

Act 192 (HB 923 June 18, 1981)

The purpose of this bill is to enable the department to effectively administer the Native Hawaiian Rehabilitation Fund (NHRF). The bill amends sections 213 and 225. This act:

- (1) Authorized the department to adopt necessary rules to administer NHRF, and programs financed by the fund;
- (2) Allows the department to administer NHRF and its related programs separate and apart from the requirements contained in other sections of the Act which apply to loans; and
- (3) Require the crediting and depositing of any interest and earnings of the fund back into NHRF so that its particular intent may be furthered.

Act 192 amended §213(b) by including in subsection 213(b)(4) relating to the Hawaiian loan interest fund, that the Native Hawaiian Rehabilitation Fund is one of those funds from which interest money from loans or investments would not be deposited in the Hawaiian loan interest fund. The interest moneys of the borrowed money fund and the Hawaiian home land fund are also excepted. All interest moneys from other funds are to be deposited in the Hawaiian loan interest fund. Section 213(b)(8) relating to HNRF was also amended by adding thereto paragraphs (B) and (C). Subsection (a) of §225 was also amended by making clear that interest money should revert to the same account, the Native Hawaiian Rehabilitation Fund, and not credited to and deposited in the Hawaiian home interest fund.

the term for which a scholarship is desired. The board of regents may adopt the necessary rules and regulations defining bona fide resident."

SECTION 3. Section 304-17, Hawaii Revised Statutes, is amended to read:

"§304-17 Number and allocation of financial aids. "Financial aid" as used in this section, means the tuition waivers authorized in section 304-4 and the scholarships authorized in section 304-15. A financial aid unit shall consist of a tuition waiver or scholarship awarded for the regular academic year or a semester thereof, and providing full coverage of tuition and other fees as authorized by the board. The board shall have the power to divide a unit among two or more students or among students whose financial need will not substantiate a full unit. The total units of state financial aid in any given academic year shall not exceed thirteen per cent of the total full-time enrollment in the previous fall semester, except that the projected enrollment for each entering class of a new campus shall be calculated as part of its full-time undergraduate enrollment until such campus shall have graduated its first class. The allocation of the total number of units of financial aid shall be adjusted annually, based upon the ratio between full-time students enrolled at the baccalaureate degree granting campuses and in the community college system.

Scholarships awarded to students in college transfer programs in the community colleges shall be continued upon their transfer into baccalaureate programs provided they continue to qualify, with the scholarship then to count against the quota for the baccalaureate degree granting campus. A scholarship awarded to a student who concurrently registers and enrolls at two or more campuses of the University of Hawaii during the same semester shall be counted against the quota for the campus at which the student is considered by the university to be seeking a certificate or degree. Each Hawaii State scholarship shall be granted for a period of one academic year, and may be renewed each year for all recipients who maintain a satisfactory standard of scholarship and deportment, and who continue to demonstrate financial need. The board may re-award to a new recipient the unused portion of a Hawaii State scholarship if the original awardee has left school, or for some reason ceases to remain qualified to receive financial aid. No student shall receive state scholarship grants for a period longer than four academic years while pursuing a professional or advanced degree, bachelor's degree, associate degree, or a certificate as the case may be."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 18, 1981.)

ACT 192

H.B. NO. 923

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

ACT 192

Amended.

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

SECTION 1. Section 213, Hawaiian Homes Commission Act, 1920, is amended by amending subsection (b) to read:

"(b) There are established in the treasury of the State eight special funds, to be known respectively as the Hawaiian home development fund, the Hawaiian home administration account, the Hawaiian loan guarantee fund, the Hawaiian loan interest fund, the borrowed money fund, the Hawaiian home trust fund, the Hawaiian home education fund, and the native Hawaiian rehabilitation fund.

- (1) Hawaiian home development fund. Moneys transferred to this fund shall be available with the prior written approval of the governor for offsite improvements and development necessary to serve present and future occupants of Hawaiian home lands; for improvements, additions, and repairs to all assets owned or leased by the department excluding structures or improvements that the department is obligated to acquire under section 209 of this Act; for engineering, architectural, and planning services to maintain and develop properties; for such consultant services as may be contracted for under this Act; for purchase or lease of necessary equipment; for acquisition or lease of real property and interest therein; and for improvements constructed for the benefit of beneficiaries of this Act and not otherwise permitted in the various loan funds, the administration account, or the operating fund.
- (2) Hawaiian home administration account. The entire receipts derived from any leasing of the available lands defined in section 204 of this Act shall be deposited into this account. The moneys in this account shall be expended by the department for salaries and all 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:
 - (A) The department shall, when required by the governor but not later than November 15 preceding each regular session of the legislature, submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law.
 - (B) 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.
 - (C) 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 development fund.

- (3) The Hawaiian loan guarantee fund. There may be created a fund to support the guarantee of repayment of loans made by government agencies or private lending institutions to those holding leases or licenses issued under section 207 of this Act. The department's guarantee of repayment shall be adequate security for a loan under any state law prescribing the nature, amount, or form of security or requiring security upon which loans may be made.
- (4) Hawaiian loan interest fund. All interest moneys from loans or investments received by the department from any fund except the borrowed money fund, the Hawaiian home loan fund, and the native Hawaiian rehabilitation fund shall be deposited in this fund. At the end of each quarter, all moneys in this fund shall be transferred to the Hawaiian home development fund, the Hawaiian home operating fund, and any loan fund in accordance with rules adopted by the department.
- (5) Borrowed money fund. The department may borrow from government agencies or private lending institutions and deposit borrowed moneys into this fund to be used for the purpose enumerated in section 214 of this Act. Instalments of principal and that part of the interest equal to the interest charged to the department by the lender paid by the lessees upon loans made to them from this fund shall be deposited into this fund.
- (6) Hawaiian home trust fund. All moneys deposited into this fund shall be available for transfers into any other fund or account authorized by the Act or for any public purpose deemed by the commission to further the purposes of the Act.
- (7) Hawaiian home education fund. Moneys transferred to this fund may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education and department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of lessees, the funds to be used primarily at the preschool and elementary grade levels.
- (8) Native Hawaiian rehabilitation fund.
- (A) Pursuant to Article XII, Section 1, of the State Constitution, thirty per cent of the state receipts, derived from lands previously cultivated as sugarcane lands under any other provision of law and from water licenses, shall be deposited into this fund. The department shall use this money solely for the rehabilitation of native Hawaiians which shall include, but not be limited to, the educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved and perpetuated.
- (B) Any payment of principal, interest, or other earnings arising out of the loan or investment money from this fund shall be credited to and deposited into this fund.
- (C) Sections 214, 215, 216, and 217 of this Act shall not apply to administration of this fund. The department is authorized to adopt rules necessary to administer and carry out the purposes of this

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fund.”

SECTION 2. Section 225, Hawaiian Homes Commission Act, 1920, is amended by amending subsection (a) to read:

“(a) The department shall have the power and authority to invest and reinvest any of the moneys in any of its funds, not otherwise immediately needed for the purposes of the funds, in such bonds and securities as authorized by state law for the investment of state sinking fund moneys. Any interest or other earnings arising out of such investment shall be credited to and deposited in the Hawaiian home interest fund, except earnings derived from investments in the Hawaiian home administration account and the native Hawaiian rehabilitation fund account which shall revert to the same accounts.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 18, 1981.)

ACT 193

H.B. NO. 924

A Bill for an Act Relating to Vision and Hearing Screening.

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

SECTION 1. The purpose of this Act is to authorize the department of health to establish a statewide school health vision and hearing screening program for all school children. It is in the interest of the State to preserve and care for the health of Hawaii's children through regular and careful attention to the special senses through which learning takes place.

SECTION 2. Part IX of Chapter 321, Hawaii Revised Statutes, is amended to read:

“PART IX. VISION AND HEARING SCREENING AND EDUCATION

§321-101 Vision and hearing screening program. (a) The department of health shall conduct, as it deems advisable, a screening program to detect vision and hearing deficiencies in school children and recommend to their parents or guardians the need for further evaluation of children who are found to have vision or hearing deficiencies, or both.

(b) The departments of health and education, in cooperation with each other, may conduct classes and lectures in sight and hearing conservation and prevention of blindness and hearing loss for teachers and public health nurses and others engaged in like work. The departments may also cooperate with public and private organizations and societies in an effort to educate the public in the importance of sight and hearing conservation.”

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