

JAN 24 2007

A BILL FOR AN ACT

RELATING TO STATE FINANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Section 26-5, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§26-5 Department of human resources development. (a)

5 The department of human resources development shall be headed by
6 a single executive to be known as the director of human
7 resources development.

8 (b) The department shall administer the state human
9 resources program, including human resources development and
10 training, and central human resources services such as
11 recruitment, examination, classification, pay administration,
12 and payment of any claims as required under chapter 386.

13 (c) There shall be within the department of human
14 resources development a board to be known as the merit appeals
15 board which shall sit as an appellate body on matters set forth
16 in section 76-14. The board shall consist of three members.

17 All members shall have knowledge of public employment laws and



1 prior experience with public employment; provided that at least
2 one member's experience was with an employee organization as a
3 member or an employee of that organization and at least one
4 member's experience was with management. The governor shall
5 consider the names of qualified individuals submitted by
6 employee organizations or management before appointing the
7 members of the board. The chairperson of the board shall be
8 designated as specified in the rules of the board.

9 (d) The provisions of section 26-34 shall not apply and
10 the board members shall be appointed by the governor for four-
11 year terms and may be re-appointed without limitation; provided
12 that the initial appointments shall be for staggered terms, as
13 determined by the governor. The governor shall fill any vacancy
14 by appointing a new member for a four-year term. The governor
15 may remove for cause any member after due notice and public
16 hearing.

17 (e) Nothing in this section shall be construed as in any
18 manner affecting the civil service laws applicable to the
19 several counties, the judiciary, or the Hawaii health systems
20 corporation, which shall remain the same as if this chapter had
21 not been enacted.



1 ~~[(f) There is established in the state treasury the human~~
2 ~~resources development special fund, to be administered by the~~
3 ~~department of human resources development, which shall consist~~
4 ~~of: all revenues received by the department as a result of~~
5 ~~entrepreneurial efforts in securing new sources of funds not~~
6 ~~provided for in the department's budget for services rendered by~~
7 ~~the department, all revenues received by the department from the~~
8 ~~charging of participant fees for in-service training that are in~~
9 ~~addition to general fund appropriations in the department's~~
10 ~~budget for developing and operating in-service training~~
11 ~~programs, appropriations made by the legislature to the fund,~~
12 ~~and moneys directed to the department from any other source,~~
13 ~~including gifts, grants, and awards.~~

14 ~~Moneys in the human resources development special fund~~
15 ~~shall be used for the following purposes:~~

- 16 ~~(1) Supporting the department's entrepreneurial~~
17 ~~initiatives, training activities, and programs;~~
- 18 ~~(2) Administrative costs of the department's~~
19 ~~entrepreneurial initiatives, training activities, and~~
20 ~~programs; and~~
- 21 ~~(3) Any other purpose deemed necessary by the director for~~
22 ~~the purpose of facilitating the department's~~



1 ~~entrepreneurial initiatives, training activities, and~~
2 ~~programs.] "~~

3 SECTION 2. Section 37-52.3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[+] §37-52.3 [.]~~ **Criteria for the ~~[establishment]~~ review**
6 **and continuance of special funds.** ~~[Special funds shall only be~~
7 ~~established pursuant to an act of the legislature.]~~ (a) The
8 legislature shall conduct reviews of all special funds in
9 existence every two years in conjunction with the beginning of a
10 fiscal biennium.

11 (b) The legislature, in ~~[establishing or]~~ reviewing a
12 special fund to determine whether it should be continued, shall
13 ensure that the special fund:

- 14 (1) Serves the purpose for which it was originally
15 established;
- 16 (2) Reflects a clear nexus between the benefits sought and
17 charges made upon the users or beneficiaries of the
18 program, as opposed to serving primarily as a means to
19 provide the program or users with an automatic means
20 of support that is removed from the normal budget and
21 appropriation process;



- 1 (3) Provides an appropriate means of financing for the
- 2 program or activity; and
- 3 (4) Demonstrates the capacity to be financially self-
- 4 sustaining."

5 SECTION 3. Section 37-53, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§37-53 Transfer of special funds.** At any time during a
8 fiscal year, notwithstanding any other law to the contrary, any
9 department may, with the approval of the governor or the
10 director of finance if so delegated by the governor, transfer
11 from any special fund relating to such department to the general
12 revenues of the State all or any portion of moneys determined to
13 be in excess of fiscal year requirements for such special fund,
14 except for special funds under the control of the department of
15 transportation relating to highways, airports, transportation
16 use, and harbors activities, special funds under the control of
17 the Hawaii health systems corporation, and special funds of the
18 University of Hawaii. At any time the department of
19 transportation, with the approval of the governor or the
20 director of finance if so delegated by the governor, may
21 transfer from any special fund under the control of the
22 department of transportation, or from any account within any



1 such special fund, to the general revenues of the State or to
2 any other special fund under the control of the department of
3 transportation all or any portion of moneys determined to be in
4 excess of requirements for the ensuing twelve months determined
5 as prescribed by rules adopted pursuant to chapter 91; provided
6 that no such transfer shall be made which would cause a
7 violation of federal law or federal grant agreements. A
8 department shall notify the legislature of any transfers no
9 later than thirty days after the transfer is complete."

10 SECTION 4. Section 302A-405, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§302A-405 School cafeterias; funds; expenditures.** (a)
13 The price for the school lunch shall be set by the department to
14 ensure that moneys received from the sale of the lunches may be
15 up to one-half of the cost of preparing the school lunch. The
16 price for the school lunch shall be based on the average cost of
17 preparing the school lunch over the three years preceding any
18 increase; provided that the department by rule shall provide a
19 lower rate or free lunches to children based on their economic
20 need.

21 [~~(b) All moneys received by or for the public school~~
22 ~~cafeterias from the sale of meals, the sale of services, the~~



1 ~~federal government, or any other source, shall be deposited in~~
2 ~~one special school lunch fund. Except as otherwise provided by~~
3 ~~the legislature, all expenditures for the operation of public~~
4 ~~school cafeterias shall be made from this fund.~~

5 ~~(e)]~~ (b) It is the intent of this section not to
6 jeopardize the receipt of any federal aid and to the extent, and
7 only to the extent necessary to effectuate this intent, the
8 governor may modify the strict provisions of this section, but
9 shall promptly report any such modification with the governor's
10 reasons therefor to the next succeeding session of the
11 legislature for review."

12 SECTION 5. Section 607-5.6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§607-5.6 Surcharge for parent education for separating**
15 **parties in matrimonial actions, where either party has a minor**
16 **child, and for parties in parentage actions; special fund. (a)**
17 In addition to the fees prescribed under section 607-5 for a
18 matrimonial action where either party has a minor child, or a
19 family court proceeding under chapter 584, the court shall
20 collect a surcharge of \$50 at the time of filing the initial
21 complaint or petition. In cases where the surcharge has been
22 initially waived, the court may collect the surcharge subsequent



1 to the filing with such surcharge to be assessed from either
2 party or apportioned between both parties.

3 (b) No surcharge shall be assessed:

4 (1) Against any party who has received an initial waiver
5 of filing fees, except that the court may subsequently
6 determine that a party has the financial ability to
7 pay the surcharge; or

8 (2) Against any party proceeding on behalf of the State or
9 any of the various counties.

10 (c) Surcharges subject to this section shall be limited to
11 one surcharge per case.

12 ~~[(d) There is established within the state treasury the~~
13 ~~parent education special fund into which shall be deposited~~
14 ~~revenues assessed under subsection (a), interest and investment~~
15 ~~earnings, grants, donations, and contributions from private or~~
16 ~~public sources. The fund shall be administered by the~~
17 ~~judiciary, subject to the conditions specified in subsection~~
18 ~~(e).~~

19 ~~(e) The special fund shall be used solely for expenditures~~
20 ~~related to providing education on all islands for separating~~
21 ~~parents in matrimonial actions and parties in parentage actions~~
22 ~~and their minor children. Revenues deposited into the special~~



1 ~~fund may be used for existing or enhanced parent education~~
2 ~~programs administered by the judiciary, or for grants or~~
3 ~~purchases of service pursuant to chapter 42F. All~~
4 ~~appropriations or authorizations from the special fund shall be~~
5 ~~expended by the judiciary.~~

6 ~~(f) The judiciary shall submit an annual financial report~~
7 ~~to the legislature, prior to the convening of each regular~~
8 ~~session, which shall include an accounting of all deposits and~~
9 ~~expenditures from the fund.]"~~

10 SECTION 6. Section 706-603, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§706-603 DNA analysis monetary assessment; DNA registry**
13 **special fund.** (1) In addition to any disposition authorized by
14 chapter 706 or 853, every defendant convicted of a felony
15 offense shall be ordered to pay a monetary assessment of \$500 or
16 the actual cost of the DNA analysis, whichever is less. The
17 court may reduce the monetary assessment if the court finds,
18 based on evidence presented by the defendant and not rebutted by
19 the State, that the defendant is not and will not be able to pay
20 the full monetary assessment and, based on the finding, shall
21 instead order the defendant to pay an assessment that the
22 defendant will be able to pay within five years.





PART II

1 Notwithstanding any other law to the contrary, the assessment and penalty provided by this section shall be in addition to, and not in lieu of, and shall not be used to offset or reduce, any fine or restitution authorized or required by law. All assessments and penalties shall be paid into the [DNA registry special] general fund [established in subsection (3)].

2 ~~There is established a special fund to be known as~~

3 ~~the DNA registry special fund which shall be administered by the~~

4 ~~attorney general. The fund shall consist of:~~

5 (a) ~~All assessments and penalties ordered pursuant to~~

6 ~~subsection (1);~~

7 (b) ~~All other moneys received by the fund from any other~~

8 ~~source; and~~

9 (c) ~~Interest earned on any moneys in the fund.~~

10 Moneys in the DNA registry special fund shall be used for DNA

11 collection, DNA testing, and related costs of recording,

12 preserving, and disseminating DNA information pursuant to

13 ~~chapter 844B.~~

14 Restitution to the victim of a sexual or violent

15 crime shall be made before payment of the monetary assessment.

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1 SECTION 7. The legislature finds that the auditor
2 conducted an update of its 1992 *Loss of Budgetary Control: A*
3 *Summary Report of the Review of Special and Revolving Funds*
4 (report no. 92-14). Report no. 92-14 provided an overview of
5 five reports issued in 1991 and 1992 that reviewed all special
6 and revolving funds in existence as of July 1, 1990, of sixteen
7 state departments, the University of Hawaii, and the judiciary.

8 According to the auditor's July, 2001, update of report no.
9 92-14, a majority (one hundred six out of one hundred sixty-six)
10 of the special and revolving funds previously reviewed were
11 still in existence as of July 1, 1999. The auditor also found
12 that few of the one hundred six special and revolving funds have
13 undergone significant changes since they were last reviewed.
14 The auditor also found thirty-one special and revolving funds
15 previously reviewed in 1991 and 1992, that were in existence as
16 of July 1, 1999, still did not meet all established criteria.
17 The fiscal year 1999-2000 ending cash balance of these thirty-
18 one funds totaled approximately \$77,400,000.

19 The auditor also found that one hundred thirty-two special
20 and revolving funds have been statutorily or administratively
21 created since July 1, 1990, but twenty-five of these funds have
22 since been repealed or discontinued. The aggregate cash balance



1 of the special and revolving funds created after July 1, 1990,
2 and still in existence as of June 30, 2000, totaled
3 approximately \$220,000,000. However, the auditor found that
4 thirty-eight of these special and revolving funds did not meet
5 all criteria of a special or revolving fund and held over
6 \$19,000,000 outside the general fund.

7 In 2002, the governor signed into law Act 178, which
8 implemented some of the recommendations of the auditor by
9 discontinuing and transferring approximately \$145,000,000 from
10 select special and revolving funds to the general fund.

11 The legislature finds that the use of special funds as an
12 alternative means of financing state government projects and
13 programs has resulted in the misuse of state funds. Funds that
14 are still in existence that were recommended for repeal by the
15 auditor currently total approximately \$100,000,000. The
16 legislature further finds that the projects and programs funded
17 by special funds, with the exception of federally mandated
18 programs and funds, should be held accountable and present to
19 the legislature their budgetary requests and justifications
20 through general fund appropriations.



1 The purpose of this part is to repeal certain special
2 funds, with the exception of federally mandated or funded
3 special funds.

4 SECTION 8. Section 28-15, Hawaii Revised Statutes, is
5 repealed.

6 ~~["§28-15] Tobacco enforcement special fund. (a) There~~
7 ~~is established in the state treasury the tobacco enforcement~~
8 ~~special fund, into which shall be deposited the tobacco~~
9 ~~settlement moneys as provided by section 328L-2(a), the~~
10 ~~allocated portion of the stamp fee designated to pay for the~~
11 ~~cost of enforcing the cigarette tax stamp as provided by section~~
12 ~~245-26, and fines as provided for by section 245-41.~~

13 ~~(b) The tobacco enforcement special fund shall be~~
14 ~~administered by the department of the attorney general and shall~~
15 ~~be used for administering, operating, monitoring, and ensuring~~
16 ~~compliance with and enforcement of:~~

17 ~~(1) The Master Settlement Agreement as defined in chapter~~
18 ~~675 and any other statutes or programs relating to~~
19 ~~that agreement;~~

20 ~~(2) Chapter 675;~~

21 ~~(3) Tobacco prevention programs;~~



- 1 ~~(4) The cigarette tax stamp as defined in chapter 245 and~~
- 2 ~~any other statutes or programs relating to that~~
- 3 ~~chapter;~~
- 4 ~~(5) Chapter 245;~~
- 5 ~~(6) Chapter 486P and any other statutes or programs~~
- 6 ~~relating to that chapter; and~~
- 7 ~~(7) Any other requirement deemed necessary to carry out~~
- 8 ~~the purposes of the fund.~~

9 ~~(c) All unencumbered and unexpended moneys in excess of~~
 10 ~~\$500,000 remaining on balance in the tobacco enforcement special~~
 11 ~~fund at the close of June 30 of each year shall lapse to the~~
 12 ~~credit of the state general fund.~~

13 ~~(d) The department of the attorney general shall submit a~~
 14 ~~report to the legislature, no later than twenty days prior to~~
 15 ~~the convening of each regular session, providing an accounting~~
 16 ~~of the receipts and expenditures of the fund."]~~

17 SECTION 9. Section 109-9, Hawaii Revised Statutes, is
 18 repealed.

19 ~~[^u [§109-9] — Kapolei recreational sports complex special~~
 20 ~~fund. There is created a special fund to be known as the~~
 21 ~~Kapolei recreational sports complex special fund into which~~
 22 ~~funds appropriated by the legislature, received pursuant to a~~



1 ~~management contract under section 109-2(3), or collected by the~~
2 ~~authority from the operations of the Kapolei recreational sports~~
3 ~~complex shall be deposited subject to contracts entered into~~
4 ~~pursuant to section 109-2(3); provided that all funds received~~
5 ~~pursuant to this section shall be kept completely separate from~~
6 ~~the stadium special fund. Moneys may not be transferred between~~
7 ~~the Kapolei recreational sports complex special fund and the~~
8 ~~stadium special fund. The Kapolei [recreational] sports complex~~
9 ~~special fund shall be applied, used, and disposed of for the~~
10 ~~payment of:~~

11 ~~(1) The expenses of the operation, maintenance, promotion,~~
12 ~~and management of; and~~

13 ~~(2) All or a portion of the cost of financing any capital~~
14 ~~improvement project for;~~

15 ~~the Kapolei recreational sports complex; provided that all~~
16 ~~services required for the Kapolei recreational sports complex~~
17 ~~shall be performed by persons hired on contract or otherwise,~~
18 ~~without regard for chapter 76; provided further that the~~
19 ~~authority shall report annually to the legislature all receipts~~
20 ~~and expenditures of the Kapolei recreational [sports] complex~~
21 ~~special fund account no later than twenty days prior to the~~
22 ~~convening of each regular session."]~~



1 SECTION 10. Section 141-2.7, Hawaii Revised Statutes, is
2 repealed.

3 ~~[" §141-2.7] — Aquaculture development special fund. (a)~~

4 ~~There is established in the state treasury the aquaculture~~
5 ~~development special fund into which shall be deposited:~~

6 ~~(1) Appropriations from the legislature;~~

7 ~~(2) Moneys collected as fees for special microbiological~~
8 ~~and histological procedures and expert aquaculture-~~
9 ~~related services;~~

10 ~~(3) Moneys collected from the sale of any item related to~~
11 ~~aquaculture development that is purchased from the~~
12 ~~department;~~

13 ~~(4) Moneys directed to the aquaculture development program~~
14 ~~from any other sources, including but not limited to~~
15 ~~grants, gifts, and awards; and~~

16 ~~(5) Moneys derived from interest, dividend, or other~~
17 ~~income from the above sources.~~

18 ~~(b) Moneys in the aquaculture development special fund~~
19 ~~shall be used to:~~

20 ~~(1) Implement the aquatic disease management programs and~~
21 ~~activities of the department, including provision of~~
22 ~~state funds to match federal grants; and~~



1 ~~(2) Support research and development programs and~~
2 ~~activities relating to the expansion of the state~~
3 ~~aquaculture industry. Research and development~~
4 ~~programs and activities funded under this paragraph~~
5 ~~may be conducted by department personnel or through~~
6 ~~contracts with the University of Hawaii or other~~
7 ~~qualified persons."]~~

8 SECTION 11. Section 142-28.5, Hawaii Revised Statutes, is
9 repealed.

10 ~~[" [§142-28.5] Animal quarantine special fund. There is~~
11 ~~established the animal quarantine special fund to be~~
12 ~~administered by the board of agriculture. All moneys received~~
13 ~~by the board of agriculture from:~~

14 ~~(1) Fees for the quarantine of cats, dogs, and other~~
15 ~~carnerores pursuant to this chapter;~~
16 ~~(2) Moneys received for the use of animal quarantine~~
17 ~~property or facilities pursuant to section 142-3.5; or~~
18 ~~(3) State appropriations or other moneys made available,~~
19 ~~shall be deposited into the special fund. All interest earned~~
20 ~~or accrued on moneys deposited in the special fund shall become~~
21 ~~part of the special fund. Moneys in the special fund shall be~~
22 ~~expended to cover all costs of quarantine but not limited to the~~



1 ~~costs of salaries, fringe benefits, operating expenses,~~
2 ~~including the defraying of quarantine fees, equipment, motor~~
3 ~~vehicles, contract with any qualified person or entity for~~
4 ~~animal care services, operation and maintenance of the~~
5 ~~quarantine station, and promotional expenses. A reserve shall~~
6 ~~be appropriated and maintained in the special fund to cover~~
7 ~~contingency costs, including but not limited to accrued vacation~~
8 ~~leave, unemployment insurance, and workers' compensation."]~~

9 SECTION 12. Section 157-29, Hawaii Revised Statutes, is
10 repealed.

11 [~~"[§157-29] Milk control special fund. There is~~
12 ~~established the milk control special fund to be administered by~~
13 ~~the board of agriculture. All moneys received by the board of~~
14 ~~agriculture as application fees and for licenses or otherwise~~
15 ~~under this chapter, and any state appropriations or other moneys~~
16 ~~made available to carry out the purposes of this chapter, shall~~
17 ~~be deposited into the special fund. All interest earned or~~
18 ~~accrued on moneys deposited in the special fund shall become~~
19 ~~part of the special fund. Moneys in the special fund shall be~~
20 ~~expended to cover all costs of administering this chapter~~
21 ~~including but not limited to the costs of salaries, fringe~~
22 ~~benefits, operating expenses, equipment, motor vehicles,~~



1 ~~contracts for services, and promotional expenses. Moneys in the~~
2 ~~special fund may be transferred to the general fund for salaries~~
3 ~~and fringe benefits of other state employees assisting in~~
4 ~~administering this chapter and other related costs. A reserve~~
5 ~~shall be maintained in the special fund to cover contingency~~
6 ~~costs including but not limited to accrued vacation leave,~~
7 ~~unemployment insurance, and workers' compensation."]~~

8 SECTION 13. Section 171-19.5, Hawaii Revised Statutes, is
9 repealed.

10 [~~"§171-19.5~~] ~~Infrastructure development fund,~~
11 ~~establishment.~~ (a) ~~There is established in the state treasury~~
12 ~~the infrastructure development fund to be administered by the~~
13 ~~department of land and natural resources. Funds transferred or~~
14 ~~appropriated by the legislature and moneys received or collected~~
15 ~~by the department of land and natural resources, as authorized~~
16 ~~by the legislature, shall be deposited into the infrastructure~~
17 ~~development fund.~~

18 (b) ~~The infrastructure development fund shall be used to~~
19 ~~provide funding for infrastructure development in the Kikala-~~
20 ~~Keokea area on the island of Hawaii to benefit residents of~~
21 ~~Kalapana who have been dispossessed of their homes and lands as~~
22 ~~a result of the continued volcanic eruptions on the island of~~



1 ~~Hawaii, which began on January 3, 1983. Proceeds of this fund~~
2 ~~may be used for necessary expenses in the administration of the~~
3 ~~fund.~~

4 ~~(c) Upon fulfillment of the purposes of this section, any~~
5 ~~unexpended or unencumbered funds appropriated by the legislature~~
6 ~~or remaining in the infrastructure development fund as of the~~
7 ~~close of business on December 31, 2004, shall not lapse into~~
8 ~~that fund or to the credit of the general fund, but shall be~~
9 ~~transferred to the credit of the Kikala Keekea housing revolving~~
10 ~~fund established in section 201H-170.5 as of that date; provided~~
11 ~~that any unexpended or unencumbered moneys that were provided by~~
12 ~~the office of Hawaiian affairs and deposited into the~~
13 ~~infrastructure development fund for the purpose of~~
14 ~~infrastructure development shall be refunded to the office of~~
15 ~~Hawaiian affairs upon the completion of the fund's intended~~
16 ~~purpose. No funds shall be transferred until all funding~~
17 ~~commitments entered into by the department of land and natural~~
18 ~~resources to complete the design and construction of~~
19 ~~infrastructure improvements have been executed."]~~

20 SECTION 14. Section 171-156, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§171-156]—Beach restoration special fund. (a) There~~
2 ~~is established in the state treasury a special fund to be~~
3 ~~designated as the "beach restoration special fund" to carry out~~
4 ~~the purposes of this part. The following moneys shall be~~
5 ~~deposited into the beach restoration special fund.~~

- 6 ~~(1) Proceeds from the lease or development of public~~
7 ~~coastal lands designated pursuant to a beach~~
8 ~~restoration plan, subject to the Hawaiian Homes~~
9 ~~Commission Act of 1920, as amended, and section 5(f)~~
10 ~~of the Admission Act of 1959;~~
- 11 ~~(2) Proceeds from the lease of public lands pursuant to~~
12 ~~this part for an existing seawall or revetment;~~
- 13 ~~(3) Fines collected for unauthorized shoreline structures~~
14 ~~on state submerged land or conservation district land;~~
- 15 ~~(4) Appropriations made by the legislature for deposit~~
16 ~~into this fund;~~
- 17 ~~(5) Donations and contributions made by private~~
18 ~~individuals or organizations for deposit into this~~
19 ~~fund;~~
- 20 ~~(6) Fees collected for the processing of applications for~~
21 ~~coastal and beach erosion control projects; and~~



1 ~~(7) Grants provided by governmental agencies or any other~~
2 ~~source.~~

3 ~~(b) The beach restoration special fund may be used by the~~
4 ~~department for one or more of the following purposes:~~

5 ~~(1) Planning, designing, development, or implementation of~~
6 ~~beach restoration projects pursuant to this part; and~~

7 ~~(2) Providing grants to the counties, nongovernmental~~
8 ~~organizations, and the University of Hawaii for the~~
9 ~~restoration of beach lands and for research or~~
10 ~~engineering studies necessary to support beach~~
11 ~~restoration projects, subject to this part."]~~

12 SECTION 15. Section 174C-5.5, Hawaii Revised Statutes, is
13 repealed.

14 ~~[¹ §174C-5.5] Water resource management fund. (a) There~~
15 ~~is established in the department a special fund to be designated~~
16 ~~as the water resource management fund. The fund shall be~~
17 ~~administered by the commission. The water resource management~~
18 ~~fund shall be used for the following:~~

19 ~~(1) Monitoring programs and activities concerning water~~
20 ~~resource quality, protection, and management;~~



- 1 ~~(2) Research programs and activities concerning water~~
- 2 ~~conservation and investigation of alternative sources~~
- 3 ~~of water;~~
- 4 ~~(3) Preparation and dissemination of information to the~~
- 5 ~~public concerning activities authorized under this~~
- 6 ~~chapter;~~
- 7 ~~(4) Data collection, development, and updating of long-~~
- 8 ~~range planning documents authorized under this~~
- 9 ~~chapter; and~~
- 10 ~~(5) Any other protection, management, operational, or~~
- 11 ~~maintenance functions authorized and deemed necessary~~
- 12 ~~by the commission, including but not limited to~~
- 13 ~~funding permanent or temporary staff positions.~~
- 14 ~~(b) The following shall be deposited into the water~~
- 15 ~~resource management fund:~~
- 16 ~~(1) Appropriations by the legislature to the water~~
- 17 ~~resource management fund;~~
- 18 ~~(2) All fees and administrative charges collected under~~
- 19 ~~this chapter or any rule adopted thereunder;~~
- 20 ~~(3) Moneys collected as fines or penalties imposed under~~
- 21 ~~this chapter or any rule adopted thereunder;~~



- 1 ~~(4) Moneys derived from public and private sources to~~
- 2 ~~benefit water resource protection and management;~~
- 3 ~~(5) Any moneys collected from the sale of retail items by~~
- 4 ~~the department related to water resources;~~
- 5 ~~(6) Any other moneys collected pursuant to chapter 174C;~~
- 6 ~~and~~
- 7 ~~(7) Moneys derived from interest, dividend, or other~~
- 8 ~~income from the above sources."]~~

9 SECTION 16. Section 184-3.4, Hawaii Revised Statutes, is
10 repealed.

11 ~~[" §184-3.4 State parks special fund. (a) There is~~
12 ~~established within the state treasury a fund to be known as the~~
13 ~~state parks special fund, into which shall be deposited:~~

- 14 ~~(1) All proceeds collected by the state parks programs~~
- 15 ~~involving park user fees, any leases or concession~~
- 16 ~~agreements, the sale of any article purchased from the~~
- 17 ~~department to benefit the state parks programs, or any~~
- 18 ~~gifts or contributions; provided that proceeds derived~~
- 19 ~~from the operation of Iolani Palace shall be used to~~
- 20 ~~supplement its educational and interpretive programs;~~
- 21 ~~and~~



1 ~~(2) Transient accommodations tax revenues pursuant to~~
 2 ~~section 237D-6.5; provided that these moneys shall be~~
 3 ~~expended in response to a master plan developed in~~
 4 ~~coordination with the Hawaii tourism authority.~~

5 ~~(b) The department shall expend the moneys from the state~~
 6 ~~parks special fund for the following purposes:~~

7 ~~(1) Permanent and temporary staff positions;~~

8 ~~(2) Planning and development of state parks programs,~~
 9 ~~including the aina hoomalu state parks program;~~

10 ~~(3) Construction, repairs, replacement, additions, and~~
 11 ~~extensions of state parks facilities;~~

12 ~~(4) Operation and maintenance costs of state parks and~~
 13 ~~state parks programs; and~~

14 ~~(5) Administrative costs of the division of state parks."]~~

15 SECTION 17. Section 189-2.4, Hawaii Revised Statutes, is
 16 repealed.

17 ~~[" [§189-2.4] Commercial fisheries special fund. (a)~~

18 ~~There is established in the treasury of the State a special fund~~
 19 ~~to be known as the commercial fisheries special fund which shall~~
 20 ~~be administered by the department.~~

21 ~~(b) The following revenues shall be deposited into the~~
 22 ~~commercial fisheries special fund.~~



- 1 ~~(1) Moneys collected as fees for licenses and permits~~
2 ~~related to commercial fishing and the sale of aquatic~~
3 ~~life, use of public fishing grounds for commercial~~
4 ~~fishing purposes, and use of commercial fisheries-~~
5 ~~related facilities;~~
- 6 ~~(2) Moneys collected under the provision of any law or~~
7 ~~rule related to the importation, rearing, fishing,~~
8 ~~taking, catching, or killing of any aquatic life for~~
9 ~~commercial purposes;~~
- 10 ~~(3) Moneys, other than informers' fees authorized under~~
11 ~~section 187A 14, collected as fines or bail~~
12 ~~forfeitures or administrative fines for violations of~~
13 ~~this chapter;~~
- 14 ~~(4) Moneys collected from the sale of any article~~
15 ~~purchased from the department related to aquatic life~~
16 ~~used for commercial purposes or fishing for commercial~~
17 ~~purposes;~~
- 18 ~~(5) Any monetary contributions or moneys collected from~~
19 ~~the sale of nonmonetary gifts to benefit aquatic life~~
20 ~~used for commercial purposes or fishing for commercial~~
21 ~~purposes; and~~



- 1 ~~(6) Moneys derived from interest, dividend, or other~~
2 ~~income from the above sources.~~
- 3 ~~(e) The commercial fisheries special fund shall be used~~
4 ~~for the following:~~
- 5 ~~(1) Programs and activities for projects concerning~~
6 ~~aquatic life used for commercial purposes;~~
- 7 ~~(2) Developing and conducting resource monitoring~~
8 ~~programs, conducting studies to determine the~~
9 ~~sustainable use of aquatic life for commercial~~
10 ~~purposes, and developing recommendations for~~
11 ~~acceptable levels of use;~~
- 12 ~~(3) Research programs and activities concerning the~~
13 ~~conservation and management of aquatic life for~~
14 ~~commercial purposes;~~
- 15 ~~(4) Programs and activities concerning the importation and~~
16 ~~management, preservation, propagation, enforcement,~~
17 ~~and protection of aquatic life used for commercial~~
18 ~~purposes; and~~
- 19 ~~(5) Payroll for personnel of the department or the~~
20 ~~awarding of grants in aid to or contracts with the~~
21 ~~University of Hawaii or other qualified organizations~~
22 ~~or individuals to develop or implement the programs~~



1 ~~and activities for the conservation and management of~~
2 ~~aquatic life for commercial purposes.~~

3 ~~(d) The proceeds of the commercial fisheries special fund~~
4 ~~shall not be used as security for, or pledged to the payment of~~
5 ~~principal or interest on, any bonds or instruments of~~
6 ~~indebtedness.~~

7 ~~(e) Nothing in this section shall be construed to prohibit~~
8 ~~the use of general funds or the funds of other programs and~~
9 ~~activities to implement or enforce title 12, subtitle 5,~~
10 ~~concerning management and conservation of aquatic life used for~~
11 ~~commercial purposes."]~~

12 SECTION 18. Section 201-113, Hawaii Revised Statutes, is
13 repealed.

14 [~~" [§201-113] Hawaii television and film development~~
15 ~~special fund. (a) There is established in the state treasury~~
16 ~~the Hawaii television and film development special fund into~~
17 ~~which shall be deposited.~~

18 ~~(1) Appropriations by the legislature;~~
19 ~~(2) Donations and contributions made by private~~
20 ~~individuals or organizations for deposit into the~~
21 ~~fund;~~



1 ~~(3) Grants provided by governmental agencies or any other~~
2 ~~source; and~~

3 ~~(4) Any profits or other amounts received from venture~~
4 ~~capital investments.~~

5 ~~(b) The fund shall be used by the board to assist in, and~~
6 ~~provide incentives for, the production of eligible Hawaii~~
7 ~~projects that are in compliance with criteria and standards~~
8 ~~established by the board in accordance with rules adopted by the~~
9 ~~board pursuant to chapter 91. In particular, the board shall~~
10 ~~adopt rules to provide for the implementation of the following~~
11 ~~programs:~~

12 ~~(1) A grant program. The board shall adopt rules pursuant~~
13 ~~to chapter 91 to provide conditions and qualifications~~
14 ~~for grants. Applications for grants shall be made to~~
15 ~~the board and shall contain such information as the~~
16 ~~board shall require by rules adopted pursuant to~~
17 ~~chapter 91. At a minimum, the applicant shall agree~~
18 ~~to the following conditions:~~

19 ~~(A) The grant shall be used exclusively for eligible~~
20 ~~Hawaii projects;~~

21 ~~(B) The applicant shall have applied for or received~~
22 ~~all applicable licenses and permits;~~



- 1 ~~(C) The applicant shall comply with applicable~~
- 2 ~~federal and state laws prohibiting discrimination~~
- 3 ~~against any person on the basis of race, color,~~
- 4 ~~national origin, religion, creed, sex, age, or~~
- 5 ~~physical handicap;~~
- 6 ~~(D) The applicant shall comply with other~~
- 7 ~~requirements as the board may prescribe;~~
- 8 ~~(E) All activities undertaken with funds received~~
- 9 ~~shall comply with all applicable federal, state,~~
- 10 ~~and county statutes and ordinances;~~
- 11 ~~(F) The applicant shall indemnify and save harmless~~
- 12 ~~the State of Hawaii and its officers, agents, and~~
- 13 ~~employees from and against any and all claims~~
- 14 ~~arising out of or resulting from activities~~
- 15 ~~carried out or projects undertaken with funds~~
- 16 ~~provided hereunder, and procure sufficient~~
- 17 ~~insurance to provide this indemnification if~~
- 18 ~~requested to do so by the department;~~
- 19 ~~(G) The applicant shall make available to the board~~
- 20 ~~all records the applicant may have relating to~~
- 21 ~~the project, to allow the board to monitor the~~



1 ~~applicant's compliance with the purpose of this~~
2 ~~chapter; and~~

3 ~~(H) The applicant, to the satisfaction of the board,~~
4 ~~shall establish that sufficient funds are~~
5 ~~available for the completion of the project for~~
6 ~~the purpose for which the grant is awarded; and~~

7 ~~(2) A venture capital program. The board shall adopt~~
8 ~~rules pursuant to chapter 91 to provide conditions and~~
9 ~~qualifications for venture capital investments in~~
10 ~~eligible Hawaii projects. The program may include a~~
11 ~~written agreement between the borrower and the board,~~
12 ~~as the representative of the State, that as~~
13 ~~consideration for the venture capital investment made~~
14 ~~under this part, the borrower shall share any~~
15 ~~royalties, licenses, titles, rights, or any other~~
16 ~~monetary benefits that may accrue to the borrower~~
17 ~~pursuant to terms and conditions established by the~~
18 ~~board by rule pursuant to chapter 91. Venture capital~~
19 ~~investments may be made on such terms and conditions~~
20 ~~as the board shall determine to be reasonable,~~
21 ~~appropriate, and consistent with the purposes and~~
22 ~~objectives of this part."]~~



1 SECTION 19. Section 201B-8, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§201B-8]—Convention center enterprise special fund.~~

4 ~~(a) There is established the convention center enterprise~~
5 ~~special fund, into which shall be deposited:~~

6 ~~(1) A portion of the revenues from the transient~~
7 ~~accommodations tax, as provided by section 237D-6.5;~~

8 ~~(2) All revenues or moneys derived from the operations of~~
9 ~~the convention center to include all revenues from the~~
10 ~~food and beverage service, all revenues from the~~
11 ~~parking facilities or from any concession, and all~~
12 ~~revenues from the sale of souvenirs, logo items, or~~
13 ~~any other items offered for purchase at the convention~~
14 ~~center;~~

15 ~~(3) Private contributions, interest, compensation, gross~~
16 ~~or net revenues, proceeds, or other moneys derived~~
17 ~~from any source or for any purpose arising from the~~
18 ~~use of the convention center facility; and~~

19 ~~(4) Appropriations by the legislature, including any~~
20 ~~transfers from the tourism special fund established~~
21 ~~under section 201B-11 for marketing the facility~~
22 ~~pursuant to section 201B-7(a)(7).~~



1 ~~(b) Moneys in the convention center enterprise special~~
2 ~~fund shall be used by the authority for the payment of any and~~
3 ~~all debt service relating to the convention center, any expense~~
4 ~~arising from any and all use, operation, maintenance,~~
5 ~~alteration, improvement, or any unforeseen or unplanned repairs~~
6 ~~of the convention center, including without limitation the food~~
7 ~~and beverage service and parking service provided at the~~
8 ~~convention center facility, the sale of souvenirs, logo items,~~
9 ~~or other items, for any future major repair, maintenance, and~~
10 ~~improvement of the convention center facility as a commercial~~
11 ~~enterprise or as a world class facility for conventions,~~
12 ~~entertainment, or public events, and for marketing the facility~~
13 ~~pursuant to section 201B-7(a)(7).~~

14 ~~(c) Moneys in the convention center enterprise special~~
15 ~~fund may be:~~

16 ~~(1) Placed in interest bearing accounts; provided that the~~
17 ~~depository in which the money is deposited furnishes security as~~
18 ~~provided in section 38-3; or~~

19 ~~(2) Otherwise invested by the authority until such time as~~
20 ~~the moneys may be needed; provided that the authority shall~~
21 ~~limit its investments to those listed in section 36-21.~~



1 ~~All interest accruing from investment of the moneys shall be~~
2 ~~credited to the convention center enterprise special fund."]~~

3 SECTION 20. Section 201B-11, Hawaii Revised Statutes, is
4 repealed.

5 ~~["PART II. TOURISM SPECIAL FUND, EXEMPTIONS, REPORTS~~

6 ~~§201B-11 Tourism special fund. (a) [Repeal and~~
7 ~~reenactment on June 30, 2010. L 2006, c 306, §1. There is~~
8 ~~established the tourism special fund, into which shall be~~
9 ~~deposited:~~

10 ~~(1) A portion of the revenues from any transient~~
11 ~~accommodations tax, as provided by section 237D-6.5;~~

12 ~~(2) Appropriations by the legislature to the tourism~~
13 ~~special fund;~~

14 ~~(3) Gifts, grants, and other funds accepted by the~~
15 ~~authority; and~~

16 ~~(4) All interest and revenues or receipts derived by the~~
17 ~~authority from any project or project agreements.~~

18 ~~(b) Moneys in the tourism special fund may be:~~

19 ~~(1) Placed in interest bearing accounts, provided that the~~
20 ~~depository in which the money is deposited furnishes~~
21 ~~security as provided in section 38-3; or~~



1 ~~(2) Otherwise invested by the authority until such time as~~
 2 ~~the moneys may be needed; provided that the authority~~
 3 ~~shall limit its investments to those listed in section~~
 4 ~~36-21.~~

5 ~~All interest accruing from the investment of these moneys shall~~
 6 ~~be credited to the tourism special fund.~~

7 ~~(c) Repeal and reenactment on June 30, 2010. L 2006, c~~
 8 ~~306, §1. Moneys in the tourism special fund shall be used by~~
 9 ~~the authority for the purposes of this chapter; provided that:~~

10 ~~(1) Not more than five per cent of this amount shall be~~
 11 ~~used for administrative expenses, including \$15,000~~
 12 ~~for a protocol fund to be expended at the discretion~~
 13 ~~of the executive director; and~~

14 ~~(2) At least \$1,000,000 shall be made available to support~~
 15 ~~efforts to manage, improve, and protect Hawaii's~~
 16 ~~natural environment and areas frequented by visitors.~~

17 ^{u]}

18 SECTION 21. Section 231-3.2, Hawaii Revised Statutes, is
 19 repealed.

20 ~~[^u §231-3.2] Integrated tax information management systems~~
 21 ~~special fund. (a) There is established in the state treasury~~
 22 ~~the integrated tax information management systems special fund~~



1 ~~into which shall be deposited general excise tax revenues as~~
2 ~~provided by section 237-31. The director of taxation may retain~~
3 ~~and deposit the amounts necessary to meet the obligations of the~~
4 ~~integrated tax information management systems performance-based~~
5 ~~contract. The amounts transferred by the director of taxation~~
6 ~~to the integrated tax information management systems special~~
7 ~~fund for a fiscal year shall be limited to the amounts~~
8 ~~appropriated by the legislature.~~

9 ~~(b) Moneys in the fund shall be expended by the department~~
10 ~~to pay for the integrated tax information management systems~~
11 ~~performance-based contracts authorized by Act 273, Session Laws~~
12 ~~of Hawaii 1996.~~

13 ~~(c) The department shall submit an annual report to the~~
14 ~~legislature no later than twenty days prior to the convening of~~
15 ~~each regular session, providing an accounting of the receipts~~
16 ~~of, and expenditures from, the fund.~~

17 ~~(d) This section shall be repealed on July 1, 2005."~~

18 SECTION 22. Section 245-41.5, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§245-41.5] Cigarette tax stamp administrative special~~
21 ~~fund. (a) There is established in the state treasury the~~
22 ~~cigarette tax stamp administrative special fund, into which~~



1 ~~shall be deposited the allocated portion of the stamp fee~~
2 ~~designated to pay for the cost to the State of providing the~~
3 ~~stamps as provided by section 245-26.~~

4 ~~(b) Moneys in the cigarette tax stamp administrative~~
5 ~~special fund shall be administered by the department of taxation~~
6 ~~and shall be used:~~

7 ~~(1) To provide the stamps and administer the cigarette tax~~
8 ~~stamp provisions as provided in chapter 245; and~~

9 ~~(2) For any other requirements deemed necessary to carry~~
10 ~~out the purposes of chapter 245."]~~

11 SECTION 23. Section 264-19, Hawaii Revised Statutes, is
12 repealed.

13 [~~§264-19~~] ~~Transportation improvement special fund.~~ (a)

14 ~~There is created within the state treasury the transportation~~
15 ~~improvement special fund to fund qualified transportation~~
16 ~~projects and to receive reimbursements from private developers~~
17 ~~who have been advanced public funds to fulfill the conditions of~~
18 ~~land use development relating to transportation.~~

19 ~~The director may expend from the special fund such sums as~~
20 ~~are necessary to advance transportation projects, including~~
21 ~~administrative expenses, to the extent permissible.~~

22 ~~(1) When such projects:~~



1 ~~(A) Have been identified in or are consistent with~~
2 ~~the statewide transportation plan adopted~~
3 ~~pursuant to chapter 279A, and~~

4 ~~(B) Satisfy all applicable federal and state~~
5 ~~eligibility requirements, or~~

6 ~~(2) When the director determines that funds previously~~
7 ~~authorized for the aforementioned projects are~~
8 ~~inadequate or any delay in the completion of such~~
9 ~~projects would unnecessarily increase their cost or~~
10 ~~intensify undesirable transportation conditions.~~

11 ~~(b) Expenditures from the special fund shall be made on~~
12 ~~vouchers approved by the director or such other officer as may~~
13 ~~be designated by the director.~~

14 ~~(c) There shall be credited to the special fund all~~
15 ~~reimbursements and any interest earned or penalty accrued on~~
16 ~~late payments thereon received from developers who have been~~
17 ~~advanced public funds to fulfill the conditions of land use~~
18 ~~development relating to transportation or other transportation~~
19 ~~requirements imposed upon such developers.~~

20 ~~(d) Expenditures from the special fund may not be made by~~
21 ~~the director without appropriation by the legislature. No~~
22 ~~expenditure shall be made from, and no obligation shall be~~



1 ~~incurred against, the special fund in excess of the amount~~
2 ~~standing to the credit of the special fund or for any purpose~~
3 ~~for which moneys from the special fund may not lawfully be~~
4 ~~expended.~~

5 ~~(e) The department of transportation shall prepare and~~
6 ~~submit an annual report to the legislature on the use of the~~
7 ~~transportation improvement special fund which shall include, but~~
8 ~~not be limited to:~~

9 ~~(1) The [special] fund balance and the expenses made from~~
10 ~~the [special] fund for the immediately preceding~~
11 ~~fiscal year; and~~

12 ~~(2) Proposed appropriations from the [special] fund for~~
13 ~~the next fiscal year.~~

14 ~~This report shall be submitted to the legislature no later~~
15 ~~than twenty days prior to the convening of each legislative~~
16 ~~session.~~

17 ~~(f) The director may adopt rules pursuant to chapter 91~~
18 ~~necessary to effectuate the purposes of, and to administer, this~~
19 ~~section.~~

20 ~~(g) As used in this section:~~

21 ~~"Director" means the director of transportation.~~



1 ~~"Special fund" means the transportation improvement special~~
2 ~~fund."~~]

3 SECTION 24. Section 268-2.6, Hawaii Revised Statutes, is
4 repealed.

5 ~~["§268-2.6]—Ferry project special fund.]—There is~~
6 ~~established in the state treasury the ferry project special~~
7 ~~fund, into which shall be deposited revenues collected by the~~
8 ~~operators of the intra island water ferry transportation system.~~
9 ~~Moneys in the ferry project special fund shall be used to offset~~
10 ~~costs incurred by the intra island water ferry transportation~~
11 ~~system or demonstration project, or both; provided that no~~
12 ~~expenditure shall be made from, and no obligation shall be~~
13 ~~incurred against the fund in excess of its deposits. Moneys in~~
14 ~~the fund shall be expended by the department of~~
15 ~~transportation."~~]

16 SECTION 25. Section 302A-1504.5, Hawaii Revised Statutes,
17 is repealed.

18 ~~["§302A-1504.5]—School level minor repairs and~~
19 ~~maintenance special fund. There is established within the state~~
20 ~~treasury a special fund to be known as the school level minor~~
21 ~~repairs and maintenance special fund, into which shall be~~
22 ~~deposited all moneys collected pursuant to section 235-102.5(b),~~



1 ~~and any other moneys received by the department in the form of~~
2 ~~grants and donations for school level minor repairs and~~
3 ~~maintenance. The special fund shall be administered by the~~
4 ~~department and used to fund school level minor repairs and~~
5 ~~maintenance.]]~~

6 SECTION 26. Section 321-1.3, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§321-1.3] Domestic violence and sexual assault special~~
9 ~~fund. (a) There is established within the state treasury a~~
10 ~~special fund to be known as the domestic violence and sexual~~
11 ~~assault special fund to be administered and expended by the~~
12 ~~department of health.~~

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

21 ~~(c) Fees remitted pursuant to section 338-14.5, income tax~~
22 ~~remittances allocated under section 235-102.5, interest and~~



1 ~~investment earnings attributable to the moneys in the special~~
2 ~~fund, and grants, donations, and contributions from private or~~
3 ~~public sources for the purposes of the fund, shall be deposited~~
4 ~~into the special fund.~~

5 ~~(d) The department of health shall submit an annual report~~
6 ~~to the legislature no later than twenty days prior to the~~
7 ~~convening of each regular session providing the following:~~

8 ~~(1) An accounting of the receipts of, and expenditures~~
9 ~~from, the special fund; and~~

10 ~~(2) Recommendations on how to improve services for victims~~
11 ~~of domestic violence and sexual assault. "]~~

12 SECTION 27. Section 321-1.4, Hawaii Revised Statutes, is
13 repealed.

14 ~~["[§321-1.4] Hospital and medical facilities special fund,~~
15 ~~deposits, expenditures. (a) There is established within the~~
16 ~~department of health, to be administered by the department of~~
17 ~~health, the hospital and medical facilities special fund into~~
18 ~~which shall be deposited all moneys collected under section 321-~~
19 ~~11.5(b).~~

20 ~~(b) Moneys in the special fund shall be expended by the~~
21 ~~department.~~



1 ~~(1) To assist in offsetting educational program expenses~~
2 ~~of the department's hospital and medical facilities~~
3 ~~branch, and~~

4 ~~(2) For the purpose of enhancing the capacity of hospital~~
5 ~~and medical facilities programs to:~~

6 ~~(A) Improve public outreach efforts and consultations~~
7 ~~to industries regulated; and~~

8 ~~(B) Educate the public, the staff of the department~~
9 ~~of health, hospitals, nursing homes, and care~~
10 ~~homes, and industries regulated.~~

11 ~~Not more than \$230,000 of the special fund may be used during~~
12 ~~any fiscal year for education.~~

13 ~~(c) Any amount in the special fund in excess of \$356,000~~
14 ~~on June 30 of each year shall be deposited into the general~~
15 ~~fund.~~

16 ~~(d) The department of health shall submit a report to the~~
17 ~~legislature concerning the status of the special fund, including~~
18 ~~the amount of moneys deposited into and expended from the~~
19 ~~special fund, and the sources of receipts and uses of~~
20 ~~expenditures, no later than twenty days prior to the convening~~
21 ~~of each regular session."]~~



1 SECTION 28. Section 321-432, Hawaii Revised Statutes, is
2 repealed.

3 ~~[" [§321-432] — Public health nursing services special fund.~~

4 ~~(a) There is established within the state treasury a special~~
5 ~~fund to be known as the public health nursing services special~~
6 ~~fund. The special fund shall be administered and expended by~~
7 ~~the department of health in accordance with this section.~~

8 ~~(b) The department shall expend the special funds to~~
9 ~~provide ongoing case management services and to provide staff~~
10 ~~training in case management services in collaboration with the~~
11 ~~department of human services' medicaid early and periodic~~
12 ~~screening, diagnosis, and treatment program, including but not~~
13 ~~limited to:~~

14 ~~(1) Assessment of children who are medically fragile to~~
15 ~~determine service needs;~~

16 ~~(2) Development of a specific care plan;~~

17 ~~(3) Referral for and linkages to services to implement the~~
18 ~~specific care plan; and~~

19 ~~(4) Monitoring and follow up.~~

20 ~~(c) The special fund shall consist of medicaid~~
21 ~~reimbursements received by the department for case management~~
22 ~~services provided to families of medically fragile children."]~~



1 SECTION 29. Section 321-426, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§321-426]—Birth defects special fund. There is~~
4 ~~established within the state treasury the birth defects special~~
5 ~~fund to be administered and expended by the department of~~
6 ~~health, into which shall be deposited fees remitted pursuant to~~
7 ~~section 572-5. Moneys in the special fund shall be used for the~~
8 ~~payment of the operating expenses of the birth defects~~
9 ~~program."]~~

10 SECTION 30. Section 321H-4, Hawaii Revised Statutes, is
11 repealed.

12 ~~["§321H-4]—Neurotrauma special fund. (a) There is~~
13 ~~established the neurotrauma special fund to be administered by~~
14 ~~the department with advisory recommendations from the~~
15 ~~neurotrauma advisory board. The fund shall consist of:~~

16 ~~(1) Moneys raised pursuant to the surcharges levied under~~
17 ~~sections 291-11.5, 291-11.6, 291C-12, 291C-12.5, 291C-~~
18 ~~12.6, 291C-102, 291C-105, and 291E-61;~~

19 ~~(2) Federal funds granted by Congress or executive order,~~
20 ~~for the purpose of this chapter, provided that the~~
21 ~~acceptance and use of federal funds shall not commit~~
22 ~~state funds for services and shall not place an~~



1 ~~obligation upon the legislature to continue the~~
2 ~~purpose for which the federal funds are made~~
3 ~~available; and~~

4 ~~(3) Funds appropriated by the legislature for the purpose~~
5 ~~of this chapter.~~

6 ~~(b) The fund shall be used for the purpose of funding and~~
7 ~~contracting for services relating to neurotrauma as follows:~~

8 ~~(1) Education on neurotrauma;~~

9 ~~(2) Assistance to individuals and families to identify and~~
10 ~~obtain access to services;~~

11 ~~(3) Creation of a registry of neurotrauma injuries within~~
12 ~~the State to identify incidence, prevalence,~~
13 ~~individual needs, and related information; and~~

14 ~~(4) Necessary administrative expenses to carry out this~~
15 ~~chapter not to exceed two per cent of the total amount~~
16 ~~collected.~~

17 ~~(c) Moneys in the neurotrauma special fund may be~~
18 ~~appropriated to obtain federal and private grant matching funds,~~
19 ~~subject to section 321H 4(a)(2).~~

20 ~~(d) In administering the fund, the director shall maintain~~
21 ~~records of all expenditures and disbursements made from the~~
22 ~~neurotrauma special fund.~~



1 ~~(e) The director shall submit to the legislature an annual~~
2 ~~report on the activities under the neurotrauma special fund no~~
3 ~~later than twenty days prior to the convening of each regular~~
4 ~~session."]~~

5 SECTION 31. Section 323D-12.6, Hawaii Revised Statutes, is
6 repealed.

7 ~~[^u [§323D-12.6] — State health planning and development~~
8 ~~special fund; created; deposits; expenditures; fees. (a) There~~
9 ~~is established within the state treasury, to be administered by~~
10 ~~the state health planning and development agency, the state~~
11 ~~health planning and development special fund into which shall be~~
12 ~~deposited all moneys collected under chapter 323D.~~

13 ~~(b) Moneys in the special fund shall be expended by the~~
14 ~~state health planning and development agency to assist in~~
15 ~~offsetting program expenses of the agency.~~

16 ~~(c) The agency shall adopt rules in accordance with~~
17 ~~chapter 91 to establish reasonable fees for the purposes of this~~
18 ~~chapter."]~~

19 SECTION 32. Section 338-14.6, Hawaii Revised Statutes, is
20 repealed.

21 ~~[^u [§338-14.6] — Vital statistics improvement special fund.~~

22 ~~(a) There is established within the state treasury a special~~



1 ~~fund to be known as the vital statistics improvement special~~
2 ~~fund. The fund shall be administered and expended by the~~
3 ~~department of health.~~

4 ~~(b) Moneys in the fund shall be used by the department of~~
5 ~~health for the modernization and automation of the vital~~
6 ~~statistics system in this State. These proceeds shall not be~~
7 ~~used to supplant any other moneys previously allocated to this~~
8 ~~program necessary for the daily operation of the system of vital~~
9 ~~statistics.~~

10 ~~(c) The fund shall consist of fees remitted pursuant to~~
11 ~~section 338-14.5. All realizations of the fund shall be subject~~
12 ~~to the conditions specified in subsection (b)."]~~

13 SECTION 33. Section 340B-3.5, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§340B-3.5] Wastewater treatment certification board~~
16 ~~special fund. (a) There is established in the state treasury a~~
17 ~~special fund to be known as the wastewater treatment~~
18 ~~certification board special fund. The following moneys~~
19 ~~collected by the board shall be deposited into the special fund:~~

- 20 ~~(1) Registration fees for examinations;~~
21 ~~(2) Renewal fees;~~
22 ~~(3) Reciprocity fees; and~~



1 ~~(4) Temporary certificates fees.~~

2 ~~All interest earned or accrued on moneys deposited into the~~
3 ~~special fund shall become a part of the special fund.~~

4 ~~(b) All moneys paid into the special fund shall be~~
5 ~~expended by the board to finance its operations."]~~

6 SECTION 34. Section 342G-104, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§342G-104] Deposit into deposit beverage container~~
9 ~~deposit special fund, use of funds. (a) There is established~~
10 ~~in the state treasury the deposit beverage container deposit~~
11 ~~special fund, into which shall be deposited:~~

12 ~~(1) All revenues generated from the deposit beverage~~
13 ~~container fee as described under sections 342G-102 and~~
14 ~~342G-105;~~

15 ~~(2) All revenues generated from the deposit beverage~~
16 ~~container deposit as described under sections 342G-105~~
17 ~~and 342G-110; and~~

18 ~~(3) All accrued interest from the fund.~~

19 ~~(b) [Repeal and reenactment on June 30, 2009. L 2006, c~~
20 ~~231, §2. Moneys in the deposit beverage container deposit~~
21 ~~special fund shall be used to reimburse refund values, pay~~
22 ~~handling fees to redemption centers, fund the reverse vending~~



1 ~~machine rebate program under section 342G 102.5, and fund the~~
2 ~~redemption center and recycling infrastructure improvement~~
3 ~~program established pursuant to section 342G 114.5. The~~
4 ~~department may also use the money to:~~

5 ~~(1) Fund administrative, audit, and compliance activities~~
6 ~~associated with collection and payment of the deposits~~
7 ~~and handling fees of the deposit beverage container~~
8 ~~program;~~

9 ~~(2) Conduct recycling education and demonstration~~
10 ~~projects;~~

11 ~~(3) Promote recyclable market development activities;~~

12 ~~(4) Support the handling and transportation of the deposit~~
13 ~~beverage containers to end markets;~~

14 ~~(5) Hire personnel to oversee the implementation of the~~
15 ~~deposit beverage container program, including~~
16 ~~permitting and enforcement activities; and~~

17 ~~(6) Fund associated office expenses.~~

18 ~~(c) Any funds that accumulate in the deposit beverage~~
19 ~~container deposit special fund shall be retained in the fund~~
20 ~~unless determined by the auditor to be in excess, after~~
21 ~~adjustments to the deposit beverage fee, pursuant to the~~



1 ~~management and financial audits conducted in accordance with~~
2 ~~section 342G-107."~~]

3 SECTION 35. Section 342P-7, Hawaii Revised Statutes, is
4 repealed.

5 [~~"[§342P-7]—Noise, radiation, and indoor air quality~~
6 ~~special fund, established.~~ (a) ~~There is established within the~~
7 ~~department of health a noise, radiation, and indoor air quality~~
8 ~~special fund into which shall be deposited all moneys collected~~
9 ~~from fees for permits, licenses, inspections, certificates,~~
10 ~~notifications, variances, investigations, and review, pursuant~~
11 ~~to sections 342F-14, 342P-28, 466J-4, and 466J-5.~~

12 ~~(b) Moneys in the fund shall be expended by the department~~
13 ~~to:~~

14 ~~(1) Partially fund the operating costs of the program~~
15 ~~mandated activities and functions;~~

16 ~~(2) Fund statewide education, demonstration, and outreach~~
17 ~~programs;~~

18 ~~(3) Provide training opportunities to ensure the~~
19 ~~maintenance of professional competence among staff and~~
20 ~~administrators; and~~

21 ~~(4) Plan for future growth and expansion to meet emerging~~
22 ~~needs."~~]



1 SECTION 36. Section 342P-8, Hawaii Revised Statutes, is
2 repealed.

3 [~~§342P-8~~ ~~Asbestos and lead abatement special fund.~~]

4 ~~(a) There is established within the department of health an~~
5 ~~asbestos and lead abatement special fund into which shall be~~
6 ~~deposited all moneys collected from fees for permits, licenses,~~
7 ~~inspections, certificates, notifications, variances,~~
8 ~~investigations, and reviews.~~

9 ~~(b) Moneys in the asbestos and lead abatement special fund~~
10 ~~shall be expended by the department to:~~

11 ~~(1) Partially fund the operating costs of the asbestos and~~
12 ~~lead abatement program's mandated activities and~~
13 ~~functions;~~

14 ~~(2) Fund statewide education, demonstration, and outreach~~
15 ~~programs;~~

16 ~~(3) Provide for the accreditation of training programs;~~

17 ~~(4) Provide training opportunities to ensure the~~
18 ~~maintenance of professional competence among staff and~~
19 ~~administrators; and~~

20 ~~(5) Plan for future growth and expansion to meet emerging~~
21 ~~needs."]~~



1 SECTION 37. Section 346-318, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§346-318] Rx plus special fund. (a) There is~~
4 ~~established within the state treasury, to be administered by the~~
5 ~~department, the Rx plus special fund into which shall be~~
6 ~~deposited:~~

7 ~~(1) All moneys received from manufacturers and labelers~~
8 ~~who pay rebates as provided in section 346-314;~~

9 ~~(2) Appropriations made by the legislature to the fund;~~
10 ~~and~~

11 ~~(3) Any other revenues designated for the fund.~~

12 ~~(b) Moneys in the Rx plus special fund shall be used for~~
13 ~~the following purposes:~~

14 ~~(1) Reimbursement payments to participating pharmacies for~~
15 ~~discounts provided to program participants;~~

16 ~~(2) The cost of administering the Rx plus program,~~
17 ~~including salary and benefits of employees, computer~~
18 ~~costs, and contracted services as provided in section~~
19 ~~346-312; and~~

20 ~~(3) Any other purpose deemed necessary by the department~~
21 ~~for the purpose of operating and administering the Rx~~
22 ~~plus program.~~



1 ~~All interest on special fund balances shall accrue to the~~
2 ~~special fund. Upon dissolution of the Rx plus special fund, any~~
3 ~~unencumbered moneys in the fund shall lapse to the credit of the~~
4 ~~general fund."~~

5 SECTION 38. Section 348F-7, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§348F-7]—Disability and communication access board~~
8 ~~special fund. (a) There is established the disability and~~
9 ~~communication access board special fund to be administered by~~
10 ~~the disability and communication access board. All moneys~~
11 ~~received by the disability and communication access board as~~
12 ~~application fees for credentialing of interpreters shall be~~
13 ~~deposited into the special fund. All interest earned or accrued~~
14 ~~on moneys deposited into this special fund shall become part of~~
15 ~~the special fund.~~

16 ~~(b) Moneys in the disability and communication access~~
17 ~~board special fund shall be expended to cover all costs of~~
18 ~~administering this chapter including the costs of administering~~
19 ~~the program for the state credentialing of interpreters."~~

20 SECTION 39. Section 431:10G-107, Hawaii Revised Statutes,
21 is repealed.



1 ~~["§431:10G-107]—Drivers education fund underwriters fee,~~
2 ~~motorcycle and motor scooter operators education fund. (a) The~~
3 ~~commissioner shall assess and levy upon each insurer, and self-~~
4 ~~insurer, a drivers education fund underwriters fee of \$2 a year~~
5 ~~on each motorcycle or motor scooter insured by each insurer or~~
6 ~~self insurer. This fee shall be due and payable on an annual~~
7 ~~basis by means and at a time to be determined by the~~
8 ~~commissioner.~~

9 ~~(b) There is created in the treasury of the State a~~
10 ~~special fund to be known as the motorcycle and motor scooter~~
11 ~~operators education fund. The commissioner shall deposit the~~
12 ~~fees collected under this section into the motorcycle and motor~~
13 ~~scooter operators education fund.~~

14 ~~(c) The fees deposited for each fiscal year into the~~
15 ~~motorcycle and motor scooter operators education fund, when~~
16 ~~appropriated, shall be available to the department of~~
17 ~~transportation for the administration of a drivers education~~
18 ~~program for operators of motorcycles or motor scooters. The~~
19 ~~department of transportation may spend the amount collected from~~
20 ~~these fees for the purposes of this section."]~~

21 SECTION 40. Section 431:19-101.8, Hawaii Revised Statutes,
22 is repealed.



1 ~~["§431:19-101.8] — Captive insurance administrative fund.~~

2 ~~(a) The commissioner may establish a separate fund designated~~
3 ~~as the captive insurance administrative fund to be expended by~~
4 ~~the commissioner to carry out the commissioner's duties and~~
5 ~~obligations under article 19 of chapter 431.~~

6 ~~(b) All moneys collected pursuant to this article,~~
7 ~~including premium taxes from captive insurance companies~~
8 ~~licensed in this State under this article, all captive insurance~~
9 ~~company application fees, annual license fees, and examination~~
10 ~~fees, shall be credited to the captive insurance administrative~~
11 ~~fund.~~

12 ~~(c) Up to ten per cent of the total moneys credited to the~~
13 ~~fund in the prior fiscal year may be used for purposes of~~
14 ~~promoting Hawaii as a captive insurance domicile. Disbursements~~
15 ~~for promotional activities from the fund shall be subject to the~~
16 ~~approval of the director of commerce and consumer affairs.~~

17 ~~(d) Sums from the fund expended by the commissioner shall~~
18 ~~be used to defray any administrative costs, including personnel~~
19 ~~costs, associated with the captive programs of the division, and~~
20 ~~costs incurred by supporting offices, branches, divisions, and~~
21 ~~departments. Any law to the contrary notwithstanding, the~~
22 ~~commissioner may use the moneys in the fund to employ or retain,~~



1 ~~by contract or otherwise, without regard to chapter 76, hearings~~
2 ~~officers, attorneys, investigators, accountants, examiners, and~~
3 ~~other necessary professional, technical, and support personnel~~
4 ~~to implement and carry out the purposes of article 19 of chapter~~
5 ~~431, provided that any position, except any attorney position,~~
6 ~~that is subject to chapter 76 prior to July 1, 1999, shall~~
7 ~~remain subject to chapter 76.~~

8 ~~(e) Moneys deposited by the commissioner in the fund shall~~
9 ~~not revert to the general fund."]~~

10 SECTION 41. Section 431:22-102, Hawaii Revised Statutes,
11 is repealed.

12 ~~[" [§431:22-102] — Loss mitigation grant fund. (a) There is~~
13 ~~established a special fund to be designated as the loss~~
14 ~~mitigation grant fund. Moneys transferred to the loss~~
15 ~~mitigation grant fund may be expended by the commissioner to~~
16 ~~carry out the commissioner's duties and obligations under this~~
17 ~~article. Disbursements from the loss mitigation grant fund~~
18 ~~shall not be subject to chapter 42F or 91.~~

19 ~~(b) The loss mitigation grant fund may be used by the~~
20 ~~commissioner to make loss mitigation grants authorized under~~
21 ~~this article. The loss mitigation grant fund shall also be used~~
22 ~~by the commissioner to pay for any administrative and~~



1 ~~operational costs, including personnel costs and marketing~~
2 ~~costs, associated with a loss mitigation grant program. Any law~~
3 ~~to the contrary notwithstanding, the commissioner may use the~~
4 ~~moneys in the loss mitigation grant fund to employ or retain, by~~
5 ~~contract or otherwise, without regard to chapters 76 and 78,~~
6 ~~necessary professional, expert, managerial, technical, and~~
7 ~~support personnel to implement and carry out the purposes of~~
8 ~~this article.~~

9 ~~(c) The commissioner shall prepare an annual report to the~~
10 ~~director, governor, and the legislature on the use of the loss~~
11 ~~mitigation grant fund. The report shall provide statistical~~
12 ~~information on program participation. The report shall be~~
13 ~~submitted to the legislature no later than twenty days prior to~~
14 ~~the convening of each regular legislative session."]~~

15 SECTION 42. Section 448B-10, Hawaii Revised Statutes, is
16 repealed.

17 ~~[^u [§448B-10] — Dietitian licensure special fund. There is~~
18 ~~established in the state treasury a special fund to be known as~~
19 ~~the dietitian licensure special fund to be administered by the~~
20 ~~department. Fees collected under section 448B-9 shall be~~
21 ~~deposited in the dietitian licensure special fund and may be~~



1 ~~expended for the costs associated with administering the~~
2 ~~licensure program, including but not limited to education."]~~

3 SECTION 43. Section 502-8, Hawaii Revised Statutes, is
4 repealed.

5 ~~[" [§502-8] Bureau of conveyances special fund. (a) There~~
6 ~~is established in the state treasury the bureau of conveyances~~
7 ~~special fund, into which shall be deposited the revenues~~
8 ~~remitted pursuant to sections 501-23.5 and 502-25, interest~~
9 ~~earnings, grants, donations, and appropriations from the~~
10 ~~legislature that shall be held separate and apart from all other~~
11 ~~moneys, funds, and accounts in the state treasury.~~

12 ~~(b) Moneys in the bureau of conveyances special fund shall~~
13 ~~be used by the bureau of conveyances for the following purposes:~~

14 ~~(1) Planning, design, construction, and acquisition of~~
15 ~~equipment, furnishings, and software necessary for the~~
16 ~~development of the recording system described in this~~
17 ~~chapter and chapter 501;~~

18 ~~(2) Operating, maintaining, and improving the recording~~
19 ~~system described in this chapter and chapter 501 or~~
20 ~~any other purpose deemed necessary by the bureau of~~
21 ~~conveyances for the purpose of planning, improving,~~



1 ~~developing, operating, and maintaining the recording~~
2 ~~system described in this chapter and chapter 501;~~

3 ~~(3) Permanent and temporary staff positions for the~~
4 ~~purposes of this chapter and chapter 501; and~~

5 ~~(4) Administrative costs for the purposes of this chapter~~
6 ~~and chapter 501.~~

7 ~~(c) All moneys in excess of \$500,000 remaining on balance~~
8 ~~in the bureau of conveyances special fund on June 30 of each~~
9 ~~year shall lapse to the credit of the state general fund. On~~
10 ~~July 1 of each year, the director of finance is authorized to~~
11 ~~transfer any excess funds in the bureau of conveyances special~~
12 ~~fund to the state general fund."]~~

13 SECTION 44. Section 706-649, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§706-649] Probation services special fund. (1) There~~
16 ~~is established in the state treasury a special fund to be known~~
17 ~~as the probation services special fund. All probation services~~
18 ~~fees collected under section 706-648 shall be deposited into~~
19 ~~this fund.~~

20 ~~(2) Moneys in the probation services special fund shall be~~
21 ~~used by the judiciary to monitor, enforce, and collect fees,~~



1 ~~finest, restitution, other monetary obligations owed by~~
2 ~~defendants, and other terms and conditions of probation."]~~

3 PART III

4 SECTION 45. The purpose of this part is to repeal certain
5 special funds following the recommendations of the auditor.

6 SECTION 46. Section 36-32, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§36-32]—State educational facilities improvement~~
9 ~~special fund. (a) There is created in the treasury of the~~
10 ~~State the state educational facilities improvement special fund,~~
11 ~~into which shall be deposited a portion of all general excise~~
12 ~~tax revenues collected by the department of taxation under~~
13 ~~section 237-31. The special fund shall be used solely to plan,~~
14 ~~design, acquire lands for and to construct public school~~
15 ~~facilities and to provide equipment and technology~~
16 ~~infrastructure to improve public schools and other facilities~~
17 ~~under the jurisdiction of the department of education, except~~
18 ~~public libraries. In addition, activities of the department of~~
19 ~~education intended to eliminate the gap between the facility~~
20 ~~needs of schools and available resources shall be eligible for~~
21 ~~funding from the special fund. Expenditures from the special~~
22 ~~fund shall be limited to projects authorized by the legislature~~



1 ~~and shall be subject to sections 37-31, and 37-33 through 37-40.~~
2 ~~Appropriations or authorizations from the special fund shall be~~
3 ~~expended by the superintendent of education.~~

4 ~~(b) The department of education shall submit an annual~~
5 ~~report to the legislature that shall include a financial~~
6 ~~statement of the special fund and the status of projects~~
7 ~~undertaken pursuant to this section, no later than twenty days~~
8 ~~prior to the convening of each regular session."]~~

9 SECTION 47. Section 103-8.5, Hawaii Revised Statutes, is
10 repealed.

11 ~~[" §103-8.5] Works of art special fund. (a) There is~~
12 ~~created a works of art special fund, into which shall be~~
13 ~~transferred one per cent of all state fund appropriations for~~
14 ~~capital improvements designated for the construction cost~~
15 ~~element; provided that this transfer shall apply only to capital~~
16 ~~improvement appropriations that are designated for the~~
17 ~~construction or renovation of state buildings. The one per cent~~
18 ~~transfer requirement shall not apply to appropriations from the~~
19 ~~passenger facility charge special fund established by section~~
20 ~~261-5.5.~~

21 ~~(b) The works of art special fund shall be used solely for~~
22 ~~the following purposes:~~



- 1 ~~(1) Costs related to the acquisition of works of art,~~
- 2 ~~including any consultant or staff services required to~~
- 3 ~~carry out the art in public places and relocatable~~
- 4 ~~works of art programs;~~
- 5 ~~(2) Site modifications, display, and interpretive work~~
- 6 ~~necessary for the exhibition of works of art;~~
- 7 ~~(3) Upkeep services, including maintenance, repair, and~~
- 8 ~~restoration of works of art;~~
- 9 ~~(4) Storing and transporting works of art.~~
- 10 ~~(c) The one per cent amount, which is included in all~~
- 11 ~~capital improvement appropriations, shall be calculated at the~~
- 12 ~~time the appropriation bills are signed into law. The moneys~~
- 13 ~~shall be transferred into the works of art special fund upon~~
- 14 ~~availability of moneys from the appropriations. Each agency~~
- 15 ~~receiving capital improvement appropriations shall calculate the~~
- 16 ~~one per cent amount and transfer the moneys into the works of~~
- 17 ~~art special fund.~~
- 18 ~~(d) The comptroller and the state foundation on culture~~
- 19 ~~and the arts shall decide on the specific art objects to~~
- 20 ~~acquire, giving first consideration to placing appropriate~~
- 21 ~~pieces of art at the locations of the original appropriation.~~



1 ~~The selection of, commissioning artists for, reviewing of~~
2 ~~design, execution, and placement of, and the acceptance of works~~
3 ~~of art shall be the responsibility of the comptroller and the~~
4 ~~state foundation on culture and the arts in consultation with~~
5 ~~the affected agency or department.~~

6 ~~Expenditures from the works of art special fund shall be~~
7 ~~made by the comptroller.~~

8 ~~(e) The comptroller shall:~~

9 ~~(1) Provide each agency receiving capital improvement~~
10 ~~appropriations with information regarding items that~~
11 ~~shall be included and excluded from the one per cent~~
12 ~~amount;~~

13 ~~(2) Ensure that each agency calculates its one per cent~~
14 ~~amount correctly; and~~

15 ~~(3) Ensure that each agency transfers the correct amount~~
16 ~~to the works of art special fund in a timely manner.~~

17 ~~(f) The comptroller and the executive director shall track~~
18 ~~amounts due from each agency under the one per cent requirement~~
19 ~~as provided in this section."]~~

20 SECTION 48. Section 166-10, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§166-10] Agricultural park special fund. (a) There is~~
2 ~~created in the state treasury a special fund to be designated as~~
3 ~~the agricultural park special fund. The proceeds in the fund~~
4 ~~shall be used for the following purposes:~~

5 ~~(1) Payment of agricultural park lease rents of privately~~
6 ~~owned lands under lease to the State pursuant to~~
7 ~~sections 171-112 and 166-3;~~

8 ~~(2) Establishing, operating, maintaining, and improving~~
9 ~~infrastructure improvements in agricultural parks~~
10 ~~designated by the department pursuant to section 166-~~
11 ~~3; and~~

12 ~~(3) Any other purposes deemed necessary by the department~~
13 ~~for the purpose of maintaining and operating those~~
14 ~~agricultural parks and related facilities designated~~
15 ~~by the department pursuant to section 166-3.~~

16 ~~For the purpose of paragraph (2), infrastructure~~
17 ~~improvements may include, but shall not be limited to:~~
18 ~~irrigation water system projects, wind power or hydro power and~~
19 ~~pumping systems, waste disposal systems, domestic water systems,~~
20 ~~roads, street lights, land and roads drainage, and bridges.~~

21 ~~(b) Moneys appropriated for the purpose of the fund; any~~
22 ~~other provision of the law to the contrary notwithstanding, all~~



1 ~~moneys received or collected from an agricultural park project~~
2 ~~designated pursuant to section 166-3, including residential and~~
3 ~~agricultural lot lease rents, and all money collected or~~
4 ~~received by the department for the use and maintenance of~~
5 ~~domestic and irrigation water systems within an agricultural~~
6 ~~park and other systems enumerated in subsection (a) shall be~~
7 ~~deposited into the agricultural park special fund. All interest~~
8 ~~earned or accrued on moneys deposited in the fund shall become a~~
9 ~~part of the fund. Moneys in the fund shall be expended upon~~
10 ~~warrants drawn by the comptroller."]~~

11 SECTION 49. Section 206J-17, Hawaii Revised Statutes, is
12 repealed.

13 ~~["§206J-17] Aloha Tower fund. (a) There is created the~~
14 ~~Aloha Tower fund. All:~~

- 15 ~~(1) Moneys;~~
16 ~~(2) Rentals;~~
17 ~~(3) Charges;~~
18 ~~(4) Other revenues of the development corporation; and~~
19 ~~(5) Moneys or charges received by the department of~~
20 ~~business, economic development, and tourism;~~
21 ~~including reimbursements for costs and staff services as a~~
22 ~~result of planning, development, or redevelopment of the lands~~



1 ~~located seaward of Nimitz Highway between Pier 4 and the~~
2 ~~Honolulu International Airport shall be deposited into the fund.~~

3 ~~(b) The development corporation may establish a separate~~
4 ~~account with respect to each issue of bonds issued under this~~
5 ~~chapter and direct that the moneys, rentals, charges, and other~~
6 ~~revenues pledged to the payment of the bond issue be credited to~~
7 ~~that account and, as permitted by section 206J-12(g)(7),~~
8 ~~designate a trustee to receive and receipt for, hold, and~~
9 ~~administer the moneys in the account. Moneys credited to a~~
10 ~~separate account held by a trustee may be paid directly to the~~
11 ~~trustee, provided that appropriate entries are made for purposes~~
12 ~~of accounting.~~

13 ~~(c) The moneys on deposit in the fund shall be used for~~
14 ~~the purposes of this chapter and for the development,~~
15 ~~redevelopment, or improvement of the Honolulu Waterfront located~~
16 ~~seaward of Nimitz Highway between Pier 4 and the Honolulu~~
17 ~~International Airport."]~~

18 SECTION 50. Section 206M-15.5, Hawaii Revised Statutes, is
19 repealed.

20 ~~[" [§206M-15.5] — High technology special fund. There is~~
21 ~~established in the state treasury a fund to be known as the high~~
22 ~~technology special fund, into which shall be deposited, except~~



1 ~~as otherwise provided by section 206M-17, all moneys, fees, and~~
2 ~~equity from tenants, qualified persons, or other users of the~~
3 ~~development corporation's industrial parks, projects, other~~
4 ~~leased facilities, and other services and publications; provided~~
5 ~~that the total amount of moneys in the fund shall not exceed~~
6 ~~\$3,000,000 at the end of any fiscal year. All moneys in the~~
7 ~~fund are appropriated for the purposes of and shall be expended~~
8 ~~by the development corporation for the operation, maintenance,~~
9 ~~and management of its industrial parks, projects, facilities,~~
10 ~~services, and publications, and to pay the expenses in~~
11 ~~administering the special purpose revenue bonds of the~~
12 ~~development corporation or in carrying out its project~~
13 ~~agreements."]~~

14 SECTION 51. Section 227D-5, Hawaii Revised Statutes, is
15 repealed.

16 ["~~§227D-5~~ ~~Special fund.~~ There is established in the
17 ~~state treasury a fund to be known as the natural energy~~
18 ~~laboratory of Hawaii authority special fund, into which shall be~~
19 ~~deposited all moneys and fees from tenants or other users of the~~
20 ~~authority's parks, projects, other leased facilities, and other~~
21 ~~services and publications as well as any grants or gifts~~
22 ~~received by the authority. All moneys in the fund are~~



1 ~~appropriated for the purposes of and shall be expended by the~~
2 ~~authority for the operation, maintenance, and management of its~~
3 ~~parks, projects, facilities, services, and publications, and for~~
4 ~~the design and construction of new facilities and the renovation~~
5 ~~of or addition to existing facilities."]~~

6 SECTION 52. Section 302A-1310, Hawaii Revised Statutes, is
7 repealed.

8 ~~"[§302A-1310] Out of school time instructional programs,~~
9 ~~funds, expenditures. All moneys received by and for the public~~
10 ~~out of school time instructional programs from tuition and other~~
11 ~~fees or from any other source shall be deposited in a special~~
12 ~~out of school time instructional program fund; and except as~~
13 ~~otherwise provided by the legislature, all expenditures for the~~
14 ~~operation of public out of school time instructional programs~~
15 ~~shall be made from this fund."]~~

16 SECTION 53. Section 328L-3, Hawaii Revised Statutes, is
17 repealed.

18 ~~"[§328L-3] Emergency and budget reserve fund. (a) There~~
19 ~~is established in the state treasury the emergency and budget~~
20 ~~reserve fund which shall be a special fund administered by the~~
21 ~~director of finance, into which shall be deposited:~~



1 ~~(1) Twenty four and one half per cent of the moneys~~
2 ~~received from the tobacco settlement moneys under~~
3 ~~section 328L-2(b)(1);~~

4 ~~(2) Appropriations made by the legislature to the fund.~~

5 ~~(b) All interest earned from moneys in the emergency and~~
6 ~~budget reserve fund shall be credited to the general fund.~~

7 ~~(c) Expenditures from the emergency and budget reserve~~
8 ~~fund shall be a temporary supplemental source of funding for the~~
9 ~~State during times of emergency, economic downturn, or~~
10 ~~unforeseen reduction in revenues. No expenditures shall be made~~
11 ~~from the emergency and budget reserve fund except pursuant to~~
12 ~~appropriations. The general appropriations bill or the~~
13 ~~supplemental appropriations bill, as defined in section 9 of~~
14 ~~article VII of the Constitution of the State of Hawaii, shall~~
15 ~~not be used to appropriate moneys from the emergency and budget~~
16 ~~reserve fund. The governor, through an appropriations bill, may~~
17 ~~recommend expenditures from the emergency and budget reserve~~
18 ~~fund by setting forth the purposes of the expenditures~~
19 ~~consistent with subsection (d), the amounts, and the reasons~~
20 ~~justifying the necessity for the appropriations.~~

21 ~~(d) The legislature may make appropriations from the fund~~
22 ~~for the following purposes:~~



- 1 ~~(1) To maintain levels of programs determined to be~~
2 ~~essential to public health, safety, welfare, and~~
3 ~~education;~~
- 4 ~~(2) To provide for counter cyclical economic and~~
5 ~~employment programs in periods of economic downturn;~~
- 6 ~~(3) To restore facilities destroyed or damaged or services~~
7 ~~disrupted by disaster in any county; and~~
- 8 ~~(4) To meet other emergencies when declared by the~~
9 ~~governor or determined to be urgent by the~~
10 ~~legislature.~~

11 ~~Any act making appropriations from the emergency and budget~~
12 ~~reserve fund shall include a declaration of findings and~~
13 ~~purposes setting forth the purposes, the amounts, and the~~
14 ~~reasons why the appropriations are necessary and shall require a~~
15 ~~two thirds majority vote of each house of the legislature.~~

16 ~~(e) Appropriations for the following purposes from the~~
17 ~~emergency and budget reserve fund are specifically prohibited:~~

- 18 ~~(1) To meet expenses of the legislature;~~
- 19 ~~(2) To provide for salary adjustments for officials~~
20 ~~appointed pursuant to article V, section 6 or article~~
21 ~~VI, section 3 of the Constitution of the State of~~



1 ~~["§138-3]—Wireless enhanced 911 fund. There is~~
2 ~~established outside the state treasury a special fund, to be~~
3 ~~known as the wireless enhanced 911 fund, to be administered by~~
4 ~~the board. The fund shall consist of amounts collected under~~
5 ~~section 138-4. Moneys paid into the fund are not general fund~~
6 ~~revenues of the State. The board shall place the funds in an~~
7 ~~interest-bearing account at any federally insured financial~~
8 ~~institution, separate and apart from the general fund of the~~
9 ~~State. Moneys in the fund shall be expended exclusively by the~~
10 ~~board for the purposes of ensuring adequate cost recovery for~~
11 ~~the deployment of phase I and phase II wireless enhanced 911~~
12 ~~service and for expenses of administering the fund."]~~

13 SECTION 57. Section 235-20.5, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§235-20.5]—Tax administration special fund,~~
16 ~~established. There is established a tax administration special~~
17 ~~fund into which shall be deposited fees collected under sections~~
18 ~~235-20, 235-110.9, and 235-110.91. The moneys in the fund shall~~
19 ~~be expended by the department to offset the costs associated~~
20 ~~with:~~

- 21 ~~(1) Issuing comfort letters,~~
22 ~~(2) Issuing certificates under section 235-110.9, and~~



1 ~~(3) Issuing certificates under section 235-110.91."~~

2 SECTION 58. Section 264-122, Hawaii Revised Statutes, is
3 repealed.

4 ~~["§264-122]—Highway development special fund. (a) There~~
5 ~~is established in the state treasury the highway development~~
6 ~~special fund to be administered by the department, into which~~
7 ~~shall be deposited:~~

8 ~~(1) Transfers of county impact fees assessed under part~~
9 ~~VIII of chapter 46 and this part to pay for state~~
10 ~~highway improvements;~~

11 ~~(2) Interest from investment of deposits; and~~

12 ~~(3) Legislative and county appropriations.~~

13 ~~(b) Moneys in the highway development special fund shall~~
14 ~~be used for the following purposes:~~

15 ~~(1) Capital costs of qualifying proposed state highway~~
16 ~~improvements;~~

17 ~~(2) Reevaluation of the need, geographic limitations,~~
18 ~~amount, and use of impact fees;~~

19 ~~(3) Transfers to reimburse other special funds for~~
20 ~~expenditures which otherwise might have been funded~~
21 ~~with moneys in the highway development special fund;~~

22 ~~(4) Transfers under sections 36-27 and 36-30;~~



1 ~~(5) Refunds under section 264-125, and~~
 2 ~~(6) The department's costs to implement this part,~~
 3 ~~including but not limited to costs to administer the~~
 4 ~~highway development special fund.~~

5 ~~(c) The department may establish accounts in the highway~~
 6 ~~development special fund as necessary to implement this part and~~
 7 ~~rules adopted by the department."]~~

8 SECTION 59. Section 302A-1130.6, Hawaii Revised Statutes,
 9 is repealed.

10 ~~[^u [§302A-1130.6] — Textbook and instructional materials fee~~
 11 ~~special account. There is established within the department a~~
 12 ~~textbook and instructional materials fee special account, into~~
 13 ~~which shall be deposited all fees and charges collected from~~
 14 ~~students or their parents or guardians pursuant to section~~
 15 ~~302A-1130.5. Disbursements from this special account shall be~~
 16 ~~expended by the department for the purposes of purchasing,~~
 17 ~~replacing, or repairing school textbooks, instructional~~
 18 ~~materials, library books, equipment, or supplies."]~~

19 SECTION 60. Section 321-234, Hawaii Revised Statutes, is
 20 repealed.

21 ~~[^u [§321-234] — Emergency medical services special fund. (a)~~
 22 ~~There is established within the state treasury a special fund to~~



1 ~~be known as the emergency medical services special fund to be~~
2 ~~administered and expended by the department.~~

3 ~~(b) The moneys in the special fund shall be used by the~~
4 ~~department for operating a state comprehensive emergency medical~~
5 ~~services system including enhanced and expanded services, and~~
6 ~~shall not be used to supplant funding for emergency medical~~
7 ~~services authorized prior to the [July 1, 2004].~~

8 ~~(c) Fees remitted pursuant to section 249-31, cigarette~~
9 ~~tax revenues designated under section 245-15, interest and~~
10 ~~investment earnings attributable to the moneys in the special~~
11 ~~fund, legislative appropriations, and grants, donations, and~~
12 ~~contributions from private or public sources for the purposes of~~
13 ~~the fund, shall be deposited into the special fund.~~

14 ~~(d) The department shall submit an annual report to the~~
15 ~~legislature no later than twenty days prior to the convening of~~
16 ~~each regular session that outlines the receipts of, and~~
17 ~~expenditures from, the special fund."]~~

18 SECTION 61. Section 467B-15, Hawaii Revised Statutes, is
19 repealed.

20 [~~§467B-15~~] ~~Solicitation of funds for charitable purposes~~
21 ~~special fund.~~ There is established in the state treasury the
22 ~~solicitation of funds for charitable purposes special fund, into~~



1 ~~which shall be deposited all fees, fines, penalties, attorneys'~~
 2 ~~fees, and costs of investigation collected under this chapter.~~
 3 ~~Moneys in the fund may be expended by the attorney general for~~
 4 ~~the enforcement of this chapter, the dissemination of public~~
 5 ~~information, and the oversight of charities and professional~~
 6 ~~fundraisers."]~~

PART V

8 SECTION 62. The purpose of this part is to repeal special
 9 funds enacted under the regular sessions of 2005 and 2006.

10 SECTION 63. Section 201B-8, Hawaii Revised Statutes, is
 11 repealed.

12 [~~"§201B-8~~] ~~—Convention center enterprise special fund.~~

13 ~~(a) There is established the convention center enterprise~~
 14 ~~special fund, into which shall be deposited:~~

15 ~~(1) A portion of the revenues from the transient~~
 16 ~~accommodations tax, as provided by section 237D-6.5;~~

17 ~~(2) All revenues or moneys derived from the operations of~~
 18 ~~the convention center to include all revenues from the~~
 19 ~~food and beverage service, all revenues from the~~
 20 ~~parking facilities or from any concession, and all~~
 21 ~~revenues from the sale of souvenirs, logo items, or~~



1 ~~any other items offered for purchase at the convention~~
2 ~~center;~~

3 ~~(3) Private contributions, interest, compensation, gross~~
4 ~~or net revenues, proceeds, or other moneys derived~~
5 ~~from any source or for any purpose arising from the~~
6 ~~use of the convention center facility; and~~

7 ~~(4) Appropriations by the legislature, including any~~
8 ~~transfers from the tourism special fund established~~
9 ~~under section 201B 11 for marketing the facility~~
10 ~~pursuant to section 201B 7(a) (7).~~

11 ~~(b) Moneys in the convention center enterprise special~~
12 ~~fund shall be used by the authority for the payment of any and~~
13 ~~all debt service relating to the convention center, any expense~~
14 ~~arising from any and all use, operation, maintenance,~~
15 ~~alteration, improvement, or any unforeseen or unplanned repairs~~
16 ~~of the convention center, including without limitation the food~~
17 ~~and beverage service and parking service provided at the~~
18 ~~convention center facility, the sale of souvenirs, logo items,~~
19 ~~or other items, for any future major repair, maintenance, and~~
20 ~~improvement of the convention center facility as a commercial~~
21 ~~enterprise or as a world class facility for conventions,~~



1 ~~entertainment, or public events, and for marketing the facility~~
2 ~~pursuant to section 201B-7(a)(7).~~

3 ~~(c) Moneys in the convention center enterprise special~~
4 ~~fund may be:~~

5 ~~(1) Placed in interest-bearing accounts, provided that the~~
6 ~~depository in which the money is deposited furnishes security as~~
7 ~~provided in section 38-3, or~~

8 ~~(2) Otherwise invested by the authority until such time as~~
9 ~~the moneys may be needed, provided that the authority shall~~
10 ~~limit its investments to those listed in section 36-21.~~

11 ~~All interest accruing from investment of the moneys shall be~~
12 ~~credited to the convention center enterprise special fund."]~~

13 SECTION 64. Section 166E-7, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§166E-7] Non-agricultural park lands special fund,~~

16 ~~established. (a) There is established in the state treasury~~
17 ~~the non-agricultural park lands special fund, into which shall~~
18 ~~be deposited:~~

19 ~~(1) Legislative appropriations to the fund, and~~

20 ~~(2) All lease rent, fees, penalties, and any other revenue~~
21 ~~or funds collected from non-agricultural park lands~~



1 ~~that are transferred, or in the process of being~~
2 ~~transferred, to the department under this chapter.~~

3 ~~(b) Moneys in the special fund shall be used to defray the~~
4 ~~costs incurred in managing, administering, and overseeing non-~~
5 ~~agricultural park lands that are transferred, or in the process~~
6 ~~of being transferred, to the department under this chapter.~~

7 ~~(c) The department shall administer the non-agricultural~~
8 ~~park lands special fund."]~~

9 SECTION 65. Section 346-345, Hawaii Revised Statutes, is
10 repealed.

11 ~~[" §346-345] Special fund. (a) There is established~~
12 ~~within the state treasury to be administered by the department,~~
13 ~~the state pharmacy assistance program special fund, into which~~
14 ~~shall be deposited:~~

15 ~~(1) All moneys received from manufacturers that pay~~
16 ~~rebates as provided in section 346-342(g);~~

17 ~~(2) Appropriations made by the legislature to the fund;~~
18 ~~and~~

19 ~~(3) Any other revenues designated for the fund.~~

20 ~~(b) Moneys in the state pharmacy assistance program~~
21 ~~special fund may be used for:~~



1 ~~(1) Reimbursement payments to participating pharmacies for~~
2 ~~co-payments required under the federal medicare part D~~
3 ~~pharmacy benefit program as provided to state pharmacy~~
4 ~~assistance program participants;~~

5 ~~(2) The costs of administering the state pharmacy~~
6 ~~assistance program, including salary and benefits of~~
7 ~~employees, computer costs, and contracted services as~~
8 ~~provided in section 346-342(d); and~~

9 ~~(3) Any other purpose deemed necessary by the department~~
10 ~~for the purpose of operating and administering the~~
11 ~~state pharmacy assistance program.~~

12 ~~All interest on special fund balances shall accrue to the~~
13 ~~special fund. Upon dissolution of the state pharmacy assistance~~
14 ~~program special fund, any unencumbered moneys in the fund shall~~
15 ~~lapse to the general fund.~~

16 ~~(c) The department shall expend all revenues received from~~
17 ~~rebates paid by pharmaceutical manufacturers pursuant to section~~
18 ~~346-342(g) to pay for the benefits to enrollees in the state~~
19 ~~pharmacy assistance program, the costs of administering the~~
20 ~~program, and reimbursement of medicaid pharmaceutical costs.~~

21 ~~u]~~



1 SECTION 66. Section 304A-2168, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§304A-2168]—Hawaii cancer research special fund. (a)~~
4 ~~There is established within the state treasury a special fund to~~
5 ~~be known as the Hawaii cancer research special fund to be~~
6 ~~administered and expended by the University of Hawaii.~~

7 ~~(b) The moneys in the special fund shall be used by the~~
8 ~~University of Hawaii for the cancer research center of Hawaii's~~
9 ~~research and operating expenses.~~

10 ~~(c) Moneys collected pursuant to section 245-15 shall be~~
11 ~~deposited into the special fund."]~~

12 SECTION 67. Section 321-1.65, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§321-1.65]—Community health centers special fund. (a)~~
15 ~~There is established within the state treasury a special fund to~~
16 ~~be known as the community health centers special fund to be~~
17 ~~administered and expended by the department of health.~~

18 ~~(b) The moneys in the special fund shall be used by the~~
19 ~~department of health for the operations of federally qualified~~
20 ~~health centers.~~

21 ~~(c) Moneys collected pursuant to section 245-15 shall be~~
22 ~~deposited into the special fund."]~~



1 SECTION 68. Section 211F-5.7, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§211F-5.7]—Hydrogen investment capital special fund.~~

4 ~~(a) There shall be established the hydrogen investment capital
5 special fund, into which shall be deposited:~~

- 6 ~~(1) Appropriations made by the legislature to the fund;~~
7 ~~(2) All contributions from public or private partners;~~
8 ~~(3) All interest earned on or accrued to moneys deposited
9 in the special fund; and~~
10 ~~(4) Any other moneys made available to the special fund
11 from other sources.~~

12 ~~(b) Moneys in the fund shall be used to:~~

- 13 ~~(1) Provide seed capital for and venture capital
14 investments in private sector and federal projects for
15 research, development, testing, and implementation of
16 the Hawaii renewable hydrogen program, as set forth in
17 section 196-10; and~~
18 ~~(2) For any other purpose deemed necessary to carry out
19 the purposes of section 196-10."]~~

20 SECTION 69. Section 167-24, Hawaii Revised Statutes, is
21 repealed.



- 1 ~~["§167-24] Irrigation repair and maintenance special~~
2 ~~fund. (a) There is established in the state treasury the~~
3 ~~irrigation repair and maintenance special fund that shall be~~
4 ~~administered by the board.~~
- 5 ~~(b) Moneys in the irrigation repair and maintenance~~
6 ~~special fund shall be used to fund repair and maintenance of the~~
7 ~~following irrigation systems:~~
- 8 ~~(1) East Kauai irrigation system;~~
 - 9 ~~(2) Kekaha ditch;~~
 - 10 ~~(3) Kekee ditch;~~
 - 11 ~~(4) Maui Land/Pioneer Mill irrigation system;~~
 - 12 ~~(5) Waiahole ditch;~~
 - 13 ~~(6) Lower Hamakua irrigation system;~~
 - 14 ~~(7) Molokai irrigation system;~~
 - 15 ~~(8) Upcountry Maui irrigation system;~~
 - 16 ~~(9) Waimanalo irrigation system;~~
 - 17 ~~(10) Waimea irrigation system;~~
 - 18 ~~(11) East Maui irrigation system;~~
 - 19 ~~(12) Kauai coffee irrigation system;~~
 - 20 ~~(13) West Maui irrigation system;~~
 - 21 ~~(14) Kau irrigation system;~~
 - 22 ~~(15) Honomalino irrigation system;~~





- 22 ~~owned or controlled by the landowner and served by the~~
- 21 ~~(2) Agrees to use, or provide for the use of, all lands~~
- 20 ~~purpose of inclusion on maps; and~~
- 19 ~~and county of the petition and designation for the~~
- 18 ~~defined under section 205 42 and notifies the board~~
- 17 ~~irrigation system as important agricultural lands as~~
- 16 ~~all land served by the water produced by the~~
- 15 ~~pursuant to section 205 45 designating a majority of~~
- 14 ~~(2) Agrees to file a petition for declaratory ruling~~
- 13 ~~fund;~~
- 12 ~~from the irrigation repair and maintenance special~~
- 11 ~~(1) Provides matching funding equal to the amount received~~
- 10 ~~the landowner;~~
- 9 ~~irrigation repair and maintenance special fund; provided that~~
- 8 ~~(d) Landowners may apply for funding assistance from the~~
- 7 ~~obligation bond funds and federal funds.~~
- 6 ~~shall be funded by legislative appropriations, including general~~
- 5 ~~(e) The irrigation repair and maintenance special fund~~
- 4 ~~been converted to diversified agriculture.~~
- 3 ~~sugarcane and pineapple plantation lands that have~~
- 2 ~~(17) Other privately owned irrigation systems on former~~
- 1 ~~(16) Wahawa reservoir and ditch system; and~~

1 ~~water produced by the irrigation system for~~
2 ~~agricultural production.~~

3 ~~The board shall develop processes, policies, standards, and~~
4 ~~criteria for selecting the landowners that are to receive~~
5 ~~funding and the amount of such funding. The board shall also~~
6 ~~develop processes, policies, standards, and criteria for~~
7 ~~determining the amount of funding provided to irrigation systems~~
8 ~~in subsection (b) owned by the State.~~

9 ~~(e) As used in this section:~~

10 ~~"Diversified agriculture" means agricultural operations~~
11 ~~that produce diversified agricultural products, including~~
12 ~~flowers, nursery products, vegetables, herbs, melons, seed~~
13 ~~crops, macadamia nuts, aquaculture, coffee, milk, cattle, eggs,~~
14 ~~hogs, and fruit.~~

15 ~~"Irrigation system" means the agricultural system of~~
16 ~~intakes, diversions, wells, ditches, siphons, pipes, reservoirs,~~
17 ~~and accessory facilities established to provide water for~~
18 ~~agricultural production.~~

19 ~~"Landowner" means a private entity that:~~

20 ~~(1) Owns agricultural land, formerly used as a sugarcane~~
21 ~~or pineapple plantation, that contains a privately-~~
22 ~~owned irrigation system that is necessary for the~~



1 ~~sustained production of diversified agriculture on the~~
2 ~~land served by the irrigation system; or~~
3 ~~(2) Owns, or partially owns, an irrigation system listed~~
4 ~~in subsection (b) (1) through (17)."]~~

5 SECTION 70. Section 486J-5.6, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§486J-5.6] — Petroleum industry monitoring, analysis, and~~
8 ~~reporting special fund. (a) There is established a petroleum~~
9 ~~industry monitoring, analysis, and reporting special fund to be~~
10 ~~administered by the commission.~~

11 ~~(b) The legislature may make appropriations from the~~
12 ~~general revenues of the State of Hawaii, not to exceed~~
13 ~~\$2,000,000 in any fiscal year, for the petroleum industry~~
14 ~~monitoring, analysis, and reporting special fund.~~

15 ~~(c) Moneys in the special fund shall be used to:~~

16 ~~(1) Administer the petroleum industry monitoring,~~
17 ~~analysis, and reporting program pursuant to this chapter; and~~

18 ~~(2) Establish full time staff positions in the~~
19 ~~commission to implement and maintain the petroleum industry~~
20 ~~monitoring, analysis, and reporting program, including the~~
21 ~~automated petroleum industry information reporting system~~
22 ~~established by section 486J-5.5. "]~~



1 SECTION 71. Section 321-22.5, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§321-22.5] Trauma system special fund. (a) There is~~
4 ~~established within the state treasury a special fund to be known~~
5 ~~as the trauma system special fund to be administered and~~
6 ~~expended by the department of health. Moneys in the trauma~~
7 ~~system special fund shall not lapse at the end of the fiscal~~
8 ~~year. Expenditures from the trauma system special fund shall be~~
9 ~~exempt from chapters 103D and 103F.~~

10 ~~(b) The moneys in the trauma system special fund shall be~~
11 ~~used by the department to support the continuing development and~~
12 ~~operation of a comprehensive state trauma system. The trauma~~
13 ~~system special fund shall be used to subsidize the documented~~
14 ~~costs for the comprehensive state trauma system, including but~~
15 ~~not limited to the following:~~

16 ~~(1) Costs of under-compensated and uncompensated trauma~~
17 ~~care incurred by hospitals providing care to trauma~~
18 ~~patients; and~~

19 ~~(2) Costs incurred by hospitals providing care to trauma~~
20 ~~patients to maintain on-call physicians for trauma~~
21 ~~care.~~



S.B. NO. 1884

1 ~~The money in the trauma system special fund shall not be used to~~
2 ~~supplant funding for trauma services authorized prior to July 1,~~
3 ~~2006, and shall not be used for ambulance or medical air~~
4 ~~transport services.~~

5 ~~(c) Interest and investment earnings attributable to the~~
6 ~~moneys in the trauma system special fund, federal funding,~~
7 ~~legislative appropriations, and grants, donations, and~~
8 ~~contributions from private or public sources for the purposes of~~
9 ~~the trauma system special fund shall be deposited into the~~
10 ~~trauma system special fund.~~

11 ~~(d) The department shall adopt rules pursuant to chapter~~
12 ~~91 to effectuate the purposes of this section, including the~~
13 ~~methodology for disbursements from the trauma system special~~
14 ~~fund.~~

15 ~~(e) To receive reimbursement, a hospital providing care to~~
16 ~~trauma patients shall apply to the trauma system special fund on~~
17 ~~a form and in a manner approved by the department, provided that~~
18 ~~recipients of reimbursements from the trauma system special fund~~
19 ~~shall be subject to the following conditions:~~

20 ~~(1) The recipient of a reimbursement shall:~~

21 ~~(A) Comply with applicable federal, state, and county~~
22 ~~laws;~~



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- 1 ~~(B) Comply with any other requirements the director~~
- 2 ~~may prescribe;~~
- 3 ~~(C) Allow the director, the legislative bodies, and~~
- 4 ~~the state auditor access to records, reports,~~
- 5 ~~files, and other related documents, to the extent~~
- 6 ~~permissible under applicable state and federal~~
- 7 ~~law, so that the program, management, and fiscal~~
- 8 ~~practices of the recipient may be monitored and~~
- 9 ~~evaluated to ensure the proper and effective~~
- 10 ~~expenditure of public funds;~~
- 11 ~~(D) Provide care to all injured patients regardless~~
- 12 ~~of their ability to pay; and~~
- 13 ~~(E) Participate in data collection and peer review~~
- 14 ~~activities for the purpose of system evaluation~~
- 15 ~~and improvement of patient care; and~~
- 16 ~~(2) Every reimbursement shall be monitored according to~~
- 17 ~~rules established by the director under chapter 91 to~~
- 18 ~~ensure compliance with this section.~~
- 19 ~~(f) Necessary administrative expenses to carry out this~~
- 20 ~~section shall not exceed five per cent of the total amount~~
- 21 ~~collected in any given year.~~



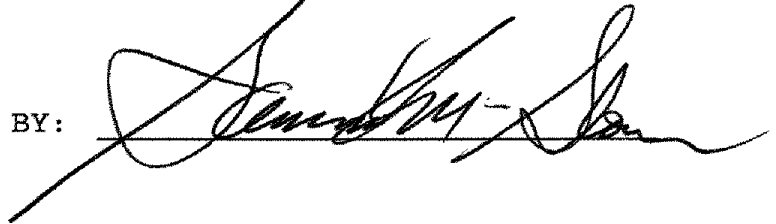
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PART VIII

SECTION 74. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 75. This Act shall take effect on July 1, 2007; provided that part V shall take effect on July 1, 2008.

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "James M. ...", written over a horizontal line.

Report Title:
State Finances

Description:
Abolishes special funds with exceptions.

