

## ACT 163

S.B. NO. 1081

A Bill for an Act Relating to Education.

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

SECTION 1. In response to changing societal needs and educational research, many schools, in recent years, have made significant changes to educational traditions such as the school calendar and other instructional practices. Many educators recognize the value of using out-of-school time to provide supplemental instruction for students. Out-of-school time instructional programs include summer school programs, intersession programs, after-school instructional programs, and other educational programs which are held outside of regular school days or hours. Currently, fee collection is authorized only for summer school and intersession. The legislature finds that changes to the statutes enabling the collection of fees for supplementary, discretionary instructional services to students during times when school is not in session are necessary. In order to authorize the department of education to assess and collect fees for all supplementary instructional services to students during out-of-school time, changes to current statutes are proposed.

SECTION 2. Section 36-27, Hawaii Revised Statutes, is amended to read as follows:

**“§36-27 Transfers from special funds for central service expenses.** Except as provided in this section, and notwithstanding any other law to the

contrary, from time to time, 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:

- (1) Special [~~summer school and intersession~~] out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) State educational facilities improvement special fund;
- (5) Convention center capital and operations special fund under section 206X-10.5;
- (6) Special funds established by section 206E-6;
- (7) Housing loan program revenue bond special fund;
- (8) Housing project bond special fund;
- (9) Aloha Tower fund created by section 206J-17;
- (10) Domestic violence prevention special fund under section 321-1.3;
- (11) Spouse and child abuse special account under section 346-7.5;
- (12) Spouse and child abuse special account under section 601-3.6;
- (13) Funds of the employees' retirement system created by section 88-109;
- (14) Unemployment compensation fund established under section 383-121;
- (15) Hawaii hurricane relief fund established under chapter 431P;
- (16) Hawaii health systems corporation special funds;
- (17) Boiler and elevator safety revolving fund established under section 397-5.5;
- (18) Tourism special fund established under section 201B-11;
- (19) Department of commerce and consumer affairs' special funds;
- (20) Compliance resolution fund established under section 26-9;
- (21) Universal service fund established under chapter 269;
- (22) Integrated tax information management systems special fund under section 231-3.2;
- (23) Insurance regulation fund under section 431:2-215;
- (24) Hawaii tobacco settlement special fund under section 328L-2;
- (25) Emergency budget and reserve fund under section 328L-3;
- (26) Probation services special fund under section 706-649; and
- (27) High technology special fund under section 206M-15.5;

shall deduct five per cent of all receipts of all other special funds, 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. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year.”

SECTION 3. Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each special fund, except the:

- (1) Transportation use special fund established by section 261D-1;
- (2) Special [~~summer school and intersession~~] out-of-school time instructional program fund under section 302A-1310;
- (3) School cafeteria special funds of the department of education;
- (4) Special funds of the University of Hawaii;
- (5) State educational facilities improvement special fund;

- (6) Special funds established by section 206E-6;
- (7) Aloha Tower fund created by section 206J-17;
- (8) Domestic violence prevention special fund under section 321-1.3;
- (9) Spouse and child abuse special account under section 346-7.5;
- (10) Spouse and child abuse special account under section 601-3.6;
- (11) Funds of the employees' retirement system created by section 88-109;
- (12) Unemployment compensation fund established under section 383-121;
- (13) Hawaii hurricane relief fund established under chapter 431P;
- (14) Convention center capital and operations special fund established under section 206X-10.5;
- (15) Hawaii health systems corporation special funds;
- (16) Tourism special funds established under section 201B-11;
- (17) Compliance resolution fund established under section 26-9;
- (18) Universal service fund established under chapter 269;
- (19) Integrated tax information management systems special fund;
- (20) Insurance regulation fund under section 431:2-215;
- (21) Hawaii tobacco settlement special fund under section 328L-2;
- (22) Emergency and budget reserve fund under section 328L-3;
- (23) Probation services special fund under section 706-649; and
- (24) High technology special fund under section 206M-15.5;

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.”

SECTION 4. Section 302A-1310, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§302A-1310]]~~ ~~[Summer schools and intersession]~~ **Out-of-school time instructional programs; funds, expenditures.** All moneys received by and for the public ~~[summer schools and intersession]~~ out-of-school time instructional programs ~~[of year-round schools]~~ from tuition and other fees or from any other source shall be deposited in a special ~~[summer school and intersession]~~ out-of-school time instructional program fund; and except as otherwise provided by the legislature, all expenditures for the operation of public ~~[summer schools and intersession]~~ out-of-school time instructional programs shall be made from this fund.”

SECTION 5. Statutory material to be repealed is bracketed.<sup>1</sup> New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2001, provided that the amendments made to sections 36-27, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 1, 2003, by section 9 of Act 142, Sessions Laws of Hawaii 1998.

(Approved May 25, 2001.)

#### Note

1. So in original.