

ACT 179

S.B. NO. 1311

A Bill for an Act Relating to Special Funds.

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

SECTION 1. 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 out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) State educational facilities improvement special fund;
- (5) Convention center enterprise special fund under section 201B-8;
- (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 321-1.3;~~
- ~~(11) Spouse and child abuse special account under section 346-7.5;~~
- ~~(12) Spouse and child abuse special account under section 601-3.6;~~
- ~~[(13)] (10) Funds of the employees' retirement system created by section 88-109;~~
- ~~[(14)] (11) Unemployment compensation fund established under section 383-121;~~
- ~~[(15)] (12) Hawaii hurricane relief fund established under chapter 431P;~~
- ~~[(16)] (13) Hawaii health systems corporation special funds;~~
- ~~[(17)] (14) Boiler and elevator safety revolving fund established under section 397-5.5;~~
- ~~[(18)] (15) Tourism special fund established under section 201B-11;~~
- ~~[(19)] Department of commerce and consumer affairs' special funds;~~
- ~~(20) Compliance resolution fund established under section 26-9;~~
- ~~(21) (16) Universal service fund established under chapter 269;~~
- ~~[(22)] (17) Integrated tax information management systems special fund under section 231-3.2;~~
- ~~[(23)] Hawaii tobacco settlement special fund under section 328L-2;~~
- ~~(24) (18) Emergency and budget reserve fund under section 328L-3;~~
- ~~[(25)] Probation services special fund under section 706-649;~~
- ~~(26) High technology special fund under section 206M-15.5;~~
- ~~(27) (19) Public schools special fees and charges fund under section 302A-1130(f);~~
- ~~[(28)] Cigarette tax stamp enforcement special fund established by section 28-14;~~
- ~~(29) Cigarette tax stamp administrative special fund established by section 245-41.5;~~
- ~~(30) Tobacco enforcement special fund established by section 28-15;~~
- ~~(31) (20) Sport fish special fund under section 187A-9.5;~~
- ~~[(32)] (21) Neurotrauma special fund under section 321H-4;~~
- ~~[(33)] (22) Deposit beverage container deposit special fund under section 342G-104; and~~
- ~~[(34)] (23) Glass advance disposal fee special fund established by section 342G-82,~~

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 2. 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 261D-1;
- (2) Special out-of-school time instructional program fund under section 302A-1310;

- (3) School cafeteria special funds of the department of education;
- (4) Special funds 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 321-1.3;~~
- ~~(9) Spouse and child abuse special account under section 346-7.5;~~
- ~~(10) Spouse and child abuse special account under section 601-3.6;~~
- ~~(11) (8) Funds of the employees' retirement system created by section 88-109;~~
- ~~(12) (9) Unemployment compensation fund established under section 383-121;~~
- ~~(13) (10) Hawaii hurricane relief fund established under chapter 431P;~~
- ~~(14) (11) Convention center enterprise special fund established under section 201B-8;~~
- ~~(15) (12) Hawaii health systems corporation special funds;~~
- ~~(16) (13) Tourism special fund established under section 201B-11;~~
- ~~(17) Compliance resolution fund established under section 26-9;~~
- ~~(18) (14) Universal service fund established under chapter 269;~~
- ~~(19) (15) Integrated tax information management systems special fund under section 231-3.2;~~
- ~~(20) Hawaii tobacco settlement special fund under section 328L-2;~~
- ~~(21) (16) Emergency and budget reserve fund under section 328L-3;~~
- ~~(22) Probation services special fund under section 706-649;~~
- ~~(23) High technology special fund under section 206M-15.5;~~
- ~~(24) (17) Public schools special fees and charges fund under section 302A-1130(f);~~
- ~~(25) Cigarette tax stamp enforcement special fund established by section 28-14;~~
- ~~(26) Cigarette tax stamp administrative special fund established by section 245-41.5;~~
- ~~(27) Tobacco enforcement special fund established by section 28-15;~~
- ~~(28) (18) Sport fish special fund under section 187A-9.5; and~~
- ~~(29) (19) Neurotrauma special fund under section 321H-4;~~

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 3. There is appropriated out of the cigarette tax stamp enforcement special fund the sum of \$55,200 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$55,200 or so much thereof as may be necessary for fiscal year 2004-2005 for the operating expenses of this fund, including the payment of central service expenses and the fund's pro rata share of departmental administrative expenses.

The sums appropriated shall be expended by the department of the attorney general.

SECTION 4. There is appropriated out of the cigarette tax stamp administrative special fund the sum of \$10,000 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$10,000 or so much thereof as may be necessary for fiscal year 2004-2005 for the operating expenses of this fund, including the payment of central service expenses and the fund's pro rata share of departmental administrative expenses.

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

SECTION 5. There is appropriated out of the tobacco enforcement special fund the sum of \$17,800 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$17,800 or so much thereof as may be necessary for fiscal year 2004-2005 for the operating expenses of this fund, including the payment of central service expenses and the fund's pro rata share of departmental administrative expenses.

The sums appropriated shall be expended by the department of the attorney general.

SECTION 6. There is appropriated out of the spouse and child abuse special account the sum of \$15,794 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$15,794 or so much thereof as may be necessary for fiscal year 2004-2005 for the operating expenses of this account, including the payment of central service expenses and the account's pro rata share of departmental administrative expenses.

The sums appropriated shall be expended by the department of human services.

SECTION 7. There is appropriated out of the compliance resolution fund the sum of \$1,785,302 or so much thereof as may be necessary for fiscal year 2003-2004 and the sum of \$1,785,302 or so much thereof as may be necessary for fiscal year 2004-2005 for the operating expenses of this fund, including the payment of central service expenses and the fund's pro rata share of departmental administrative expenses.

The sums appropriated shall be expended by the department of commerce and consumer affairs.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2003; provided that the amendments made to section 36-27, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 31, 2003, by section 9 of Act 142, Session Laws of Hawaii 1998.

(Approved June 16, 2003.)