
A BILL FOR AN ACT

RELATING TO THE REPEAL OF NON-GENERAL FUNDS.

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

1 SECTION 1. Section 109-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§109-3 Stadium special fund. There is created a special
4 fund to be known as the stadium special fund into which funds
5 collected by the authority shall be deposited[; ~~provided that~~
6 ~~all funds received pursuant to this section shall be kept~~
7 ~~completely separate from the Kapolei recreational sports complex~~
8 ~~special fund. Moneys may not be transferred between the stadium~~
9 ~~special fund and the Kapolei recreational sports complex special~~
10 ~~fund]. The stadium special fund shall be applied, used, and
11 disposed of for the payment of:~~

12 (1) The expenses of the operation, maintenance, promotion,
13 and management of; and

14 (2) All or a portion of the cost of financing any capital
15 improvement project for;

16 the stadium and related facilities; provided that all services
17 required for the stadium and related facilities shall be
18 performed by persons hired on contract or otherwise, without



1 regard for chapter 76; provided further that the authority shall
2 report to the legislature all receipts and expenditures of the
3 stadium special fund account twenty days prior to the convening
4 of each regular session."

5 SECTION 2. Section 128D-2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§128D-2 Environmental response revolving fund; uses.** (a)

8 There is created within the state treasury an environmental
9 response revolving fund, which shall consist of moneys
10 appropriated to the fund by the legislature, moneys paid to the
11 fund as a result of departmental compliance proceedings, moneys
12 paid to the fund pursuant to court-ordered awards or judgments,
13 moneys paid to the fund in court-approved or out-of-court
14 settlements, all interest attributable to investment of money
15 deposited in the fund, moneys deposited in the fund from the
16 environmental response[~~7~~] and energy[~~7~~ ~~and food security~~] tax
17 pursuant to section 243-3.5, and moneys allotted to the fund
18 from other sources.

19 (b) Moneys from the fund shall be expended by the
20 department for response actions and preparedness, including
21 removal and remedial actions, consistent with this chapter;
22 provided that the revenues generated by the environmental



1 response[~~7~~] and energy[~~7~~,~~and~~~~food~~~~security~~] tax deposited into
2 the environmental response revolving fund:

3 (1) Shall be used:

4 (A) For oil spill planning, prevention, preparedness,
5 education, research, training, removal, and
6 remediation; and

7 (B) For direct support for county used oil recycling
8 programs; and

9 (2) May also be used to support environmental protection
10 and natural resource protection programs, including
11 energy conservation and alternative energy
12 development, and to address concerns related to air
13 quality, global warming, clean water, polluted runoff,
14 solid and hazardous waste, drinking water, and
15 underground storage tanks, including support for the
16 underground storage tank program of the department and
17 funding for the acquisition by the State of a soil
18 remediation site and facility."

19 SECTION 3. Section 167-19, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:

21 "(c) All or any portion of the acreage assessments
22 collected under this chapter, as determined by the board,



1 exclusive of acreage assessments imposed on lands within an
2 irrigation project financed through the issuance of revenue
3 bonds, shall be deposited into the [~~irrigation system revolving~~
4 ~~fund.~~] general fund. Acreage assessments imposed on lands
5 within an irrigation project financed through the issuance of
6 revenue bonds] shall be deposited into the general fund."

7 SECTION 4. Section 168-5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§168-5 [~~Irrigation systems account.~~ (a) ~~There shall be~~
10 ~~a special account in the irrigation system revolving fund of the~~
11 ~~board of agriculture to be known as the "irrigation systems~~
12 ~~account". The director of finance may make temporary use of any~~
13 ~~portion or all of the money not immediately needed for~~
14 ~~construction and operation of an irrigation system for the~~
15 ~~purpose of paying warrants drawn on the treasury for current~~
16 ~~indebtedness of the State, or for deposit in the state sinking~~
17 ~~fund for the repayment of bonds, or for investment in state~~
18 ~~bonds; provided that sufficient of the sums so taken, deposited~~
19 ~~or invested shall be redeposited to the credit of the irrigation~~
20 ~~systems account prior to the time when any engagement for the~~
21 ~~payment from the account falls due.~~



1 ~~The moneys from the account shall be expended upon warrants~~
2 ~~drawn by the comptroller for the purposes of this chapter.~~

3 ~~(b)~~ **Project funding.** (a) In connection with the
4 construction, operation, or maintenance of a project, the board
5 may use [~~such~~] the contributions of labor, materials, and
6 property, including money, as may be allocated or otherwise made
7 available by any person or instrumentality whatsoever, if in the
8 judgment of the board the acceptance thereof, will not limit the
9 scope of construction or operation of a project provided for by
10 this chapter.

11 ~~(e)~~ (b) Money received and accepted under this section
12 shall be available for expenditure for the purposes for which
13 contributed in like manner as if the sums had been specifically
14 appropriated for [~~such~~] those purposes.

15 ~~(d)~~ (c) Any provision of this chapter or any other state
16 law to the contrary notwithstanding, it is expressly provided
17 that, [~~in the event that~~] if it is found possible to secure
18 federal funds made available under any act of Congress to be
19 expended in connection with or for the construction of a project
20 authorized by this chapter, the board may enter into such
21 undertakings with the proper officers or agencies of the federal
22 government, agree to [~~such~~] the conditions, and do and perform



1 [~~such~~] other acts and things as may be necessary, or be required
2 by [~~such~~] acts of Congress or any regulations or requirements of
3 the federal government, as a condition to securing the federal
4 funds for the project.

5 [~~(e)~~] (d) Any other provision of law to the contrary
6 notwithstanding, any bonds issued under this chapter [~~may~~], with
7 the approval of the governor, may be deposited with and pledged
8 to, or be otherwise disposed of to, the United States or any
9 board, agency, or instrumentality of the United States
10 government, to secure the repayment, or in actual payment, of
11 any loans or advances made or to be made, under any act or acts
12 of Congress authorizing the loans or advances, by the United
13 States or any such board, agency, or instrumentality to the
14 State for the construction, in whole or in part, of a project
15 authorized under this chapter or the cost of which, or any
16 portion thereof, would be payable or could legally be paid, out
17 of the proceeds of the bonds if sold.

18 [~~(f)~~ Any other provision of law to the contrary
19 notwithstanding, the board may use moneys from the irrigation
20 [~~systems~~] account to contract for operation or maintenance of
21 the project facilities if the board deems such action to be in
22 the public interests.]"



1 SECTION 5. Section 171-117, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Public lands designated or in use as agricultural
4 parks on June 30, 1986, may be set aside under section 171-11 to
5 the department of agriculture upon its request for use as
6 agriculture parks. Notwithstanding any lease term to the
7 contrary, after June 30, 1986, revenues from the rent, use, or
8 maintenance of leased lots in agricultural parks set aside under
9 this subsection shall be deposited into the [~~agricultural park~~
10 ~~special fund established under section 166-10.~~] general fund."

11 SECTION 6. Section 201-12.8, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is created within the state treasury an energy
14 security special fund, which shall consist of:

15 (1) The portion of the environmental response[~~7~~] and
16 energy[~~7~~, ~~and food security~~] tax specified under
17 section 243-3.5;

18 (2) Moneys appropriated to the fund by the legislature;

19 (3) All interest attributable to investment of money
20 deposited in the fund; and

21 (4) Moneys allotted to the fund from other sources,
22 including under section 196-6.5."



1 SECTION 7. Section 243-3.5, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title and subsection (a) to read:

4 "§243-3.5 Environmental response~~[7]~~ and energy~~[7—and food~~
5 ~~security]~~ tax; uses. (a) In addition to any other taxes
6 provided by law, subject to the exemptions set forth in section
7 243-7, there is hereby imposed a state environmental response~~[7]~~
8 and energy~~[7—and food security]~~ tax on each barrel or fractional
9 part of a barrel of petroleum product sold by a distributor to
10 any retail dealer or end user of petroleum product, other than a
11 refiner. The tax shall be \$1.05 on each barrel or fractional
12 part of a barrel of petroleum product that is not aviation fuel;
13 provided that of the tax collected pursuant to this subsection:

- 14 (1) 5 cents of the tax on each barrel shall be deposited
15 into the environmental response revolving fund
16 established under section 128D-2;
- 17 (2) 15 cents of the tax on each barrel shall be deposited
18 into the energy security special fund established
19 under section 201-12.8;
- 20 (3) 10 cents of the tax on each barrel shall be deposited
21 into the energy systems development special fund
22 established under section 304A-2169; and



1 (4) 15 cents of the tax on each barrel shall be deposited
2 into the [~~agricultural development and food security~~
3 ~~special fund established under section 141-10.~~]
4 general fund.

5 The tax imposed by this subsection shall be paid by the
6 distributor of the petroleum product."

7 2. By amending subsection (c) to read:

8 "(c) Notwithstanding section 248-8 to the contrary, the
9 environmental response[~~7~~] and energy[~~7~~, ~~and food security~~] tax
10 collected under this section shall be paid over to the director
11 of finance for deposit as provided in subsection (a)."

12 SECTION 8. Section 109-9, Hawaii Revised Statutes, is
13 repealed.

14 ["~~§109-9~~ ~~Kapolei recreational sports complex special~~
15 ~~fund.~~ ~~There is created a special fund to be known as the~~
16 ~~Kapolei recreational sports complex special fund into which~~
17 ~~funds appropriated by the legislature, received pursuant to a~~
18 ~~management contract under section 109-2(3), or collected by the~~
19 ~~authority from the operations of the Kapolei recreational sports~~
20 ~~complex shall be deposited subject to contracts entered into~~
21 ~~pursuant to section 109-2(3); provided that all funds received~~
22 ~~pursuant to this section shall be kept completely separate from~~



1 ~~the stadium special fund. Moneys may not be transferred between~~
2 ~~the Kapolei recreational sports complex special fund and the~~
3 ~~stadium special fund. The Kapolei [recreational] sports complex~~
4 ~~special fund shall be applied, used, and disposed of for the~~
5 ~~payment of:~~

6 ~~(1) The expenses of the operation, maintenance, promotion,~~
7 ~~and management of; and~~

8 ~~(2) All or a portion of the cost of financing any capital~~
9 ~~improvement project for;~~

10 ~~the Kapolei recreational sports complex; provided that all~~
11 ~~services required for the Kapolei recreational sports complex~~
12 ~~shall be performed by persons hired on contract or otherwise,~~
13 ~~without regard for chapter 76; provided further that the~~
14 ~~authority shall report annually to the legislature all receipts~~
15 ~~and expenditures of the Kapolei recreational [sports] complex~~
16 ~~special fund account no later than twenty days prior to the~~
17 ~~convening of each regular session."]~~

18 SECTION 9. Section 141-10, Hawaii Revised Statutes, is
19 repealed.

20 ["§141-10 ~~Agricultural development and food security~~
21 ~~special fund; establishment.~~ (a) ~~There is established within~~



1 ~~the state treasury the agricultural development and food~~
2 ~~security special fund.~~

3 ~~(b) The following moneys shall be deposited into the~~
4 ~~special fund:~~

5 ~~(1) The portion of the environmental response, energy, and~~
6 ~~food security tax specified under section 243-3.5;~~

7 ~~(2) Any appropriation by the legislature into the special~~
8 ~~fund;~~

9 ~~(3) Any grant or donation made to the special fund; and~~

10 ~~(4) Any interest earned on the balance of the special~~
11 ~~fund.~~

12 ~~(c) Subject to legislative appropriation, moneys in the~~
13 ~~special fund may be expended for the following purposes:~~

14 ~~(1) The awarding of grants to farmers for agricultural~~
15 ~~production or processing activity;~~

16 ~~(2) The acquisition of real property for agricultural~~
17 ~~production or processing activity;~~

18 ~~(3) The improvement of real property, dams, reservoirs,~~
19 ~~irrigation systems, and transportation networks~~
20 ~~necessary to promote agricultural production or~~
21 ~~processing activity, including investigative studies~~
22 ~~to identify and assess necessary improvements to dams,~~



- 1 ~~reservoirs, irrigation systems, and transportation~~
2 ~~networks;~~
- 3 ~~(4) The purchase of equipment necessary for agricultural~~
4 ~~production or processing activity;~~
- 5 ~~(5) The conduct of research on and testing of agricultural~~
6 ~~products and markets;~~
- 7 ~~(6) The funding of agricultural inspector positions within~~
8 ~~the department of agriculture;~~
- 9 ~~(7) The promotion and marketing of agricultural products~~
10 ~~grown or raised in the State;~~
- 11 ~~(8) Water quality testing and improvement; and~~
- 12 ~~(9) Any other activity intended to increase agricultural~~
13 ~~production or processing that may lead to reduced~~
14 ~~importation of food, fodder, or feed from outside the~~
15 ~~State.~~
- 16 ~~(d) The department of agriculture shall submit a report to~~
17 ~~the legislature no later than twenty days prior to the convening~~
18 ~~of each regular session on the status and progress of existing~~
19 ~~programs and activities and the status of new programs and~~
20 ~~activities funded under the agricultural development and food~~
21 ~~security special fund. The report shall also include:~~



- 1 ~~(1) The spending plan of the agricultural development and~~
- 2 ~~food security special fund;~~
- 3 ~~(2) All expenditures of agricultural development and food~~
- 4 ~~security special fund moneys;~~
- 5 ~~(3) The targeted markets of the expenditures, including~~
- 6 ~~the reason for selecting those markets;~~
- 7 ~~(4) The persons to be served using the expenditures; and~~
- 8 ~~(5) The specific objectives of the expenditures, including~~
- 9 ~~measurable outcomes."]~~

10 SECTION 10. Section 166-10, Hawaii Revised Statutes, is

11 repealed.

12 ~~["§166-10 Agricultural park special fund. (a) There is~~

13 ~~created in the state treasury a special fund to be designated as~~

14 ~~the agricultural park special fund. The proceeds in the fund~~

15 ~~shall be used for the following purposes:~~

- 16 ~~(1) Payment of agricultural park lease rents of privately~~
- 17 ~~owned lands under lease to the State pursuant to~~
- 18 ~~sections 171-112 and 166-3;~~
- 19 ~~(2) Establishing, operating, maintaining, and improving~~
- 20 ~~infrastructure improvements in agricultural parks~~
- 21 ~~designated by the department pursuant to section 166-~~
- 22 ~~3; and~~



1 ~~(3) Any other purposes deemed necessary by the department~~
2 ~~for the purpose of maintaining and operating those~~
3 ~~agricultural parks and related facilities designated~~
4 ~~by the department pursuant to section 166-3.~~

5 ~~For the purpose of paragraph (2), infrastructure~~
6 ~~improvements may include, but shall not be limited to:~~
7 ~~irrigation water system projects, wind power or hydro power and~~
8 ~~pumping systems, waste disposal systems, domestic water systems,~~
9 ~~roads, street lights, land and roads drainage, and bridges.~~

10 ~~(b) Moneys appropriated for the purpose of the fund; any~~
11 ~~other provision of the law to the contrary notwithstanding, all~~
12 ~~moneys received or collected from an agricultural park project~~
13 ~~designated pursuant to section 166-3, including residential and~~
14 ~~agricultural lot lease rents; and all money collected or~~
15 ~~received by the department for the use and maintenance of~~
16 ~~domestic and irrigation water systems within an agricultural~~
17 ~~park and other systems enumerated in subsection (a) shall be~~
18 ~~deposited into the agricultural park special fund. All interest~~
19 ~~earned or accrued on moneys deposited in the fund shall become a~~
20 ~~part of the fund. Moneys in the fund shall be expended upon~~
21 ~~warrants drawn by the comptroller."]~~



1 SECTION 11. Section 166E-7, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§166E-7] Non-agricultural park lands special fund;~~
4 ~~established. (a) There is established in the state treasury~~
5 ~~the non-agricultural park lands special fund, into which shall~~
6 ~~be deposited:~~

7 ~~(1) Legislative appropriations to the fund; and~~

8 ~~(2) All lease rent, fees, penalties, and any other revenue~~
9 ~~or funds collected from non-agricultural park lands~~
10 ~~that are transferred, or in the process of being~~
11 ~~transferred, to the department under this chapter.~~

12 ~~(b) Moneys in the special fund shall be used to defray the~~
13 ~~costs incurred in managing, administering, and overseeing non-~~
14 ~~agricultural park lands that are transferred, or in the process~~
15 ~~of being transferred, to the department under this chapter.~~

16 ~~(c) The department shall administer the non-agricultural~~
17 ~~park lands special fund."]~~

18 SECTION 12. Section 167-22, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§167-22 Irrigation system revolving fund. (a) There is~~
21 ~~established the irrigation system revolving fund, into which~~
22 ~~shall be deposited:~~



1 ~~(1) All legislative appropriations to the irrigation~~
2 ~~system revolving fund; and.~~

3 ~~(2) All or any portion of the receipts and revenues~~
4 ~~collected under this chapter, as determined by the~~
5 ~~board of agriculture.~~

6 ~~(b) The irrigation system revolving fund shall be~~
7 ~~administered by the department of agriculture. Moneys in the~~
8 ~~revolving fund shall be expended for:~~

9 ~~(1) Administrative costs, engineering surveys, economic~~
10 ~~studies, plans, and maps; and~~

11 ~~(2) Other water projects or purposes of the board of~~
12 ~~agriculture.~~

13 ~~In the event any moneys are expended from the revolving~~
14 ~~fund for engineering surveys, economic studies, plans, and other~~
15 ~~expenses directly attributable to any water project, or for the~~
16 ~~establishment of any water project, the amount of the~~
17 ~~expenditures shall be reimbursed to the revolving fund from any~~
18 ~~funds received by the board for and on account of the project."]~~

19 SECTION 13. Section 168-3, Hawaii Revised Statutes, is
20 repealed.

21 ~~["~~§168-3~~ Funds. The board of agriculture shall pay all~~

22 ~~receipts and revenues received by it from the operation of an~~



1 ~~irrigation and water utilization system into the irrigation~~
2 ~~system revolving fund established under section 167-22. The~~
3 ~~fund shall be used and expended for the following purposes:~~

- 4 ~~(1) Payment of the operating and maintenance costs of the~~
5 ~~system;~~
- 6 ~~(2) Repairs, replacements, additions, and extensions;~~
- 7 ~~(3) Reimbursement to the State the amount of any principal~~
8 ~~or interest due upon any bond issue under this~~
9 ~~chapter."]~~

10 SECTION 14. The following funds are abolished:

- 11 (1) The donations for voter registration drive trust
12 account established in 1984 and administered by the
13 department of accounting and general services;
- 14 (2) The Hawaii FYI - ICSD trust account administratively
15 established in 1996 and administered by the department
16 of accounting and general services;
- 17 (3) The parking control revolving fund escrow account
18 revolving fund administered by the department of
19 accounting and general services;
- 20 (4) The returned ACH tax refunds trust account
21 administratively established in 2004 and administered
22 by the department of accounting and general services;



1 (5) The HDOA biocontrol foreign exploration special fund
2 created in 2010 and administered by the department of
3 agriculture; and

4 (6) The Hawaii EUTF self-directed investments trust
5 account created in 2007 and administered by the
6 department of budget and finance,
7 and any remaining balances shall be transferred to the general
8 fund.

9 SECTION 15. On June 30, 2014, all unencumbered balances
10 remaining in the accounts and funds repealed by this Act shall
11 lapse to the credit of the general fund.

12 SECTION 16. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 17. This Act shall take effect on July 1, 2014.
15

INTRODUCED BY:

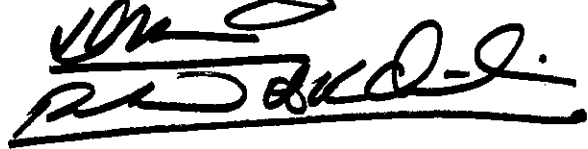


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H.B. NO. 2427

Report Title:

Non-General Funds; Repeal

Description:

Repeals the following non-general funds: donations for voter registration drive trust account, Hawaii FYI - ICSD trust account, Kapolei regional sports complex special fund, parking control revolving fund escrow account revolving fund, returned ACH tax refunds trust account, agricultural development and food security special fund, agricultural park special fund, HDOA biocontrol foreign exploration special fund, irrigation system revolving fund, non-agricultural park lands special fund, and Hawaii EUTF self-directed investments trust account.

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