
A BILL FOR AN ACT

RELATING TO SPECIAL FUNDS.

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

1 SECTION 1. The legislature finds that certain funds,
2 established by statutes that have long been repealed, are
3 effectively non-functional. The legislature further finds that
4 since the statutory purposes for which these funds were
5 established have been repealed, these funds have outlived their
6 usefulness to the State. Finally, the legislature finds that
7 the moneys currently languishing in these funds will serve the
8 State more effectively if they are deposited into the general
9 fund and, therefore, become accessible to the State.

10 The purpose of this Act is to terminate certain funds for
11 which the statutory authority has expired and to deposit the
12 residual amounts left in each fund to the general fund.

13 SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) No department of the State other than the attorney
16 general may employ or retain any attorney, by contract or
17 otherwise, for the purpose of representing the State or the
18 department in any litigation, rendering legal counsel to the



1 department, or drafting legal documents for the department;
2 provided that the foregoing provision shall not apply to the
3 employment or retention of attorneys:

4 (1) By the public utilities commission, the labor and
5 industrial relations appeals board, and the Hawaii
6 labor relations board;

7 (2) By any court or judicial or legislative office of the
8 State; provided that if the attorney general is
9 requested to provide representation to a court or
10 judicial office by the chief justice or the chief
11 justice's designee, or to a legislative office by the
12 speaker of the house of representatives and the
13 president of the senate jointly, and the attorney
14 general declines to provide such representation on the
15 grounds of conflict of interest, the attorney general
16 shall retain an attorney for the court, judicial, or
17 legislative office, subject to approval by the court,
18 judicial, or legislative office;

19 (3) By the legislative reference bureau;

20 (4) By any compilation commission that may be constituted
21 from time to time;



- 1 (5) By the real estate commission for any action involving
2 the real estate recovery fund;
- 3 (6) By the contractors license board for any action
4 involving the contractors recovery fund;
- 5 ~~[(7) By the trustees for any action involving the travel~~
6 ~~agency recovery fund;~~
- 7 ~~[(8)]~~ (7) By the office of Hawaiian affairs;
- 8 ~~[(9)]~~ (8) By the department of commerce and consumer
9 affairs for the enforcement of violations of chapters
10 480 and 485A;
- 11 ~~[(10)]~~ (9) As grand jury counsel;
- 12 ~~[(11)]~~ (10) By the Hawaiian home lands trust individual
13 claims review panel;
- 14 ~~[(12)]~~ (11) By the Hawaii health systems corporation, or its
15 regional system boards, or any of their facilities;
- 16 ~~[(13)]~~ (12) By the auditor;
- 17 ~~[(14)]~~ (13) By the office of ombudsman;
- 18 ~~[(15)]~~ (14) By the insurance division;
- 19 ~~[(16)]~~ (15) By the University of Hawaii;
- 20 ~~[(17)]~~ (16) By the Kahoolawe island reserve commission;
- 21 ~~[(18)]~~ (17) By the division of consumer advocacy;
- 22 ~~[(19)]~~ (18) By the office of elections;



- 1 ~~[(20)]~~ (19) By the campaign spending commission;
- 2 ~~[(21)]~~ (20) By the Hawaii tourism authority, as provided in
- 3 section 201B-2.5;
- 4 ~~[(22)]~~ (21) By the division of financial institutions for
- 5 any action involving the mortgage loan recovery fund;
- 6 or
- 7 ~~[(23)]~~ (22) By a department, in the event the attorney
- 8 general, for reasons deemed by the attorney general to
- 9 be good and sufficient, declines to employ or retain
- 10 an attorney for a department; provided that the
- 11 governor ~~[thereupon]~~ waives the provision of this
- 12 section."

13 SECTION 3. On July 1, 2011:

- 14 (1) All moneys in the travel agency recovery fund, the
- 15 travel agency education fund, and the patients'
- 16 compensation fund as of June 30, 2011, shall be
- 17 transferred to the general fund of the State of
- 18 Hawaii; and
- 19 (2) The travel agency recovery fund, the travel agency
- 20 education fund, and the patients' compensation fund
- 21 shall cease to exist.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2011.
4



Report Title:

Travel Agency Recovery Fund; Travel Agency Education Fund;
Patients' Compensation Fund

Description:

Terminates certain funds for which the statutory authority has
been repealed and deposits the residual amounts in each fund to
the general fund; makes conforming amendment. (SD1)

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not legislation or evidence of legislative intent.*

