

ACT 184

A Bill for an Act Relating to the Disposition and Accounting for Revenues of the State, Amending the Revised Laws of Hawaii 1955, as Amended, to Provide for the Disposition of Certain Special Funds and Making Appropriations.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. It is the purpose of this Act to eliminate certain special funds the revenues previously paid into which are henceforth to be credited to the general fund of the State. In order to provide for continuity of services, this Act makes appropriations to the agencies affected.

SECTION 2. Disposition of income relating to the contractors license board. Chapter 166A of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following manner :

(a) Section 166A-14(c) is hereby repealed.

(b) Section 166A-19 is hereby amended to read as follows:

"Sec. 166A-19. Disposition of fees, refunds. (a) All fees received by the board under this chapter shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.

(b) The board may request the treasurer to have any fee erroneously paid to it under this chapter refunded when the board deems it just and equitable."

SECTION 3. Disposition of fees from quarantine of cats and dogs. Section 20-27 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 20-27. Disposition of fees from quarantine of cats and dogs. All fees collected by the board with respect to the quarantine of cats and dogs shall be deposited with the director of the budget to the credit of the general fund."

SECTION 4. Disposition of University of Hawaii income. Section 44-7 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Sec. 44-7. Appropriations; accounts; reports. Moneys appropriated by the legislature for the university shall be payable by the director of the budget, upon vouchers approved by the board of regents or by any officer elected or appointed by the board under section 44-3 and authorized by the board to approve such vouchers on behalf of the board. All moneys received by or in behalf of the board or the university shall be deposited with the director of the budget, 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. Income from fees for tuition and similar charges against students and income derived from sale of goods or services shall be deposited to the credit of the general fund of the State; provided, however, that income from university projects, as defined and described in sections 44-60 to 44-72, may be credited to special or other funds, and provided further that the comptroller may require such separate accounts or special funds for designated revenues as he deems in the best interests of the State."

SECTION 5. Disposition of library income. Chapter 45 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new section to be numbered 45-32 and to read as follows:

"Sec. 45-32. Disposition of fines and related income. Income from the operation of libraries that are financially supported by the State shall be deposited with the director of the budget to the credit of the general fund; provided that moneys or properties donated for library use and patrons' deposits shall be deposited and accounted for in accordance with regulations prescribed by the comptroller."

SECTION 6. Disposition of income relating to the board of barbers.

(a) Section 58-11(e) of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(e) A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate of permit, verified by the oath of the appli-

cant and the submission by him of one signed photograph of himself, and the payment of a fee of \$1. Each duplicate certificate or permit shall have the word 'duplicate' stamped across the face thereof, and shall bear the same number as the certificate of permit that it was issued in lieu of. All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

(b) Section 58-13 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

"Sec. 58-13. Penalties. Any person who practices barbering, operates a barber shop or acts in any capacity wherein a certificate is required, without a certificate as provided in this chapter, shall be fined not more than \$100, or imprisoned not more than six months, or both. Each and every day of violation shall be a separate offense."

SECTION 7. Disposition of income relating to the beauty culture board. Section 59-10 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows :

(a) By amending the section heading to read :

"Sec. 59-10. Fees; expenditures."

(b) By amending subsection 59-10(c) to read :

"(c) All fees received by the board shall be deposited by the director of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 8. Disposition of income relating to the board of dental examiners. Sections 61-7 and 61-9 of the Revised Laws of Hawaii 1955 are hereby amended in the following manner :

(a) Section 61-7 is hereby amended to read as follows :

"Sec. 61-7. Fees. Every person holding a license to practice dentistry in the State shall pay to the board, on or before January 1 of each year, an annual registration fee in the sum of \$5. The failure, neglect or refusal of any duly licensed dentist or doctor of dental surgery to pay such annual fee during the time his license remains in force, shall constitute a forfeiture of his license. Such license may be restored upon written application therefor and the payment to the board of the sum of \$25. All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

(b) Section 61-9 is hereby amended by amending the second paragraph to read as follows :

"Applications for examination shall be made out and filed in writing with the secretary of the board and each such application shall be accompanied by a fee of \$25 which shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 9. Disposition of income relating to the board of massage. Section 63-17 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows :

"Sec. 63-17. Fees. The fees for examination, certificate and other registrations as provided in this chapter, shall be paid in advance and deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 10. Disposition of income relating to the board of medical examiners. Section 64-5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Sec. 64-5. Fees; expenses. No applicant shall be examined under this chapter until he has paid to the board of examiners a fee of \$50. Every person holding a license under this chapter shall re-register with the board of examiners each year, not later than January 31 and for such re-registration shall pay a fee of \$5. Failure to do so shall constitute a forfeiture of license, which may be restored only upon written application therefor and payment to the board of a fee of \$25. All such fees shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 11. Disposition of income relating to the board for the licensing of nurses. Section 67-17 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 12. Disposition of income relating to the board of optometry. Section 68-11 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Sec. 68-11. Disposition of fees. All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 13. Disposition of income relating to the board of dispensing opticians. Section 69-12 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Sec. 69-12. Fees. All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 14. Disposition of income relating to the Hawaii board of osteopathic examiners. Section 70-5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) By amending the section heading to read: "Sec. 70-5. Fees."

(b) By amending subsection 70-5(c) to read:

"(c) Disposition of fees. All fees collected by the board of osteopathic examiners shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 15. Disposition of income relating to the board of pharmacy. Section 71-3 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the last paragraph to read as follows:

"All fees collected shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund."

SECTION 16. Disposition of income relating to the board of registration of embalmers, undertakers and funeral directors. Section 72-5 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“Sec. 72-5. Disposition of fees. All fees collected by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 17. Disposition of income relating to the board of veterinary examiners. Section 73-12 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows :

(a) By amending the section heading to read: “Sec. 73-12. Fees; expenditures.”

(b) By amending subsection 73-12(c) to read :

“(c) All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 18. Disposition of income relating to training schools. Section 80-24 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows :

“Sec. 80-24. Disposition of income. All moneys arising from agricultural and industrial pursuits at the boys’ and girls’ training schools, respectively, except such moneys as, under the rules of the schools, go to the pupils earning the same, shall, upon receipt thereof, be deposited by the director of social services with the director of the budget to the credit of the general fund.”

SECTION 19. Disposition of income relating to the State Hospital. Section 81-17 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows :

“Sec. 81-17. Disposition of proceeds of agricultural and industrial pursuits. All moneys arising from agricultural or industrial pursuits or activities at the hospital, and all moneys arising from the sale of produce from any public lands of the State which have been duly set apart by executive order for use by the hospital or from the sale of produce of animal husbandry conducted by the hospital, upon receipt thereof, shall be deposited by the director of health with the director of the budget to the credit of the general fund.”

SECTION 20. Disposition of income relating to the Waimano Home. Section 82-17 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

“Sec. 82-17. Disposition of proceeds of agricultural and industrial pursuits. All moneys arising from agricultural or industrial pursuits at the home and all moneys arising from the sale of produce from any public lands of the State which have been duly set apart by executive order for use by the home, upon receipt thereof, shall be deposited by the director of health with the director of the budget to the credit of the general fund.”

SECTION 21. Disposition of income relating to the State prison. Section 83-32 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

“Sec. 83-32. Disposition of proceeds of agricultural and industrial pursuits. All moneys arising from agricultural or industrial pursuits or activities conducted at any state prison (which term as used in this section shall include prison camps), and all moneys arising from the sale of produce from any public lands of the State which have been duly set apart by executive order for use by any such prison or from the sale of produce of animal hus-

bandry conducted by any such prison, upon receipt thereof, shall be deposited by the director of social services with the director of the budget to the credit of the general fund.”

SECTION 22. Disposition of income relating to the board of accountants. Section 164-14 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

“**Sec. 164-14. Disposition of fees.** All fees and other moneys received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 23. Disposition of income relating to the board of private detectives. Section 165A-12 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

“**Sec. 165A-12. Fees; appropriation.** All fees received by the board under the provision of this chapter shall be deposited by the treasurer of the department of treasury and regulation with the director of budget to the credit of the general fund.”

SECTION 24. Disposition of income relating to the board of registration of professional engineers, architects and surveyors. Section 166-7 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second paragraph to read as follows :

“All fees and other moneys received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 25. Disposition of income relating to the board of photography. Section 169-7 of the Revised Laws of Hawaii 1955, as amended by section 1(E) of Act 187 of the Session Laws of 1957, Regular Session, is hereby amended to read as follows :

“**Sec. 169-7. Fees.** All fees received by the board shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 26. Disposition of income relating to the real estate license commission. Section 17-10 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows :

(a) By amending the section heading to read : “**Sec. 170-10. Fees; annual renewals.**”

(b) By amending the fourth paragraph to read :

“All fees and other moneys collected or received under the provisions of this chapter shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 27. Disposition of income relating to license fees, collection agencies. Section 171A-29 as added to the Revised Laws of Hawaii 1955 is hereby amended to read as follows :

“**Sec. 171A-29. Disposition of receipts.** All fines and penalties provided for in this chapter shall be paid to the commissioner by checks payable to the State which shall be forwarded by the commissioner to the director of the budget, and these moneys, together with all license fees and any other fees received from collection agencies, shall be deposited to the credit of the general fund.”

SECTION 28. Disposition of income relating to dental hygienists. Section 62-1 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the second paragraph to read as follows:

“The application for examination shall be accompanied by the applicant’s certificate of graduation as aforesaid, and at the time of filing the same, such applicant shall pay to the board an examination fee of \$15, which fee, together with all other fees or charges in this chapter provided, shall be deposited by the treasurer of the department of treasury and regulation with the director of the budget to the credit of the general fund.”

SECTION 29. Federal grants-in-aid requirements. In the event any provisions of this Act should conflict with federal grants-in-aid requirements, the terms and provisions required by the United State shall govern in accordance with the provisions of section 12-5, Revised Laws of Hawaii 1955.

SECTION 30. Appropriations. The following sums, or so much as may be necessary in order to provide for continuing services of the agencies and programs affected by this Act, are hereby appropriated from the general fund to supplement appropriations made under the general appropriations Act for the fiscal year beginning July 1, 1961, and ending June 30, 1962:

1. DEPARTMENT OF AGRICULTURE AND CONSERVATION.....	\$ 120,739
Animal Inspection and Quarantine.....	\$120,739
2. DEPARTMENT OF EDUCATION.....	\$ 84,953
Public Library Service	
Library of Hawaii.....	\$ 72,590
Hawaii County Library.....	6,558
Maui County Free Library.....	3,966
Kauai Public Library Association, Ltd.....	1,839
3. UNIVERSITY OF HAWAII.....	\$3,414,753
4. DEPARTMENT OF HEALTH.....	\$ 14,000
Mental Retardation Institutional Care and Related Services	
—Waimano Home	\$ 14,000
5. DEPARTMENT OF THE TREASURY AND REGULATION.....	\$ 355,252
Board of Accountancy	\$ 16,181
Board of Barbers.....	7,809
Board of Beauty Culture.....	11,562
Collection Agencies Advisory	4,252
Contractor’s License Board	154,056
Board of Dental Examiners.....	5,127
Board of Dispensing Opticians	1,278
Board of Massage.....	5,921
Medical Examiners.....	10,762
Board of Nurses	22,094
Board of Optometry.....	492
Board of Osteopathic Examiners.....	3,066
Board of Pharmacy	7,901
Board of Private Detectives and Investigators.....	1,420
Board of Registration for Professional Engineers, Architects, and Land Surveyors.....	12,764
Board of Veterinary Examiners.....	567
Real Estate Commission.....	90,000
6. DEPARTMENT OF SOCIAL SERVICES.....	\$ 195,701
State Prison	\$162,042
Training Schools.....	33,659

SECTION 31. Transfers. All appropriations made under section 34 of this Act shall be subject to the provisions of Act 1, Second Special Session Laws of Hawaii 1959; provided, that should any legislation be enacted during the effective term of this Act which affects the appropriations made

herein, the department of budget and review may transfer the appropriation to conform to such act.

SECTION 32. Personnel. Any law to the contrary notwithstanding, the personnel presently financed from funds affected by this Act shall not be adversely affected by the provisions of this Act; provided, that this section shall be effective until June 30, 1962.

SECTION 33. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 34. Effective Date. This Act shall take effect upon its approval; provided, that the comptroller shall by December 31, 1961 comply with the provisions of this Act and as the provisions of this Act are complied with in each instance, any balance in any existing fund affected shall by this Act lapse into the general fund.

(Approved July 11, 1961.) **H.B. 6**
