

Hawaii in the official keeping of

SESSION LAWS
OF
HAWAII
PASSED BY THE
SEVENTEENTH STATE LEGISLATURE

SPECIAL SESSION
1993

Convened on Monday, August 23
and
Adjourned sine die on Monday, September 13

REGULAR SESSION
1994

Convened on Wednesday, January 19, 1994
and
Adjourned sine die on Monday, May 2, 1994

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revolving fund and University of Hawaii at Hilo intercollegiate athletics revolving fund. Notwithstanding any other law to the contrary, there are established revolving funds for the intercollegiate athletic programs of the University of Hawaii at Manoa and the University of Hawaii at Hilo, which shall be used to receive, deposit, disburse, and account for funds from the activities of the intercollegiate athletic programs. The university may establish appropriate charges for activities related to its athletic programs and the use of its athletic facilities, the proceeds from which shall be deposited into these revolving funds.

The university shall maintain the financial integrity and viability of these revolving funds, including the maintenance of an adequate reserve to cope with the various factors that impact the revenue structure of an intercollegiate athletic program.] Intercollegiate athletic programs of the University of Hawaii at Manoa and the University of Hawaii at Hilo; establishment of charges; disposition of receipts. (a) The university may establish appropriate charges for activities related to its athletic programs and the use of its athletic facilities. All proceeds received out of the fees and charges established under this section shall be deposited to the credit of the state general fund.

(b) All moneys to carry out the intercollegiate programs of the University of Hawaii shall be allocated by the legislature through appropriations made out of the state general fund.

(c) The university shall include in its budgetary request for each upcoming fiscal period, the amounts necessary to carry out the purposes of this section.”]

SECTION 2. Act 280, Session Laws of Hawaii 1993, is amended by amending section 64 to read as follows:

“SECTION 64. This Act shall take effect on July 1, 1993, except that sections 19, 21, 25, and 38[, and 41] shall take effect on June 30, 1994; provided that the director of finance shall transfer to the credit of the state general fund:

- (1) On July 1, 1993, all unexpended or unencumbered balances remaining in any special or revolving fund scheduled for repeal on July 1, 1993, under this Act; and
- (2) On June 30, 1994, all unexpended or unencumbered balances remaining in any special or revolving fund scheduled for repeal on June 30, 1994, under this Act.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 1994.

(Approved June 9, 1994.)

ACT 152

H.B. NO. 3333

A Bill for an Act Relating to the Panaewa Residential Lots.

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

SECTION 1. The purpose of this Act is to appropriate funds to repair,

remove, replace, or restore the homes in the Panaewa residential lots, units 3 and 4.

SECTION 2. Section 213, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (f) to read as follows:

“(f) Hawaiian home administration account. The entire receipts derived from any leasing or other disposition of the available lands pursuant to section 204(2) and transfers from the Hawaiian home receipts fund shall be deposited into this account. Any interest or other earnings arising out of investments from this fund and any amounts recovered from any party involved with the construction or development of the homes in Panaewa residential lots, units 3 and 4 shall be credited to and deposited into this fund. The moneys in this account shall be expended by the department for salaries and other administration expenses of the department in conformity with general law applicable to all departments of the State, and no sums shall be expended for structures and other permanent improvements. This account shall be subject to the following conditions and requirements:

- (1) The department, when required by the governor but not later than November 15 preceding each regular session of the legislature, shall submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law;
- (2) The department’s budget as approved by the governor shall be included in the governor’s budget report and shall be transmitted to the legislature for its approval;
- (3) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made available for the fiscal period may be transferred to the Hawaiian home operating fund.

Notwithstanding any provision to the contrary, for the period of July 1, 1994, to July 1, 1995, moneys in the account may be used for homes in Panaewa residential lots, units 3 and 4:

- (1) To repair, remove, replace, or restore the homes; or
- (2) In direct settlement with the homeowners.”

SECTION 3. There is appropriated out of the Hawaiian home administration account of the State of Hawaii, a sum up to \$3,000,000, or so much thereof as may be necessary for fiscal year 1994-1995, to repair, remove, replace, or restore the homes in the Panaewa residential lots, units 3 and 4, in Hilo, Hawaii; provided that:

- (1) These funds may be used in direct settlement with the homeowners;
- (2) Any funds recovered from the general contractor and other parties up to \$3,000,000 shall be deposited into the Hawaiian home administration account; provided that funds recovered in excess of \$3,000,000 shall be deposited into the general fund; and
- (3) Funds shall be made available under this Act when a homeowner

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and the department of Hawaiian home lands have negotiated and settled their differences regarding these homes.

SECTION 4. The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1994; provided that on July 1, 1995, section 2 of this Act shall be repealed, and section 213, Hawaiian Homes Commission Act, 1920, is reenacted in the form in which it read on the day before the approval of this Act.

(Approved June 9, 1994.)

ACT 153

H.B. NO. 3461

A Bill for an Act Relating to the Transfer of Correctional Mental Health Employees from the Department of Health to Department of Public Safety.

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

SECTION 1. The legislature finds that the responsibility for mental health services to inmates should be placed solely on the department of public safety.

The purpose of this Act is to transfer the functions and authority exercised by the department of health relating to the provision of mental health services to inmates, to the department of public safety.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§353- Mental health care. The department shall be responsible for providing mental health services in community correctional centers.”

SECTION 3. Section 334-74, Hawaii Revised Statutes, is amended to read as follows:

“§334-74 Transfer of residents of correctional facilities. If any resident of a state correctional facility is in need of hospital treatment for a primary diagnosis of mental illness, the director of public safety or the officer in charge of the correctional facility may file with the director of health an application for the transfer of the resident to the state hospital, together with the certificate of a psychiatrist or psychologist employed by either the department of health, or the department of public safety showing the need for [such] hospital treatment, and, upon approval of the application by the director of health, the official having custody of the resident shall transfer the resident to the state hospital for care and treatment. The official effecting the transfer of the resident shall keep the administrator of the state hospital informed of the maximum period of commitment of the resident to the director of public safety, and, if the continued hospitalization of the resident beyond the expiration of the period is deemed necessary, the administrator of the state hospital shall institute the admission procedures required to detain the resident as a patient notwithstanding the resident’s release