

ACT 216

H.B. NO. 1829

A Bill for an Act Relating to Fees Collected by the Department of Health.

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

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Domestic violence prevention special fund. (a) There is established within the state treasury a special fund to be known as the domestic violence prevention special fund to be administered and expended by the department of health.

(b) The moneys in the special fund shall be reserved for use by the department of health for staff programs and grants or purchases of service consistent with chapter 42D that support or provide domestic violence intervention or prevention as authorized by law. Moneys in the special fund shall be used for new or existing programs and shall not supplant any other moneys previously allocated to these programs.

(c) Fees remitted pursuant to section 338-14.5, 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 an accounting of the receipts of, and expenditures from, the special fund.”

SECTION 2. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§338- 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. These proceeds shall not be used to supplant any other moneys previously allocated to this program necessary for the daily operation of the system of vital statistics.

(c) The fund shall consist of fees remitted pursuant to section 338-14.5. All realizations of the fund shall be subject to the conditions specified in subsection (b).”

SECTION 3. Section 36-27, Hawaii Revised Statutes, is amended to read as follows:

“§36-27 Transfers from special funds for central service expenses. 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 summer school and intersession fund under section 302A-1310;
- (2) School cafeteria special funds of the community colleges and the department of education;
- (3) Special funds of the student housing, summer session, college of continuing education and community service, campus center, and bookstores of the University of Hawaii;
- (4) State educational facilities improvement special fund;
- (5) Convention center capital and operations special fund;
- (6) Special funds established by section 206E-6;
- (7) Housing loan program revenue bond special fund;
- (8) Housing project bond special fund;
- (9) Aloha Tower fund created by section 206J-17;
- (10) Domestic violence prevention special fund under section 321-___;
- [(10)] (11) Spouse and child abuse special account under section 346-7.5;
- [(11)] (12) Spouse and child abuse special account under section 601-3.6;
- [(12)] (13) Funds of the employees' retirement system created by section 88-109;
- [(13)] (14) Unemployment compensation fund established under section 383-121;
- [(14)] (15) Hawaii hurricane relief fund established under chapter 431P;
- [(15)] (16) The University of Hawaii tuition and fees special fund; and
- [(16)] (17) Division of community hospitals' special funds,

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year.”

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

“(a) Each special fund, except the:

- (1) Transportation use special fund established by section 26D-1;¹
- (2) Special summer school and intersession fund under section 302A-1310;
- (3) School cafeteria special funds of the community colleges, and the department of education;
- (4) Special funds of the student housing, summer session, college of continuing education and community service, campus center, and bookstores of the University of Hawaii;
- (5) State educational facilities improvement special fund;
- (6) Special funds established by section 206E-6;
- (7) Aloha Tower fund created by section 206J-17;
- (8) Domestic violence prevention special fund under section 321-___;
- [(8)] (9) Spouse and child abuse special account under section 346-7.5;
- [(9)] (10) Spouse and child abuse special account under section 601-3.6;

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[(10)] (11) Funds of the employees' retirement system created by section 89-109;

[(11)] (12) Unemployment compensation fund established under section 383-121;

[(12)] (13) Hawaii hurricane relief fund established under chapter 431P;

[(13)] (14) Convention center capital and operations special fund established under section 206X-10.5;

[(14)] (15) The University of Hawaii tuition and fees special fund; and

[(15)] (16) Division of community hospitals' special funds,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned."

SECTION 5. Section 338-14, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) The department shall keep an account of all fees collected and shall deposit them to the general fund of the State[,] except as provided in sections 321-____, 338-14.5, 338-____, 346-7.5, and 601-3.6.

(d) Any fee established by the department pursuant to this section shall be adopted in accordance with chapter 91. In establishing a fee, the amount shall be sufficient to cover the expenses involved in searching for, cost of a copy of, or correction of the certificate, file, or record, as the case may be. The department may raise the fees up to ten per cent per year without being subject to the provisions of chapter 91."

SECTION 6. Section 338-14.5, Hawaii Revised Statutes, is amended to read as follows:

"[§338-14.5] Copies of certificate; fees. The fees for certified copies of birth, marriage, or death certificates issued by the department of health shall consist of \$10 for the first copy issued and \$4 for each copy issued thereafter. These fees shall be collected for each single request for certified copies. All fees received for the issuance of certified copies of birth, marriage, or death certificates shall be remitted to the director of health. Upon the receipt of remittances under this section, the director of health shall deposit [\$1.50]:

(1) \$1 for each certified copy to the credit of the spouse and child abuse special account established under section 346-7.5[, shall deposit \$1.50];

(2) \$1 for each certified copy to the credit of the spouse and child abuse special account established under section 601-3.6[.];

(3) \$1 for each certified copy to the credit of the domestic violence prevention special fund established under section 321-____ ;

(4) \$1 for each certified copy to the credit of the vital statistics improvement special fund established under section 338-____ ; and [shall deposit the]

(5) The remainder of the fee for each certified copy to the credit of the state general fund."

SECTION 7. Act 232, Session Laws of Hawaii 1994, is amended by amending section 10 to read as follows:

“SECTION 10. This Act shall take effect on July 1, 1994[, except that section 1 shall not take effect until the effective date of the amendments to the rules of the department of health required by section 7 of the Act].”

SECTION 8. Act 232, Session Laws of Hawaii 1994, is amended by repealing section 7.

[“SECTION 7. The department of health shall amend section 2.10 of chapter 8b, of the department’s rules, by increasing the fee charged for the issuance of certified copies of any birth, death, or marriage certificates from \$2 to not less than \$5.”]

SECTION 9. Section 338-42, Hawaii Revised Statutes, is repealed.

SECTION 10. There is appropriated out of the domestic violence prevention special fund the sum of \$250,000 or so much thereof as may be necessary for fiscal year 1997-1998 and the sum of \$250,000 or so much thereof as may be necessary for fiscal year 1998-1999 to carry out the purposes of the special fund.

The sums appropriated shall be expended by the department of health.

SECTION 11. There is appropriated out of the vital statistics improvement special fund the sum of \$250,000 or so much thereof as may be necessary for fiscal year 1997-1998 and the sum of \$250,000 or so much thereof as may be necessary for fiscal year 1998-1999 to carry out the purposes of the special fund.

The sums appropriated shall be expended by the department of health.

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 13. This Act shall take effect on July 1, 1997, and shall be repealed on June 30, 2000; provided that any statutory or session law material in this Act in existence on June 30, 1997, shall be reenacted on July 1, 2000, in the same form in which it existed on June 30, 1997.

(Approved June 16, 1997.)

Notes

1. Should probably be “261D-1”.
2. Edited pursuant to HRS §23G-16.5.