
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 Act is to repeal, abolish,
3 or amend various non-general funds pursuant to the
4 recommendations made by the auditor in auditor's report no.
5 15-17.

6 PART II

7 SECTION 2. The purpose of this part is to repeal the
8 community health centers special fund.

9 The legislature finds that the fund does not meet the
10 criteria for a special fund.

11 SECTION 3. Section 36-27, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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



H.B. NO. 2466

- 1 (1) Special out-of-school time instructional program fund
2 under section 302A-1310;
- 3 (2) School cafeteria special funds of the department of
4 education;
- 5 (3) Special funds of the University of Hawaii;
- 6 (4) State educational facilities improvement special fund;
- 7 (5) Convention center enterprise special fund under
8 section 201B-8;
- 9 (6) Special funds established by section 206E-6;
- 10 (7) Aloha Tower fund created by section 206J-17;
- 11 (8) Funds of the employees' retirement system created by
12 section 88-109;
- 13 (9) Hawaii hurricane relief fund established under chapter
14 431P;
- 15 (10) Hawaii health systems corporation special funds and
16 the subaccounts of its regional system boards;
- 17 (11) Tourism special fund established under section
18 201B-11;
- 19 (12) Universal service fund established under section
20 269-42;



- 1 (13) Emergency and budget reserve fund under section
2 328L-3;
- 3 (14) Public schools special fees and charges fund under
4 section 302A-1130;
- 5 (15) Sport fish special fund under section 187A-9.5;
- 6 [+](16)[+] Neurotrauma special fund under section 321H-4;
- 7 [+](17)[+] Glass advance disposal fee established by section
8 342G-82;
- 9 [+](18)[+] Center for nursing special fund under section 304A-
10 2163;
- 11 [+](19)[+] Passenger facility charge special fund established
12 by section 261-5.5;
- 13 [+](20)[+] Solicitation of funds for charitable purposes
14 special fund established by section 467B-15;
- 15 [+](21)[+] Land conservation fund established by section 173A-
16 5;
- 17 [+](22)[+] Court interpreting services revolving fund under
18 section 607-1.5;
- 19 [+](23)[+] Trauma system special fund under section 321-22.5;
- 20 [+](24)[+] Hawaii cancer research special fund;
- 21 ~~[+](25)[+] Community health centers special fund;~~



H.B. NO. 2466

- 1 ~~[(26)]~~ (25) Emergency medical services special fund;
- 2 ~~[(27)]~~ (26) Rental motor vehicle customer facility charge
- 3 special fund established under section 261-5.6;
- 4 ~~[(28)]~~ (27) Shared services technology special fund under
- 5 section 27-43;
- 6 ~~[(29)]~~ (28) Automated victim information and notification
- 7 system special fund established under section 353-136;
- 8 ~~[(30)]~~ (29) Deposit beverage container deposit special fund
- 9 under section 342G-104;
- 10 ~~[(31)]~~ (30) Hospital sustainability program special fund
- 11 under Act 217, Session Laws of Hawaii 2012, as
- 12 amended;
- 13 ~~[(32)]~~ (31) Nursing facility sustainability program special
- 14 fund under Act 156, Session Laws of Hawaii 2012;
- 15 ~~[(33)]~~ (32) Hawaii 3R's school improvement fund under section
- 16 302A-1502.4;
- 17 ~~[(34)]~~ (33) After-school plus program revolving fund under
- 18 section 302A-1149.5; and
- 19 ~~[(35)]~~ (34) Civil monetary penalty special fund under section
- 20 321-30.2,



1 shall deduct five per cent of all receipts of all other special
2 funds, which deduction shall be transferred to the general fund
3 of the State and become general realizations of the State. All
4 officers of the State and other persons having power to allocate
5 or disburse any special funds shall cooperate with the director
6 in effecting these transfers. To determine the proper revenue
7 base upon which the central service assessment is to be
8 calculated, the director shall adopt rules pursuant to chapter
9 91 for the purpose of suspending or limiting the application of
10 the central service assessment of any fund. No later than
11 twenty days prior to the convening of each regular session of
12 the legislature, the director shall report all central service
13 assessments made during the preceding fiscal year."

14 SECTION 4. Section 36-30, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

- 16 "(a) Each special fund, except the:
- 17 (1) Special out-of-school time instructional program fund
18 under section 302A-1310;
- 19 (2) School cafeteria special funds of the department of
20 education;
- 21 (3) Special funds of the University of Hawaii;



H.B. NO. 2466

- 1 (4) State educational facilities improvement special fund;
- 2 (5) Special funds established by section 206E-6;
- 3 (6) Aloha Tower fund created by section 206J-17;
- 4 (7) Funds of the employees' retirement system created by
- 5 section 88-109;
- 6 (8) Hawaii hurricane relief fund established under chapter
- 7 431P;
- 8 (9) Convention center enterprise special fund established
- 9 under section 201B-8;
- 10 (10) Hawaii health systems corporation special funds and
- 11 the subaccounts of its regional system boards;
- 12 (11) Tourism special fund established under section
- 13 201B-11;
- 14 (12) Universal service fund established under section
- 15 269-42;
- 16 (13) Emergency and budget reserve fund under section
- 17 328L-3;
- 18 (14) Public schools special fees and charges fund under
- 19 section 302A-1130;
- 20 (15) Sport fish special fund under section 187A-9.5;
- 21 [+] (16) [+] Neurotrauma special fund under section 321H-4;



H.B. NO. 2466

- 1 ~~[+]~~ (17) ~~[+]~~ Center for nursing special fund under section
2 304A-2163;
- 3 ~~[+]~~ (18) ~~[+]~~ Passenger facility charge special fund established
4 by section 261-5.5;
- 5 ~~[+]~~ (19) ~~[+]~~ Court interpreting services revolving fund under
6 section 607-1.5;
- 7 ~~[+]~~ (20) ~~[+]~~ Trauma system special fund under section 321-22.5;
- 8 ~~[+]~~ (21) ~~[+]~~ Hawaii cancer research special fund;
- 9 ~~[+(22)+]~~ ~~Community health centers special fund;~~
- 10 ~~+(23)+]~~ (22) Emergency medical services special fund;
- 11 ~~[+(24)+]~~ (23) Rental motor vehicle customer facility charge
12 special fund established under section 261-5.6;
- 13 ~~[+(25)+]~~ (24) Shared services technology special fund under
14 section 27-43;
- 15 ~~[+(26)+]~~ (25) Nursing facility sustainability program special
16 fund established pursuant to Act 156, Session Laws of
17 Hawaii 2012;
- 18 ~~[+(27)+]~~ (26) Automated victim information and notification
19 system special fund established under section 353-136;



1 ~~[(28)]~~ (27) Hospital sustainability program special fund
2 under Act 217, Session Laws of Hawaii 2012, as
3 amended; and

4 ~~[(29)]~~ (28) Civil monetary penalty special fund under section
5 321-30.2,

6 shall be responsible for its pro rata share of the
7 administrative expenses incurred by the department responsible
8 for the operations supported by the special fund concerned."

9 SECTION 5. Section 245-15, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§245-15 Disposition of revenues.** All moneys collected
12 pursuant to this chapter shall be paid into the state treasury
13 as state realizations to be kept and accounted for as provided
14 by law; provided that, of the moneys collected under the tax
15 imposed pursuant to:

16 (1) Section 245-3(a)(5), after September 30, 2006, and
17 prior to October 1, 2007, 1.0 cent per cigarette shall
18 be deposited to the credit of the Hawaii cancer
19 research special fund, established pursuant to section
20 304A-2168, for research and operating expenses and for
21 capital expenditures;



H.B. NO. 2466

1 (2) Section 245-3(a)(6), after September 30, 2007, and
2 prior to October 1, 2008:

3 (A) 1.5 cents per cigarette shall be deposited to the
4 credit of the Hawaii cancer research special
5 fund, established pursuant to section 304A-2168,
6 for research and operating expenses and for
7 capital expenditures;

8 (B) 0.25 cents per cigarette shall be deposited to
9 the credit of the trauma system special fund
10 established pursuant to section 321-22.5; and

11 (C) 0.25 cents per cigarette shall be deposited to
12 the credit of the emergency medical services
13 special fund established pursuant to section 321-
14 234;

15 (3) Section 245-3(a)(7), after September 30, 2008, and
16 prior to July 1, 2009:

17 (A) 2.0 cents per cigarette shall be deposited to the
18 credit of the Hawaii cancer research special
19 fund, established pursuant to section 304A-2168,
20 for research and operating expenses and for
21 capital expenditures;



H.B. NO. 2466

- 1 (B) 0.5 cents per cigarette shall be deposited to the
2 credit of the trauma system special fund
3 established pursuant to section 321-22.5;
- 4 (C) 0.25 cents per cigarette shall be deposited to
5 the credit of the community health centers
6 special fund established pursuant to section 321-
7 1.65; and
- 8 (D) 0.25 cents per cigarette shall be deposited to
9 the credit of the emergency medical services
10 special fund established pursuant to section 321-
11 234;
- 12 (4) Section 245-3(a)(8), after June 30, 2009, and prior to
13 July 1, 2013:
- 14 (A) 2.0 cents per cigarette shall be deposited to the
15 credit of the Hawaii cancer research special
16 fund, established pursuant to section 304A-2168,
17 for research and operating expenses and for
18 capital expenditures;
- 19 (B) 0.75 cents per cigarette shall be deposited to
20 the credit of the trauma system special fund
21 established pursuant to section 321-22.5;



H.B. NO. 2426

- 1 (C) 0.75 cents per cigarette shall be deposited to
2 the credit of the community health centers
3 special fund established pursuant to section 321-
4 1.65; and
- 5 (D) 0.5 cents per cigarette shall be deposited to the
6 credit of the emergency medical services special
7 fund established pursuant to section 321-234;
- 8 (5) Section 245-3(a)(11), after June 30, 2013, and prior
9 to July 1, 2015:
- 10 (A) 2.0 cents per cigarette shall be deposited to the
11 credit of the Hawaii cancer research special
12 fund, established pursuant to section 304A-2168,
13 for research and operating expenses and for
14 capital expenditures;
- 15 (B) 1.5 cents per cigarette shall be deposited to the
16 credit of the trauma system special fund
17 established pursuant to section 321-22.5;
- 18 (C) 1.25 cents per cigarette shall be deposited to
19 the credit of the community health centers
20 special fund established pursuant to section 321-
21 1.65; and



- 1 (D) 1.25 cents per cigarette shall be deposited to
2 the credit of the emergency medical services
3 special fund established pursuant to section 321-
4 234; and
- 5 (6) Section 245-3(a)(11), after June 30, 2015, and
6 thereafter:
- 7 (A) 2.0 cents per cigarette shall be deposited to the
8 credit of the Hawaii cancer research special
9 fund, established pursuant to section 304A-2168,
10 for research and operating expenses and for
11 capital expenditures;
- 12 (B) 1.125 cents per cigarette, but not more than
13 \$7,400,000 in a fiscal year, shall be deposited
14 to the credit of the trauma system special fund
15 established pursuant to section 321-22.5;
- 16 (C) 1.25 cents per cigarette, but not more than
17 \$8,800,000 in a fiscal year, shall be deposited
18 to the credit of the [~~community health centers~~
19 ~~special fund established pursuant to section 321-~~
20 ~~1.65,~~] primary health care incentive program
21 established pursuant to section 321-1.5; and



1 (D) 1.25 cents per cigarette, but not more than
 2 \$8,800,000 in a fiscal year, shall be deposited
 3 to the credit of the emergency medical services
 4 special fund established pursuant to section 321-
 5 234.

6 The department shall provide an annual accounting of these
 7 dispositions to the legislature."

8 SECTION 6. Section 321-1.65, Hawaii Revised Statutes, is
 9 repealed.

10 ~~["§321-1.65] Community health centers special fund. (a)~~
 11 ~~There is established within the state treasury a special fund to~~
 12 ~~be known as the community health centers special fund to be~~
 13 ~~administered and expended by the department of health.~~

14 ~~(b) The moneys in the special fund shall be used by the~~
 15 ~~department of health for the operations of federally qualified~~
 16 ~~health centers.~~

17 ~~(c) Moneys collected pursuant to section 245-15 shall be~~
 18 ~~deposited into the special fund."]~~

19 SECTION 7. On July 1, 2016, all unencumbered balances
 20 remaining in the community health centers special fund repealed



1 by section 6 of this Act shall lapse to the credit of the
2 general fund.

3 PART III

4 SECTION 8. The purpose of this part is to amend the
5 revenue sources of the domestic violence and sexual assault
6 special fund.

7 The legislature finds that the account does not meet the
8 clear nexus criterion. Specifically, there is no clear link
9 between the benefits of domestic violence and sexual assault
10 intervention or prevention sought by the fund and revenues
11 derived from a portion of fees for copies of birth, marriage,
12 divorce, and death certificates pursuant to section 338-14.5,
13 Hawaii Revised Statutes.

14 SECTION 9. Section 321-1.3, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) [~~Fees remitted pursuant to section 338-14.5, income]~~
17 Income tax remittances allocated under section 235-102.5,
18 interest and investment earnings attributable to the moneys in
19 the special fund, and grants, donations, and contributions from
20 private or public sources for the purposes of the fund, shall be
21 deposited into the special fund."



1 SECTION 10. Section 338-14, Hawaii Revised Statutes, is
2 amended to by amending subsection (c) to read as follows:

3 "(c) The department shall keep an account of all fees
4 collected and shall deposit them to the general fund of the
5 State except as provided in sections [~~321-1.3,7~~] 338-14.5, 338-
6 14.6, 346-7.5, and 601-3.6."

7 SECTION 11. Section 338-14.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§338-14.5 Copies of certificate; fees.** The fees for
10 certified copies of birth, marriage, divorce, or death
11 certificates issued by the department of health shall consist of
12 \$10 for the first copy issued and \$4 for each copy issued
13 thereafter. These fees shall be collected for each single
14 request for certified copies. All fees received for the
15 issuance of certified copies of birth, marriage, divorce, or
16 death certificates shall be remitted to the director of health.
17 Upon the receipt of remittances under this section, the director
18 of health shall deposit:

19 (1) \$1 for each certified copy to the credit of the spouse
20 and child abuse special account established under
21 section 346-7.5;



H.B. NO. 2466

1 (2) \$1 for each certified copy to the credit of the spouse
2 and child abuse special account established under
3 section 601-3.6;

4 ~~[(3) \$1 for each certified copy to the credit of the
5 domestic violence and sexual assault special fund
6 established under section 321-1.3;~~

7 ~~-(4)]~~ (3) \$1 for each certified copy to the credit of the
8 vital statistics improvement special fund established
9 under section 338-14.6; and

10 ~~[(5)]~~ (4) The remainder of the fee for each certified copy
11 to the credit of the state general fund."

PART IV

13 SECTION 12. The purpose of this part is to repeal the
14 early intervention trust fund.

15 The legislature finds that the fund does not serve the
16 purpose for which it was created and does not meet the criteria
17 for a trust fund.

18 SECTION 13. Section 321-356, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§321-356 Early intervention trust fund. (a) There is
21 established in the state treasury a trust fund to be known as~~

1 ~~the early intervention trust fund to be administered by the~~
2 ~~department in accordance with this section.~~

3 ~~(b) The trust fund shall consist of government grants and~~
4 ~~private contributions including but not limited to gifts or~~
5 ~~donations from corporations or other businesses, foundations,~~
6 ~~individuals, and other interested parties, and income earned by~~
7 ~~the trust fund. All program income consisting of federal~~
8 ~~reimbursement funds received by the State for early intervention~~
9 ~~funded by private donations and contributions under this part~~
10 ~~shall be deposited into the trust fund."]~~

11 SECTION 14. Section 321-357, Hawaii Revised Statutes, is
12 amended as follows:

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

14 " ~~[+] §321-357 [+]~~ **Early intervention ~~[funds,]~~ special fund;**
15 **purpose and use.** (a) The purpose of the early intervention
16 special fund ~~[and early intervention trust fund]~~ is to expand
17 and enhance early intervention services for infants and toddlers
18 with special needs by providing a cooperative funding mechanism
19 between the public and private sectors to work together to make
20 and secure appropriations and donations to the funds."



1 2. By amending subsection (d) to read:

2 "(d) The Hawaii early intervention coordinating council
3 shall make recommendations to the department for the expenditure
4 of moneys from the [~~funds-~~] early intervention special fund."

5 SECTION 15. On July 1, 2016, all unencumbered balances
6 remaining in the early intervention trust fund repealed by
7 section 13 of this Act shall lapse to the credit of the general
8 fund.

9 PART V

10 SECTION 16. The purpose of this part is repeal the Hawaii
11 birth defects special fund.

12 The legislature finds that the account does not meet the
13 criteria for a special fund.

14 SECTION 17. Section 572-5, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) The department of health shall appoint, and at its
17 pleasure remove, one or more suitable persons as agents
18 authorized to grant marriage licenses under this chapter in each
19 judicial circuit. The agents may issue licenses from any state
20 facility when deemed necessary by the director. Any agent
21 appointed under this subsection and receiving an application for



1 a marriage license shall collect from the applicant for the
2 license \$60, of which the agent, except those provided for in
3 subsection (b), shall retain \$9 for the agent's benefit and
4 compensation and shall remit \$51 to the director of health.
5 Upon the receipt of remittances under this subsection, the
6 director of health shall deposit:

7 (1) [~~\$32~~] \$42 for each license issued to the credit of the
8 general fund of the State;

9 (2) \$4.50 for each license issued to the credit of the
10 spouse and child abuse special account established
11 under section 346-7.5; and

12 (3) \$4.50 for each license issued to the credit of the
13 spouse and child abuse special account established
14 under section 601-3.6 [~~and~~

15 ~~(4) \$10 for each license issued to the credit of the birth~~
16 ~~defects special fund established under section 321-~~
17 ~~426].~~

18 (b) The department may appoint, as regular employees under
19 the civil service and classification laws, the number of
20 suitable persons as agents authorized to grant marriage licenses
21 for whom provision has been made in the general appropriation



1 act. In the case of these agents, the full amount collected
 2 from applicants shall be remitted to the director of health.
 3 Upon the receipt of remittances under this subsection, the
 4 director of health shall deposit:

- 5 (1) [~~\$41~~] \$51 for each license issued to the credit of the
 6 general fund of the State;
- 7 (2) \$4.50 for each license issued to the credit of the
 8 spouse and child abuse special account established
 9 under section 346-7.5; and
- 10 (3) \$4.50 for each license issued to the credit of the
 11 spouse and child abuse special account established
 12 under section 601-3.6 [~~+~~ and
- 13 ~~(4) \$10 for each license issued to the credit of the birth~~
 14 ~~defects special fund established under section 321-~~
 15 ~~426]."~~

16 SECTION 18. Section 321-426, Hawaii Revised Statutes, is
 17 repealed.

18 [~~§321-426~~] ~~Birth defects special fund.~~ There is
 19 established within the state treasury the birth defects special
 20 fund to be administered and expended by the department of
 21 health, into which shall be deposited fees remitted pursuant to



1 ~~section 572-5. Moneys in the special fund shall be used for the~~
2 ~~payment of the operating expenses of the birth defects~~
3 ~~program."]~~

4 SECTION 19. On July 1, 2016, all unencumbered balances
5 remaining in the birth defects special fund repealed by section
6 18 of this Act shall lapse to the credit of the general fund.

7 PART VI

8 SECTION 20. The following funds and accounts are
9 abolished:

- 10 (1) The early childhood obesity special fund
11 administratively established in fiscal year 2011-2012
12 and administered by the department of health;
- 13 (2) The grant for Catholic Charities-Lanakila Senior
14 Center special fund administratively established and
15 without any financial activity since 2007;
- 16 (3) The grant for emergency room subsidy at Waianae Coast
17 Clinic special fund administratively established and
18 without any financial activity since 2007;
- 19 (4) The grant for Hawaii primary care association dental
20 special fund administratively established and without
21 any financial activity since 2007;



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- (5) The hospital-based poison center special fund administratively established and without any financial activity since 2006;
- (6) The interagency federal revenue maximization revolving fund special fund established pursuant to section 29-24, Hawaii Revised Statutes, which was repealed by Act 124, Session Laws of Hawaii 2011;
- (7) The program for all inclusive care for elderly special fund administratively established and without any financial activity since 2006;
- (8) The public health nursing services special fund established pursuant to section 321-432, Hawaii Revised Statutes, which fund was repealed by Act 147, Session Laws of Hawaii 2015;
- (9) The resources to nonprofit, community-based health care special fund administratively established and without any financial activity since 2006;
- (10) The respite services special fund administratively established in 2009; and

1 (11) The subsidy for St. Francis Medical Center-Bone Marrow
2 special fund administratively established and without
3 any financial activity since 2007,
4 and any remaining unencumbered balances shall be transferred to
5 the general fund.

6 PART VII

7 SECTION 21. The following funds and accounts are
8 abolished:

9 (1) The funding for grant pursuant to chapter 42F, Hawaii
10 Revised Statutes, special fund administratively
11 established in 2010 for moneys appropriated from the
12 emergency and budget reserve special fund through Act
13 191, Session Laws of Hawaii 2010, and Act 25, Session
14 Laws of Hawaii 2011, which extended the lapse date to
15 the end of fiscal year 2011-2012;

16 (2) The healthy aging partnerships program special fund
17 administratively established in 2010 for moneys from
18 the emergency and budget reserve fund authorized
19 through Act 191, Session Laws of Hawaii 2010, for
20 fiscal year 2010-2011 and Act 25, Session Laws of



1 Hawaii 2011, which extended the lapse date from June
2 30, 2011, to June 30, 2012; and

3 (3) The partnership in community living program special
4 fund administratively established in 2010 for moneys
5 appropriated from the emergency and budget reserve
6 special fund through Act 191, Session Laws of Hawaii
7 2010, and Act 25, Session Laws of Hawaii 2011, which
8 extended the lapse date to the end of fiscal year
9 2011-2012,

10 and any remaining unencumbered balances shall be transferred to
11 the emergency and budget reserve fund established pursuant to
12 section 328L-3, Hawaii Revised Statutes.

13 PART VIII

14 SECTION 22. The Hilo Shippers' Wharf Committee Charitable
15 trust fund established in 1954 is abolished and any remaining
16 unencumbered balance shall be transferred pursuant to third
17 circuit court vesting order no. 03-1-0010 to the county of
18 Hawaii.

19 PART IX

20 SECTION 23. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

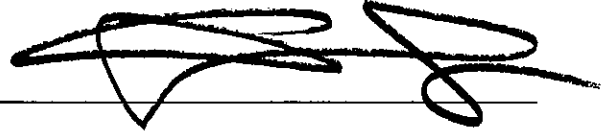


H.B. NO. 2466

1 SECTION 24. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: _____

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H.B. NO. 2466

Report Title:

Non-General Funds; Repeal; Transfer of Balances

Description:

Repeals and transfers the unencumbered balances of various non-general funds and accounts and amends the revenue source of the domestic violence and sexual assault special fund as recommended by the auditor in auditor's report no. 15-17.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

