

ACT 141

H.B. NO. 1533

A Bill for an Act Relating to State Funds.

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

PART I

SECTION 1. The legislature determines that there is in the agricultural loan revolving fund at least \$2,000,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the agricultural loan revolving fund to the general fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 2. The legislature determines that there is in the Hawaii capital loan revolving fund at least \$1,000,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the Hawaii capital loan revolving fund to the general fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 3. The legislature determines that there is in the dwelling unit revolving fund at least \$6,400,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the dwelling unit revolving fund to the general fund the sum of \$6,400,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 4. The legislature determines that there is in the homes revolving fund at least \$42,500,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the homes revolving fund to the general fund the sum of \$42,500,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 5. The legislature determines that there is in the industrial park special fund at least \$3,000,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the industrial park special fund to the general fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 6. The legislature determines that there is in the state parking revolving fund at least \$500,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the state parking revolving fund to the general fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 1998-1999.

SECTION 7. The legislature determines that there is in the special land and development fund at least \$4,730,000 in excess of the requirements of the fund. On July 1, 1998, the director of finance is authorized to transfer from the special land and development fund to the general fund the sum of \$4,730,000 or so much thereof as may be necessary for fiscal year 1998-1999.

PART II

SECTION 8. Section 128D-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created within the state treasury an environmental response revolving fund, which shall consist of moneys appropriated to the fund by the legislature, moneys paid to the fund as a result of departmental compliance proceedings, moneys paid to the fund pursuant to court-ordered awards or judgments, moneys paid to the fund in court-approved or out-of-court settlements, all interest attributable to investment of money deposited in the fund, moneys generated by the environmental response tax established in section 243-3.5, and moneys allotted to the fund from other sources; provided that when the total balance of the fund exceeds [\$7,000,000,] \$20,000,000, the department of health shall notify the department of taxation of this fact in writing within ten days. The department of taxation then shall notify all distributors liable for collecting the tax imposed by section 243-3.5 of this fact in writing, and the imposition of the tax shall be discontinued beginning the first day of the second month following the month in which notice is given to the department of taxation. If the total balance of the fund thereafter declines to less than \$3,000,000, the department of health shall notify the department of taxation which then shall notify all distributors liable for collecting the tax imposed by section 243-3.5 of this fact in writing, and the imposition of the tax shall be reinstated beginning the first day of the second month following the month in which notice is given to the department of taxation.”

PART III

SECTION 9. The purpose of this part is to provide alternative funding for the state identification program through the establishment of a revolving fund for the deposit of all fees received by the attorney general through the processing and

issuance of certificates of identification under chapter 846, part II, Hawaii Revised Statutes.

The Hawaii criminal justice data center is responsible for the issuance of state identification cards, which provide an alternative photo identification for the general public. This program has been consistently cost-effective, as it generates revenue each year that exceeds the budgeted operational costs for the program. By establishing a revolving fund for the fees collected, this program will become self-supporting.

SECTION 10. Section 846-27, Hawaii Revised Statutes, is amended to read as follows:

“§846-27 Registration and issuance of certificates; fee[.]; revolving fund. (a) Every person residing or present in the State may be registered, and have issued to the person a certificate of identification, under this part.

(b) Application for the registration shall be made in person by any adult person or minor over the age of fourteen years. In the case of a minor under the age of fourteen years, the application shall be made in the minor’s behalf by the parent, or by another person in loco parentis of such minor who can provide proof of guardianship. In the case of an incompetent person, the application shall be made by the person having the custody or control of or maintaining the incompetent person.

(c) There is established in the state treasury a revolving fund to be known as the state identification revolving fund. The fund shall consist of all fees assessed for the processing and issuance of certificates of identification under this part. The fund shall be administered by the attorney general for the purposes of this part.

(d) The fund shall be held separate and apart from all other moneys, funds, and accounts in the state treasury. Interest and investment earnings credited to the assets of the fund shall become a part 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 11. Section 846-37, Hawaii Revised Statutes, is amended to read as follows:

“§846-37 Disposition of income. [All] Except as provided in section 846-27, all other moneys received by the department of the attorney general under this part shall be deposited with the director of finance to the credit of the general fund.”

SECTION 12. There is appropriated out of the state identification revolving fund the sum of \$450,000 for fiscal year 1998-1999, or so much thereof as may be necessary for the operation and improvement of the state civil identification program established under part II of chapter 846, Hawaii Revised Statutes.

SECTION 13. The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

PART IV

SECTION 14. There is appropriated from the compliance resolution fund, commerce and consumer affairs (CCA 105,) the sum of \$87,670 for fiscal year 1998-1999. This sum shall be expended by the professional and vocational licensing division of the department of commerce and consumer affairs for an administrative assistant position, a secretary position, and other current expenses.

PART V

SECTION 15. Upon the effective date of this Act, the public employees health fund shall return the sum of \$31,315,640, representing the State's share of insurance carrier refunds, rate credits, and any interest accrued thereon, to the state general fund, and \$12,057,821, representing the counties' share of insurance carrier refunds, rate credits, and any interest accrued thereon, to the appropriate county general fund.

PART VI

SECTION 16. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 17. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 18. This Act shall take effect on July 1, 1998; except that section 8 of this Act shall take effect upon its approval.

(Approved July 2, 1998.)