
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 purpose of this part is to reclassify or
3 repeal certain non-general funds of the department of labor and
4 industrial relations, pursuant to the recommendations made by
5 the auditor in auditor's report no. 23-06, and to transfer any
6 unencumbered balance of any repealed fund to the general fund.

7 SECTION 2. Section 371-12.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~371-12.5~~§~~ Labor law enforcement ~~[special fund]~~
10 trust account; establishment; purposes. (a) There is

11 established in the state treasury the labor law enforcement
12 ~~[special fund]~~ trust account into which shall be deposited:

- 13 (1) All penalties collected pursuant to section 388-9.7;
14 (2) All penalties collected pursuant to section 388-10;
15 (3) All civil penalties assessed pursuant to
16 section 396-10;



- 1 (4) Moneys appropriated by the legislature to the [~~fund~~]
- 2 trust account; and
- 3 (5) Any income and capital gains earned by the [~~fund~~]
- 4 trust account.

5 (b) The purpose of the [~~special fund~~] trust account is to
 6 provide for sufficient operating costs to collect penalties and
 7 fees assessed by the department. Moneys in the [~~fund~~] trust
 8 account may be used for:

- 9 (1) Personnel and operating expenses;
- 10 (2) Staff development, training, fees, and expenses; and
- 11 (3) Litigation expenses, including but not limited to
- 12 transcript costs, and interpretation and translation
- 13 services.

14 (c) The unencumbered balance of the [~~fund~~] trust account
 15 exceeding \$500,000 at the end of every fiscal year shall be
 16 deposited into the general fund on or about June 30 every year."

17 SECTION 3. Section 388-10, Hawaii Revised Statutes, is
 18 amended by amending subsection (a) to read as follows:

19 "(a) Civil. Any employer who fails to pay wages in
 20 accordance with this chapter without equitable justification or



1 violates this chapter or the administrative rules adopted under
2 this chapter shall be liable:

3 (1) To the employee, in addition to the wages legally
4 proven to be due, for a sum equal to the amount of
5 unpaid wages and interest at a rate of six per cent
6 per year from the date that the wages were due; and

7 (2) For a penalty of not less than \$500 or \$100 for each
8 violation, whichever is greater. The penalty shall be
9 deposited into the labor law enforcement [~~special~~
10 ~~fund.~~] trust account."

11 SECTION 4. Section 396-10, Hawaii Revised Statutes, is
12 amended by amending subsection (p) to read as follows:

13 "(p) All civil penalties collected pursuant to this
14 section shall be deposited into the labor law enforcement
15 [~~special fund.~~] trust account."

16 SECTION 5. Section 397-5, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) All fees received by the department pursuant to this
19 section shall be paid into the boiler and elevator [~~revolving~~
20 special fund."



1 SECTION 6. Section 397-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§397-13 Boiler and elevator [~~revolving~~] special fund;

4 **establishment; purpose.** (a) There is established in the state
5 treasury the boiler and elevator [~~revolving~~] special fund, into
6 which shall be deposited all fees collected pursuant to section
7 397-5 and any appropriation from the legislature. All interest
8 and investment moneys earned on any moneys in the [~~revolving~~]
9 special fund shall become part of the [~~revolving~~] special fund.

10 (b) The purpose of the [~~revolving~~] special fund is to
11 provide for sufficient operating costs to carry out the purposes
12 of this chapter. Moneys in the fund may be expended for:

- 13 (1) Personnel and operating expenses;
- 14 (2) Staff training and staff certification fees and
15 expenses;
- 16 (3) Preparation and dissemination of public information on
17 safe installation and use of equipment regulated by
18 this chapter;
- 19 (4) Preparation of annual reports to the legislature as
20 required by this chapter; and



1 (5) Reimbursement to the general fund as required by this
2 section.

3 (c) The director shall submit a report to the legislature
4 on the status of the boiler and elevator [~~revolving~~] special
5 fund, including expenditures and program results, not less than
6 twenty days prior to the convening of each regular session.

7 (d) No later than thirteen years from the date of the
8 establishment of the [~~revolving~~] special fund, the director
9 shall reimburse the general fund for the amount of any initial
10 appropriation that was made by the general revenues of the State
11 to the [~~revolving~~] special fund."

12 SECTION 7. Section 706-650.5, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§706-650.5 Human trafficking victim services fund. (1)~~
15 ~~In addition to any disposition authorized by chapter 706, any~~
16 ~~individual who is:~~

17 ~~(a) Convicted of an offense under part VIII of chapter~~
18 ~~707; or~~

19 ~~(b) Convicted of an offense under part I of chapter 712;~~
20 ~~shall be ordered to pay a fee under subsection (2).~~



1 ~~(2) Fees for individuals subject to subsection (1) shall~~
2 ~~not exceed the following:~~

3 ~~(a) \$5,000 when the offense is a class A felony;~~

4 ~~(b) \$2,500 when the offense is a class B felony;~~

5 ~~(c) \$1,000 when the offense is a class C felony;~~

6 ~~(d) \$500 when the offense is a misdemeanor; or~~

7 ~~(e) \$250 when the offense is a petty misdemeanor.~~

8 ~~(3) There is established within the state treasury a~~

9 ~~special fund to be known as the human trafficking victim~~

10 ~~services fund to be administered by the department of labor and~~

11 ~~industrial relations. The disbursement of money from the human~~

12 ~~trafficking victim services fund shall be used to supplement~~

13 ~~programs, grants, or purchase of service contracts that support~~

14 ~~or provide comprehensive services to victims of labor~~

15 ~~trafficking crimes under part VIII of chapter 707, or victims of~~

16 ~~trafficking related to crimes under part I of chapter 712.~~

17 ~~Moneys in the special fund shall be used for new or existing~~

18 ~~programs, grants, or purchase of service contracts and shall not~~

19 ~~supplant any other moneys previously allocated to these~~

20 ~~programs, grants, or purchase of service contracts.~~



1 ~~(4) All fees paid and interest accrued on funds collected~~
2 ~~pursuant to this section shall be deposited into the human~~
3 ~~trafficking victim services fund.~~

4 ~~(5) When a defendant is ordered to make payments in~~
5 ~~addition to the human trafficking victim services fee authorized~~
6 ~~under subsection (2), payments by the defendant shall be made~~
7 ~~pursuant to section 706-651.~~

8 ~~(6) The department of labor and industrial relations shall~~
9 ~~submit to the legislature no later than twenty days prior to the~~
10 ~~convening of each regular session a written annual report that~~
11 ~~provides the following:~~

12 ~~(a) An accounting of the receipts of and expenditures from~~
13 ~~the human trafficking victim services fund; and~~

14 ~~(b) Any recommendations to improve support of and services~~
15 ~~to victims of labor trafficking crimes under part VIII~~
16 ~~of chapter 707, or victims of trafficking related to~~
17 ~~crimes under part I of chapter 712."]~~

18 SECTION 8. The national governors' association grant trust
19 account, administratively established in 2021, shall be
20 reclassified as a trust fund.



1 SECTION 9. The non-profit employers deposit account, a
2 trust account administratively established in 1972, shall be
3 reclassified as a trust fund.

4 SECTION 10. Any unencumbered balance in the human
5 trafficking victim services fund shall lapse to the credit of
6 the general fund.

7 PART II

8 SECTION 11. Section 36-27, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in this section, and
11 notwithstanding any other law to the contrary, from time to
12 time, the director of finance, for the purpose of defraying the
13 prorated estimate of central service expenses of government in
14 relation to all special funds, except the:

- 15 (1) Special out-of-school time instructional program fund
16 under section 302A-1310;
- 17 (2) School cafeteria special funds of the department of
18 education;
- 19 (3) Special funds of the University of Hawaii;
- 20 (4) Convention center enterprise special fund under
21 section 201B-8;



- 1 (5) Special funds established by section 206E-6;
- 2 (6) Aloha Tower fund created by section 206J-17;
- 3 (7) Funds of the employees' retirement system created by
- 4 section 88-109;
- 5 (8) Hawaii hurricane relief fund established under chapter
- 6 431P;
- 7 (9) Hawaii health systems corporation special funds and
- 8 the subaccounts of its regional system boards;
- 9 (10) Universal service fund established under section 269-
- 10 42;
- 11 (11) Emergency and budget reserve fund under section 328L-
- 12 3;
- 13 (12) Public schools special fees and charges fund under
- 14 section 302A-1130;
- 15 (13) Sport fish special fund under section 187A-9.5;
- 16 (14) Neurotrauma special fund under section 321H-4;
- 17 (15) Glass advance disposal fee established by section
- 18 342G-82;
- 19 (16) Center for nursing special fund under section 304A-
- 20 2163;



- 1 (17) Passenger facility charge special fund established by
- 2 section 261-5.5;
- 3 (18) Solicitation of funds for charitable purposes special
- 4 fund established by section 467B-15;
- 5 (19) Land conservation fund established by section 173A-5;
- 6 (20) Court interpreting services revolving fund under
- 7 section 607-1.5;
- 8 (21) Trauma system special fund under section 321-22.5;
- 9 (22) Hawaii cancer research special fund;
- 10 (23) Community health centers special fund;
- 11 (24) Emergency medical services special fund;
- 12 (25) Rental motor vehicle customer facility charge special
- 13 fund established under section 261-5.6;
- 14 (26) Shared services technology special fund under section
- 15 27-43;
- 16 (27) Automated victim information and notification system
- 17 special fund established under section 353-136;
- 18 (28) Deposit beverage container deposit special fund under
- 19 section 342G-104;
- 20 (29) Hospital sustainability program special fund under
- 21 section 346G-4;



1 (30) Nursing facility sustainability program special fund
2 under section 346F-4;

3 (31) Hawaii 3R's school improvement fund under section
4 302A-1502.4;

5 (32) After-school plus program revolving fund under section
6 302A-1149.5;

7 (33) Civil monetary penalty special fund under section 321-
8 30.2; [~~and~~

9 +] (34) [+]
10 Stadium development special fund under section 109-
11 3.5[~~7~~]; and

12 (35) Boiler and elevator special fund under section 397-13,
13 shall deduct five per cent of all receipts of all other special
14 funds, which deduction shall be transferred to the general fund
15 of the State and become general realizations of the State. All
16 officers of the State and other persons having power to allocate
17 or disburse any special funds shall cooperate with the director
18 in effecting these transfers. To determine the proper revenue
19 base upon which the central service assessment is to be
20 calculated, the director shall adopt rules pursuant to chapter
21 91 for the purpose of suspending or limiting the application of
the central service assessment of any fund. No later than



1 twenty days prior to the convening of each regular session of
2 the legislature, the director shall report all central service
3 assessments made during the preceding fiscal year."

4 PART III

5 SECTION 12. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 13. This Act shall take effect on July 1, 2050.



Report Title:

DLIR; Auditor; Repeal of Fund; Reclassification of Funds;
Transfer of Balances; Boiler and Elevator Special Fund; Exempt

Description:

Reclassifies or repeals certain non-general funds of the Department of Labor and Industrial Relations, pursuant to the recommendations made by the Auditor in Auditor's Report No. 23-06. Exempts the boiler and elevator special fund from central services expenses. Takes effect 7/1/2050. (SD1)

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