

A Bill for an Act Relating to a Spouse/Child Abuse Special Account.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§338- Copies of certificate; fees. All fees received for the issuance of certified copies of birth, marriage, or death certificates shall be remitted to the director of health. Upon the receipt of remittances under this section, the director of health shall deposit \$1.50 for each certified copy to the credit of the spouse and child abuse special account established under section 346- , shall deposit \$1.50 for each certified copy to the credit of the spouse and child abuse special account established under section 601- , and shall deposit the remainder of the fee for each certified copy to the credit of the state general fund.”

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Spouse and child abuse special account; department of human services. (a) There is established within the state treasury a special fund to be known as the “spouse and child abuse special account”, and to be administered and expended by the department of human services.

(b) The proceeds of the account shall be reserved for use by the department of human services for staff programs, and grants or purchases of service, consistent with chapter 42D, that support or provide spouse or child abuse intervention or prevention as authorized by law. These proceeds shall be used for new or existing programs and shall not supplant any other funds previously allocated to these programs. The account shall be kept separate and apart from all other funds in the treasury.

(c) The account shall consist of fees remitted pursuant to sections 338- and 572-5, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the account shall be subject to the conditions specified in subsection (b).

(d) The department of human services, in coordination with the department of health, shall submit an annual report to the legislature, prior to the convening of each regular session, providing an accounting of the receipts of and expenditures from the account.”

SECTION 3. Chapter 601, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§601- Spouse and child abuse special account; judiciary. (a) There is established within the state treasury a special fund to be known as the “spouse and child abuse special account”, and to be administered and expended by the judiciary.

(b) The proceeds of the account shall be reserved for use by the judiciary for staff programs, and grants or purchases of service, consistent with chapter 42D, that support or provide spouse or child abuse intervention or prevention as authorized by law. These proceeds shall be used for new or existing programs and shall not supplant any other funds previously allocated to these programs. The

account shall be kept separate and apart from all other funds in the treasury.

(c) The account shall consist of fees remitted pursuant to sections 338- and 572-5, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the account shall be subject to the conditions specified in subsection (b).

(d) The judiciary, in coordination with the department of health, shall submit an annual report to the legislature, prior to the convening of each regular session, providing an accounting of the receipts of and expenditures from the account."

SECTION 4. Section 36-27, Hawaii Revised Statutes, is amended to read as follows:

"§36-27 Transfers from special funds for central service expenses. Except as hereinafter provided, and notwithstanding any provisions of any other law to the contrary, there shall be deducted from time to time by the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the special summer school fund under section 298-3.5; the school cafeteria special funds of the community colleges and the department of education; the special funds of the student housing, summer session, division of continuing education and community service, campus center, and bookstores of the University of Hawaii; the state educational facilities improvement special fund; the spouse and child abuse special account under section 346-_____; the spouse and child abuse special account under section 601-_____; and the convention center capital and operations special fund, five per cent of all receipts of each such special fund, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers."

SECTION 5. Section 36-30, Hawaii Revised Statutes, is amended to read as follows:

"§36-30 Special fund reimbursements for departmental administrative expenses. Each special fund, except the transportation use special fund established by section 261D-1; the special summer school fund under section 298-3.5; the school cafeteria special funds of the community colleges, and the department of education; the special funds of the student housing, summer session, division of continuing education and community service, campus center, and bookstores of the University of Hawaii; the spouse and child abuse special account under section 346-_____; the spouse and child abuse special account under section 601-_____; and the state educational facilities improvement special fund, shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned. Administrative expenses shall include, but shall not be limited to, salaries, maintenance of buildings and grounds, utilities, and general office expenses. The pro rata share of each special fund shall be that proportion of the administrative expenses of the department, including those paid from all special funds administered by the department, which the expenditures of the special fund bear to the total expenditures of the department; provided that in determining the amount to be charged to each special fund for its pro rata share, credit shall be given for any administrative expenses paid from the special fund concerned and

such other adjustments shall be made as may be necessary to achieve an equitable apportionment. The director of finance may determine the amount to be charged to each special fund and may cause the amounts to be transferred to the general funds as reimbursements."

SECTION 6. Section 572-5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The department of health shall appoint, and at its pleasure remove, one or more suitable persons as agents authorized to grant marriage licenses under this chapter in each judicial circuit. [Such] The agents may issue licenses from any state facility when deemed necessary by the director. Any agent appointed under this subsection and receiving an application for a marriage license[,] shall collect from the applicant for the license [16,] \$25, of which the agent, except those provided for in subsection (b), shall retain \$8 for the agent's benefit and compensation and shall remit [8] \$17 to the director of [finance of the State.] health. Upon the receipt of remittances under this subsection, the director of health shall deposit \$8 for each license issued to the credit of the general fund of the State, shall deposit \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 346-____, and shall deposit \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 601-____.

(b) The department may appoint, as regular employees under the civil service and classification laws, the number of suitable persons as agents authorized to grant marriage licenses for whom provision has been made in the general appropriation act. In the case of [such] these agents, the full amount collected from applicants shall be remitted to the director of [finance as a general realization of the State.] health. Upon the receipt of remittances under this subsection, the director of health shall deposit \$16 for each license issued to the credit of the general fund of the State, shall deposit \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 346-____, and shall deposit \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 601-____."

SECTION 7. The department of health shall amend section 2.10 of chapter 8b, of the department's rules, by increasing the fee charged for the issuance of certified copies of any birth, death, or marriage certificate from \$2 to not less than \$5.

SECTION 8. (a) There is appropriated out of the spouse and child abuse special account established under section 346-____, Hawaii Revised Statutes, a sum not to exceed \$400,000, for fiscal year 1994-1995, for the department of human services to carry out the purposes of this Act.

The sum appropriated shall be expended by the department of human services.

(b) There is appropriated out of the spouse and child abuse special account established under section 601-____, Hawaii Revised Statutes, a sum not to exceed \$400,000, for fiscal year 1994-1995, for the judiciary to carry out the purposes of this Act.

The sum appropriated shall be expended by the judiciary.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 10. This Act shall take effect on July 1, 1994, except that section 1 shall not take effect until the effective date of the amendments to the rules of the department of health required by section 7 of this Act.

(Approved June 22, 1994.)

Note

1. Edited pursuant to HRS §23G-16.5.