
A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

1 SECTION 1. The purpose of this Act is to repeal the public
2 utilities commission special fund pursuant to the recommendation
3 by the auditor in auditor's report no. 18-17 and to transfer the
4 unencumbered balances to the general fund.

5 SECTION 2. Section 92-21, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§92-21 Copies of records; other costs and fees.** Except
8 as otherwise provided by law, a copy of any government record,
9 including any map, plan, diagram, photograph, photostat, or
10 geographic information system digital data file, which is open
11 to the inspection of the public, shall be furnished to any
12 person applying for the ~~[same]~~ record by the public officer
13 having charge or control thereof upon the payment of the
14 reasonable cost of reproducing ~~[such]~~ the copy. Except as
15 provided in section 91-2.5, the cost of reproducing any
16 government record, except geographic information system digital
17 data, shall not be less than 5 cents per page, sheet, or



1 fraction thereof. The cost of reproducing geographic
2 information system digital data shall be in accordance with
3 rules adopted by the agency having charge or control of that
4 data. [~~Such~~] The reproduction cost shall include but shall not
5 be limited to labor cost for search and actual time for
6 reproducing, material cost, including electricity cost,
7 equipment cost, including rental cost, cost for certification,
8 and other related costs. All fees shall be paid in by the
9 public officer receiving or collecting the same to the state
10 director of finance, the county director of finance, or to the
11 agency or department by which the officer is employed, as
12 government realizations [~~provided that fees collected by the~~
13 ~~public utilities commission pursuant to this section shall be~~
14 ~~deposited in the public utilities commission special fund~~
15 ~~established under section 269-33]~~."

16 SECTION 3. Section 269-16.92, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Upon a determination that any telecommunications
19 carrier has engaged in conduct that is prohibited in subsection
20 (a), the public utilities commission shall order the carrier to
21 take corrective action as deemed necessary by the commission and



1 may subject the telecommunications carrier to administrative
2 penalties pursuant to section 269-28. [~~Any proceeds from~~
3 ~~administrative penalties collected under this section shall be~~
4 ~~deposited into the public utilities commission special fund.~~]

5 The commission, if consistent with the public interest, may
6 suspend, restrict, or revoke the registration, charter, or
7 certificate of the telecommunications carrier, thereby denying,
8 modifying, or limiting the right of the telecommunications
9 carrier to provide service in this State."

10 SECTION 4. Section 269-30, Hawaii Revised Statutes, is
11 amended by amending subsection (a) and (b) to read as follows:

12 "(a) Sections 607-5 to 607-9 shall apply to the public
13 utilities commission and each commissioner, as well as to the
14 supreme and circuit courts[, ~~and all costs and fees paid or~~
15 ~~collected pursuant to this section shall be deposited with the~~
16 ~~director of finance to the credit of the public utilities~~
17 ~~commission special fund established under section 269-33].~~

18 (b) There also shall be paid to the public utilities
19 commission in each of the months of July and December of each
20 year, by each public utility subject to investigation by the
21 public utilities commission, a fee equal to one-fourth of one



1 per cent of the gross income from the public utility's business
2 during the preceding year, or the sum of \$30, whichever is
3 greater. [~~This fee shall be deposited with the director of
4 finance to the credit of the public utilities commission special
5 fund.~~]"

6 SECTION 5. Section 271-36, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§271-36 Fees and charges.** (a) Every common carrier by
9 motor vehicle and every contract carrier by motor vehicle shall
10 pay to the commission, in April of each year, a fee equal to
11 one-fourth of one per cent of the gross revenues from the
12 carrier's business during the preceding calendar year, or the
13 sum of \$20, whichever is greater. Gross revenues include all
14 revenues received from services connected with or incidental to
15 the transportation of persons or the transportation of property,
16 as defined under section 271-4.

17 (b) Every common carrier by motor vehicle and every
18 contract carrier by motor vehicle paying a fee under subsection
19 (a) may impose a surcharge to recover the amount paid above one-
20 eighth of one per cent of gross income. The surcharge imposed
21 shall not be subject to the notice, hearing, and approval



1 requirements of this chapter; provided that the surcharge may be
2 imposed by the utility only after thirty days' notice to the
3 public utilities commission. Unless ordered by the public
4 utilities commission, the surcharge shall be imposed only until
5 the conclusion of the carrier's next rate case; provided that
6 the surcharge shall be subject to refund with interest at the
7 public utility's authorized rate of return on rate base if the
8 utility collects more money from the surcharge than actually
9 paid due to the increase in the fee to one-fourth of one per
10 cent.

11 (c) The commission shall establish fair and reasonable
12 fees for the following applications:

13 (1) Applications for certificates and permits as provided
14 by sections 271-12 and 271-13;

15 (2) Applications for extensions of certificates as
16 provided by section 271-12(d);

17 (3) Applications for temporary certificates and permits as
18 provided by section 271-16; and

19 (4) Applications for authority to convey property
20 necessary or useful in the performance of duties to
21 the public or to transfer certificates or permits or



1 to purchase motor carrier stock, as provided in
2 section 271-18.

3 The fees charged pursuant to this subsection shall be paid to
4 the commission at the time of submission of the application.

5 (d) The commission may charge an amount it deems necessary
6 and reasonable to defray the cost of supplying to the carriers
7 and the public the application forms and other forms, schedules,
8 tariffs, copies of rules, and other pamphlets and materials it
9 provides by individual copy or in bulk.

10 ~~[(e) All of the fees and charges collected under this~~
11 ~~section shall be deposited with the director of finance to the~~
12 ~~credit of the public utilities commission special fund~~
13 ~~established under section 269-33.]"~~

14 SECTION 6. Section 269E-6, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) To finance the establishment and operation of the
17 center and the administrative costs of the commission, operators
18 shall pay to the commission a fee in an amount and at a schedule
19 determined by the commission. The commission may also assess
20 fees on excavators. ~~[All fees paid by operators and excavators~~



1 ~~shall be deposited with the director of finance to the credit of~~
2 ~~the public utilities commission special fund.] "~~

3 SECTION 7. Section 269-33, Hawaii Revised Statutes, is
4 repealed.

5 ~~["§269-33 Public utilities commission special fund. (a)~~
6 ~~There is established in the state treasury a public utilities~~
7 ~~commission special fund to be administered by the public~~
8 ~~utilities commission. The proceeds of the fund shall be used by~~
9 ~~the public utilities commission and the division of consumer~~
10 ~~advocacy of the department of commerce and consumer affairs for~~
11 ~~all expenses incurred in the administration of chapters 269,~~
12 ~~271, 271G, 269E, and 486J, and for costs incurred by the~~
13 ~~department of commerce and consumer affairs to fulfill the~~
14 ~~department's limited oversight and administrative support~~
15 ~~functions; provided that the expenditures of the public~~
16 ~~utilities commission shall be in accordance with legislative~~
17 ~~appropriations. On a quarterly basis, an amount not exceeding~~
18 ~~thirty per cent of the proceeds remaining in the fund after the~~
19 ~~deduction for central service expenses, pursuant to section 36-~~
20 ~~27, shall be allocated by the public utilities commission to the~~
21 ~~division of consumer advocacy and deposited in the compliance~~



1 ~~resolution fund established pursuant to section 26-9(o),~~
2 ~~provided that all moneys allocated by the public utilities~~
3 ~~commission from the fund to the division of consumer advocacy~~
4 ~~shall be in accordance with legislative appropriations.~~

5 ~~(b) All moneys appropriated to, received, and collected by~~
6 ~~the public utilities commission that are not otherwise pledged,~~
7 ~~obligated, or required by law to be placed in any other special~~
8 ~~fund or expended for any other purpose shall be deposited into~~
9 ~~the public utilities commission special fund including, but not~~
10 ~~limited to, all moneys received and collected by the public~~
11 ~~utilities commission pursuant to sections 92-21, 269-28, 269-30,~~
12 ~~271-27, 271-36, 271G-19, 269E-6, 269E-14, and 607-5.~~

13 ~~(c) The public utilities commission shall submit an update~~
14 ~~as part of its annual report submitted pursuant to section 269-5~~
15 ~~detailing all funds received and all moneys disbursed out of the~~
16 ~~fund.~~

17 ~~(d) All moneys in excess of \$1,000,000 remaining on~~
18 ~~balance in the public utilities commission special fund on~~
19 ~~June 30 of each year shall lapse to the credit of the state~~
20 ~~general fund."]~~



H.B. NO. 124

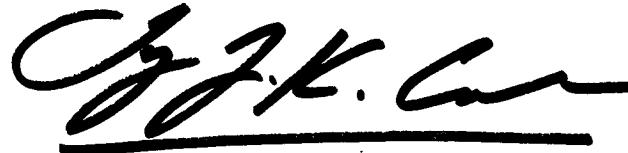
1 SECTION 8. On July 1, 2019, all unencumbered balances
2 remaining in the public utilities commission special fund
3 repealed by section 7 of this Act shall lapse to the general
4 fund.

5 SECTION 9. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect on July 1, 2019.

8

INTRODUCED BY: _____



JAN 17 2019



H.B. NO. 124

Report Title:

Repeal of Non-General Funds; Transfer of Balances; BUF; Public Utilities Commission

Description:

Repeals the Public Utilities Commission special fund of the Department of Budget and Finance and transfers unencumbered balances to the general fund.

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