

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO PUBLIC IMPROVEMENTS.

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

1       SECTION 1. Chapter 107, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:  
4       "§107-       State building code special fund. (a) There is  
5       created a state building code special fund to be administered by  
6       the department of accounting and general services. Moneys shall  
7       be transferred into the state building code special fund in the  
8       amount of one quarter of one per cent of all state fund  
9       appropriations for capital improvements designated for the  
10       construction management cost element; provided that this  
11       transfer shall apply only to capital improvement appropriations  
12       that are designated for the construction or renovation of state  
13       buildings. The one quarter of one per cent transfer requirement  
14       shall not apply to appropriations from the passenger facility  
15       charge special fund established by section 261-5.5 and the  
16       rental motor vehicle customer facility charge special fund  
17       established under section 261-5.6.



1        (b) The state building code special fund shall be used  
2 solely for the activities of the council described in section  
3 107-24.

4        (c) The one quarter of one per cent transfer amount, which  
5 is included in all capital improvement appropriations, shall be  
6 calculated at the time the appropriation bills are signed into  
7 law. The moneys shall be transferred into the state building  
8 code special fund upon availability of moneys from the  
9 appropriations. Each agency receiving capital improvement  
10 appropriations shall calculate the one quarter of one per cent  
11 amount and transfer the moneys into the state building code  
12 special fund.

13        (d) The comptroller shall:

14        (1) Provide each agency receiving capital improvement  
15 appropriations with information regarding items that  
16 shall be included and excluded from the one quarter of  
17 one per cent amount;

18        (2) Ensure that each agency calculates its one quarter of  
19 one per cent amount correctly; and

20        (3) Ensure that each agency transfers the correct amount  
21 to the state building code special fund in a timely  
22 manner.



1        (e) The comptroller shall track amounts due from each  
2 agency under the one quarter of one per cent requirement as  
3 provided in this section."

4        SECTION 2. Section 431P-5, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6        "(a) The Hawaii hurricane relief fund shall have the  
7 following general powers:

- 8        (1) To sue and be sued;
- 9        (2) To make and alter policies for its organization and  
10        internal administration;
- 11        (3) To adopt rules in accordance with chapter 91 to  
12        effectuate the purposes of this chapter;
- 13        (4) To borrow moneys, including but not limited to moneys  
14        from state or federal sources and to issue notes or  
15        other obligations of the fund for the purposes of  
16        providing funds for any of its purposes as authorized  
17        by the legislature from time to time;
- 18        (5) To pledge, assign, or grant a security interest in all  
19        or any part of the moneys, rents, charges,  
20        assessments, or other revenue and any proceeds thereof  
21        derived by the fund; provided that any pledge,  
22        assignment, or grant of security interest shall



1           constitute a lien and security interest on such money,  
2           rents, charges, assessments, or other revenue, and any  
3           proceeds thereof to the extent and with the priority  
4           set forth in the document establishing the pledge,  
5           assignment, or security interest, without the  
6           necessity for physical delivery, recording, or further  
7           act; and provided further that in effectuating any  
8           pledge, assignment, or grant of security interest, the  
9           fund may do either or both of the following:

10          (A) Transfer possession of collateral to its secured  
11             parties; or

12          (B) Execute and cause to be filed at the bureau of  
13             conveyances of the State of Hawaii, Uniform  
14             Commercial Code financing statements for the  
15             purpose of providing notice to third parties of a  
16             pledge, assignment, or grant of security  
17             interest; provided that any failure to file a  
18             financing statement or the filing of a financing  
19             statement that contains incomplete or inaccurate  
20             information shall not affect the perfected lien  
21             and security interest of the pledge, assignment,  
22             or grant of security interest; [~~and~~]



1 (6) Enter into contracts as necessary to effectuate the  
2 purposes of this chapter[-]; and

3 (7) Provide funding for the state building code special  
4 fund as provided under Act \_\_\_\_\_, Session Laws of  
5 Hawaii 2013."

6 SECTION 3. There is appropriated out of the Hawaii  
7 hurricane relief fund established under section 431P-2, Hawaii  
8 Revised Statutes, the sum of \$125,000 or so much thereof as may  
9 be necessary for fiscal year 2013-2014 for deposit to the state  
10 building code special fund created by section 1 of this Act.

11 SECTION 4. There is appropriated out of the state building  
12 code special fund established by section 1 of this Act the sum  
13 of \$125,000 or so much thereof as may be necessary for fiscal  
14 year 2013-2014 for the activities of the state building council  
15 as described in section 107-24, Hawaii Revised Statutes.

16 The sum appropriated shall be expended by the department of  
17 accounting and general services for the purposes of this Act.

18 SECTION 5. In printing this Act, the revisor of statutes  
19 shall insert in section 2 of this Act the corresponding act  
20 number of this Act.

21 SECTION 6. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1           SECTION 7. This Act shall take effect on July 1, 2013;  
2 provided that section 2 shall be repealed on June 30, 2014, and  
3 section 431P-5(a), Hawaii Revised Statutes, shall be reenacted  
4 in the form in which it read on the day prior to the effective  
5 date of this Act.

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INTRODUCED BY: Will Espero

# S.B. NO. 683

**Report Title:**

Public Improvements; State Building Code Special Fund;  
Appropriation

**Description:**

Creates the state building code special fund into which is deposited one quarter of one per cent of all state fund appropriations for capital improvement projects designated for the construction management cost element. Makes appropriation from the hurricane relief fund for deposit into the state building code special fund. Clarifies authority of Hurricane relief fund to make the appropriation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

