

ACT 178

H.B. NO. 1152

A Bill for an Act Relating to State Funds.

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

PART I

The purpose of this part is to repeal certain revolving and special funds that no longer serve the purpose for which they were originally established, are not an appropriate means of financing for the programs or activities, or are not financially self-sustaining. Unexpended and unencumbered balances in the funds shall be transferred to the state general fund. General fund appropriations are provided in fiscal year 2003-2004 and fiscal year 2004-2005 to finance the continuation of selected programs or activities.

SECTION 1. Section 125C-7, Hawaii Revised Statutes, is repealed.

SECTION 2. Section 201-15, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 201-106, Hawaii Revised Statutes, is repealed.

SECTION 4. Subpart N of part III of chapter 201G, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 211E-2, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 225M-5, Hawaii Revised Statutes, is repealed.

SECTION 7. Section 210-3, Hawaii Revised Statutes, is repealed.

SECTION 8. Section 211F-5, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 225M-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[E]§225M-6[H] Fees for statewide geographic information system services.~~ The office of planning may charge fees for statewide geographic information system services and products. ~~[All fees collected for geographic information system analyses and other related services shall be deposited into the statewide planning and geographic information system special fund for the sole purpose of supporting the statewide planning and geographic information system.]~~ The office shall adopt rules setting fees for geographic information system services and products.”

SECTION 10. Act 142, Session Laws of Hawaii 1998, as amended by section 18 of Act 163, Session Laws of Hawaii 1999, as amended by section 19 of Act 39, Session Laws of Hawaii 2002, is amended by amending section 9 to read as follows:

“SECTION 9. This Act shall take effect upon its approval and shall be repealed on ~~[July 31, 2003,]~~ June 29, 2003, except that section 3 of this Act shall not be repealed; provided that sections 36-27 and 397-5(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act; and provided further that the amendments made to section 36-27, Hawaii Revised Statutes, by section 2 of Act 39, Session Laws of Hawaii 2002, shall be retained.”

SECTION 11. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the petroleum products control fund established pursuant to section 125C-7, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 12. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the Hawaii film facility special fund established pursuant to section 201-15, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 13. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the clean Hawaii fund established pursuant to section 201-106, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 14. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the homes revolving fund established pursuant to section 201G-401, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 15. Any revenues owing to the homes revolving fund abolished by this Act shall be deposited into the dwelling unit revolving fund established by section 201G-411, Hawaii Revised Statutes.

SECTION 16. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the Hawaii innovation development fund established pursuant to section 211E-2, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 17. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the statewide planning and geographic information system special fund established pursuant to section 225M-5, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 18. On June 30, 2003, the director of finance shall transfer to the credit of the state general fund, all unexpended and unencumbered balances remaining in the boiler and elevator safety revolving fund established pursuant to section 397-5.5, Hawaii Revised Statutes, as of June 29, 2003.

SECTION 19. There is appropriated out of the general revenues of the State of Hawaii the sum of \$175,431 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$175,431 or so much thereof as may be necessary for fiscal year 2004-2005 to operate the Hawaii film studio. The sums appropriated shall be expended by the department of business, economic development and tourism.

PART II

SECTION 20. The legislature determines that there is in the cigarette tax stamp enforcement special fund at least \$740,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the cigarette tax stamp enforcement special fund to the general fund the sum of \$740,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 21. The legislature determines that there is in the medicaid investigations recovery fund at least \$400,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the medicaid investigations recovery fund to the general fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 22. The legislature determines that there is in the litigation settlement clearance account at least \$2,500,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the litigation settlement clearance account to the general fund the sum of \$2,500,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 23. The legislature determines that there is in the Aloha Tower fund at least \$1,600,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the Aloha Tower fund to the general fund the sum of \$1,600,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 24. The legislature determines that there is in the dwelling unit revolving fund at least \$15,000,000 in excess of the requirements of the fund. On

July 1, 2003, the director of finance is authorized to transfer from the dwelling unit revolving fund to the general fund the sum of \$15,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 25. The legislature determines that there is in the teachers' housing revolving fund at least \$400,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the teachers' housing revolving fund to the general fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 26. The legislature determines that there is in the housing finance revolving fund at least \$3,000,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the housing finance revolving fund to the general fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 27. The legislature determines that there is in the Waialua loan and subsidy account at least \$11,566 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Waialua loan and subsidy account to the general fund the sum of \$11,566 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 28. The legislature determines that there is in the compliance resolution fund at least \$15,000,000 in excess of the requirements of the fund. On January 1, 2004, the director of finance is authorized to transfer from the compliance resolution fund to the general fund the sum of \$15,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 29. The legislature determines that there is in the spouse and child abuse special account, established pursuant to section 601-3.6, Hawaii Revised Statutes, at least \$200,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the spouse and child abuse special account, established pursuant to section 601-3.6, Hawaii Revised Statutes, to the general fund the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 30. The legislature determines that there is in the bureau of conveyances special fund at least \$4,500,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the bureau of conveyances special fund to the general fund the sum of \$4,500,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 31. The legislature determines that there is in the agricultural loan reserve fund at least \$1,000,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the agricultural loan reserve fund to the general fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 32. The legislature determines that there is in the agricultural loan revolving fund at least \$1,000,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the agricultural loan revolving fund to the general fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 33. The legislature determines that there is in the animal quarantine special fund at least \$350,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the animal quarantine special fund to the general fund the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 34. The legislature determines that there is in the state disaster revolving fund at least \$400,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the state disaster revolving fund to the general fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 35. The legislature determines that there is in the Waiahole water system revolving fund at least \$400,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Waiahole water system revolving fund to the general fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 36. The legislature determines that there is in the stadium special fund at least \$100,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the stadium special fund to the general fund the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 37. The legislature determines that there is in the state motor pool revolving fund at least \$900,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the state motor pool revolving fund to the general fund the sum of \$900,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 38. The legislature determines that there is in the state parking revolving fund at least \$2,200,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the state parking revolving fund to the general fund the sum of \$2,200,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 39. The legislature determines that there is in the state identification revolving fund at least \$100,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the state identification revolving fund to the general fund the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 40. The legislature determines that there is in the Hawaii capital loan revolving fund at least \$4,000,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Hawaii capital loan revolving fund to the general fund the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 41. The legislature determines that there is in the foreign trade zone special fund at least \$50,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the foreign trade zone special fund to the general fund the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 42. The legislature determines that there is in the public utilities commission special fund, established pursuant to section 26-9(o), Hawaii Revised Statutes, in the department of commerce and consumer affairs at least \$1,083,824 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the public utilities commission special fund, established pursuant to section 26-9(o), Hawaii Revised Statutes, in the department of commerce and consumer affairs to the general fund the sum of \$1,083,824 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 43. The legislature determines that there is in the real estate education fund at least \$150,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the real estate education fund to the general fund the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 44. The legislature determines that there is in the insurance commissioner's education training fund at least \$355,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the insurance commissioner's education training fund to the general fund the sum of \$355,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 45. The legislature determines that there is in the state health planning and development agency fund at least \$171,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the state health planning and development agency fund to the general fund the sum of \$171,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 46. The legislature determines that there is in the tobacco settlement special fund at least \$1,900,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the tobacco settlement special fund to the general fund the sum of \$1,900,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 47. The legislature determines that there is in the driver education and training fund, established pursuant to section¹ 286G, Hawaii Revised Statutes, at least \$500,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the driver education and training fund, established pursuant to section¹ 286G, Hawaii Revised Statutes, to the general fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 48. The legislature determines that there is in the occupational safety and health training assistance fund at least \$737,669 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the occupational safety and health training assistance fund to the general fund the sum of \$737,669 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 49. The legislature determines that there is in the special land and development fund at least \$3,000,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the special land and development fund to the general fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 50. The legislature determines that there is in the controlled substance registration revolving fund at least \$200,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the controlled substance registration revolving fund to the general fund the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 51. The legislature determines that there is in the Halawa correctional facility inmate store fund at least \$140,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Halawa correctional facility inmate store fund to the general fund the sum of \$140,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 52. The legislature determines that there is in the Oahu community correctional facility inmate store fund at least \$130,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Oahu community correctional facility inmate store fund to the general fund the sum of \$130,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 53. The legislature determines that there is in the Waiawa correctional facility inmate store fund at least \$50,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Waiawa correctional facility inmate store fund to the general fund the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2003-2004.

SECTION 54. The legislature determines that there is in the compliance resolution fund at least \$3,000,000 in excess of the requirements of the fund. On January 1, 2005, the director of finance is authorized to transfer from the compliance resolution fund to the general fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 55. The legislature determines that there is in the special land and development fund at least \$3,000,000 in excess of the requirements of the fund. On July 1, 2004, the director of finance is authorized to transfer from the special land and development fund to the general fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2004-2005.

SECTION 56. The legislature determines that there is in the Hawaii strategic development corporation revolving fund at least \$1,300,000 in excess of the requirements of the fund. On July 1, 2003, the director of finance is authorized to transfer from the Hawaii strategic development corporation revolving fund to the general fund the sum of \$1,300,000 or so much thereof as may be necessary for fiscal year 2003-2004.

PART III

SECTION 57. Section 328L-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The fund shall be used for the purpose of receiving, allocating, and appropriating the tobacco settlement moneys as follows:

- (1) Twenty-four and one-half per cent shall be appropriated into the emergency and budget reserve fund under section 328L-3;
- (2) Thirty-five per cent shall be appropriated to the department for purposes of section 328L-4;

- (3) Twelve and one-half per cent shall be appropriated into the Hawaii tobacco prevention and control trust fund under section 328L-5; and
- (4) Twenty-eight per cent shall be appropriated into the university revenue-undertakings fund created in section 306-10, to be applied solely to the payment of the principal of and interest on, and to generate required coverage, if any, for, revenue bonds issued by the board of regents of the University of Hawaii to finance the cost of construction of a university health and wellness center, including a new medical school facility, to be situated on the island of Oahu, for the succeeding fiscal year; provided that any moneys in excess of the amount required to pay principal of and interest on, and to generate required coverage, if any, for such revenue bonds in any fiscal year, shall be transferred [tø] as follows:
- (A) To the emergency and budget reserve fund under section 328L-3, eighty per cent of the excess; and
- (B) To the Hawaii tobacco prevention and control trust fund under section 328L-5, twenty per cent of the excess;
 in the succeeding fiscal year[~~in the same proportion as to the amount of moneys appropriated to those funds in accordance with this subsection.~~].”

SECTION 58. Section 502-8, Hawaii Revised Statutes, is amended to read as follows:

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

(b) Moneys in the bureau of conveyances special fund shall 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. On July 1, of each year, the director of finance is authorized to transfer any excess funds in the bureau of conveyances special fund to the state general fund.”

SECTION 59. Section 103-8.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a works of art special fund, into which shall be transferred one per cent of all state fund appropriations for capital improvements designated for the construction cost 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

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apply to appropriations from the passenger facility charge special fund established by section 261-—.'”

SECTION 60. Section 201G-341, Hawaii Revised Statutes, is repealed.

SECTION 61. Section 201G-343, Hawaii Revised Statutes, is repealed.

SECTION 62. Section 201G-344, Hawaii Revised Statutes, is repealed.

SECTION 63. Section 201G-345, Hawaii Revised Statutes, is repealed.

SECTION 64. Section 201G-422, Hawaii Revised Statutes, is repealed.

PART IV

SECTION 65. Statutory material to be repealed is bracketed and stricken.² New statutory material is underscored.

SECTION 66. This Act shall take effect on July 1, 2003, provided that:

- (1) Sections 1, 2, 3, 4, 5, and 6 shall take effect on June 29, 2003;
- (2) Sections 9, 10, 11, 12, 13, 14, 15, and 16 shall take effect on June 30, 2003; and
- (3) Sections 7 and 8 shall take effect on July 1, 2004; provided further that any remaining balances in the Hawaii capital loan revolving fund and the Hawaii strategic development corporation revolving fund shall lapse to the general fund.

(Approved June 16, 2003.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.