moneys in the fund to~~  
18       ~~employ or retain, by contract or otherwise and without regard to~~  
19       ~~chapter 76, hearings officers, attorneys, investigators,~~  
20       ~~accountants, examiners, and other necessary professional,~~  
21       ~~technical, and support personnel to implement and carry out the~~



~~purposes of this article, provided that any position, except any attorney position, that is subject to chapter 76 prior to July 1, 1999, shall remain subject to chapter 76.~~

~~(e) Moneys deposited by the commissioner in the fund shall not revert to the general fund."]~~

SECTION 276. Sections 26-9(1)(3), 92-24(4), 103D-709(f)(2), 241-7, 305J-18(c), 412:2-105, 412:2-105.2, 412:2-315(d), 412:2-611, 414D-5(b), 431:2-203(f), 431:2-306(b)(1), 431:2-307.5, 431:2-402(g), 431:2-410, 431:3-306.5(c), 431:3D-109, 431:3G-108, 431:7-101(e), 431:7-203(a), 431:10C-215(c), 431:11-111(a), 431:15-334(d)(1), 431:15-335(b), 431K-9, 431K-10, 432:1-108(c), 432:2-108(c), 432:2-703(e), 432D-13(c), 432D-17(c), 432E-11(d), 432E-33(a)(4), 432G-4(c), 432G-11(c), 432G-12(c), 432G-15(a), 436B-15, 436B-26.5(b), 437D-8.4(a), 438-11(d), 439-14(b), 440-13(a), 440E-9, 440E-24, 440G-15(a), 442-18(a), 444-23.5(m), 447-1(a), 449-1.9(6), 449-14, 452-17, 454F-18(b)(8), 454M-10, 457J-7(c), 466-8(g), 466D-6(a), 467-11(a), 467-30(b)(3), 468L-27(c), 481Z-9, 481Z-17, 482-2(c), 482-36, 482P-4.5(c), 489D-12.5, 489D-34(10), 514B-62, 667-53(a)(6), and 667-76, Hawaii Revised Statutes, are amendeded by substituting the words "general fund"



1 wherever the words "compliance resolution fund", "state  
2 compliance resolution fund", "compliance resolution fund under  
3 subsection (o)", "special fund established under section  
4 26-9(o)", "compliance resolution fund established by section  
5 26-9(o)", "compliance resolution fund established under section  
6 26-9(o)", "compliance resolution fund established pursuant to  
7 section 26-9(o)", "compliance resolution fund as established  
8 pursuant to section 26-9(o)", "post-secondary education  
9 authorization subaccount established pursuant to section  
10 26-9(o)", "mortgage foreclosure dispute resolution special fund  
11 established pursuant to section 667-86", "mortgage foreclosure  
12 dispute resolution special fund established under section  
13 667-86", or similar term appears, as the context requires.

14 SECTION 277. Sections 436B-14, 436B-20, 442-11, 444-15(a),  
15 457-9(b), 463-10(b), and 467-11(c), Hawaii Revised Statutes, are  
16 amended by substituting the words "compliance resolution fees"  
17 wherever the words "compliance resolution fund fees" appear, as  
18 the context requires.

19 SECTION 278. Sections 437-7(f), 437-23(c), 443B-3.5(c),  
20 463-10.5(g), and 466L-27(a), Hawaii Revised Statutes, are  
21 amended by substituting the words "compliance resolution fee"



1 wherever the words "compliance resolution fund fee" appear, as  
2 the context requires.

3 SECTION 279. The following funds (account code) are  
4 abolished:

- 5 (1) Puc spcl fd allocation-consumer advocacy (S-303-R);
- 6 (2) Compliance resoln fd-prof/voc/pers svcs (S-305-R);
- 7 (3) Compliance resoln fd-bus regist sub (S-306-R);
- 8 (4) Compliance resoln fd-business regist fee (S-306-R);
- 9 (5) Driver education fund underwriter's fee (S-309-R);
- 10 (6) General support-protection of the consum (S-310-R);
- 11 (7) Regulated industries complaints office(S-312-R);
- 12 (8) Insurance regulation fund (S-313-R);
- 13 (9) Mtg foreclosure dispute resolution fund (S-316-R);
- 14 (10) Captive insurance administrative fund (S-317-R);
- 15 (11) Public utilities commission special fund (S-339-R);
- 16 (12) Compliance resoln fd-bus regist sub (S-343-R);
- 17 (13) Public utilities commission special fund (S-344-R);
- 18 (14) Public utilities commission special fund (S-345-R);
- 19 (15) Electric vehicle charging sys rebate pgm (S-351-R);
- 20 (16) Licensure of midwives (S-364-R); and
- 21 (17) Protocol funds for executive heads (S-398-R),



1 and the unencumbered balances shall lapse to the credit of the  
2 general fund.

3 PART XIX. DEPARTMENT OF TAXATION

4 SECTION 280. Section 235-20.5, Hawaii Revised Statutes, is  
5 repealed.

6 [~~"§235-20.5 Tax administration special fund, established.~~

7 ~~(a) There is established a tax administration special fund,~~  
8 ~~into which shall be deposited:~~

9 ~~(1) Fees collected under sections 235-20 and 235-110.9;~~

10 ~~(2) Revenues collected by the special enforcement section~~

11 ~~pursuant to section 231-85; provided that in each~~

12 ~~fiscal year, of the total revenues collected by the~~

13 ~~special enforcement section, all revenues in excess of~~

14 ~~\$2,000,000 shall be deposited into the general fund;~~

15 ~~and~~

16 ~~(3) Fines assessed pursuant to section 237D-4.~~

17 ~~(b) The moneys in the fund shall be used for the following~~  
18 ~~purposes:~~

19 ~~(1) Issuing comfort letters, letter rulings, written~~

20 ~~opinions, and other guidance to taxpayers;~~

21 ~~(2) Issuing certificates under [section] 235-110.9;~~



- ~~(3) Administering the operations of the special enforcement section;~~
- ~~(4) Funding support staff positions in the special enforcement section; and~~
- ~~(5) Developing, implementing, and providing taxpayer education programs, including tax publications."]~~

SECTION 281. Section 245-41.5, Hawaii Revised Statutes, is repealed.

~~["§245-41.5] Cigarette tax stamp administrative special fund. (a) There is established in the state treasury the cigarette tax stamp administrative special fund, into which shall be deposited the allocated portion of the stamp fee designated to pay for the cost to the State of providing the stamps as provided by section 245-26.~~

~~(b) Moneys in the cigarette tax stamp administrative special fund shall be administered by the department of taxation and shall be used:~~

- ~~(1) To provide the stamps and administer the cigarette tax stamp provisions as provided in chapter 245; and~~
- ~~(2) For any other requirements deemed necessary to carry out the purposes of chapter 245."]~~



1       SECTION 282. Sections 231-85, 231-91(c), 235-20, and  
2       235-110.9(f), Hawaii Revised Statutes, are amended by  
3       substituting the words "general fund", or similar term, whenever  
4       the words "tax administration special fund" or "tax  
5       administration special fund established under section 235-20.5"  
6       or similar term, appears, as the context requires.

7               PART XX. DEPARTMENT OF PUBLIC SAFETY

8       SECTION 283. Section 351-61, Hawaii Revised Statutes, is  
9       amended to read as follows:

10       "**§351-61 Terms of order.** Except as otherwise provided in  
11       this chapter, any order for the payment of compensation under  
12       this chapter may be made on such terms as the commission deems  
13       appropriate. Without limiting the generality of the preceding  
14       sentence, the order may provide for apportionment of the  
15       compensation, for the holding of the compensation or any part  
16       thereof in trust, for the payment of the compensation in a lump  
17       sum or periodic installments, and for the payment of  
18       compensation for hospital, medical, funeral, or burial expenses  
19       directly to the person who has provided such services. All such  
20       orders shall contain words clearly informing the claimant that  
21       all awards and orders for payments under this chapter are





1 subject to the making of an appropriation by the legislature to  
2 pay the claim~~[, except as otherwise provided in section 351-~~  
3 ~~62.5] ."~~

4 SECTION 284. Section 351-62.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§351-62.5 [~~Crime victim compensation special fund; when~~  
7 When payments authorized. ~~[(a) There is established a crime~~  
8 ~~victim compensation special fund from which the commission may~~  
9 ~~make payments as provided in subsection (b). The fund shall be~~  
10 ~~administered by the director of public safety for purposes of~~  
11 ~~this chapter. Interest and investment earnings credited to the~~  
12 ~~assets of the fund shall become part of the fund. Any balance~~  
13 ~~remaining in the fund at the end of any fiscal year shall be~~  
14 ~~carried forward for the next fiscal year.~~

15 ~~(b)]~~ (a) Where the commission has made an award pursuant  
16 to this chapter, the commission shall make the payments to or on  
17 behalf of the victim or one or more of the dependents of a  
18 deceased victim, or to or for the benefit of other persons who  
19 have suffered pecuniary loss or incurred expenses on account of  
20 hospital, medical, funeral, or burial expenses as a result of  
21 the victim's injury or death. Victims or dependents entitled to



1 receive awards shall be notified of the option to have payments  
2 made on their behalf to other designated persons. Payments made  
3 pursuant to this section shall not exceed the total amount of  
4 the award.

5 ~~[(c) The amount appropriated under section 351-70 shall be~~  
6 ~~redeposited into the fund and applied to other payments as~~  
7 ~~authorized by the commission.~~

8 ~~(d)]~~ (b) Funds received pursuant to section 354D-12(b)(1)  
9 and amounts received pursuant to sections 351-35, 351-62.6,  
10 351-63, 706-605, and 853-1 shall be deposited into the [crime  
11 victim compensation special] general fund. [Moneys received  
12 shall be used for compensation payments, operating expenses,  
13 salaries of positions as authorized by the legislature, and  
14 collection of fees.] The commission may enter into memorandums  
15 of agreement with the judiciary for the collection of fees by  
16 the judiciary[, provided that no funds shall be deposited by the  
17 judiciary into the crime victim compensation special fund until  
18 collected]."

19 SECTION 285. Section 351-70, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       "§351-70 **Annual report.** The commission shall transmit  
2 annually to the governor and to the director of public safety,  
3 at least thirty days prior to the convening of the legislature a  
4 report of its activities under this chapter including a brief  
5 description of the facts in each case, and the amount, if any,  
6 of compensation awarded, and the names of attorneys and health  
7 care providers where they are the applicants. The director of  
8 public safety [~~shall~~], within five days after the opening of the  
9 legislative session, shall transmit the report, together with a  
10 tabulation of the total amount of compensation awarded during  
11 the prior fiscal year and an estimate of the amount that is  
12 reasonably estimated to be required for the next fiscal year,  
13 and a legislative bill to appropriate funds for the [~~crime~~  
14 ~~victim compensation special fund~~] the purposes of this chapter  
15 for the next fiscal year. The commission shall provide, upon  
16 request of the governor, the director of public safety, or the  
17 legislature, the relevant data, including the names of all  
18 applicants for compensation, under this chapter."

19       SECTION 286. Section 353-136, Hawaii Revised Statutes, is  
20 amended to read as follows:



1 " ~~[§] §353-136 [§]~~ Automated victim information and  
2 notification system ~~[special fund; authorization of payment.]~~  
3 funding; commissary surcharge; telephone service agreement  
4 proceeds. ~~[(a) There is established a special fund to be~~  
5 ~~known as the automated victim information and notification~~  
6 ~~system special fund, to be administered by the department.~~  
7 ~~Interest and investment earnings credited to the assets of the~~  
8 ~~fund shall become part of the fund. Any remaining balance in~~  
9 ~~the fund at the end of any fiscal year shall be carried over to~~  
10 ~~the next fiscal year.~~

11 ~~(b)]~~ For the purpose of offsetting the costs associated  
12 with the automated victim information and notification system:

13 (1) Any item purchased by an in-state or out-of-state  
14 inmate from a correctional facility commissary shall  
15 be subject to a four per cent surcharge on the item's  
16 price. The proceeds from the surcharge shall be  
17 deposited into the ~~[automated victim information and~~  
18 ~~notification system special fund.]~~ general fund; and

19 ~~[(e)]~~ (2) All proceeds or revenues that are derived from  
20 any commission that is realized pursuant to a telephone service  
21 agreement executed by the department for the provision of



1 telephone services for inmates shall be deposited into the  
2 ~~[automated victim information and notification system special~~  
3 ~~fund.]~~ general fund.

4 ~~[(d) Moneys received pursuant to subsections (b) and (c)~~  
5 ~~shall be used for the development and operating expenses,~~  
6 ~~including salaries and benefits of positions as authorized by~~  
7 ~~the legislature, of the system.~~

8 ~~(e) The sum total of all moneys expended for development~~  
9 ~~and operating expenses, including salaries and benefits of~~  
10 ~~positions as authorized by the legislature, shall not exceed the~~  
11 ~~special fund ceiling related to the fund established by the~~  
12 ~~legislature; provided that the total moneys expended for these~~  
13 ~~purposes shall not exceed \$600,000 in any one fiscal year.~~

14 ~~(f) Federal funds shall not be transferred to, or~~  
15 ~~deposited into, the automated victim information and~~  
16 ~~notification system special fund.] "~~

17 SECTION 287. Section 353C-7, Hawaii Revised Statutes, is  
18 repealed.

19 ~~["§353C-7 Federal reimbursement maximization special fund.~~

20 ~~(a) There is established in the state treasury the federal~~  
21 ~~reimbursement maximization special fund, into which shall be~~



1 ~~deposited all federal reimbursements received by the department~~  
2 ~~relating to the State Criminal Alien Assistance Program. Unless~~  
3 ~~otherwise provided by law, all other receipts shall immediately~~  
4 ~~be deposited to the credit of the general fund of the State.~~

5 ~~(b) Moneys in the federal reimbursement maximization~~  
6 ~~special fund shall be used by the department for the following~~  
7 ~~purposes:~~

8 ~~(1) To meet the state match requirement for federal grants~~  
9 ~~and costs associated with federal grant reporting~~  
10 ~~requirements, including administrative expenses such~~  
11 ~~as the hiring of temporary staff;~~

12 ~~(2) For any other purpose deemed necessary by the~~  
13 ~~department for maintaining existing federal grants as~~  
14 ~~well as pursuing federal grants;~~

15 ~~(3) To hire consultants to provide training for~~  
16 ~~corrections officers;~~

17 ~~(4) To hire consultants to conduct facility or program~~  
18 ~~evaluations;~~

19 ~~(5) To rent or purchase vehicles to transport inmates;~~

20 ~~(6) To provide pre release and reentry programs;~~

21 ~~(7) To improve technology; and~~



~~(8) To recruit and retain corrections workforce.~~  
~~(c) The department shall prepare and submit an annual report on the status of the federal reimbursement maximization special fund to the legislature no later than twenty days before the convening of each regular session. The annual report shall include but not be limited to a description of the use of the funds."]~~

SECTION 288. Sections 351-62.6(a), 351-64.5(b), 351-84(b), and 354D-12(b)(1), Hawaii Revised Statutes, are amended by substituting the words "general fund" wherever the words "crime victim compensation special fund under section 351-62.5" or "crime victim compensation special fund" appear as the context requires.

PART XXI. OFFICE OF HAWAIIAN AFFAIRS

SECTION 289. The following funds (account code) are abolished:

- (1) Wao kele o puna fund (S-315-z1);
  - (2) Hawaiian projects fund (S-320-z1); and
  - (3) Native Hawaiian rights fund (S-331-z1),
- and the unencumbered balances shall lapse to the credit of the general fund.



PART XXII. DEPARTMENT OF TRANSPORTATION

SECTION 290. The following funds (account code) are abolished:

(1) \_\_\_\_\_; and

(2)

and the unencumbered balances shall lapse to the credit of the general fund.

PART XXIII. MISCELLANEOUS SECTIONS AMENDED BY MULTIPLE PARTS

SECTION 291. Section 36-27, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

~~[(1) Special out of school time instructional program fund  
under section 302A-1310;~~

+27] (1) School cafeteria special funds of the department  
of education;

~~[(3)]~~ (2) Special funds of the University of Hawaii;





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1       ~~[(4)]~~ (3) State educational facilities improvement special  
2                   fund;  
3       ~~[(5)]~~ ~~Convention center enterprise special fund under~~  
4                   ~~section 201B-8;~~  
5       ~~[(6)]~~ (4) Special funds established by section 206E-6;  
6       ~~[(7)]~~ (5) Aloha Tower fund created by section 206J-17;  
7       ~~[(8)]~~ (6) Funds of the employees' retirement system created  
8                   by section 88-109;  
9       ~~[(9)]~~ (7) Hawaii hurricane relief fund established under  
10                  chapter 431P;  
11       ~~[(10)]~~ (8) Hawaii health systems corporation special funds  
12                  and the subaccounts of its regional system boards;  
13       ~~[(11)]~~ (9) Tourism special fund established under section  
14                  201B-11;  
15       ~~[(12)]~~ (10) Universal service fund established under section  
16                  269-42;  
17       ~~[(13)]~~ ~~Emergency and budget reserve fund under section 328L-~~  
18                  ~~3;~~  
19       ~~[(14)]~~ (11) Public schools special fees and charges fund  
20                  under section 302A-1130;  
21       ~~[(15)]~~ ~~Sport fish special fund under section 187A-9.5;~~



1       ~~{(16)}~~ Neurotrauma special fund under section 321H-4;  
2       ~~{(17)}~~ (12) Glass advance disposal fee established by  
3               section 342G-82;  
4       ~~{(18)}~~ Center for nursing special fund under section 304A-  
5               2163;  
6       ~~{(19)}~~ (13) Passenger facility charge special fund  
7               established by section 261-5.5;  
8       ~~{(20)}~~ Solicitation of funds for charitable purposes special  
9               fund established by section 467B-15;  
10       ~~{(21)}~~ Land conservation fund established by section 173A-5;  
11       ~~{(22)}~~ (14) Court interpreting services revolving fund under  
12               section 607-1.5;  
13       ~~{(23)}~~ Trauma system special fund under section 321-22.5;  
14       ~~{(24)}~~ Hawaii cancer research special fund;  
15       ~~{(25)}~~ Community health centers special fund;  
16       ~~{(26)}~~ Emergency medical services special fund;  
17       ~~{(27)}~~ (15) Rental motor vehicle customer facility charge  
18               special fund established under section 261-5.6;  
19       ~~{(28)}~~ Shared services technology special fund under section  
20               27-43;



1     ~~{(29)}~~ Automated victim information and notification system  
2             ~~special fund established under section 353-136,~~

3     ~~{(30)}~~ Deposit beverage container deposit special fund under  
4             ~~section 342G-104,~~

5     ~~{(31)}~~ (16) Hospital sustainability program special fund  
6             under [ ] section 346G-4 [ ] ;

7     ~~{(32)}~~ (17) Nursing facility sustainability program special  
8             fund under [ ] section 346F-4 [ ] ;

9     ~~{(33)}~~ (18) Hawaii 3R's school improvement fund under  
10            section 302A-1502.4; and

11    ~~{(34)}~~ (19) After-school plus program revolving fund under  
12            section 302A-1149.5 [ ] ~~and~~

13    ~~{(35)}~~ Civil monetary penalty special fund under section 321-  
14            30.2] ,

15 shall deduct five per cent of all receipts of all other special  
16 funds, which deduction shall be transferred to the general fund  
17 of the State and become general realizations of the State. All  
18 officers of the State and other persons having power to allocate  
19 or disburse any special funds shall cooperate with the director  
20 in effecting these transfers. To determine the proper revenue  
21 base upon which the central service assessment is to be



1 calculated, the director shall adopt rules pursuant to chapter  
2 91 for the purpose of suspending or limiting the application of  
3 the central service assessment of any fund. No later than  
4 twenty days prior to the convening of each regular session of  
5 the legislature, the director shall report all central service  
6 assessments made during the preceding fiscal year."

7 SECTION 292. Section 36-30, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

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

10 ~~[(1) Special out-of-school-time instructional program fund~~  
11 ~~under section 302A-1310;~~

12 ~~[(2)]~~ (1) School cafeteria special funds of the department  
13 of education;

14 ~~[(3)]~~ (2) Special funds of the University of Hawaii;

15 ~~[(4)]~~ (3) State educational facilities improvement special  
16 fund;

17 ~~[(5)]~~ (4) Special funds established by section 206E-6;

18 ~~[(6)]~~ (5) Aloha Tower fund created by section 206J-17;

19 ~~[(7)]~~ (6) Funds of the employees' retirement system created  
20 by section 88-109;



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1       ~~[(8)]~~ (7) Hawaii hurricane relief fund established under  
2                   chapter 431P;  
3       ~~[(9)]~~ ~~Convention center enterprise special fund established~~  
4                   ~~under section 201B-8;~~  
5       ~~[(10)]~~ (8) Hawaii health systems corporation special funds  
6                   and the subaccounts of its regional system boards;  
7       ~~[(11)]~~ (9) Tourism special fund established under section  
8                   201B-11;  
9       ~~[(12)]~~ (10) Universal service fund established under section  
10                  269-42;  
11       ~~[(13)]~~ ~~Emergency and budget reserve fund under section 328L-~~  
12                  ~~3;~~  
13       ~~[(14)]~~ (11) Public schools special fees and charges fund  
14                  under 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)]~~ ~~Center for nursing special fund under section 304A-~~  
18                  ~~2163;~~  
19       ~~[(18)]~~ (12) Passenger facility charge special fund  
20                  established by section 261-5.5;



1     ~~[(19)]~~ (13) Court interpreting services revolving fund under  
2             section 607-1.5;  
3     ~~[(20)] Trauma system special fund under section 321-22.5,~~  
4     ~~[(21)] Hawaii cancer research special fund,~~  
5     ~~[(22)] Community health centers special fund,~~  
6     ~~[(23)] Emergency medical services special fund,~~  
7     ~~[(24)]~~ (14) Rental motor vehicle customer facility charge  
8             special fund established under section 261-5.6;  
9     ~~[(25)]~~ (15) Shared services technology special fund under  
10            section 27-43;  
11    ~~[(26)]~~ (16) Nursing facility sustainability program special  
12            fund established pursuant to ~~[(1)]~~section 346F-4 ~~[(1)]~~; and  
13    ~~[(27)] Automated victim information and notification system~~  
14            ~~special fund established under section 353-136,~~  
15    ~~[(28)]~~ (17) Hospital sustainability program special fund  
16            under ~~[(1)]~~section 346G-4 ~~[(1)]~~; and  
17    ~~[(29)] Civil monetary penalty special fund under section 321-~~  
18            ~~30-2,~~ and  
19    shall be responsible for its pro rata share of the  
20    administrative expenses incurred by the department responsible  
21    for the operations supported by the special fund concerned."



1       SECTION 293. Section 235-102.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3       "**§235-102.5 Income check-off authorized.** (a) Any  
4 individual whose state income tax liability for any taxable year  
5 is \$3 or more may designate \$3 of the liability to be paid over  
6 to the Hawaii election campaign fund, any other law to the  
7 contrary notwithstanding, when submitting a state income tax  
8 return to the department. In the case of a joint return of a  
9 husband and wife having a state income tax liability of \$6 or  
10 more, each spouse may designate that \$3 be paid to the fund.  
11 The director of taxation shall revise the individual state  
12 income tax form to allow the designation of contributions to the  
13 fund on the face of the tax return and immediately above the  
14 signature lines. An explanation shall be included which clearly  
15 states that the check-off does not constitute an additional tax  
16 liability. If no designation was made on the original tax  
17 return when filed, a designation may be made by the individual  
18 on an amended return filed within twenty months and ten days  
19 after the due date for the original return for such taxable  
20 year. A designation once made whether by an original or amended  
21 return may not be revoked.



1       ~~[(b) Notwithstanding any law to the contrary, any~~  
2   ~~individual whose state income tax refund for any taxable year is~~  
3   ~~\$2 or more may designate \$2 of the refund to be deposited into~~  
4   ~~the school-level minor repairs and maintenance special fund~~  
5   ~~established by section 302A-1504.5, when submitting a state~~  
6   ~~income tax return to the department. In the case of a joint~~  
7   ~~return of a husband and wife having a state income tax refund of~~  
8   ~~\$4 or more, each spouse may designate that \$2 be deposited into~~  
9   ~~the special fund. The director of taxation shall revise the~~  
10   ~~individual state income tax return form to allow the designation~~  
11   ~~of contributions to the special fund on the face of the tax~~  
12   ~~return and immediately above the signature lines. If no~~  
13   ~~designation was made on the original tax return when filed, a~~  
14   ~~designation may be made by the individual on an amended return~~  
15   ~~filed within twenty months and ten days after the due date for~~  
16   ~~the original return for such taxable year. A designation once~~  
17   ~~made, whether by an original or amended return, may not be~~  
18   ~~revoked.~~

19       ~~(c) Notwithstanding any law to the contrary, any~~  
20   ~~individual whose state income tax refund for any taxable year is~~  
21   ~~\$5 or more may designate \$5 of the refund to be paid over to the~~





1 ~~libraries special fund established by section 312-3.6, when~~  
2 ~~submitting a state income tax return to the department. In the~~  
3 ~~case of a joint return of a married couple having a state income~~  
4 ~~tax refund of \$10 or more, each spouse may designate that \$5 be~~  
5 ~~deposited into the special fund. The director of taxation shall~~  
6 ~~revise the individual state income tax form to allow the~~  
7 ~~designation of contributions to the fund on the face of the tax~~  
8 ~~return and immediately above the signature lines. If no~~  
9 ~~designation was made on the original tax return when filed, a~~  
10 ~~designation may be made by the individual on an amended return~~  
11 ~~filed within twenty months and ten days after the due date for~~  
12 ~~the original return for that taxable year. A designation once~~  
13 ~~made, whether by an original or amended return, may not be~~  
14 ~~revoked.~~

15       ~~(d)]~~ (b) Notwithstanding any law to the contrary, any  
16 individual whose state income tax refund for any taxable year is  
17 \$5 or more may designate \$5 of the refund to be paid over [as  
18 follows:

- 19       ~~(1) One-third]~~ to the Hawaii children's trust fund under  
20               section 350B-2[, and  
21       ~~(2) Two-thirds to be divided equally among:~~



1           ~~(A) The domestic violence and sexual assault special~~  
2           ~~fund under the department of health in section~~  
3           ~~321-1.3;]~~

4           ~~(B) The spouse and child abuse special fund under the~~  
5           ~~department of human services in section 346-7.5;~~  
6           ~~and~~

7           ~~(C) The spouse and child abuse special account under~~  
8           ~~the judiciary in section 601-3.6].~~

9 When designated by a taxpayer submitting a state income tax  
10 return to the department, the department of budget and finance  
11 shall allocate the moneys among the several funds as provided in  
12 this subsection. In the case of a joint return of a husband and  
13 wife having a state income tax refund of \$10 or more, each  
14 spouse may designate that \$5 be paid over as provided in this  
15 subsection. The director of taxation shall revise the  
16 individual state income tax form to allow the designation of  
17 contributions pursuant to this subsection on the face of the tax  
18 return and immediately above the signature lines. If no  
19 designation was made on the original tax return when filed, a  
20 designation may be made by the individual on an amended return  
21 filed within twenty months and ten days after the due date for



1 the original return for such taxable year. A designation once  
2 made, whether by an original or amended return, may not be  
3 revoked."

4 SECTION 294. Section 237D-6.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) Except for the revenues collected pursuant to section  
7 237D-2(e), revenues collected under this chapter shall be  
8 distributed in the following priority, with the excess revenues  
9 to be deposited into the general fund:

10 ~~[(1) \$1,500,000 shall be allocated to the Turtle Bay~~  
11 ~~conservation easement special fund beginning July 1,~~  
12 ~~2015, for the reimbursement to the state general fund~~  
13 ~~of debt service on reimbursable general obligation~~  
14 ~~bonds, including ongoing expenses related to the~~  
15 ~~issuance of the bonds, the proceeds of which were used~~  
16 ~~to acquire the conservation easement and other real~~  
17 ~~property interests in Turtle Bay, Oahu, for the~~  
18 ~~protection, preservation, and enhancement of natural~~  
19 ~~resources important to the State, until the bonds are~~  
20 ~~fully amortized;~~



1       ~~(2) \$16,500,000 shall be allocated to the convention~~  
2       ~~center enterprise special fund established under~~  
3       ~~section 201B-8;~~

4       ~~(3)]~~ (1) \$79,000,000 shall be allocated to the tourism  
5       special fund established under section 201B-11;  
6       provided that:

7       (A) Beginning on July 1, 2012, and ending on June 30,  
8       2015, \$2,000,000 shall be expended from the  
9       tourism special fund for development and  
10      implementation of initiatives to take advantage  
11      of expanded visa programs and increased travel  
12      opportunities for international visitors to  
13      Hawaii;

14      (B) Of the \$79,000,000 allocated:

15           (i) \$1,000,000 shall be allocated for the  
16           operation of a Hawaiian center and the  
17           museum of Hawaiian music and dance; and

18           (ii) 0.5 per cent of the \$79,000,000 shall be  
19           transferred to a sub-account in the tourism  
20           special fund to provide funding for a safety



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1                   and security budget, in accordance with the  
2                   Hawaii tourism strategic plan 2005-2015; and  
3       (C)   Of the revenues remaining in the tourism special  
4           fund after revenues have been deposited as  
5           provided in this paragraph and except for any sum  
6           authorized by the legislature for expenditure  
7           from revenues subject to this paragraph,  
8           beginning July 1, 2007, funds shall be deposited  
9           into the tourism emergency special fund,  
10          established in section 201B-10, in a manner  
11          sufficient to maintain a fund balance of  
12          \$5,000,000 in the tourism emergency special fund;  
13          and

14       ~~[-(4)-]~~ (2)   \$103,000,000 shall be allocated as follows:

15           Kauai county shall receive 14.5 per cent, Hawaii  
16           county shall receive 18.6 per cent, city and county of  
17           Honolulu shall receive 44.1 per cent, and Maui county  
18           shall receive 22.8 per cent; provided that commencing  
19           with fiscal year 2018-2019, a sum that represents the  
20           difference between a county public employer's annual  
21           required contribution for the separate trust fund



1 established under section 87A-42 and the amount of the  
2 county public employer's contributions into that trust  
3 fund shall be retained by the state director of  
4 finance and deposited to the credit of the county  
5 public employer's annual required contribution into  
6 that trust fund in each fiscal year, as provided in  
7 section 87A-42, if the respective county fails to  
8 remit the total amount of the county's required annual  
9 contributions, as required under section 87A-43 [; and

10 ~~(5) \$3,000,000 shall be allocated to the special land and~~  
11 ~~development fund established under section 171-19;~~  
12 ~~provided that the allocation shall be expended in~~  
13 ~~accordance with the Hawaii tourism authority strategic~~  
14 ~~plan for;~~

15 ~~(A) The protection, preservation, maintenance, and~~  
16 ~~enhancement of natural resources, including~~  
17 ~~beaches, important to the visitor industry;~~

18 ~~(B) Planning, construction, and repair of facilities;~~  
19 and



1           ~~(C) Operation and maintenance costs of public lands,~~  
2           ~~including beaches, connected with enhancing the~~  
3           ~~visitor experience].~~

4           All transient accommodations taxes shall be paid into the  
5           state treasury each month within ten days after collection and  
6           shall be kept by the state director of finance in special  
7           accounts for distribution as provided in this subsection."

8           SECTION 295. Section 243-3.5, Hawaii Revised Statutes, is  
9           amended by amending subsections (a) and (b) to read as follows:

10          "(a) In addition to any other taxes provided by law,  
11          subject to the exemptions set forth in section 243-7, there is  
12          hereby imposed a state environmental response, energy, and food  
13          security tax on each barrel or fractional part of a barrel of  
14          petroleum product sold by a distributor to any retail dealer or  
15          end user of petroleum product, other than a refiner. The tax  
16          shall be \$1.05 on each barrel or fractional part of a barrel of  
17          petroleum product that is not aviation fuel; provided that of  
18          the tax collected pursuant to this subsection:

- 19           (1) 5 cents of the tax on each barrel shall be deposited  
20               into the environmental response revolving fund  
21               established under section 128D-2;



1       ~~[(2) 5 cents of the tax on each barrel shall be deposited~~  
2           ~~into the energy security special fund established~~  
3           ~~under section 201-12.8;~~

4       ~~+(3) 10 cents of the tax on each barrel shall be deposited~~  
5           ~~into the energy systems development special fund~~  
6           ~~established under section 304A-2169.1,] and~~

7       ~~[(4)]~~ (2) 15 cents of the tax on each barrel shall be  
8           deposited into the agricultural development and food  
9           security special fund established under section  
10          141-10.

11       The tax imposed by this subsection shall be paid by the  
12       distributor of the petroleum product.

13       (b) In addition to subsection (a), the tax shall also be  
14       imposed on each one million British thermal units of fossil fuel  
15       sold by a distributor to any retail dealer or end user, other  
16       than a refiner, of fossil fuel. The tax shall be 19 cents on  
17       each one million British thermal units of fossil fuel; provided  
18       that of the tax collected pursuant to this subsection:

19       (1) 4.8 per cent of the tax on each one million British  
20       thermal units shall be deposited into the





1 environmental response revolving fund established  
2 under section 128D-2;

3 ~~[(2) 14.3 per cent of the tax on each one million British~~  
4 ~~thermal units shall be deposited into the energy~~  
5 ~~security special fund established under section 201-~~  
6 ~~12.8;~~

7 ~~-(3) 9.5 per cent of the tax on each one million British~~  
8 ~~thermal units shall be deposited into the energy~~  
9 ~~systems development special fund established under~~  
10 ~~section 304A-2169.1;] and~~

11 ~~[-(4)]~~ (2) 14.3 per cent of the tax on each one million  
12 British thermal units shall be deposited into the  
13 agricultural development and food security special  
14 fund established under section 141-10.

15 The tax imposed by this subsection shall be paid by the  
16 distributor of the fossil fuel."

17 SECTION 296. Section 245-15, Hawaii Revised Statutes, is  
18 amended to read as follows:

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



1 by law; provided that, of the moneys collected under the tax  
2 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;



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

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

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

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

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

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

(A) 2.0 cents per cigarette shall be deposited to the 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 The department shall provide an annual accounting of these  
16 dispositions to the legislature."

17 SECTION 297. Section 245-26, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Stamps shall be sold at their denominated values,  
20 plus a stamp fee of 1.7 per cent of the denominated value of  
21 each stamp sold[~~, composed of the aggregate of~~]



- 1       ~~(1) .2 per cent of the denominated value of the stamp to~~  
2       ~~pay for the cost to the State of providing the stamps,~~  
3       ~~with that amount to be deposited to the credit of the~~  
4       ~~department of taxation's cigarette tax stamp~~  
5       ~~administrative special fund; and~~  
6       ~~(2) 1.5 per cent of the denominated value of the stamp to~~  
7       ~~pay for the cost of enforcing the stamp tax, with that~~  
8       ~~amount to be deposited to the credit of the department~~  
9       ~~of the attorney general's tobacco enforcement special~~  
10       ~~fund];~~

11       provided that the department by rule may modify the stamp fee to  
12       reflect actual costs incurred by the State in providing the  
13       stamps."

14       SECTION 298. Section 338-14, Hawaii Revised Statutes, is  
15       amended by amending subsection (c) to read as follows:

16       "(c) The department shall keep an account of all fees  
17       collected and shall deposit them to the general fund of the  
18       State except as provided in sections [~~321-1.3, 338-14.5,~~  
19       338-14.6[~~7~~] and 346-7.5, [~~and 601-3.6~~]."

20       SECTION 299. Section 338-14.5, Hawaii Revised Statutes, is  
21       amended to read as follows:



1       "§338-14.5 Copies of certificate; fees. The fees for  
2 certified copies of birth, marriage, divorce, or death  
3 certificates issued by the department of health shall consist of  
4 \$10 for the first copy issued and \$4 for each copy issued  
5 thereafter. These fees shall be collected for each single  
6 request for certified copies. All fees received for the  
7 issuance of certified copies of birth, marriage, divorce, or  
8 death certificates shall be remitted to the director of health.  
9 Upon the receipt of remittances under this section, the director  
10 of health shall deposit[+]

11       ~~(1) \$1 for each certified copy to the credit of the spouse~~  
12       ~~and child abuse special fund established under section~~  
13       ~~346-7.5;~~

14       ~~(2) \$1 for each certified copy to the credit of the spouse~~  
15       ~~and child abuse special account established under~~  
16       ~~section 601-3.6;~~

17       ~~(3) \$1 for each certified copy to the credit of the~~  
18       ~~domestic violence and sexual assault special fund~~  
19       ~~established under section 321-1.3;~~





1       ~~(4) \$1 for each certified copy to the credit of the vital~~  
2           ~~statistics improvement special fund established under~~  
3           ~~section 338-14.6; and~~

4       ~~(5) The remainder of] the entire fee for each certified~~  
5           ~~copy to the credit of the state general fund."~~

6       SECTION 300. Section 572-5, Hawaii Revised Statutes, is  
7 amended by amending subsections (a) and (b) to read as follows:

8       "(a) The department of health shall appoint, and at its  
9 pleasure remove, one or more suitable persons as agents  
10 authorized to grant marriage licenses under this chapter in each  
11 judicial circuit. The agents may issue licenses from any state  
12 facility when deemed necessary by the director. Any agent  
13 appointed under this subsection and receiving an application for  
14 a marriage license shall collect from the applicant for the  
15 license \$60, of which the agent, except those provided for in  
16 subsection (b), shall retain \$9 for the agent's benefit and  
17 compensation and shall remit \$51 to the director of health.  
18 Upon the receipt of remittances under this subsection, the  
19 director of health shall deposit[+]

20       ~~(1) \$32 for each license issued to the credit of the~~  
21           ~~general fund of the State;~~



1       ~~(2) \$4.50 for each license issued to the credit of the~~  
2       ~~spouse and child abuse special fund established under~~  
3       ~~section 346-7.5;~~

4       ~~(3) \$4.50 for each license issued to the credit of the~~  
5       ~~spouse and child abuse special account established~~  
6       ~~under section 601-3.6; and~~

7       ~~(4) \$10 for each license issued to the credit of the birth~~  
8       ~~defects special fund established under section~~  
9       ~~321-426.] the amount into the general fund.~~

10       (b) The department may appoint, as regular employees under  
11 the civil service and classification laws, the number of  
12 suitable persons as agents authorized to grant marriage licenses  
13 for whom provision has been made in the general appropriation  
14 act. In the case of these agents, the full amount collected  
15 from applicants shall be remitted to the director of health.  
16 Upon the receipt of remittances under this subsection, the  
17 director of health shall deposit[+]

18       ~~(1) \$41 for each license issued to the credit of the~~  
19       ~~general fund of the State;~~



- 1       ~~(2) \$4.50 for each license issued to the credit of the~~  
2           ~~spouse and child abuse special fund established under~~  
3           ~~section 346-7.5;~~
- 4       ~~(3) \$4.50 for each license issued to the credit of the~~  
5           ~~spouse and child abuse special account established~~  
6           ~~under section 601-3.6; and~~
- 7       ~~(4) \$10 for each license issued to the credit of the birth~~  
8           ~~defects special fund established under section~~  
9           ~~321-426.] the amount into the general fund."~~

10       SECTION 301. Section 28-15, Hawaii Revised Statutes, is  
11       repealed.

12       ~~["§28-15 Tobacco enforcement special fund. (a) There is~~  
13       ~~established in the state treasury the tobacco enforcement~~  
14       ~~special fund, into which shall be deposited the tobacco~~  
15       ~~settlement moneys as provided by section 328L-2(a), the~~  
16       ~~allocated portion of the stamp fee designated to pay for the~~  
17       ~~cost of enforcing the cigarette tax stamp as provided by section~~  
18       ~~245-26, and fines as provided for by section 245-41.~~

19       ~~(b) The tobacco enforcement special fund shall be~~  
20       ~~administered by the department of the attorney general and shall~~



1 ~~be used for administering, operating, monitoring, and ensuring~~  
2 ~~compliance with and enforcement of:~~

3 ~~(1) The Master Settlement Agreement as defined in chapter~~  
4 ~~675 and any other statutes or programs relating to~~  
5 ~~that agreement;~~

6 ~~(2) Chapter 675;~~

7 ~~(3) Tobacco prevention programs;~~

8 ~~(4) The cigarette tax stamp as defined in chapter 245 and~~  
9 ~~any other statutes or programs relating to that~~  
10 ~~chapter;~~

11 ~~(5) Chapter 245;~~

12 ~~(6) Chapter 486P and any other statutes or programs~~  
13 ~~relating to that chapter; and~~

14 ~~(7) Any other requirement deemed necessary to carry out~~  
15 ~~the purposes of the fund.~~

16 ~~(c) All unencumbered and unexpended moneys in excess of~~  
17 ~~\$500,000 remaining on balance in the tobacco enforcement special~~  
18 ~~fund at the close of June 30 of each year shall lapse to the~~  
19 ~~credit of the state general fund.~~

20 ~~(d) The department of the attorney general shall submit a~~  
21 ~~report to the legislature, no later than twenty days prior to~~



1 ~~the convening of each regular session, providing an accounting~~  
2 ~~of the receipts and expenditures of the fund."]~~

3 SECTION 302. Section 328L-2, Hawaii Revised Statutes, is  
4 repealed.

5 ~~["§328L-2 Hawaii tobacco settlement special fund. (a)~~  
6 ~~There is established in the state treasury the Hawaii tobacco~~  
7 ~~settlement special fund into which shall be deposited:~~

8 ~~(1) All tobacco settlement moneys; and~~

9 ~~(2) All interest and earnings accruing from the investment~~  
10 ~~of moneys in the fund;~~

11 ~~provided that of all tobacco settlement moneys received by the~~  
12 ~~State each fiscal year, the sum representing the first \$350,000~~  
13 ~~of those moneys shall first be deposited in the state treasury~~  
14 ~~in each fiscal year to the credit of the tobacco enforcement~~  
15 ~~special fund. The Hawaii tobacco settlement special fund shall~~  
16 ~~be administered by the department.~~

17 ~~(b) The fund shall be used for the purpose of receiving,~~  
18 ~~allocating, and appropriating the tobacco settlement moneys as~~  
19 ~~follows:~~



1       ~~(1) Fifteen per cent shall be appropriated into the~~  
2       ~~emergency and budget reserve fund under section 328L-~~  
3       ~~3,~~  
4       ~~(2) Twelve and one half per cent shall be appropriated~~  
5       ~~into the Hawaii tobacco prevention and control trust~~  
6       ~~fund under section 328L-5,~~  
7       ~~(3) Twenty six per cent shall be appropriated into the~~  
8       ~~university revenue undertakings fund created in~~  
9       ~~section 304A-2167.5, to be applied to the payment of~~  
10       ~~the principal of and interest on, and to generate~~  
11       ~~required coverage, if any, for, revenue bonds issued~~  
12       ~~by the board of regents of the University of Hawaii to~~  
13       ~~finance the cost of construction of a university~~  
14       ~~health and wellness center, including a new medical~~  
15       ~~school facility, to be situated on the island of Oahu,~~  
16       ~~and~~  
17       ~~(4) Any remaining amounts shall be deposited to the credit~~  
18       ~~of the state general fund,~~  
19       ~~in the succeeding fiscal year." ]~~

20       SECTION 303. It is the intent of this Act not to  
21       jeopardize the receipt of any federal aid nor to impair the



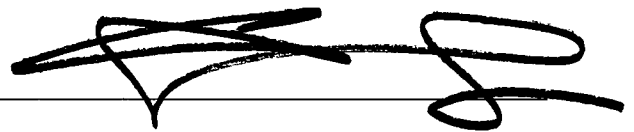
1 obligation of the State or any agency thereof to the holders of  
2 any bond issued by the State or by any such agency, and to the  
3 extent, and only to the extent, necessary to effectuate this  
4 intent, the governor may modify the strict provisions of this  
5 Act, but shall promptly report any such modification with  
6 reasons therefor to the legislature at its next session  
7 thereafter for review by the legislature.

8 SECTION 304. All unencumbered balances in the funds  
9 repealed by this Act shall lapse to the credit of the general  
10 fund.

11 SECTION 305. Statutory material to be repealed is  
12 bracketed and stricken. New statutory material is underscored.

13 SECTION 306. This Act shall take effect on July 1, 2021.  
14

INTRODUCED BY: \_\_\_\_\_



JAN 27 2021



# H.B. NO. 1299

**Report Title:**

DOA; DBEDT; DLNR; DOE; UH; DOH; DHHL; JUD; DHS; DLIR; DAGS; AG; BUF; DHRD; Governor; DCCA; DOTAX; PSD; OHA

**Description:**

Repeals various non-general funds of the department of agriculture; department of business, economic development, and tourism; department of land and natural resources; department of education; university of Hawaii; department of Hawaiian home lands; judiciary; department of human services; department of labor and industrial relations; department of accounting and general services; department of the attorney general; department of budget and finance; department of human resources development; office of the governor; department commerce and consumer affairs; department of taxation; department of public safety; and office of Hawaiian affairs. Transfers unencumbered balances to the credit of the general fund.

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

