

**ACT 237**

S.B. NO. 1092

**A Bill for an Act Relating to the Repeal of Non-General Funds.**

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

**PART I**

**SECTION 1.** The purpose of this Act is to repeal or reclassify various non-general funds in accordance with the Auditor's recommendations in Auditor's Report Nos. 14-05 and 14-13.

**PART II**

**SECTION 2.** The purpose of this part is to repeal the pineapple workers and retirees housing assistance fund.

The legislature finds that the fund is no longer necessary. It has had no balance or activity in recent years.

**SECTION 3.** Section 201H-85, Hawaii Revised Statutes, is repealed.

**PART III**

**SECTION 4.** The purpose of this part is to repeal the transportation use special fund.

The legislature finds that the transportation use special fund, established by section 261D-1, Hawaii Revised Statutes, has been unused, has held no de-

posits for many years, and should be repealed. According to the department of transportation and state auditor, this fund has outlived its purpose.

SECTION 5. 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)~~ (1) Special out-of-school time instructional program fund under section 302A-1310;
- ~~[(3)]~~ (2) School cafeteria special funds of the department of education;
- ~~[(4)]~~ (3) Special funds of the University of Hawaii;
- ~~[(5)]~~ (4) State educational facilities improvement special fund;
- ~~[(6)]~~ (5) Special funds established by section 206E-6;
- ~~[(7)]~~ (6) Aloha Tower fund created by section 206J-17;
- ~~[(8)]~~ (7) Funds of the employees’ retirement system created by section 88-109;
- ~~[(9)]~~ (8) Hawaii hurricane relief fund established under section 431P-2;
- ~~[(10)]~~ (9) Convention center enterprise special fund established under section 201B-8;
- ~~[(11)]~~ (10) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- ~~[(12)]~~ (11) Tourism special fund established under section 201B-11;
- ~~[(13)]~~ (12) Universal service fund established under section 269-42;
- ~~[(14)]~~ (13) Emergency and budget reserve fund under section 328L-3;
- ~~[(15)]~~ (14) Public schools special fees and charges fund under section 302A-1130;
- ~~[(16)]~~ (15) Sport fish special fund under section 187A-9.5;
- ~~[(17)]~~ (16) Center for nursing special fund under section 304A-2163;
- ~~[(18)]~~ (17) Passenger facility charge special fund established by section 261-5.5;
- ~~[(19)]~~ (18) Court interpreting services revolving fund under section 607-1.5;
- ~~[(20)]~~ (19) Hawaii cancer research special fund;
- ~~[(21)]~~ (20) Community health centers special fund;
- ~~[(22)]~~ (21) Emergency medical services special fund;
- ~~[(23)]~~ (22) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- ~~[(24)]~~ (23) Shared services technology special fund under section 27-43;
- ~~[(25)]~~ (24) Nursing facility sustainability program special fund established pursuant to Act 156, Session Laws of Hawaii 2012;
- ~~[(26)]~~ (25) Automated victim information and notification system special fund established under section 353-136; and
- ~~[(27)]~~ (26) Hospital sustainability program special fund under Act 217, Session Laws of Hawaii 2012, as amended by Act 141, Session Laws of Hawaii 2013,

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 6. Section 261-5, Hawaii Revised Statutes, is amended to read as follows:

“§261-5 Disposition of airport revenue fund. (a) Except for:

- ~~[(1) That portion of the payments received by the department under a contract entered into as authorized by section 261-7 and deposited in the transportation use special fund pursuant to section 261D-1;~~
- (2) (1) All proceeds from the passenger facility charge and deposited in the passenger facility charge special fund; and
- ~~[(3) (2) All proceeds from the rental motor vehicle customer facility charge and deposited in the rental motor vehicle customer facility charge special fund,~~

all moneys received by the department from rents, fees, and other charges collected pursuant to this chapter, as well as all aviation fuel taxes paid pursuant to section 243-4(a)(2), shall be paid into the airport revenue fund created by section 248-8.

All moneys paid into the airport revenue fund shall be appropriated, applied, or expended by the department for any purpose within the jurisdiction, powers, duties, and functions of the department related to the statewide system of airports, including, without limitation, the costs of operation, maintenance, and repair of the statewide system of airports and reserves therefor, and acquisitions (including real property and interests therein), constructions, additions, expansions, improvements, renewals, replacements, reconstruction, engineering, investigation, and planning for the statewide system of airports, all or any of which in the judgment of the department are necessary to the performance of its duties or functions. The department shall generate sufficient revenues from its airport properties to meet all of the expenditures of the statewide system of airports and to comply with section 39-61; provided that as long as sufficient revenues are generated to meet such expenditures, the director of transportation may, in the director's discretion, grant a rebate of the aviation fuel taxes paid into the airport revenue fund during a fiscal year pursuant to sections 243-4(a)(2) and 248-8 to any person who has paid airport use charges or landing fees during such fiscal year. Such rebate may be granted during the next succeeding fiscal year but shall not exceed one-half cent per gallon per person, and shall be computed on the total number of gallons for which the tax was paid by such person, for such fiscal year.

(b) At any time the director of transportation may transfer from the airport revenue fund all or any portion of the moneys received by the department paid under a contract entered into as authorized by section 261-7 on account of the display, sale and delivery of in-bond merchandise displayed or sold at locations in the State other than on airport properties, as permitted under federal law without causing a violation of federal grant agreements, which the director of transportation shall determine, pursuant to rules promulgated pursuant to chapter 91, to be in excess of one hundred fifty per cent of the requirements of the airport revenue fund for the ensuing twelve months.

(c) All expenditures by the department shall be on vouchers duly approved by the director of transportation or such other officer as may be designated by the director.

~~[(d) Notwithstanding the provisions contained in any contract authorized by section 261-7 in effect on June 13, 1989, from and after June 13, 1989, to and including June 30, 1990, all payments made under such contract allocable to the display and sale of in-bond merchandise at locations in the State other than on airport properties shall be credited to the transportation use special fund established by section 261D-1 in the airport revenue fund established by section 248-8, but shall not be appropriated, applied, or expended prior to July 1, 1990, except for purposes provided under this section.]~~

SECTION 7. Section 261D-1, Hawaii Revised Statutes, is repealed.

SECTION 8. Section 261D-3, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 261D-4, Hawaii Revised Statutes, is repealed.

#### PART IV

SECTION 10. The purpose of this part is to rename and reclassify the tourism emergency trust fund as a special fund.

The legislature finds that the fund functions more like a special fund and should be classified as a special fund.

SECTION 11. Section 201B-10, Hawaii Revised Statutes, is amended to read as follows:

**“[§201B-10] Tourism emergency [trust] special fund.** (a) There is established outside the state treasury a tourism emergency [trust] special fund to be administered by the board [as trustee], into which shall be deposited the revenues prescribed by section 237D-6.5(b). All investment earnings from moneys in the [trust] special fund shall be credited to the tourism special fund[-] established pursuant to section 201B-11.

(b) Moneys in the [trust] special fund shall be used exclusively to provide for the development and implementation of emergency measures to respond to any tourism emergency pursuant to section 201B-9, including providing emergency assistance to tourists during the tourism emergency.

(c) Use of the [trust] special fund, consistent with subsection (b), shall be provided for in articles, bylaws, resolutions, or other instruments executed by the board as [trustee] administrator for the [trust] special fund.”

SECTION 12. Section 237D-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Revenues collected under this chapter shall be distributed as follows, with the excess revenues to be deposited into the general fund:

- (1) \$26,500,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;
- (2) \$82,000,000 shall be allocated to the tourism special fund established under section 201B-11; provided that:
  - (A) Beginning on July 1, 2012, and ending on June 30, 2015, \$2,000,000 shall be expended from the tourism special fund for development and implementation of initiatives to take advantage of expanded visa programs and increased travel opportunities for international visitors to Hawaii;
  - (B) Of the \$82,000,000 allocated:
    - (i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and
    - (ii) 0.5 per cent of the \$82,000,000 shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan 2005-2015; and
  - (C) Of the revenues remaining in the tourism special fund after revenues have been deposited as provided in this paragraph and except for any sum authorized by the legislature for expenditure from revenues subject to this paragraph, beginning July 1, 2007, funds shall be deposited into the tourism emergency

- [~~trust~~] special fund, established in section 201B-10, in a manner sufficient to maintain a fund balance of \$5,000,000 in the tourism emergency [~~trust~~] special fund;
- (3) \$103,000,000 for fiscal year 2014-2015, \$103,000,000 for fiscal year 2015-2016, and \$93,000,000 for each fiscal year thereafter shall be allocated as follows: Kauai county shall receive 14.5 per cent, Hawaii county shall receive 18.6 per cent, city and county of Honolulu shall receive 44.1 per cent, and Maui county shall receive 22.8 per cent; provided that commencing with fiscal year 2018-2019, a sum that represents the difference between a county public employer's annual required contribution for the separate trust fund established under section 87A-42 and the amount of the county public employer's contributions into that trust fund shall be retained by the state director of finance and deposited to the credit of the county public employer's annual required contribution into that trust fund in each fiscal year, as provided in section 87A-42, if the respective county fails to remit the total amount of the county's required annual contributions, as required under section 87A-43;
  - (4) \$3,000,000 shall be allocated to the Turtle Bay conservation easement special fund established under section 201B-8.6 for the payment of debt service on revenue bonds, the proceeds of which were used to acquire the conservation easement in Turtle Bay, Oahu, until the bonds are fully amortized; and
  - (5) Of the excess revenues deposited into the general fund pursuant to this subsection, \$3,000,000 shall be allocated subject to the mutual agreement of the board of land and natural resources and the board of directors of the Hawaii tourism authority in accordance with the Hawaii tourism authority strategic plan for:
    - (A) The protection, preservation, and enhancement of natural resources important to the visitor industry;
    - (B) Planning, construction, and repair of facilities; and
    - (C) Operation and maintenance costs of public lands connected with enhancing the visitor experience.

All transient accommodations taxes shall be paid into the state treasury each month within ten days after collection and shall be kept by the state director of finance in special accounts for distribution as provided in this subsection.

As used in this subsection, "fiscal year" means the twelve-month period beginning on July 1 of a calendar year and ending on June 30 of the following calendar year."

## PART V

SECTION 13. The purpose of this part is to reclassify the various housing loan special funds established pursuant to section 201H-80, Hawaii Revised Statutes, as revolving funds.

The legislature finds that each of these funds functions as, and meets the criteria for, a revolving fund and should be reclassified as a revolving fund.

SECTION 14. Section 36-27, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) 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 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 enterprise special fund under section 201B-8;
- (6) Special funds established by section 206E-6;
- ~~[(7)]~~ ~~Housing loan program revenue bond special fund;~~
- ~~[(8)]~~ ~~Housing project bond special fund;~~
- ~~[(9)]~~ (7) Aloha Tower fund created by section 206J-17;
- ~~[(10)]~~ (8) Funds of the employees' retirement system created by section 88-109;
- ~~[(11)]~~ (9) Hawaii hurricane relief fund established under chapter 431P;
- ~~[(12)]~~ (10) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- ~~[(13)]~~ (11) Tourism special fund established under section 201B-11;
- ~~[(14)]~~ (12) Universal service fund established under section 269-42;
- ~~[(15)]~~ (13) Emergency and budget reserve fund under section 328L-3;
- ~~[(16)]~~ (14) Public schools special fees and charges fund under section 302A-1130;
- ~~[(17)]~~ (15) Sport fish special fund under section 187A-9.5;
- ~~[(18)]~~ (16) Glass advance disposal fee established by section 342G-82;
- ~~[(19)]~~ (17) Center for nursing special fund under section 304A-2163;
- ~~[(20)]~~ (18) Passenger facility charge special fund established by section 261-5.5;
- ~~[(21)]~~ (19) Court interpreting services revolving fund under section 607-1.5;
- ~~[(22)]~~ (20) Hawaii cancer research special fund;
- ~~[(23)]~~ (21) Community health centers special fund;
- ~~[(24)]~~ (22) Emergency medical services special fund;
- ~~[(25)]~~ (23) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- ~~[(26)]~~ (24) Shared services technology special fund under section 27-43;
- ~~[(27)]~~ (25) Automated victim information and notification system special fund established under section 353-136;
- ~~[(28)]~~ (26) Deposit beverage container deposit special fund under section 342G-104;
- ~~[(29)]~~ (27) Hospital sustainability program special fund under Act 217, Session Laws of Hawaii 2012, as amended by Act 141, Session Laws of Hawaii 2013;
- ~~[(30)]~~ (28) Nursing facility sustainability program special fund under Act 156, Session Laws of Hawaii 2012;
- ~~[(31)]~~ (29) Hawaii 3R's school improvement fund[] under section 302A-1502.4; and
- ~~[(32)]~~ (30) After-school plus program revolving fund under section 302A-1149.5,

shall deduct five per cent of all receipts of all 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 15. Section 201H-75, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The trustee shall also be authorized by the corporation to hold and administer any housing project bond ~~[special]~~ revolving funds and housing loan program revenue bond ~~[special]~~ revolving funds established pursuant to section 201H-80. The trustee may receive and receipt for, hold, and administer the revenues derived by the corporation from any housing project or projects or loan program for which the bonds are issued or the projects or loan programs pledged to the payment of the bonds. The trustee shall apply the revenues to the payment of the cost of administering, operating, and maintaining the housing project or projects or loan program; to pay the principal of and the interest on the bonds; to the establishment of reserves; and to other purposes as may be authorized in the proceedings providing for the issuance of the bonds.”

SECTION 16. Section 201H-80, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

“~~[H]§201H-80[H]~~ **Housing finance revolving fund; bond ~~[special]~~ revolving funds.**”

2. By amending subsections (b) to (d) to read as follows:

“(b) All moneys received and collected by the corporation, not otherwise pledged or obligated nor required by law to be placed in any other special or revolving fund, shall be deposited in the housing finance revolving fund.

(c) A separate ~~[special]~~ revolving fund shall be established for each housing project or system of housing projects or loan program financed from the proceeds of bonds secured under the same trust indenture. Each fund shall be designated “housing project bond ~~[special]~~ revolving fund” or “housing loan program revenue bond ~~[special]~~ revolving fund”, as appropriate, and shall bear any additional designation as the corporation deems appropriate to properly identify the fund.

(d) Notwithstanding any other law to the contrary, all revenues, income, and receipts derived from a housing project or system of projects or loan program financed from the proceeds of bonds or pledged to the payment of the principal of and interest and premium on bonds, shall be paid into the housing project bond ~~[special]~~ revolving fund or housing loan program revenue bond ~~[special]~~ revolving fund established for the housing project or system of projects or loan program and applied as provided in the proceedings authorizing the issuance of the bonds.”

SECTION 17. Section 201H-100, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]§201H-100[H]~~ **Housing loan programs; fees.** The corporation may establish, revise, charge, and collect fees, premiums, and charges as necessary, reasonable, or convenient, for its housing loan programs. The fees, premiums, and charges shall be deposited into the housing loan program revenue bond ~~[special]~~ revolving fund established for the particular housing loan program or part thereof from which the fees, premiums, and charges are derived as determined by the corporation.”

SECTION 18. The housing loan program revenue bond special fund - rental housing system, established in 1987 and administered by the department of business, economic development, and tourism, shall be reclassified as a

revolving fund and renamed the housing loan program revenue bond revolving fund - rental housing system.

SECTION 19. The housing loan program revenue bond fund, established in 1979 and administered by the department of business, economic development, and tourism, and also known as the single family mortgage purchase revenue bond fund, shall be reclassified as a revolving fund.

SECTION 20. The housing project bond special fund - multi family, established in 1980 and administered by the department of business, economic development, and tourism, shall be reclassified as a revolving fund and be renamed the housing project bond revolving fund - multi family.

## PART VI

SECTION 21. The purpose of this part is to reclassify the rental housing trust fund as a revolving fund.

The legislature finds that the fund serves the purpose for which it was created, but does not meet the criteria for a trust fund, and should be reclassified as a revolving fund.

SECTION 22. Section 201H-6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The corporation, through the housing advocacy and information system, shall develop and maintain an affordable housing inventory registry to identify:

- (1) Affordable housing projects developed by the corporation utilizing moneys in the rental housing ~~[trust]~~ revolving fund established pursuant to section 201H-202 or the dwelling unit revolving fund established pursuant to section 201H-191;
- (2) State and federal public housing projects identified by the Hawaii public housing authority;
- (3) United States Department of Housing and Urban Development Region 9 federally supported and privately managed housing projects; and
- (4) State and county lands that may be developed for affordable housing, as defined in section 201H-57(b).”

SECTION 23. Chapter 201H, Hawaii Revised Statutes, is amended by amending the title of part III, subpart J, to read as follows:

### “J. Rental Housing ~~[Trust]~~ Revolving Fund”

SECTION 24. Section 201H-201, Hawaii Revised Statutes, is amended by amending the definition of “fund” to read as follows:

““Fund” means the rental housing ~~[trust]~~ revolving fund established ~~[in this subpart.]~~ pursuant to section 201H-202.”

SECTION 25. Section 201H-202, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§201H-202 Rental housing ~~[trust]~~ revolving fund. (a) There is established the rental housing ~~[trust]~~ revolving fund to be administered by the corporation.”



SECTION 26. Section 247-7, Hawaii Revised Statutes, is amended to read as follows:

**“§247-7 Disposition of taxes.** All taxes collected under this chapter shall be paid into the state treasury to the credit of the general fund of the State, to be used and expended for the purposes for which the general fund was created and exists by law; provided that of the taxes collected each fiscal year:

- (1) Ten per cent shall be paid into the land conservation fund established pursuant to section 173A-5;
- (2) Twenty-five per cent from July 1, 2009, until June 30, 2012; thirty per cent from July 1, 2012, until June 30, 2014; and fifty per cent in each fiscal year thereafter shall be paid into the rental housing ~~[trust]~~ revolving fund established by section 201H-202; and
- (3) Twenty per cent from July 1, 2009, until June 30, 2012, and twenty-five per cent in each fiscal year thereafter shall be paid into the natural area reserve fund established by section 195-9; provided that the funds paid into the natural area reserve fund shall be annually disbursed by the department of land and natural resources in the following priority:
  - (A) To natural area partnership and forest stewardship programs after joint consultation with the forest stewardship committee and the natural area reserves system commission;
  - (B) Projects undertaken in accordance with watershed management plans pursuant to section 171-58 or watershed management plans negotiated with private landowners, and management of the natural area reserves system pursuant to section 195-3; and
  - (C) The youth conservation corps established under chapter 193.”

## PART VII

SECTION 27. The purpose of this part is to repeal the public facility revenue bond special fund.

The legislature finds that the fund does not meet the purpose for which it was created and does not meet the criteria for a special fund. Accordingly, since the fund is an integral part of chapter 206E, part IV, the legislature finds that the entire part should be repealed.

SECTION 28. Chapter 206E, part IV, Hawaii Revised Statutes, is repealed.

## PART VIII

SECTION 29. The purpose of this part is to repeal the capital formation revolving fund.

The legislature finds that the fund does not serve the purpose for which it was created, does not meet the criteria for a revolving fund, has never been used, has not supported any investment, and should be repealed. The legislature further finds that chapter 211G, Hawaii Revised Statutes, should be repealed because the fund is inactive.

SECTION 30. Section 211F-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The corporation shall have all of the powers necessary to carry out its purposes which shall include but not be limited to the power to:

- (1) Adopt rules pursuant to chapter 91 to carry out the purposes of this chapter;
- (2) Adopt an official seal;
- (3) Sue and be sued, in its own name;
- (4) Finance, conduct, or cooperate in financing or conducting technological, business, financial, or other investigations that are related to or likely to lead to business and economic development by making and entering into contracts and other appropriate arrangements, including the provision of loans, start-up and expansion capital, and other forms of assistance;
- (5) Solicit, study, and assist in the preparation of business plans and proposals;
- (6) Provide advice and technical and marketing assistance, support, and promotion to enterprises in which investments have been made;
- (7) Coordinate the corporation’s programs with any education and training program;
- (8) Carry out specialized programs designed to encourage the development of new products, businesses, and markets;
- (9) Prepare, publish, and distribute such technical studies, reports, bulletins, and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information;
- (10) Organize, conduct, sponsor, or cooperate in and assist in the conduct of conferences, demonstrations, and studies relating to the stimulation and formation of businesses ~~[and to fulfilling the objectives and purposes of chapter 211G];~~
- (11) Provide and pay for such advisory services and technical, managerial, and marketing assistance, support, and promotion as may be necessary or desirable to carry out the purposes of this chapter;
- (12) Acquire, hold, and sell qualified securities;
- (13) Consent, subject to the provisions of any contract with noteholders or bondholders, whenever the corporation deems it necessary or desirable in the fulfillment of the purposes of this chapter, to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any contract or agreement of any kind to which the corporation is a party;
- (14) Accept donations, grants, bequests, and devises of money, property, service, or other things of value that may be received from the United States or any agency thereof, any governmental agency, or any public or private institution, person, firm, or corporation, to be held, used, or applied for any or all of the purposes specified in this chapter. Receipt of each donation or grant shall be detailed in the annual report of the corporation. The report shall include the identity of the donor or lender, the nature of the transaction, and any conditions attaching thereto;
- (15) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the State;
- (16) Acquire real property, or an interest therein, by purchase or foreclosure, where that acquisition is necessary or appropriate to protect or secure any investment or loan in which the corporation has an inter-

- est; sell, transfer, and convey the property to a buyer and if the sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease the property to a tenant;
- (17) Acquire, own, hold, dispose of, and encumber personal property of any nature, or any interest therein;
  - (18) Enter into agreements or other transactions with any federal, state, or county agency;
  - (19) Make contracts and execute all instruments necessary or convenient for the carrying on of its business;
  - (20) Appear in its own behalf before state, county, or federal agencies;
  - (21) Procure insurance as may be necessary;
  - (22) Appoint officers, employees, consultants, agents, and advisors who shall not be subject to chapter 76, and prescribe their duties and fix compensation within the limitations provided by law;
  - (23) Appoint advisory committees as deemed necessary; and
  - (24) Exercise any other powers of a corporation organized under the laws of the State.”

SECTION 31. Chapter 211G, Hawaii Revised Statutes, is repealed.

### PART IX

SECTION 32. The purpose of this part is to repeal the statewide geospatial information and data integration special fund.

The legislature finds that the fund does not serve the purpose for which it was created and should be repealed.

SECTION 33. Section 225M-6, Hawaii Revised Statutes, is repealed.

SECTION 34. Section 225M-7, Hawaii Revised Statutes, is repealed.

### PART X

SECTION 35. The purpose of this part is to repeal the fee simple residential revolving fund.

The legislature finds that the fund no longer serves the purpose for which it was created, does not meet the criteria for a revolving fund, and should be repealed.

SECTION 36. Section 201H-211, Hawaii Revised Statutes, is amended to read as follows:

**“§201H-211 Expenditures of revolving funds under the corporation exempt from appropriation and allotment.** Except as to administrative expenditures, and except as otherwise provided by law, expenditures from the revolving funds administered by the corporation under subparts I and J of part III, relating to financing programs, or [sections] section 201H-80[;] or 201H-123[; ~~or 516-44~~] may be made by the corporation without appropriation or allotment by the legislature; provided that no expenditure shall be made from and no obligation shall be incurred against any revolving fund in excess of the amount standing to the credit of the fund or for any purpose for which the fund may not lawfully be expended. Nothing in sections 37-31 to 37-41 shall require the proceeds of the revolving funds identified in subparts I and J of part III, or [sections] section 201H-80[;] or 201H-123[; ~~or 516-44~~] to be reappropriated annually.”

SECTION 37. Section 516-5, Hawaii Revised Statutes, is amended to read as follows:

**“§516-5 Penalty.** Any person who violates this chapter shall be fined not more than \$5,000 nor less than \$1,000 or imprisoned not more than one year, or both. ~~[All fines collected shall be deposited in the fee simple [residential] revolving fund created by this chapter.]”~~

SECTION 38. Section 516-45, Hawaii Revised Statutes, is amended to read as follows:

**“§516-45 General obligation bonds.** The director of finance may, from time to time, issue general obligation bonds in such amounts as may be authorized by the legislature, for the purpose of acquisition by the Hawaii housing finance and development corporation of residential houselots within development tracts pursuant to chapter 516, part II or for the acquisition of suitable properties to exchange pursuant to section 516-24.5 or for the acquisition by the department of land and natural resources under section 171-50.1 of suitable properties for exchange pursuant to section 171-50.2 to effectuate the purpose of this chapter. ~~[The principal and interest of general obligation bonds issued pursuant to this section shall be reimbursed to the general fund from the fee simple residential revolving fund as provided in section 516-44.]~~ Pending the receipt of funds from the issuance and sale of general obligation bonds, amounts required within the limits of legislative authorization may be advanced to the Hawaii housing finance and development corporation from the general fund of the State. Upon the receipt of the bond funds, the general fund shall be reimbursed the amount advanced.”

SECTION 39. Section 516-44, Hawaii Revised Statutes, is repealed.

## PART XI

SECTION 40. The following funds are abolished:

- (1) The Amtrak trust account established in 1998 and administered by the department of transportation;
- (2) The Hurricane Iniki insurance proceeds special fund administratively established in 1997 and administered by the department of transportation; and
- (3) The deposits-plans and specifications trust account administratively established in 1988 and administered by the department of transportation,

and all unencumbered balances remaining shall be transferred to the general fund.

SECTION 41. On July 1, 2015, all unencumbered balances remaining in the funds repealed by this Act shall lapse to the credit of the general fund.

SECTION 42. All balances in the funds renamed and reclassified pursuant to this Act shall remain in their respective funds as if no renaming and reclassification had occurred.

## PART XII

SECTION 43. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 44. This Act shall take effect on July 1, 2015; provided that sections 5 and 14 of this Act shall take effect on June 29, 2015; provided further

## **ACT 237**

that the amendments made in sections 5 and 14 shall not be repealed when sections 36-27 and 36-30, Hawaii Revised Statutes, are reenacted on:

- (A) June 30, 2015, pursuant to section 34 of Act 79, Session Laws of Hawaii 2009; and
- (B) December 31, 2015, pursuant to section 7 of Act 124, Session Laws of Hawaii 2014.

(Became law on July 14, 2015, without the governor's signature, pursuant to Art. III, §16, State Constitution.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.