# A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

1	PART I
2	SECTION 1. The legislature finds that section 213(g) of
3	the Hawaiian Homes Commission Act established the Hawaiian home
4	receipts fund but did not specify whether the fund should be
5	classified as a special fund, revolving fund, trust fund, or
6	trust account. The department of Hawaiian home lands has
7	classified the fund as a trust fund. However, the auditor, in
8	auditor report no. 20-16, found that the fund does not meet all
9	the criteria for a trust fund because it functions more like a
10	trust account. Accordingly, the auditor recommended that the
11	fund should be reclassified as a trust account.
12	The purpose of this part is to reclassify the Hawaiian home
13	receipts fund as a trust account as recommended by the auditor.
14	SECTION 2. The Hawaiian home receipts fund established
15	pursuant to the section 213(g) of the Hawaiian Homes Commission
16	Act is reclassified as a trust account.

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                                 PART II
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                      The purpose of this part is to repeal the
         SECTION 3.
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    probation services special fund as recommended by the auditor in
4
    auditor report no. 20-17.
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         SECTION 4. Section 353B-6, Hawaii Revised Statutes, is
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    amended to read as follows:
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         "§353B-6 Interstate transfer fee. The judiciary may
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    assess a fee not to exceed $200 for each application made by a
9
    parolee or probationer for a transfer out of the State[+
10
    provided that the fees collected shall be deposited into the
11
    probation services special fund established in section
12
    706-649]."
13
         SECTION 5. Section 706-648, Hawaii Revised Statutes, is
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    amended by amending subsection (4) to read as follows:
15
               The defendant shall pay the fee to the clerk of the
16
    court. [The fee shall be deposited with the director of finance
17
    who shall transmit the fee to the probation services special
18
    fund-pursuant to-section-706-649.] "
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         SECTION 6. Section 706-649, Hawaii Revised Statutes, is
20
    repealed.
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1	["\$706-649 Probation services special fund. (1) - There is
2	established in the state treasury a special fund to be known as
3	the probation services special fund. All probation services
4	fees collected under section 706-648 shall be deposited into
5	this fund.
6	(2) Moneys in the probation services special fund shall be
7	used by the judiciary to:
8	(a) Monitor and enforce compliance with the terms and
9	conditions of probation and other supervision programs
10	for defendants; and
11	(b) Support other duties and activities related to the
12	supervision of defendants."]
13	SECTION 7. All unencumbered balances remaining in the
14	probation services special fund repealed by section 6 of this
15	Act shall lapse to the credit of the general fund.
16	PART III
17	SECTION 8. The purpose of this part is to reclassify the
18	supreme court bar examination fund as recommended by the auditor
19	in auditor report no. 20-17.

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1	SECTION 9. The supreme court bar examination fund
2	administratively established in 1994 is reclassified as a
3	special fund.
4	PART IV
5	SECTION 10. Statutory material to be repealed is bracketed
6	and stricken.

SECTION 11. This Act shall take effect on July 1, 2021.

INTRODUCED BY:

JAN 2 0 2021

### H.B. NO. 61

#### Report Title:

DHHL; Judiciary; Non-General Funds; Repeal; Transfer of Balances

#### Description:

Reclassifies or repeals non-general funds of the Department of Hawaiian Home Lands or Judiciary.

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