

BILLS PASSED

BY THE

HAWAII STATE LEGISLATURE

REGULAR SESSION OF 2003

SHOWING ACTIONS TAKEN AS OF

May 1, 2003

Revised May 13, 2003 (see Foreword)

Prepared by the:



Legislative Reference Bureau Systems Office
State Capitol, Room 413
415 South Beretania Street
Honolulu, HI 96813

Caveat: While all data are believed accurate, they are subject to change pending confirmation against official records kept by the respective Chief Clerk's offices.

FOREWORD

This publication contains brief descriptions of all bills passed by the Hawaii State Legislature during the Regular Session of 2003. We have included such data as the bill number, title, introducer, description, committee reports, current status, and sections of the Hawaii Revised Statutes affected by the bill. This publication reflects data recorded up to and including May 1, 2003, which is the date that the Legislature adjourned sine die. For your information, under Article III, Section 16 of the Hawaii State Constitution, the Governor has 45 days after adjournment sine die (not counting Saturdays, Sundays, and holidays), to consider bills for approval.

The Legislative Reference Bureau discourages the use of these descriptions of bills as a substitute for the bills passed by the Legislature. These descriptions are meant to be handy reference tools, not substitutes for the text. Copies of bills may be obtained at the various locations mentioned in this report.

This publication has been created by the Legislative Reference Bureau - Systems Office. Information on the approval of bills, their effective dates, subjects of bills passed, laws affected by bills passed, or any questions covering the data shown may be directed to Dwight Kagawa or Lori Lee Ohta. They are located at the State Capitol, Room 413 and their phone number is (808) 587-0700.

Ken H. Takayama
Acting Director
Legislative Reference Bureau

May 2003

*Senate Bill 1394, Senate Draft 2, House Draft 1, of the Regular Session of 2003 did not pass second reading in the Senate and therefore should **not** be in this list.

**WHERE TO OBTAIN COPIES OF BILLS OR ACTS
(Honolulu)**

| SOURCE | CONTACT | HOURS | COST |
|---|---------------------|---|--|
| All public libraries. See listing in white pages: State Government, Dept. of Education | Reference Desk | Different for each library. Call to inquire. | Electronic ACCESS only. Optional 10¢/page donation for printout. |
| Hawaii State Archives Iolani Palace Grounds Honolulu 96813 Phone: 586-0329 | Reference Archivist | Monday - Friday 9:00 am - 4:00 pm | No charge for local govt. agencies. For private individuals – 25¢/page. Postage charge for any mailings. |
| Senate Printshop State Capitol Room 012A Honolulu 96813 Phone: 586-6755 | Tia Lobendahn | Monday - Friday 8:00 am - 4:30 pm | Free for reasonable quantities. Will fax 10 pages or less and mail reasonable quantities. |
| House Clerk's Office State Capitol Room 027 Honolulu 96813 Phone: 586-6400 | Anyone | Monday - Friday 8:00 am - 5:00 pm | General public – free. Pick up in House Clerk's office. Mail and fax requests received for reasonable quantities. |
| Lieutenant Governor State Capitol 5 th Floor Honolulu 96813 Phone: 586-0255 | Dawn | Monday - Friday 7:45 am - 4:30 pm | 10¢/page |
| Supreme Court Law Library 417 S. King St., Rm. 115 Honolulu 96813 Phone: 539-4964 | Front Desk | Monday - Friday 7:45 am - 4:15 pm | 15¢/page (self-service). Will mail to attorneys on neighbor islands if unavailable at county circuit court libraries for 15¢/page plus \$2 handling charge plus postage (prepayment with cashier's check or money order required). |
| William S. Richardson School of Law Library 2525 Dole Street Honolulu 96822 Phone: 956-7583 | Circulation Desk | Different hours depending on time of year. Call to inquire. | 10¢/page (self-service) 7¢/page (with UH debit card — \$1 fee for card) Acts only. |

WHERE TO OBTAIN COPIES OF BILLS OR ACTS
(Hawaii, Kauai, & Maui)

| SOURCE | CONTACT | HOURS | COST |
|--|----------------|--|--|
| <i>Hawaii</i> | | | |
| All public libraries. See listing in white pages: State Government, Dept. of Education | Reference Desk | Different for each library. Call to inquire. | Electronic ACCESS only. Optional 10¢/page donation for printout. |
| Hilo Law Library 75 Aupuni St., Rm. 206 Hilo 96720 Phone: 961-7438 | Debbie | Monday - Friday 7:45 am - 4:30 pm | 15¢/page via usage of the internet |
| Kona Law Library Keakealani Building Kealakekua 96750 Phone: 322-8729 (Circuit Ct.) | Craig Bo Kahui | Monday - Friday 7:45 am - 4:15 pm | 10¢/page (self service) 15¢/page via usage of the internet |
| <i>Kauai</i> | | | |
| All public libraries. See listing in white pages: State Government, Dept. of Education | Reference Desk | Different for each library. Call to inquire. | Electronic ACCESS only. Optional 10¢/page donation for printout. |
| Kauai Law Library Circuit Court, Rm. 206 3059 Umi Street Lihue 96766 Phone: 246-3327 | Sanford | Monday - Friday 7:45 am - 4:30 pm | 10¢/page (self service) |
| <i>Maui</i> | | | |
| All public libraries. See listing in white pages: State Government, Dept. of Education | Reference Desk | Different for each library. Call to inquire. | Electronic ACCESS only. Optional 10¢/page donation for printout. |
| Maui Law Library 2145 Main St., Rm. 207 Wailuku 96793 Phone: 244-2959 | Denise | Monday - Friday 7:45 am - 4:30 pm | 15¢/page (self service) or via usage of the internet |

SENATE BILLS WHICH PASSED THE LEGISLATURE

- SB0003 SD1 (SSCR 464) RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.
Introduced by: Inouye L
Authorizes the issuance of special purpose revenue bonds to assist North Hawaii Community Hospital, Inc. for retirement of outstanding debt on existing health care facilities, for retirement of outstanding debt and purchase of leases on the existing equipment, for construction of new additions to existing facilities, for acquisition and installation of additional equipment and other assets, and for renovation and repair of existing facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- SB0003 SD1
Committee Reports: SSCR 464 (HTH) SSCR 807 (WAM) HSCR 1009 (HLT) HSCR 1675 (FIN)
Current Status: Apr-29 03 Passed Legislature
- SB0038 HD2 CD1 (CCR 74) RELATING TO THE HAWAII TOURISM AUTHORITY.
Introduced by: Kim D
Establishes that the board of directors Hawaii tourism authority shall appoint or retain by contract 1 or more attorneys who are independent of the attorney general, to provide legal services for the authority. -- SB0038 CD1
Committee Reports: SSCR 1 (TSM) SSCR 614 (JHW/ WAM/) HSCR 924 (TAC) HSCR 1094 (JUD) HSCR 1278 (FIN) CCR 74
Current Status: Apr-29 03 Passed Legislature
Section Affected: 201B- (1 SECTION), 28-8.3
- SB0041 HD1 CD1 (CCR 61) RELATING TO PUBLIC CONTRACTS.
Introduced by: Kim D, Espero W
Amends provision relating to the powers of the Hawaii tourism authority. Provides that any contract or subcontract, including all written information acquired by the authority during the course of securing and monitoring that contract or subcontract, that is funded with public funds shall be a government record and shall be subject to disclosure in accordance with the uniform Information practices act except for any information deemed proprietary by the person providing information to the authority. -- SB0041 CD1
Committee Reports: SSCR 15 (TSM/ TMG/) SSCR 654 (WAM) HSCR 922 (TAC) HSCR 1041 (JUD) HSCR 1279 (FIN) CCR 61
Current Status: Apr-29 03 Passed Legislature
Section Affected: 201B-3
- SB0042 SD1 HD1 (HSCR 1328) RELATING TO WATERCRAFT.
Introduced by: Kawamoto C
Establishes provision relating to emergency communication devices in ocean recreation. Provides that it shall be unlawful to operate in the waters of the State beyond 1 mile of shore, any vessel required to be registered by the State or documented by the US Coast Guard, or manual or sailed propelled vessel not required to be registered by the State or documented by the US Coast Guard unless the vessel is equipped with properly functioning fixed mount or handheld marine VHF-FM radio (156-162 MHz band) or emergency position indicating radio beacon. Excludes canoes, thrill craft, surfboards, and paddleboards. Provides that kayaks and training sailboats shall be exempt when accompanied by at least 1 vessel that complies. -- SB0042 HD1
Committee Reports: SSCR 578 (TMG/ ECD/) HSCR 1029 (WLH) HSCR 1328 (JUD)
Current Status: Apr-17 03 Received by the Governor
Section Affected: 200- (1 SECTION) EMERGENCY COMMUNICATION DEVICES
- SB0044 SD2 HD2 CD1 (CCR 89) RELATING TO TRANSPORTATION.
Introduced by: Kawamoto C, Espero W, Kanno B
Amends provision relating to contracts for concessions; bid required, exception. Provides that a revocable permit issued by the department of transportation for use by state airports may be valid for a period not to exceed 2 years if the director of transportation determines that an extension to the term of a contract or revocable permit is necessary in light of a natural disaster or a continuation of an adverse economic condition occurring within the previous 12 months that would adversely affect the State's ability to solicit and obtain favorable bid proposals. Amends provisions relating

SENATE BILLS WHICH PASSED THE LEGISLATURE

modification of contract terms. Provides that with respect to economic emergency relief, if a public airport concession contract has suffered a reduction of 15 per cent or more in gross receipts for a period of 60 days or more, computed on the average monthly gross receipts for 12 months immediately prior to the date relief is requested or as long as the concessionaire has been in business, whichever period is shorter, and that reduction was substantially caused by a reduction in the east bound or west bound passengers arriving during the period of time, the state official may modify the concession contract by granting rent relief by waiving guaranteed rents and collecting. Establishes provision relating to public airport concession contracts; economic emergency relief terms. Provides that all public airport concession contracts may contain economic emergency relief terms that provide that neither party to the contract shall be liable to the other for any failure, delay, or interruption in the performance of any of the terms, covenants, or conditions of the contract due to causes beyond the control of that party. Further provides that these provisions may also apply to all acts or situations that have the effect of reducing the number of passengers using the airports in the State. Provides that in case of any such reduction, failure, delay, interruption, act, or situation beyond the control of a party or not in the normal course of events that reasonably causes a reduction in eastbound or westbound passengers at a 15 per cent reduction in gross receipts, the parties shall agree to cancel the contract, return all security bonds and allow the concessionaire to do business with the State without prejudice due to such cancellation or modify the contracts terms; including, without limitation, the waiver and reduction of rental payments for a period of time. Requires the State to monthly report to the legislature of the relief granted under these provisions. -- SB0044 CD1

Committee Reports: SSCR 346 (TMG) SSCR 881 (WAM) HSCR 996 (TRN) HSCR 1508 (FIN) CCR 89

Current Status: Apr-29 03 Passed Legislature

Section Affected: 102-2, 102-10, 102- (1 SECTION)

SB0051

RELATING TO COMMERCIAL DRIVER'S LICENSES.

Introduced by: Kawamoto C, Chun Oakland S

Amends provisions relating to commercial motor vehicle driver's license. Requires the director of transportation to establish a screening process including approval by a licensed physician to grant an intrastate waiver to persons who are not physically qualified (insulin users). -- SB0051

Committee Reports: SSCR 642 (TMG) HSCR 969 (TRN) HSCR 1338 (JUD)

Current Status: Apr-03 03 Received by the Governor

Apr-16 03 Approved by Governor (Act 18 2003)

Section Affected: 286-236

SB0058 SD1 HD2 CD1 (CCR 121)

RELATING TO SCHOOL REPAIR AND MAINTENANCE.

Introduced by: Sakamoto N, Chun Oakland S, Hooser G

Establishes the Hawaii 3R's school repair and maintenance fund as a separate fund of Hawaii 3R's, a Hawaii nonprofit organization. Provides that the Hawaii 3R's shall expend moneys from the fund as grants to organizations or contracts with private vendors for the repair and maintenance of schools. Further provides for the appointment of a Hawaii 3R's school maintenance and repair advisory board who shall solicit funds; establish criteria for the expenditure of funds; review grant proposals; and make recommendations for grants. Requires matching funds for every dollar of state moneys granted by the fund. Comptroller to annually report to the legislature. Appropriation to the department of accounting and general services to provide a grant to Helping Hands Hawaii for the school repair and maintenance fund which shall be transferred to Hawaii 3R's upon determination that Hawaii 3R's is a nonprofit corporation. Appropriation to the department for a position to coordinate the public and private efforts to repair and maintain public schools provided that the coordinator serves at the pleasure of the comptroller and be exempt from civil service laws. -- Provides that upon the determination that Hawaii 3R's is a qualified nonprofit organization Act 309, session laws of 2001, is amended by repealing the Hawaii school repair and maintenance fund under Helping Hands Hawaii and transfers moneys in the fund to the Hawaii 3R's fund. (\$\$) -- SB0058 CD1

Committee Reports: SSCR 168 (EDU) SSCR 671 (WAM) HSCR 1046 (EDN) HSCR

SENATE BILLS WHICH PASSED THE LEGISLATURE

1506 (FIN) CCR 121
Current Status: Apr-29 03 Passed Legislature
Section Affected: 302A- (1 SECTION), ACT 309 2001

SB0069 SD1 HD1 (HSCR 1265) RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE.
Introduced by: Sakamoto N
Amends provisions relating to the teacher education coordinating committee to include a representative of the Hawaii teacher standards board. -- SB0069 HD1
Committee Reports: SSCR 579 (EDU) HSCR 1265 (EDN)
Current Status: Apr-22 03 Received by the Governor
Section Affected: 304-20

SB0078 SD2 HD1 (HSCR 1502) RELATING TO ELDER ABUSE.
Introduced by: Baker R, Fukunaga C, Chun Oakland S, Ihara L
Establishes provision relating to civil penalties and remedies within the department of human services for dependent elder abuse. Authorizes the attorney general to bring civil action against any caregiver who commits abuse of a dependent elder, to prevent, restrain, or remedy such conduct. Provides that any caregiver against whom a civil judgment is entered on a complaint alleging that the caregiver committed abuse against a dependent elder shall be subject to a civil penalty for each day the abuse occurred and the costs of the investigation. Defines abuse to mean actual or imminent physical injury, psychological abuse or neglect, sexual abuse, financial exploitation, negligent treatment, or maltreatment. Defines neglect to mean the reckless disregard for the health, safety, or welfare of a dependent elder that results in injury, loss, or damage, including failure assist in personal hygiene or in the provisions of necessary food, shelter, or clothing; failure to provide or arrange for necessary psychological, physical, or health care; failure to protect from known health or safety hazards; and failure to protect against known acts of abuse by 3rd parties. -- SB0078 HD1
Committee Reports: SSCR 208 (HMS) SSCR 987 (JHW) HSCR 987 (HSH/ HLT/) HSCR 1502 (JUD)
Current Status: Apr-24 03 Received by the Governor
Section Affected: 28- (1 SECTION) DEPENDENT ELDER ABUSE

SB0088 SD1 HD1 (HSCR 1428) RELATING TO MOTOR VEHICLES OWNED BY MILITARY PERSONNEL.
Introduced by: Kawamoto C, Espero W
Amends provision relating to removal; member of armed forces. Provides that a member of the armed forces of the US under contract with an out of state dealer or financial institution identified as lien holder of record on a vehicle registration or vehicle title may remove the vehicle from the State without the consent of the seller. -- SB0088 HD1
Committee Reports: SSCR 972 (TMG/ CPH/) HSCR 1055 (PSM/ TRN/) HSCR 1428 (CPC)
Current Status: Apr-21 03 Received by the Governor
Section Affected: 476-26

SB0205 SD3 HD2 CD1 (CCR 77) RELATING TO EMPLOYMENT.
Introduced by: Hanabusa C
Establishes provision relating to paid leave; education of children. Provides that employees shall be eligible for at least 2 hours of paid leave during normal business hours to attend either a mutually scheduled parent teacher conference for the employee's minor child attending a public or private school in grades kindergarten through 12 or a mutually scheduled parent caregiver conference for the employee's preschool aged child attending a licensed group child care center. Establishes provisions. Provides that the employee shall take no more than 2 mutually scheduled conferences, per child, in a single calendar year. -- SB0205 CD1
Committee Reports: SSCR 28 (LBR) SSCR 541 (LBR) SSCR 719 (WAM) HSCR 1124 (LAB) HSCR 1271 (FIN) CCR 77
Current Status: Apr-29 03 Passed Legislature
Section Affected: 78- (1 SECTION) PAID LEAVE

SB0209 SD3 HD1 CD1 (CCR 126) RELATING TO PUBLIC EMPLOYMENT.

SENATE BILLS WHICH PASSED THE LEGISLATURE

Introduced by: Hanabusa C
Appropriation to the department of education for the conversion of 10 month certificated positions to 12 month positions, as needed, for multi track schools. (\$\$) -- SB0209 CD1
Committee Reports: SSCR 29 (LBR) SSCR 446 (EDU/ LBR/) SSCR 673 (WAM)
HSCR 1016 (LAB) HSCR 1476 (FIN) CCR 126
Current Status: Apr=29 03 Passed Legislature

SB0254 SD2 HD1 CD1 (CCR 93) RELATING TO AGRICULTURE.
Introduced by: Hanabusa C
Amends Act 259, session laws of 2001, relating to the state budget, as amended by Act 3, 3rd special session of 2001, and by Act 177 session laws of 2002, by amending item A - 4C of AGR 141 in section 91 for fiscal year 2002 - 2003 to include appurtenant works. -- SB0254 CD1
Committee Reports: SSCR 623 (WLA) SSCR 873 (WLA/ WAM/) HSCR 1418 (FIN)
CCR 93
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 259 2001, ACT 3 2001 3SP, ACT 177 2002

SB0255 SD2 HD1 CD1 (CCR 71) RELATING TO AGRICULTURE.
Introduced by: Hanabusa C
Establishes provision relating to private restrictions on agricultural uses and activities; not allowed. Provides that agricultural uses and activities on lands classified as agricultural, shall not be restricted by any private agreement contained in any deed, lease, agreement of sale, or other conveyance of land recorded in the bureau of conveyances after the effective date, that subject such agricultural lands to any servitude, including but not limited to covenants, easements, or equitable and reciprocal negative servitudes. Provides that any such private restriction limiting or prohibiting agricultural use or activity shall be voidable subject to special restrictions enacted by the county ordinance by the person who is occupying and using the land classified as agricultural, except that restrictions taken to protect environmental or cultural resources shall not be void or voidable. -- SB0255 CD1
Committee Reports: SSCR 576 (WLA) SSCR 772 (WLA) HSCR 1088 (AGR/ WLH/)
HSCR 1332 (JUD) CCR 71
Current Status: Apr-29 03 Passed Legislature
Section Affected: 205- (1 SECTION) PRIVATE RESTRICTIONS ON
AGRICULTURAL USES AND ACTIVITIES

SB0295 SD1 HD1 CD1 (CCR 51) RELATING TO MOTOR VEHICLE TOWING.
Introduced by: Espero W
Establishes provisions relating to the regulation of towing operations. Authorizes the counties to enact and enforce ordinances regulating towing operations. -- Amends provisions relating to vehicles left unattended on private and public property; tow truck signage and insurance requirements; and motor vehicle towing and storage settlement by limiting their application to a county that has not adopted ordinances regulating towing operations. Increases storage fees allowable. --SB0295 CD1
Committee Reports: SSCR 748 (CPH) HSCR 1182 (TRN) CCR 51
Current Status: Apr-28 03 Received by the Governor
Section Affected: 46- (1 SECTION), 46-1.5, 290-11, 291C-135, 291C-165.5

SB0317 SD2 HD1 CD1 (CCR 102) MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY
COMMEMORATION OF THE KOREAN WAR COMMISSION.
Introduced by: Kawamoto C, Sakamoto N
Appropriation to the department of defense to carry out the functions of the 50th anniversary commemoration of the Korean War commission. (\$\$) -- SB0317 CD1
Committee Reports: SSCR 253 (TMG) SSCR 884 (WAM) HSCR 975 (INT) HSCR
1481 (FIN) CCR 102
Current Status: Apr-29 03 Passed Legislature

SB0319 SD2 HD1 (HSCR 899) RELATING TO COUNTIES.
Introduced by: Kim D
Establishes provisions relating to food waste recycling. Requires specified categories

SENATE BILLS WHICH PASSED THE LEGISLATURE

of food establishments to comply with food waste recycling, based upon the average number of prepared meals served or sold per day. Provides that a food establishment that is required to recycle food waste may combine the waste with that of other establishments, or may separately collect and recycle its own food waste. Provides criteria for suspension of food waste recycling requirement. Authorizes the county agency responsible for solid and liquid waste management and recycling to enter any building or premises of an establishment and inspect the books and records of the establishment to determine compliance with the requirements of this provision. Requires each waste recycling facility to report to the agency. Provides that any person in violation of this provision shall be subject to a maximum 250 dollar civil fine and each day of the violation shall constitute a separate violation. Authorizes each county to assess an annual food waste recycling surcharge based on the partial costs of recycling. Provides that a county with a population of 500,000 or greater may request an exemption, based on a determination by the state department of health that a county does not have the recycling capacity to meet requirements. Requires the department of health to review all county exemptions annually and determine recycling capacity. Provides that the county food and waste recycling component shall identify and assess levels of waste reduction the county is achieving through existing food waste recycling and bioconversion efforts; the type and amount of food waste that may be recycled or altered through bioconversion; and methods to increase and improve food waste recycling and bioconversion efforts. Appropriation for the initial staffing and establishment of the food waste recycling program to be expended by the department of health. -- (\$\$) SB0319 HD1

Committee Reports: SSCR 94 (ENE/ TMG/) SSCR 659 (WAM) HSCR 899 (EEP)
HSCR 1281 (FIN)

Current Status: Apr-21 03 Received by the Governor

Section Affected: 46- (12 SECTIONS) FOOD WASTE RECYCLING, 342G-25,
342G-26

SB0337 SD1 HD1 (HSCR 1118)

RELATING TO THE MANAGEMENT OF SCHOOL FACILITIES.

Introduced by: Sakamoto N

Allows the department of education to convert 42 full time equivalent (42.00 FTE) business assistant positions from temporary to permanent status. -- SB0337 HD1

Committee Reports: SSCR 320 (EDU) SSCR 674 (WAM) HSCR 1118 (EDN) HSCR
1282 (FIN)

Current Status: Apr-28 03 Received by the Governor

SB0345 SD1 HD2 (HSCR 1222)

RELATING TO MOTOR VEHICLES.

Introduced by: Menor R, Sakamoto N

Amends provision relating to requirements for motor vehicle dealer's and auction's license. Redefines dealer to include any person who sells 3 or more vehicles within a calendar year. -- SB0345 HD2

Committee Reports: SSCR 285 (TMG) SSCR 608 (CPH) HSCR 885 (TRN) HSCR
1222 (CPC)

Current Status: Apr-21 03 Received by the Governor

Section Affected: 437-1.1

SB0363 HD1 (HSCR 906)

RELATING TO EXPERIMENTAL MODERNIZATION PROJECTS FOR COUNTY BOARDS OF WATER SUPPLY.

Introduced by: Kawamoto C

Establishes provision relating to experimental modernization projects for county boards of water supply. Defines qualifying board of water supply to mean any county board of water supply serving a population of 500,000 or more persons. Provides that with or without approval from the chief executive, the director of any qualifying board of water supply may conduct an experimental modernization project to determine whether specific changes in its human resource program would result in a more desirable program for the jurisdiction. Provides that prior to the implementation of any experimental modernization project, the director of any qualifying board of water supply shall develop a plan identifying the purpose of the project. Provides criteria. Provides that while the board of water supply project is in progress, it shall not be limited by state or local personnel laws and rules, but shall be in compliance with all equal employment

SENATE BILLS WHICH PASSED THE LEGISLATURE

opportunity laws, laws prohibiting discrimination and collective bargaining. Provides that the representative of the qualifying board of water supply and the exclusive representative shall mutually agree in writing to any modification, waiver, or new provision before the project is implemented. -- SB0363 HD1
Committee Reports: SSCR 650 (LBR/ TMG/) HSCR 906 (LAB) HSCR 1274 (FIN)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 40 2003)
Section Affected: 78- (1 SECTION) COUNTY BOARDS OF WATER SUPPLY

SB0368

RELATING TO CRIMINAL PROPERTY DAMAGE.
Introduced by: Kawamoto C (BR), Kanno B
Amends provision relating to criminal property damage. Provides that a person commits the offense of criminal property damage in the 1st degree if the person intentionally or knowingly damages property and thereby recklessly places another person in danger of death or bodily injury; or intentionally or knowingly damages the property of another, without the owner's consent in an amount exceeding 20,000 dollars. Provides that a person commits the offense of criminal property damage in the 2nd degree if the person intentionally or knowingly damages the property of another without the owner's consent, by the use of widely dangerous means; or intentionally or knowingly damages the property of another, without the owner's consent in an amount exceeding 1,500 dollars.
-- SB0368
Committee Reports: SSCR 591 (JHW) HSCR 1257 (JUD)
Current Status: Apr-03 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 19 2003)
Section Affected: 708-820, 708-821

SB0373 SD1 HD2 (HSCR 1501)

RELATING TO CONDOMINIUM PROPERTY REGIMES.
Introduced by: Menor R
Amends provision relating to condominium property regimes by providing that the mortgagee of record or other purchaser of the apartment shall be deemed to acquire title and shall be required to pay the apartment's share of common expenses and assessments beginning 30 days after the public sale in a nonjudicial power of sale foreclosure, or upon the recording of the instrument of conveyance, whichever comes 1st. Establishes criteria. -- SB0373 HD2
Committee Reports: SSCR 609 (CPH) HSCR 972 (CPC) HSCR 1501 (JUD)
Current Status: Apr-25 03 Received by the Governor
Section Affected: 514A-90

SB0377 SD1 HD2 CD1 (CCR 118)

RELATING TO TAXATION.
Introduced by: Hanabusa C, Kawamoto C, Kim D, English J, Kanno B
Provides an attractions and educational facilities income tax credit for the development of facilities for attractions and educational purposes at Ko Olina resort and marina and at Makaha Resort for qualified costs incurred from June 1, 2003 through May 31, 2009 (sunset). Provides that the tax credit shall be equal to the qualified costs up to a maximum of 75 million dollars of credits in the aggregate for all qualified taxpayers for all years. Requires the department of business, economic development, and tourism to maintain records of the names of the taxpayers eligible for credits and the total amount of qualified costs incurred and verify all qualified costs and issue certificates of certification. Defines qualified costs to include a world class aquarium, marine science and mammal research facilities, international sports training complex, a travel industry management intern campus, infrastructure for the transfer of ocean waters to the aquarium or marine mammal facilities, or both, seawater air conditioning, and other educational facilities developed or operated in cooperation with the university of Hawaii or other educational institutions developed within the Ko Olina Resort and Marina and for the development of a training and educational facility within a working resort and hotel at Makaha Resort. -- SB0377 CD1
Committee Reports: SSCR 2 (TSM) SSCR 957 (WAM) HSCR 1059 (TAC/ EDB/)
HSCR 1492 (FIN) CCR 118
Current Status: May-01 03 Passed Legislature
Section Affected: 235- (1 SECTION), 235-2.45

SENATE BILLS WHICH PASSED THE LEGISLATURE

- SB0394 HD1 (HSCR 1162) RELATING TO CONDOMINIUM PROPERTY REGIMES.
Introduced by: Menor R (BR)
Amends Act 39 session laws of 2000 relating to condominium property regimes by changing the sunset date to December 31, 2007. Amends provision relating to priority of lien by providing that a person who subsequently purchases the delinquent apartment shall be obligated to make, and shall be liable for, payment of the special assessment on the condition that the association of apartment owners provides at no charge a notice of the association's intention to claim a lien against the delinquent apartment for the amount of the special assessment. Provides that the notice shall state the amount of the special assessment, how the amount was calculated, and the legal description of the apartment. -- SB0394 HD1
Committee Reports: SSCR 583 (CPH) HSCR 1162 (CPC)
Current Status: Apr-24 03 Received by the Governor
Section Affected: ACT 39 2000, 514A-90
- SB0402 SD2 HD2 CD1 (CCR 122) RELATING TO MEDICAL EDUCATION.
Introduced by: Sakamoto N
Establishes provisions relating to the Hawaii medical education council within the university of Hawaii. Creates a graduate medical education program administered by the council in cooperation with the department of health. Provides that the program shall be funded from moneys received for graduate medical education. Requires the medical education council to conduct a comprehensive analysis of the health care workforce requirements of the State; conduct a comprehensive assessment of the State's health care training programs; recommend to the legislature and the board of regents of the university of Hawaii changes to health care training programs; work with entities and state agencies to develop and implement a plan to assure the adequate funding of health care training programs, including the submission of an application for a demonstration project to the Center for Medicaid and Medicare Services for receiving and disbursing federal funds; and seek funding from public and private sources to support the plan. Report to the legislature. Establishes the Hawaii medical education special fund into which all funds received by the council shall be deposited. Appropriation out of the Hawaii medical education special fund to the university of Hawaii for the establishment of the council. (\$\$) -- SB0402 CD1
Committee Reports: SSCR 479 (EDU/ HTH/) SSCR 681 (WAM) HSCR 1111 (HED/ HLT/) HSCR 1335 (FIN) CCR 122
Current Status: Apr=29 03 Passed Legislature
Section Affected: 304- (6 SECTIONS) HAWAII MEDICAL EDUCATION COUNCIL
- SB0460 RELATING TO DUNE BUGGIES.
Introduced by: Kawamoto C (BR)
Amends provisions relating to special interest motor vehicles to include dune buggy replica vehicle assembled from a manufactured kit. Establishes provisions for certificate of title and state vehicle identification number. -- SB0460
Committee Reports: SSCR 644 (TMG) HSCR 953 (TRN)
Current Status: Apr-04 03 Vetoed
Section Affected: 286-26.5
- SB0464 SD2 HD2 CD1 (CCR 90) RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM.
Introduced by: Kawamoto C, Espero W, Kanno B
Requires the department of transportation in conjunction with the Oahu Metropolitan Planning Organization and the city and county of Honolulu to develop an action plan for the implementation of a fixed rail transit system or monorail for Oahu. Report to the legislature. -- SB0464 CD1
Committee Reports: SSCR 287 (TMG) SSCR 890 (WAM) HSCR 886 (TRN) HSCR 1480 (FIN) CCR 90
Current Status: Apr-29 03 Passed Legislature
- SB0474 SD2 HD1 (HSCR 1329) RELATING TO THE AUDITOR.
Introduced by: Hanabusa C
Establishes provision relating to access to confidential records. Provides that during the course of performing the official duties of the office of the auditor, the office shall be an

SENATE BILLS WHICH PASSED THE LEGISLATURE

authorized representative of the department of education and the department of health, a state educational authority, or a state educational official, and shall have access to any student or other records that may be necessary in connection with the audit and evaluation of federally or state supported education programs, or in connection with the enforcement of the federal legal or state legal requirements which relate to the educational program. Provides that, unless otherwise authorized by federal or state law, any data collected by the office shall be protected in a manner that will not permit the personal identification of students and their parents by anyone by anyone other than the auditor, the auditor's staff, or agents of the office of the auditor, and that personally identifiable data shall be destroyed when no longer needed for audit, evaluation, or enforcement of federal or state legal requirements. Act to be repealed on June 30, 2005 (sunset). -- SB0474 HD1

Committee Reports: SSCR 232 (JHW/ EDU/) SSCR 695 (WAM) HSCR 1008 (LMG)
HSCR 1329 (JUD)

Current Status: Apr-21 03 Received by the Governor

Section Affected: 23- (1 SECTION) ACCESS TO CONFIDENTIAL RECORDS

SB0528 SD2 HD1 CD1 (CCR 91)

RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS.

Introduced by: Inouye L, Kokubun R

Transfers lands and improvements from the county of Hawaii (under the department of education) to the State. -- SB0528 CD1

Committee Reports: SSCR 289 (TMG/ WLA/) SSCR 891 (WAM) HSCR 980 (WLH)
HSCR 1449 (FIN) CCR 91

Current Status: Apr-29 03 Passed Legislature

SB0534 SD2 HD1 CD1 (CCR 94)

RELATING TO AGRICULTURE.

Introduced by: Inouye L, Espero W, Chun Oakland S

Appropriation to the university of Hawaii for the continued development of high value agricultural products and a breeding program to provide new agricultural products, the assessment of local and export markets, development of industry assessments, disease prevention programs, and other high priority needs. Requires sums appropriated to be added to the base budget request of the university of Hawaii. (\$\$) -- SB0534 CD1

Committee Reports: SSCR 453 (WLA/ EDU/) SSCR 710 (WAM) HSCR 1086 (HED)
HSCR 1275 (FIN) CCR 94

Current Status: Apr-29 03 Passed Legislature

SB0538 SD1 HD1 (HSCR 1440)

RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.

Introduced by: Inouye L

Amends provision relating to the definition of public lands. Provides that lands which are set aside by the governor to the agribusiness development corporation, lands leased to the agribusiness development corporation by any department or agency of the State or lands to which the agribusiness development corporation in its corporate capacity holds title shall be excluded from the definition of public lands. -- SB0538 HD1

Committee Reports: SSCR 601 (WLA) HSCR 1087 (AGR/ WLH/) HSCR 1440 (FIN)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 171-2

SB0540 SD1 HD2 CD1 (CCR 101)

MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT.

Introduced by: Inouye L, Espero W

Appropriation to the department of agriculture as a grant in aid to the Hawaii farm bureau federation to be disbursed to the Hawaii agriculture research center to be allocated for sugar research. Appropriation to the department of agriculture for pineapple research projects. (\$\$) -- SB0540 CD1

Committee Reports: SSCR 122 (WLA) SSCR 711 (WAM) HSCR 1049 (AGR) HSCR
1266 (FIN) CCR 101

Current Status: Apr-29 03 Passed Legislature

SB0550 SD1 (SSCR 162)

RELATING TO AGRICULTURAL COMMODITIES.

Introduced by: Inouye L

Amends provision relating to ownership and movement of agricultural commodities

SENATE BILLS WHICH PASSED THE LEGISLATURE

certification. Provides that every person upon sale of any agricultural commodity or upon transportation of lots of any agricultural commodity of more than 200 pounds or with a value of at least 100 dollars that is marketed for commercial purposes shall complete a certificate. Provides that 2 copies of the certificate shall accompany the shipment and a copy shall be retained by the person completing the certificate. Excludes the retail sale of an agricultural commodity to the final consumer. Redefines agricultural commodity to include silviculture. Defines person to mean any individual, firm, corporation, partnership, or association. -- SB0550 SD1

Committee Reports: SSCR 162 (WLA) SSCR 613 (CPH) HSCR 1048 (AGR) HSCR 1284 (FIN)

Current Status: Apr-02 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 20 2003)

Section Affected: 145-21, 145-22, 145-23, 145-25

SB0552 SD2 HD2 (HSCR 1426)

RELATING TO LANDOWNERS' LIABILITY.

Introduced by: Inouye L, English J

Establishes provision relating to landowner's liability for access to control invasive species. Provides that an owner of land owes no duty of care to keep the premises safe for entry or use by others for eradication of invasive species, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, or to persons entering in response to such persons who require assistance. Establishes limited liability of owner. Defines invasive species to mean any plant, plant pest, noxious weed, microorganism, biological control organism, or animal that can directly or indirectly injure or cause damage to the environment or to the interests of agriculture, horticulture, aquaculture, animal or public health, native species, natural resources, irrigation, or navigation. -- SB0552 HD2

Committee Reports: SSCR 246 (ENE) SSCR 629 (JHW) HSCR 981 (WLH/ EEP/) HSCR 1426 (JUD)

Current Status: Apr-21 03 Received by the Governor

Section Affected: 520A-1, 520A-2, 520A-3, 520A-4, 520A-5, 520A-6

SB0554

RELATING TO BROWN TREE SNAKES.

Introduced by: Inouye L

Amends provision relating to importation or possession prohibited of soil, plants, animals, etc. Provides that the department of agriculture may bring into and maintain in the State 4 live sterile brown tree snakes instead of 1. -- SB0554

Committee Reports: SSCR 268 (WLA) HSCR 1158 (EEP/ AGR/)

Current Status: Mar-28 03 Received by the Governor
Apr-07 03 Approved by Governor (Act 10 2003)

Section Affected: 150A-6

SB0562

RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES.

Introduced by: Inouye L

Establishes provisions relating to terminable rental adjustment clause vehicle leases. Provides that a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement by reference to the amount realized upon sale or other disposition of a motor vehicle or trailer. -- SB0562

Committee Reports: SSCR 104 (TMG) SSCR 610 (CPH) HSCR 884 (TRN) HSCR 1340 (CPC)

Current Status: Apr-03 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 21 2003)

Section Affected: 286- (1 SECTION) TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES

SB0574 SD1 HD2 CD1 (CCR 116)

RELATING TO CAPTIVE INSURANCE.

Introduced by: Taniguchi B

Amends provisions relating to the captive insurance administrator to provide that the administrator shall report directly to the insurance commissioner. -- SB0574 CD1

Committee Reports: SSCR 224 (CPH) SSCR 795 (WAM) HSCR 950 (CPC) HSCR 1431 (FIN) CCR 116

SENATE BILLS WHICH PASSED THE LEGISLATURE

Current Status: Apr-29 03 Passed Legislature
Section Affected: 431:19-101.5

SB0576 HD2 CD1 (CCR 120)

RELATING TO THE UNIVERSITY OF HAWAII.

Introduced by: Taniguchi B

Amends provisions relating to the university of Hawaii tuition and fees special fund. Provides that any expenditure of funds authorized by the board of regents of the university of Hawaii awarded to an individual or organization shall be subject to provisions which requires that the university, legislative committees and their staff, and the legislative auditor be given full access to the records, reports, and files of the individual or organization. Provides that upon written request from a private donor, the auditor shall not disclose the name or personal information of the private donor. Annual report to the legislature by the university identifying each department of the university of Hawaii Foundation supported by the moneys in the fund. -- SB0576 CD1

Committee Reports: SSCR 397 (EDU) SSCR 917 (WAM) HSCR 1112 (HED) HSCR 1441 (FIN) CCR 120

Current Status: Apr-29 03 Passed Legislature

Section Affected: 304-16.5

SB0582 HD1 CD1 (CCR 83)

RELATING TO STATE BONDS.

Introduced by: Taniguchi B

Establishes debt limit on general obligation bonds. Authorizes the issuance of general obligation bonds for appropriation to finance projects authorized in the general appropriations Act of 2003 (state budget) and the judiciary appropriations Act of 2003 (judiciary budget), and that are designated to be financed from the general obligation bond fund and from the general obligation bond fund with debt service cost to be paid from special funds. Authorizes the issuance of general obligation bonds to refund any general obligation bonds. (\$\$) -- SB0582 CD1

Committee Reports: SSCR 825 (WAM) HSCR 1375 (FIN) CCR 83

Current Status: Apr-29 03 Passed Legislature

SB0585 SD1 HD1 CD1 (CCR 108)

RELATING TO STATE FUNDS.

Introduced by: Taniguchi B

Appropriation out of the Hawaii tobacco settlement special fund to be transferred by the department of health to the department of human services for children's health programs. (\$\$) -- SB0585 CD1

Committee Reports: SSCR 826 (WAM) HSCR 1022 (HSH/ HLT/) HSCR 1341 (FIN) CCR 108

Current Status: Apr-29 03 Passed Legislature

SB0614 SD1 HD1 CD1 (CCR 104)

RELATING TO HEALTH INSURANCE.

Introduced by: Hanabusa C

Amends the accident and sickness insurance contracts law, benefit societies law, and the health maintenance organizations act (HMOs) to establish provisions relating to insurance fraud and penalties. Provides that a person commits the offense of insurance fraud if the person acts or omits to act with intent to obtain benefits or recovery or compensation for services provided, or provides legal assistance or counsel with intent to obtain benefits or recovery. Provides that a person shall not be subject to civil liability for providing information to a court, the insurance commissioner, the insurance investigation unit, the National Association of Insurance Commissioners, any federal, state, or county law enforcement or regulatory agency, or another insurer, if the information is for preventing, investigating, or prosecuting insurance fraud. -- SB0614 CD1

Committee Reports: SSCR 273 (CPH) SSCR 796 (WAM) HSCR 1414 (JUD) CCR 104

Current Status: Apr-29 03 Passed Legislature

Section Affected: 431:10A- (1 SECTION), 432:1- (1 SECTION), 432D- (1 SECTION)

SB0616

RELATING TO HATE CRIMES.

Introduced by: Hanabusa C (BR)

SENATE BILLS WHICH PASSED THE LEGISLATURE

Defines gender identity to mean a person's actual or perceived gender, as well as a person's gender identity, gender related self image, gender related appearance, or gender related expression; regardless of whether that gender identity, gender related self image, gender related appearance, or gender related expression is different from that traditionally associated with the person's sex at birth. Amends provision relating to criteria for extended terms of imprisonment by providing that a convicted defendant may be subject to an extended term of imprisonment if the convicted defendant intentionally selects a victim because of actual or perceived hostility toward the gender identity or expression. Amends provision relating to the Hawaii criminal justice data center; civil identification by including gender identity or expression in the definition of hate crime. -- SB0616

Committee Reports: SSCR 593 (JHW) HSCR 1184 (JUD)
Current Status: Apr-02 03 Received by the Governor
Apr-23 03 Became Law Without the Governor's Signature (Act 33 2003)
Section Affected: 846-51, 706-662

SB0617

RELATING TO CRIMINAL OFFENSES.

Introduced by: Hanabusa C

Requires the judicial council of Hawaii to convene a task force to engage in a comprehensive review of criminal charging procedures including differing charging procedures throughout the nation; applicable state statutes and rules from jurisdictions other than Hawaii; cost factors involved with various charging procedures used in other jurisdictions; evaluations of statutes and charging procedures and the anticipated impact of enacting similar laws in Hawaii; any other relevant issues. Requires a report to the legislature. -- SB0617

Committee Reports: SSCR 594 (JHW) HSCR 1673 (JUD)
Current Status: Apr-29 03 Passed Legislature

SB0637 HD2 (HSCR 1442)

RELATING TO MISSING CHILDREN.

Introduced by: Hanabusa C, Chun Oakland S, Kokubun R, English J

Repeals provisions relating to the Hawaii missing children's clearinghouse trust fund, the Hawaii missing children's clearinghouse advisory board, and the annual audit of Hawaii justice foundation. Transfers money in the trust fund to friends of the missing child center Hawaii for locating, recovering, and protecting missing children, and to promote community awareness of the problem of missing children. -- SB0637 HD2

Committee Reports: SSCR 345 (HMS/ JHW/) SSCR 836 (WAM) HSCR 1036 (JUD)
HSCR 1442 (FIN)
Current Status: Apr-29 03 Passed Legislature
Section Affected: 28-122, 28-123, 28-124

SB0658 SD1 HD3 (HSCR 1470)

RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS.

Introduced by: Fukunaga C

Establishes provision relating to emergency contraceptives for sexual assault survivors. Requires hospitals that provide emergency care to sexual assault survivors to provide each sexual assault survivor with written and oral information about emergency contraception, inform each survivor of her option to receive emergency contraception at the hospital, and provide emergency contraception immediately at the hospital to each sexual assault survivor who requests it. Provides that the cost of the emergency contraception dispensed shall be paid by the department of health. Requires the hospital to ensure that each person is provided with accurate and unbiased information. Further requires the department to respond to complaints and to determine whether hospitals are complying with this provision. -- SB0658 HD3

Committee Reports: SSCR 58 (HTH) SSCR 630 (JHW) HSCR 929 (HLT) HSCR 1106 (JUD) HSCR 1470 (FIN)
Current Status: Apr-25 03 Received by the Governor
Section Affected: 321- (4 SECTIONS) EMERGENCY CONTRACEPTIVES FOR SEXUAL ASSAULT SURVIVORS

SB0665 SD1 HD2 CD1 (CCR 62)

RELATING TO PREPAID HEALTH CARE PLAN.

SENATE BILLS WHICH PASSED THE LEGISLATURE

Introduced by: Kokubun R

Amends provision relating to the prepaid health care advisory council. Prohibits a person representing a health maintenance organization (HMOs), a mutual benefit society issuing individual and group hospital or medical service plans, or any other health care organization to be a member of the council. -- SB0665 CD1

Committee Reports: SSCR 788 (LBR) HSCR 1076 (HLT) HSCR 1429 (CPC) CCR 62

Current Status: Apr-29 03 Passed Legislature

Section Affected: 393-7

SB0685

RELATING TO SOCIAL SECURITY NUMBERS PLACED IN POLL BOOKS.

Introduced by: Kawamoto C

Amends provision relating to poll book, identification and voting. Provides that a poll book shall not contain any social security number of any person. -- SB0685

Committee Reports: SSCR 595 (JHW) HSCR 1183 (JUD)

Current Status: Apr-02 03 Received by the Governor

Apr-16 03 Approved by Governor (Act 23 2003)

Section Affected: 11-136

SB0687 SD1 HD1 CD1 (CCR 145)

RELATING TO LEAVES OF ABSENCE.

Introduced by: Kawamoto C (BR)

Establishes tax deferred compensation plans for public employees law. Establishes provision related to special pay plan; authority established; participation. Provides that each jurisdiction may establish a special pay plan for its employees in accordance with collective bargaining for employees subjected to a collective bargaining agreement and mandatory for employees not subject to a collective bargaining agreement employed in a jurisdiction that has elected to establish a special pay plan. Establishes provision related to the implementation of special pay plans. Provides that all accumulated vacation allowance of an employee who separates from service in a jurisdiction that has establishes a special pay plan shall be paid to the plan. Requires the employer to pick up any mandatory employee contribution of accumulated vacation allowance to the special pay plan without the meaning of 414 (h) (2) of the Internal Revenue Code. Exempts employees to have the option of receiving their accumulated vacation allowance in cash in lieu of having a contribution made to the special pay plan by their employer. Requires the employer shall reimburse employees under the age of 55 who elect a withdrawal their entire account balance from the special pay plan within 60 days from the date that the employee separated from the service, an amount equal to the difference between the FICA and medicare tax savings to the employee, and an early withdrawal penalty imposed by the Internal Revenue Service. Establishes provision relating to administration of a special pay plan. Provides that each jurisdiction that establishes a special pay plan shall be responsible for the administration of the special pay plan. Establishes provision related to costs of a special pay plan. Provides that costs associated with the implementation and administration of a special pay plan shall be borne by the selected plan provider. Establishes provision relating to the pay of officers and employees on active military service. Provides that all officers and employees of the State and several counties for at least 6 months shall be entitled, while on active duty or during periods of camps and instruction or field maneuvers as members of the Hawaii national guard or organized reserves, including the officers' reserve corps and the enlisted reserve corps, under call of the President of the US or the governor of the State, to receive pay as provided by law. Provides that during a leave of absence the officer or employee shall receive their salary or compensation for a period not exceeding 15 working days in any calendar year. Establishes provision relating to the non forfeiture of absence. Provides that every officer and employee of the state and several counties who is a member of the Hawaii national guard or organized reserves corps and the enlisted reserve corps, shall be entitled to be absent from the officer's or employee's duty or service while engaged in the performance of ordered military or naval duty and while going to and returning from such duty. Further provides that no officer or employee shall be subjected, directly or indirectly, by reason of the absence to any loss or diminution of vacation or holiday privileges or be prejudiced by reason of the absence with reference to promotion or continuance in office, employment, reappointment to office, or reemployment. -- SB0687 CD1

Committee Reports: SSCR 789 (LBR) HSCR 1163 (LAB) CCR 145

SENATE BILLS WHICH PASSED THE LEGISLATURE

Current Status: May-01 03 Passed Legislature
Section Affected: (5 SECTIONS) TAX DEFERRED COMPENSATION PLANS FOR PUBLIC EMPLOYEES, 78-23, 78- (2 SECTIONS)

SB0740 HD2 CD1 (CCR 73)

RELATING TO HEALTH.

Introduced by: Baker R, Chun Oakland S, Fukunaga C, Kanno B, Inouye L
Establishes provision relating to public health nursing program. Establishes the program within the department of health to mobilize the department's nursing resources and respond to catastrophic and traumatic emergency events; respond to communicable diseases and other public health outbreaks; provide care coordination services to the most vulnerable populations of special needs children, elderly, and other populations having difficulty accessing the health care system; provide services that involve the family in collaboration and coordination with other agencies; collaborate with the department of education and Hawaii chapter of the American academy of pediatrics in the provisions of school health services; develop collaborative partnerships with individuals, families, communities, and providers to improve health and safety; provide the health care services when no other resources are available in the community; and collect and evaluate data related to family and community needs to improve nursing and health services delivery and enhance the quality of life for families. -- SB0740 CD1

Committee Reports: SSCR 83 (HTH) SSCR 810 (WAM) HSCR 1011 (HLT) HSCR 1432 (FIN) CCR 73

Current Status: Apr-29 03 Passed Legislature
Section Affected: 321- (1 SECTION) PUBLIC HEALTH NURSING SERVICES PROGRAM

SB0745 SD2 HD2 CD1 (CCR 109)

RELATING TO EMERGENCY MEDICAL SERVICES.

Introduced by: Baker R, Tsutsui S, English J
Requires the department of health to establish, administer, and maintain an aeromedical emergency medical services system designed to collect and analyze data to measure the efficiency and effectiveness of each phase of an aeromedical program. Defines emergency aeromedical services to mean a secondary response system which provides immediate critical care and transport by rotary wing aircraft of a patient to a facility that provides specialized medical care. Provides that the aeromedical emergency medical services system shall serve the emergency health needs of the people of the State by identifying system strengths and weaknesses, the allocation of resources, and the development of aeromedical service standards. Requires the department to use an emergency aeromedical services quality improvement committee to analyze information collected from the aeromedical quality improvement performance measures and to recommend system standards and resources to improve the Hawaii emergency aeromedical services system. Appropriation to the department through its emergency medical service system to fund an emergency aeromedical helicopter service for the county of Maui. County of Maui to provide specified funds. Requires the services to use triage protocols and be based on national aeromedical, triage, and transport guidelines. Encourages the department to partner with the county of Maui, health care providers, and the private sector to ensure that this necessary service is provided in the most cost efficient manner, utilizing all available resources. Appropriation to the department through its emergency medical service system to integrate additional ground ambulance services with the emergency aeromedical helicopter services. (\$\$) -- SB0745 CD1

Committee Reports: SSCR 385 (HTH) SSCR 961 (WAM) HSCR 1073 (HLT) HSCR 1443 (FIN) CCR 109

Current Status: Apr-29 03 Passed Legislature
Section Affected: 321-222, 321-224, 321-228, 321-230

SB0748 SD2 HD2 CD1 (CCR 110)

RELATING TO NURSING EDUCATION.

Introduced by: Baker R
Establishes the nursing education loan program to be administered the university of Hawaii to provide financial support to students who complete a state approved nursing educational program and agree to secure employment as a nurse in Hawaii. Provides that if the student completes the nursing education program and is employed as a full time nurse in Hawaii, 1/10 of the total amount of loan and interest shall be waived for every year of the 1st 5 years and the remaining balance shall be waived after the 6th

SENATE BILLS WHICH PASSED THE LEGISLATURE

year. Provides that if a loan recipient fails to secure employment as a nurse or provide nursing services in the State within 6 consecutive years from the original date of employment, the loan recipient shall repay any remaining loan balance at the rate of 10 per cent simple interest. Establishes the nursing education loan program special fund to be administered by the university to provide loans. -- SB0748 CD1

Committee Reports: SSCR 468 (HTH/ EDU/) SSCR 811 (WAM) HSCR 977 (HED)
HSCR 1484 (FIN) CCR 110

Current Status: Apr-29 03 Passed Legislature

Section Affected: 304- (2 SECTIONS) NURSING EDUCATION LOAN PROGRAM

SB0768 SD1 HD2 CD1 (CCR 146)

RELATING TO COLLECTIVE BARGAINING.

Introduced by: Kanno B, Baker R

Amends provision relating to resolution of disputes, grievances, and impasse. Provides that if an impasse exists between a public employer and the exclusive bargaining representative of bargaining units including 2 (supervisory employees in blue collar positions), 3 (non supervisory employees in white collar positions), 4 (supervisory employees in white collar positions), 6 (educational officers and other personnel of the department of education), 8 (personnel of the university of Hawaii and community college system, other than faculty), 9 (registered professional nurses), or 13 (professional and scientific employees) the Hawaii labor relations board shall assist in the resolution of impasse through mediation and arbitration. -- SB0768 CD1

Committee Reports: SSCR 329 (LBR) SSCR 724 (WAM) HSCR 1085 (LAB) HSCR
1273 (FIN) CCR 146

Current Status: May-01 03 Passed Legislature

Section Affected: 89-11

SB0773 HD2 (HSCR 1336)

RELATING TO UNEMPLOYMENT INSURANCE.

Introduced by: Kanno B

Amends provision relating to employment security. Provides that if an individual fails to establish a valid claim for unemployment insurance the department of labor and industrial relations shall make a redetermination of entitlement based upon the alternative base period. Requires the individual to satisfy the conditions that apply to claims filed using the base period and the establishment of claims using the alternative base period. Defines alternative base period to mean the 4 completed calendar quarters immediately preceding the 1st day of an individual's benefit year. -- SB0773 HD2

Committee Reports: SSCR 523 (LBR) SSCR 725 (WAM) HSCR 1089 (LAB) HSCR
1336 (FIN)

Current Status: Apr-24 03 Received by the Governor

Section Affected: 383-1, 383-29

SB0787

RELATING TO DISASTER LEAVE.

Introduced by: Kanno B, Inouye L

Establishes provision relating to paid leave for state and county employees providing disaster relief services for the American Red Cross. Provides that the governor or mayor, or their respective designees, may grant a state or county employee who is a certified American Red Cross disaster volunteer up to 30 days of paid leave of absence to perform disaster relief services for the American Red Cross. Provides criteria. -- SB0787

Committee Reports: SSCR 405 (LBR/ TMG/) SSCR 726 (WAM) HSCR 1260 (FIN)

Current Status: Apr-03 03 Received by the Governor

Apr-16 03 Approved by Governor (Act 24 2003)

Section Affected: 78- (1 SECTION) PAID LEAVE FOR STATE AND COUNTY
EMPLOYEES PROVIDING DISASTER RELIEF SERVICES FOR
THE AMERICAN RED CROSS

SB0789 SD1 HD2 CD1 (CCR 127)

RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS.

Introduced by: Kanno B

Amends provision relating to health benefits plan supplemental to medicare. Provides that the board of trustees of the Hawaii employer union benefits trust funds shall establish a health benefits plan provided that the State through the department of budget and finance, and the counties, through their respective departments of finance, shall pay

SENATE BILLS WHICH PASSED THE LEGISLATURE

to the fund a contribution equal to an amount not less than the medicare part B premium for voluntary medical insurance coverage under medicare for retired members of the employees' retirement system; county pension system; or a police, firefighters, or bandsmen pension system of the State or a county; provided that if the amount reimbursed by the fund to the retirees is less than the actual cost of the medicare part B medical insurance plan due to an increase in the medicare part B medical plan insurance rate, the fund shall reimburse the retiree for the cost increase within 30 days of the rate change. Amends provision relating to State and county contributions; retired employees. Provides that effective July 1, 2004, there is established a base monthly contribution for health benefits plan that the State through the department of budget and finance, and the counties through their respective departments of finance, shall pay to the fund. Provides that the monthly contribution by the State or county shall not exceed the actual cost of the health benefit plan or plans and shall not be required to cover increased benefits above those initially contracted for by the fund for plan year 2004 - 2005. Provides that if both husband and wife are employee beneficiaries, the total contribution to the State or county shall not exceed the monthly contribution for a supplemental medicare family or non medicare family plan, as appropriate. Provides that for the plan year beginning July, 1, 2005, the adjusted base monthly contribution shall be computed using the actual contracted premium rate as of July 1, 2004, for medicare and non medicare, self and family health benefit plans with the highest actual contracted premium rate as of July 1, 2004. -- SB0789 CD1

Committee Reports: SSCR 414 (LBR) SSCR 727 (WAM) HSCR 1084 (LAB) HSCR 1267 (FIN) CCR 127

Current Status: Apr-29 03 Passed Legislature

Section Affected: 87A-23, 87A-33

SB0830 SD1 HD3 CD1 (CCR 68)

RELATING TO CRIMINAL HISTORY RECORD CHECKS.

Introduced by: Bunda R

Amends provisions relating to criminal history record checks. Provides that agencies and other entities authorized to conduct criminal history checks are the county liquor commissions on liquor license applicants; the department of education including the Hawaii state library system for people employed, seeking employment, or seeking to serve as a teacher trainee or in the library system; the private schools for people employed or seeking employment in positions that place them in close proximity to children; the department of health for persons seeking employment or seeking to serve as providers or subcontractors in positions that place them in direct contact with clients when providing non witnessed direct mental health services on behalf of the child and adolescent mental health division of the department; the board of directors of cooperative housing corporation or the manager of a cooperative housing project on applicants for employment as a security guard or manager or for a position that would allow the employee access to the keys of or entry into the units in the project or access to corporation funds; the department of health on operators of adult foster homes or developmental disabilities domiciliary homes and their employees; the counties on employees and prospective employees who may be in positions which place them in close proximity to children in recreation or child care programs and services; the department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes; the department of human services on prospective adoptive parents; the department of human services on applicants to operate child care facilities, prospective employees of the applicant, and new employees of the provider after registration or licensure; the department of human services on persons exempt to be eligible to provide child care and receive child care subsidies; the department of human services on operators and employees of home and community based case management agencies and operators and other adults; the department of human services on staff members of the Hawaii youth correctional facility; the judiciary on employees and applicants at detention and shelter facilities; the department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest; the department of commerce and consumer affairs on applicants for private detective or private guard licensure; and the State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, dependent

SENATE BILLS WHICH PASSED THE LEGISLATURE

adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment. Amends Act 273, session laws of 2001. Repeals provisions relating to background checks. -- Extends the criminal history record checks working group to June 30, 2005 (sunset). Report to the legislature. Requires the department of the attorney general and the department of human resources development to jointly provide administrative support upon request from the working group. Legislative reference bureau to provide technical assistance in drafting legislation. -- SB0830 CD1
Committee Reports: SSCR 596 (JHW) HSCR 907 (LAB) HSCR 1122 (JUD) HSCR 1505 (FIN) CCR 68

Current Status: Apr-29 03 Passed Legislature

Section Affected: 78- (1 SECTION), 281- (1 SECTION), 302A- (2 SECTIONS), 321- (1 SECTION), 421I- (1 SECTION), 846- (1 SECTION), 333F-1, 333F-22, 346-16, 346-17, 346-19.6, 346-19.7, 346-151, 346-154, 352-1, 352-5.5, 353C-5, 378-2.5, 463-9, 514A-82.1, 571-2, 571-34, 831-3, 831-3.1, ACT 273 2001, 846-41, 846-42, 846-43, 846-44, 846-45

SB0837 SD1 HD2 CD1 (CCR 60)

RELATING TO WORKFORCE DEVELOPMENT.

Introduced by: Fukunaga C, Ige D, Aduja M

Establishes provision relating to annual report; workforce development. Requires the department of business, economic development, and tourism to submit an annual report to the legislature on the department's efforts to increase the number of high skilled jobs in targeted industry clusters consistent with the efforts of the workforce development council. Further requires the department of business, economic development and tourism to post the annual report on the internet. -- Establishes provision relating to report on workforce development programs. Requires the department of labor and industrial relations, university of Hawaii, department of human services, department of education, department of public safety, and department of business, economic development, and tourism to annually report to the legislature, the governor and the workforce development council. Further requires the departments and the university of Hawaii to post their respective reports on the internet. Amends provision relating to duties of council. Requires the workforce development council to prepare and update periodically a comprehensive state plan for workforce development with strategic goals and measurable outcomes. Provides that the comprehensive state plan shall include strategic goals of workforce development programs, including the identification of the desired number of highly skilled workers in the workforce and the time frame for such training and development; methods to educate the private sector about state, federal, and private financial assistance; methods to facilitate access to workforce development resources; the creation and improvement of educational opportunities for individuals to learn and develop new skills; methods to facilitate the department of education's development of curriculum in public schools to prepare students for employment in the private sector; recommendations to change and improve existing state programs, including the elimination of ineffective programs and the creation of new programs to improve workforce development; the identification of resources required, obstacles to overcome, and best practice models to implement the comprehensive state strategic plan; and a detailed budget for the comprehensive state plan with a justification for each expenditure. Annual report to the legislature and the governor to be posted on the internet and to include the status of the comprehensive state plan for workforce development and information regarding the workforce development programs offered throughout the State, the number of individuals placed in employment through workforce development programs, and the type of category of employment garnered. -- SB0837 HD2 CD1

Committee Reports: SSCR 875 (ECD/ LBR/) HSCR 917 (EDB) HSCR 1123 (LAB) HSCR 1450 (FIN) CCR 60

Current Status: Apr-29 03 Passed Legislature

Section Affected: 201- (1 SECTION), 202- (1 SECTION), 202-2

SB0843 SD1 HD2 (HSCR 1095)

RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS.

Introduced by: English J, Espero W

Establishes provision relating to citizen suits. Amends provision relating to conservation

SENATE BILLS WHICH PASSED THE LEGISLATURE

of aquatic life, wildlife and land plants. Redefines landowner as an owner of land or any estate or interest in that land when acting with the consent of the fee owner. In the case of government owned lands, the consent shall be required of any government department or agency to which management or control of that land has been assigned. Amends provision relating to habitat conservation plans and safe harbor agreements. Provides that in the event the board of land and natural resources votes to enter into a habitat conservation plan or safe harbor agreements for which the majority of the endangered species recovery committee recommended disapproval, the board may not enter into the plan or agreement unless the plan is approved by a 2/3 majority vote of both houses of the legislature. Requires that a safe harbor agreement shall be approved if the agreement proposes to create, restore, maintain, or improve significant amounts of habitat for a minimum of 5 years for private lands and for a minimum of 15 years for public lands. Provides confidentiality of the precise locations for habitat conservation plans or safe harbor agreements for private lands. Provides that the board shall suspend or revoke the approval of any habitat conservation plan or any safe harbor agreement approved if continuation of the permitted activity would appreciably reduce the likelihood of survival or recovery of any threatened or endangered species in the wild. Provides that the endangered species recovery committee shall visit each property that is the subject of a habitat conservation plan or safe harbor agreement at least 1 time per year. -- SB0843 HD2

Committee Reports: SSCR 444 (ENE) SSCR 782 (JHW) HSCR 903 (WLH/ EEP/)
HSCR 1095 (JUD) HSCR 1380 (FIN)

Current Status: Apr-11 03 Received by the Governor
Apr-28 03 Approved by Governor (Act 35 2003)

Section Affected: 195D- (1 SECTION), 195D-2, 195D-21, 195D-22, 195D-24,
195D-25

SB0855 SD1 HD3 CD1 (CCR 105)

RELATING TO ENERGY.

Introduced by: English J, Aduja M

Establishes provisions relating to energy efficiency policy review and evaluation. Requires the energy resources coordinator to ensure that a review and an evaluation of the income tax credit be done. Report to the legislature. -- Provides a renewable energy technologies income tax credit for every renewable energy technology systems installed. Defines renewable energy technology systems as a system that captures and converts source energy such as wind, heat (solar thermal), or light (photovoltaic) from the sun into a usable source of thermal or mechanical energy, electricity, or fuel. Requires the department of taxation to assist the energy efficiency policy review and evaluation. Act repealed on January 1, 2008 (sunset). -- SB0855 CD1

Committee Reports: SSCR 88 (ENE) SSCR 922 (WAM) HSCR 916 (EDB) HSCR
1151 (EEP) HSCR 1498 (FIN) CCR 105

Current Status: Apr-29 03 Passed Legislature

Section Affected: 196- (1 SECTION), 235- (1 SECTION)

SB0931 SD2 HD2 CD1 (CCR 66)

RELATING TO HAWAII VICTIMS LEAVE ACT.

Introduced by: Chun Oakland S

Establishes provisions relating to victims leave. Establishes provision relating to leave of absence for domestic or sexual violence. Requires an employer to allow an employee to take up to 30 days unpaid leave from work per calendar year if the employer employs 50 or more employees, and up to 5 days unpaid leave from work per calendar year if the employer employs up to 49 employees, if the employee or the employee's minor child is a victim of domestic or sexual violence to seek medical attention to recover from physical or psychological injury; to obtain services from a victim services organization; to obtain counseling; to relocate; or to take legal action. Allows the employer to request evidence for leave of absence resulting from the violence. Prohibits provision relating to leave of absence for domestic or sexual violence to supersede any provision of any employment agreement, collective bargaining agreement, or employment benefits program or plan that provides greater benefits or rights than those established under this provision. -- SB0931 CD1

Committee Reports: SSCR 333 (LBR) SSCR 993 (JHW) HSCR 1125 (LAB) HSCR
1490 (FIN) CCR 66

Current Status: Apr-29 03 Passed Legislature

SENATE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 378- (4 SECTIONS) VICTIMS LEAVE

SB0933 SD1 HD1 CD1 (CCR 54)

RELATING TO STALKING.

Introduced by: Chun Oakland S

Amends provision relating to harassment by stalking. Provides that a person commits the offense of aggravated harassment by stalking if that person commits the offense of harassment by stalking and has been convicted previously of harassment by stalking within 5 years of the instant offense. Provides that a person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than 1 occasion without legitimate purpose. Provides that harassment by stalking is a misdemeanor. -- SB0933 CD1

Committee Reports: SSCR 25 (JHW) HSCR 1315 (JUD) CCR 54

Current Status: Apr-28 03 Received by the Governor

Section Affected: 711-1106.4, 711-1106.5

SB0946 HD2 CD1 (CCR 64)

RELATING TO CAREGIVER CONSENT.

Introduced by: Chun Oakland S, Kanno B, Hanabusa C, Sakamoto N, Kawamoto C, Aduja M, Ige D

Establishes the full participation in school act. Authorizes a caregiver to consent on behalf of a minor to enrollment in school and to full participation in curricular and co curricular school activities if the caregiver possesses and presents to the department of education a valid affidavit for caregiver consent provided by the department of education and executed by the caregiver. Defines caregiver as any person who is at least 18 years of age and related by blood, marriage, or adoption to the minor, including a person who is entitled to an award of custody but is not the legal custodian or guardian of the minor or resides with the minor for a continuous immediate preceding period of 6 months or more. Authorizes the department to transfer a minor to the minor's home school if the minor has been enrolled in a school based on an invalid caregiver affidavit. -- SB0946 CD1

Committee Reports: SSCR 12 (HMS) SSCR 988 (JHW) HSCR 994 (HSH) HSCR 1500 (JUD) CCR 64

Current Status: Apr-29 03 Passed Legislature

Section Affected: 302A- (4 SECTIONS) FULL PARTICIPATION IN SCHOOL ACT

SB0975 HD1 CD1 (CCR 72)

RELATING TO GOVERNMENT.

Introduced by: Chun Oakland S, Sakamoto N, Kawamoto C

Establishes provisions relating to counties' limited liability for skateboard activities at public skateboard parks. Provides that no public entity or employee shall be liable to any person for injury or damage sustained when using a public skateboard park, except when the injury or damage is caused by a condition resulting from the public entity's failure to maintain or repair the skateboard park. Requires the counties, and public entities that own or maintain public skateboard parks, to maintain a record of all known or reported injuries and all claims paid for such injuries and to report to the legislature, along with any recommendations regarding the need for further immunity from liability. Establishes provision related to limited liability for volunteers for activities at public skateboard parks. Provides that a volunteer or a nonprofit organization or nonprofit corporation that provides volunteers to a governmental entity to design, constructs, maintains, or repairs a skateboard park for a governmental entity shall not be liable to any person for injury or damage sustained when using a public skateboard park, except for injury or damages resulting from gross negligence or intentional misconduct or under the doctrine of respondeat superior. -- SB0975 CD1

Committee Reports: SSCR 877 (TMG/ ECD/ JHW/) HSCR 923 (TAC) HSCR 1119 (JUD) HSCR 1451 (FIN) CCR 72

Current Status: Apr-29 03 Passed Legislature

Section Affected: 46- (1 SECTION), 662- (1 SECTION), 662D- (1 SECTION)

SB1034 SD1 HD2 CD1 (CCR 115)

RELATING TO AGRICULTURAL LANDS.

Introduced by: Inouye L

Establishes the non agricultural park lands law. Establishes the transfer and

SENATE BILLS WHICH PASSED THE LEGISLATURE

management of non agricultural park lands and related facilities to the department of agriculture from the department of land and natural resources. Requires the department of agriculture to administer a program to manage the transferred non agricultural park lands under rules adopted by the board. Provides that the program and its rules shall be separate and distinct from the agricultural park program and its rules. Requires the program shall include conditions pertaining to encumbered non agricultural park lands. Establishes conversion of qualified and encumbered other agricultural lands to department of agriculture leases or other forms of encumbrance. Establishes the extension of other agricultural lands encumbered by permit and transferred to and managed by the department of agriculture. Provides that the boards of agriculture and land and natural resources shall jointly report to the legislature. -- SB1034 CD1

Committee Reports: SSCR 438 (WLA) SSCR 925 (WAM) HSCR 1131 (AGR/ WLH/)
HSCR 1461 (FIN) CCR 115

Current Status: Apr-29 03 Passed Legislature

Section Affected: (6 SECTIONS) NON-AGRICULTURAL PARK LANDS

SB1040 SD1 HD1 CD1 (CCR 81)

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

Introduced by: Hanabusa C

Amends provision relating to distribution of transient accommodations tax. Provides that of the revenues to be deposited into the tourism special fund 10 per cent shall be deposited into the special land and development fund for the Hawaii statewide trail and access program. -- SB1040 CD1

Committee Reports: SSCR 207 (TSM) SSCR 774 (TSM/ ECD/ WAM/) HSCR 921
(TAC) HSCR 1026 (WLH) HSCR 1475 (FIN) CCR 81

Current Status: Apr-29 03 Passed Legislature

Section Affected: 171-19, 237D-6.5

SB1050 SD2 HD2 CD1 (CCR 103)

RELATING TO VETERANS RIGHTS AND BENEFITS.

Introduced by: Kawamoto C, Espero W, Kanno B, Aduja M, Baker R

Establishes provisions relating to disbursement of world war II Filipino American veterans burial grant funds. Requires the office of veterans' services to make payment directly to a licensed provider of mortuary or crematory services at the request of a deceased Filipino American veteran's survivor or an interested party, for funeral and burial services for deceased veterans, and for transporting the remains to the Philippines. Requires 2,500 dollars to be the maximum amount of burial grant funds to be distributed and the office not to expend more than the amount appropriated for the fiscal year. Provides that payment shall be made by the office upon the submission of a contract for services and an unpaid invoice to the office. Requires the veteran to have been a resident of Hawaii at the time of death. Appropriation to the office of veterans' services. (\$\$) -- SB1050 CD1

Committee Reports: SSCR 260 (TMG) SSCR 899 (WAM) HSCR 1057 (PSM) HSCR
1482 (FIN) CCR 103

Current Status: Apr-29 03 Passed Legislature

Section Affected: 363- (1 SECTION) DISBURSEMENT OF WORLD WAR II
FILIPINO-AMERICAN VETERANS BURIAL GRANT FUNDS

SB1051 HD2 CD1 (CCR 59)

RELATING TO PERSONAL TRANSPORTATION.

Introduced by: Kawamoto C, Kanno B

Establishes provisions relating to electric personal assistive mobility devices within the statewide traffic code. Provides that an electric personal assistive mobility device may be operated on the sidewalks and bicycle paths of the State. Limits the sale of commercial models to those operated by a key that can set the maximum forward speed to 8 miles per hour. Requires an operator to be 16 years of age or older. Defines electric personal assistive mobility device to mean a self balancing 2 wheeled, non tandem wheeled device, designed to transport only 1 person, using an electric propulsion system that limits the maximum speed of the device to 12.5 miles per hour or less. -- SB1051 CD1

Committee Reports: SSCR 112 (TMG) SSCR 783 (JHW) HSCR 997 (TRN) HSCR
1504 (JUD) CCR 59

Current Status: Apr-29 03 Passed Legislature

Section Affected: 291C- (1 SECTION), 291C-1

SENATE BILLS WHICH PASSED THE LEGISLATURE

- SB1058 SD1 HD1 (HSCR 951) RELATING TO CAPTIVE INSURANCE.
Introduced by: Menor R
Amends provisions relating to legal investments of captive insurance companies. Authorizes the insurance commissioner to approve other investment provisions as the commissioner deems appropriate for each company. -- SB1058 HD1
Committee Reports: SSCR 604 (CPH) HSCR 951 (CPC)
Current Status: Apr-24 03 Received by the Governor
Section Affected: 431:19-110
- SB1068 SD1 HD2 (HSCR 1444) RELATING TO HEALTH CARE FACILITIES.
Introduced by: Chun Oakland S
Amends Act 296, session laws of 1999, relating to the senior citizen lifecare retirement community, by changing the lapse date of the special purpose revenue bonds to June 30, 2008 (sunset). -- SB1068 HD2
Committee Reports: SSCR 472 (HTH) SSCR 812 (WAM) HSCR 989 (HSH) HSCR 1444 (FIN)
Current Status: Apr=29 03 Passed Legislature
Section Affected: ACT 296 1999
- SB1075 SD1 HD1 (HSCR 1415) RELATING TO CONTESTED CASES.
Introduced by: Kokubun R
Establishes provision relating to mediation in contested cases. Provides that an agency may encourage parties to a contested case hearing to participate in mediation prior to the hearing subject to conditions imposed by the agency. Provides that the agency may suspend all further proceedings in the contested case pending the outcome of the mediation. Provides that no mediation period shall exceed 30 days from the date the case is referred to mediation, unless otherwise extended by the agency. Provides that the parties may jointly select a person to conduct the mediation. Provides that if the parties are unable to jointly select a mediator within 10 days of the referral to mediation, the agency shall select the mediator. Provides that all costs of the mediation shall be borne equally by the parties unless otherwise agreed, ordered by the agency, or provided by law. Further provides that no mediation statements or settlement offers tendered shall be admitted into any subsequent proceedings involving the case, including the contested case hearing or a court proceeding. -- SB1075 HD1
Committee Reports: SSCR 977 (JHW) HSCR 1415 (JUD)
Current Status: Apr-17 03 Received by the Governor
Section Affected: 91- (1 SECTION), 91-9, 91-10
- SB1077 SD1 HD1 (HSCR 960) RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES.
Introduced by: Fukunaga C
Establishes provisions relating to continuing education course providers for insurers. Establishes provisions for certifying course providers; course provider duties; courses; self study courses; carryover credits; instructors; tuition; reporting credit hours, and advertising. Authorizes the insurance commissioner to establish an advisory committee. -- SB1077 HD1
Committee Reports: SSCR 585 (CPH) HSCR 960 (CPC) HSCR 1452 (FIN)
Current Status: Apr-28 03 Received by the Governor
Section Affected: 431:9A- (10 SECTIONS) CONTINUING EDUCATION COURSE PROVIDERS, 431:9A-102
- SB1088 SD2 HD2 CD1 (CCR 111) RELATING TO LONG-TERM CARE.
Introduced by: Bunda R, Chun Oakland S
Establishes a long term care income tax. Provides that the tax shall go to the long term care benefits fund. Provides that long term care benefits paid shall be excluded from income tax. Provides a long term care income tax credit to a taxpayer who has paid the long term care income tax and has made premium payments for a long term care insurance policy from December 31, 2005, before January 1, 2014 (sunset). Requires the board of trustees of the long term care financing program to prepare an actuarial report and opinion and annually report to the legislature and the governor on any adjustments to the income tax. Exempts the benefits trust fund from contributing to the central service and administrative expenses of the government. Amends provisions

SENATE BILLS WHICH PASSED THE LEGISLATURE

relating to the fiduciary and other obligations of the board of trustees to include obligations of the 3rd party administrator. Amends provisions relating to the long term care financing program investments. Authorizes the board of trustees to make investments with sufficient liquidity to allow market transactions to meet expected payout requirements without substantial loss in value or unreasonable delay. Changes the long term care benefits fund to a trust fund. Amends Act 245, session laws of 2002, establishing the Hawaii long term care financing program law by changing the repeal date of the temporary board from June 30, 2003 9sunset) to when a permanent board is appointed.. Requires the fund to reimburse the general fund after a 5 year period from July 1, 2005. Appropriation to the department of taxation for start up costs to collect the tax. Appropriation to the department of budget and finance for start up costs to administer the tax. (\$\$) -- SB1088 CD1

Committee Reports: SSCR 536 (HTH/ HMS/) SSCR 813 (WAM) HSCR 1142 (HLT/ HSH/) HSCR 1494 (FIN) CCR 111

Current Status: Apr-29 03 Passed Legislature

Section Affected: 235- (10 SECTIONS) LONG-TERM CARE INCOME TAX, 235- (2 SECTIONS), 346C- (1 SECTION), 36-27, 36-30, 235-61, 346C-2, 346C-4, 346C-5, 346C-6, 346C-7, ACT 245 2002

SB1107 SD1 HD1 (HSCR 1316)

RELATING TO CHAPTER 711, HAWAII REVISED STATUTES.

Introduced by: Bunda R (BR)

Amends provision relating to offenses against public order. Defines record to mean to videotape, film, photograph, or archive electronically. Provides that a person commits the offense of disorderly conduct, with intent to cause physical inconveniences or alarm by a member or members of the public, or recklessly creating a risk thereof, if the person subjects another person to offensively coarse behavior or abusive language which is likely to provoke a violent response. Provides that the court may order the destruction of any recording made in violation of privacy in the 1st degree. Provides that a person commits the offense of violation of privacy in the 2nd degree if the person covertly records or broadcasts an image of another person's intimate area underneath clothing, by use of any device, and such image is taken while that person is in a public place and without that person's consent. -- SB1107 HD1

Committee Reports: SSCR 637 (JHW) HSCR 1316 (JUD)

Current Status: Apr-17 03 Received by the Governor

Section Affected: 711-1100, 711-1101, 711-1110.9, 711-1111

SB1134 SD1 HD1 CD1 (CCR 85)

RELATING TO COURT COSTS.

Introduced by: Bunda R (BR)

Amends provision relating to court fees by providing that money collected from administrative fees and fees for administrative costs shall be deposited into the judiciary computer system special fund. Amends provision relating to costs and fees by providing that fees for administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties and political subdivisions of the State, those commenced by a petition for temporary restraining order and those commenced and conducted in the small claims division of the district court shall be 20 dollars. Further provides that fees for administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties or political subdivisions of the State shall be 50 dollars. -- SB1134 CD1

Committee Reports: SSCR 40 (JHW) SSCR 940 (WAM) HSCR 1378 (FIN) CCR 85

Current Status: Apr-29 03 Passed Legislature

Section Affected: 601-3.7, 607-4, 607-5

SB1135 SD1 HD1 CD1 (CCR 86)

RELATING TO COURT FEES.

Introduced by: Bunda R (BR)

Amends provision relating to court fees by providing that money collected from administrative fees and fees for administrative costs shall be deposited into the judiciary computer system special fund. Appropriation out of the judiciary computer system special fund. (\$\$) -- SB1135 CD1

Committee Reports: SSCR 41 (JHW) SSCR 941 (WAM) HSCR 1326 (FIN) CCR 86

Current Status: Apr-29 03 Passed Legislature

Section Affected: 601-3.7, 607-4

SENATE BILLS WHICH PASSED THE LEGISLATURE

- SB1139 SD1 HD1 (HSCR 1038) RELATING TO FAMILY COURT.
Introduced by: Bunda R (BR)
Amends provision relating to surcharge for parent education for separating parties with children by changing it to surcharge for parent education for separating parties in matrimonial actions, where either party has a minor child, and for parties in parentage actions; special fund. Provides that in addition to the fees prescribed for a matrimonial action where either party has a minor child, or family court proceeding under the uniform parentage Act, the court shall collect a surcharge of 50 dollars at the time of or subsequent to filing the initial complaint or petition. Provides that in cases where the surcharge has been initially waived, the court may collect the surcharge subsequent to the filing with such surcharge to be assessed from either party or apportioned between both parties. Provides that any respondent in a matrimonial action with a minor child may not be requested to make a 15 dollar donation. -- SB1139 HD1
Committee Reports: SSCR 43 (JHW) SSCR 700 (WAM) HSCR 1038 (JUD) HSCR 1280 (FIN)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 41 2003)
Section Affected: 607-5.6
- SB1154 HD1 (HSCR 1101) RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.
Introduced by: Bunda R (BR)
Establishes the hui `imi (hui imi) advisory council within the office of Hawaiian affairs. Provides that the hui `imi advisory shall serve as a liaison between public and private entities serving the Hawaiian community and investigate Hawaiian issues described in the hui imi task force report volumes I and II. Report to the legislature and the governor. Repeals Act 376, session laws of 1997 relating to the hui imi advisory council with the department of accounting and general services. -- SB1154 HD1
Committee Reports: SSCR 194 (JHW) SSCR 943 (WAM) HSCR 1101 (WLH) HSCR 1283 (FIN)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 42 2003)
Section Affected: 10- (1 SECTION), ACT 376 1997
- SB1156 HD2 (HSCR 1473) RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.
Introduced by: Bunda R (BR)
Establishes the Hawaiian registry. Provides that the office of Hawaiian affairs shall establish and maintain a registry of all Hawaiians wherever such persons may reside. Provides that inclusion of persons in the Hawaiian registry shall be based upon genealogical records sufficient to establish the person's descent from the aboriginal people's inhabiting the Hawaiian islands in 1778. -- SB1156 HD2
Committee Reports: SSCR 195 (JHW) SSCR 944 (WAM) HSCR 910 (WLH) HSCR 1139 (JUD) HSCR 1473 (FIN)
Current Status: Apr-17 03 Received by the Governor
Section Affected: 10- (1 SECTION) HAWAIIAN REGISTRY
- SB1163 RELATING TO EMERGENCY MEDICAL SERVICES.
Introduced by: Bunda R (BR)
Amends provision relating to standards of emergency medical services and systems. Requires ambulance service providers licensed by the State to establish and maintain an alcohol and substance abuse policy for employees that the department of health deems is equivalent to, or exceed the provisions of the safety and health standards established by the US Department of Transportation for holders of commercial driver's licenses. -- SB1163
Committee Reports: SSCR 135 (HTH) HSCR 1656 (HLT)
Current Status: Apr-25 03 Received by the Governor
Section Affected: 321-226
- SB1200 SD1 HD1 CD1 (CCR 52) RELATING TO CAPTIVE INSURANCE.
Introduced by: Menor R
Amends provisions relating to captive insurance companies. Changes charter to articles of incorporation. Further changes license issued by the insurance commissioner to do

SENATE BILLS WHICH PASSED THE LEGISLATURE

insurance business to certificate of authority to do insurance business. Requires a company to file a statement under oath showing its financial condition by any 2 of its principal officers or its attorney in fact. -- SB1200 CD1

Committee Reports: SSCR 605 (CPH) HSCR 1185 (CPC) CCR 52

Current Status: Apr-28 03 Received by the Governor

Section Affected: 431:19-101, 431:19-102, 431:19-104, 431:19-105, 431:19-106, 431:19-107, 431:19-109, 431:19-111.5, 431:19-115

SB1201 SD2 HD1 CD1 (CCR 65)

RELATING TO MOTOR VEHICLE FRANCHISES.

Introduced by: Menor R

Amends the motor vehicle industry licensing act. Provides that any condition, stipulation, or provision in a franchise or distributorship agreement purporting to bind any person acquiring or holding any franchise or distributorship to waive compliance with any provision of this law or any other state law shall be void. Further provides that the same procedure, protections, rights, and remedies provided to a dealer shall apply to a distributor that is not a manufacturer. Requires the measure of compensation upon cancellation or failure to renew a franchise agreement to include compensation related to that distributor's dealer operations and franchise agreements with other dealers. Provides that the motor vehicle industry licensing board shall be authorized to suspend, revoke, or deny the renewal of any license for any manufacturers or distributor to coerce any dealer to enter into any agreement to perform or not to perform any act contrary to the franchise agreement with the dealer; cancel or fail to renew the franchise agreement of any dealer without good faith; delay delivery of or refuse to deliver without cause, any new motor vehicle to a dealer; discriminate against any dealer by directly or indirectly charging more for new motor vehicles or services; or wilfully fail to affix, deface, or remove the vehicle bumper impact notice. -- SB1201 CD1

Committee Reports: SSCR 261 (TMG) SSCR 745 (CPH) HSCR 1317 (CPC/ JUD/)
CCR 65

Current Status: Apr-29 03 Passed Legislature

Section Affected: 437- (2 SECTIONS), 437-1, 437-1.1, 437-2, 437-6, 437-7, 437-23, 437-28, 437-29, 437-35, 437-35.5

SB1234 SD2 HD1 (HSCR 1411)

RELATING TO ALCOHOLIC BEVERAGES.

Introduced by: Chun Oakland S

Establishes provision relating to civil action; intoxication of persons under age 21. Provides that any person 21 years or older who sells, furnishes or provides alcoholic beverages to a person under the age of 21 years; or owns, occupies, or controls premises on which alcoholic beverages are consumed by any person under 21 years of age, who knows of alcohol consumption by any person under 21 years of age on such premises, and who reasonably could have prohibited or prevented such alcohol consumption; shall be liable for all injuries or damages caused by an intoxicated person under 21 years of age. Provides that no adult shall provide or purchase liquor for consumption or use by a person under 21 years of age. Amends provision relating to penalty. Provides that a minor under the age of 18 under the jurisdiction of the family court who is subject to these provisions shall either lose the right to drive a motor vehicle until the age of 18 or be subject to a fine of 500 dollars. -- SB1234 HD1

Committee Reports: SSCR 462 (HMS) SSCR 632 (JHW) HSCR 1411 (JUD)

Current Status: Apr-21 03 Received by the Governor

Section Affected: 663- (2 SECTIONS) CIVIL ACTION; INTOXICATION OF PERSONS UNDER AGE TWENTY-ONE, 281-101.5, 281-17, 286-136

SB1237 SD1 HD2 CD1 (CCR 123)

RELATING TO EDUCATION.

Introduced by: Chun Oakland S

Amends provisions relating to education. Defines out of field teacher to mean an individual who is teaching outside the teacher's authorized licensing field as indicated on the individual's license issued by the Hawaii teacher standards board. Defines teaching out of field and out of field teaching to mean teaching outside the teacher's authorized licensing field as indicated on a teacher's license issued by the board. Requires that the department of education's report on teachers and emergency hires to the board be posted on the department's internet website. -- Establishes provisions

SENATE BILLS WHICH PASSED THE LEGISLATURE

relating to reporting on violations of teacher licensing or credentialing. Requires any licensed teacher, employees or officers of the department of education, and employees or officers of any teacher preparation institution to report violations to the Hawaii teacher standards board. Establishes non reporting penalties, provisions for reports by other people, confidentiality, and action on reporting. Authorizes the board to fund its currently established positions without having to reestablish them and authorizes the positions to be made permanent. -- SB1237 CD1

Committee Reports: SSCR 763 (EDU) HSCR 1127 (EDN) HSCR 1436 (FIN) CCR 123

Current Status: Apr-29 03 Passed Legislature

Section Affected: 302A-101, 302A-804, 302A- (5 SECTIONS)

SB1241 HD2 (HSCR 1465)

RELATING TO CANCER EXAMINATIONS.

Introduced by: Baker R

Repeals provision relating to cancer examination which requires every hospital to offer a uterine cytologic examination for cancer to every female in patient 20 years of age or older. Requires cancer examinations to be part of a statewide comprehensive cancer control plan to be developed by the department of health. -- SB1241 HD2

Committee Reports: SSCR 66 (HTH) SSCR 815 (WAM) HSCR 1074 (HLT) HSCR 1465 (FIN)

Current Status: Apr-22 03 Received by the Governor

Section Affected: 321-45

SB1255 SD2 HD1 (HSCR 1050)

RELATING TO AGRICULTURAL INSPECTIONS.

Introduced by: Bunda R (BR)

Establishes provision relating to agricultural safety and security. Provides that the department of agriculture may enter into cooperative agreements with the US department of agriculture or other agreements and contracts with other parties for the purposes of auditing and certifying that applicants are following good agricultural, handling, processing and manufacturing practices; and maintaining food security and product traceability. Provides that the department shall fix, assess, and collect fees for the audit and certification provided under these provisions. Establishes provision relating to seed certification. Provides that the department is designated as the official certifying agency for certifying seed concerning genetic purity, identity, quality, and condition for the State. Provides that the department shall fix, assess, and collect fees for the inspection and certification provided under these provisions. Amends provision relating to cooperating with federal authority by providing that the department of agriculture may enter into cooperative agreements with the US department of agriculture for the purpose of grading beef, pork, mutton, and lamb carcasses. Amends provision relating to disposition of fees by providing that all fees collected under these provisions shall be paid into a special fund established by the department of agriculture. Amends provisions relating to marketing order revolving fund and changes it to certification services revolving fund. Provides that the revolving fund shall be used to support certification or audit services. Amends provision relating to seeds by repealing the definition of certifying agency. Repeals provisions relating to coffee inspection revolving fund, and official certifying agency. Requires the director of finance to transfer the unexpended balance of the coffee inspection revolving fund to the credit of the certification services revolving fund. -- SB1255 HD1

Committee Reports: SSCR 204 (WLA) SSCR 926 (WAM) HSCR 1050 (AGR) HSCR 1276 (FIN)

Current Status: Apr-24 03 Received by the Governor

Section Affected: 147- (12 SECTIONS) AGRICULTURAL SAFETY AND SECURITY, 147- (1 SECTION), 147-10, 147-34, 147-64, 147-93, 147-97, 147-101, 150-22, 150-21, 147-7.5, 150-2

SB1256

RELATING TO THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN.

Introduced by: Bunda R (BR)

Amends Act 101, session laws of 1998, relating to the state water code, as amended by Act 192, session laws of 2000, to require a report to the legislature prior to the convening of the regular session of 2004. -- SB1256

Committee Reports: SSCR 269 (WLA) HSCR 1102 (WLH/ AGR/) HSCR 1285 (FIN)

Current Status: Apr-02 03 Received by the Governor

SENATE BILLS WHICH PASSED THE LEGISLATURE

- Section Affected: Apr-16 03 Approved by Governor (Act 11 2003)
ACT 101 1998, ACT 192 2000
- SB1258 SD1 HD1 CD1 (CCR 95) RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.
Introduced by: Bunda R (BR)
Amends Act 176, session laws of 1998, as amended by Act 117, session laws of 1999, and as amended by Act 213, session laws of 2001. Amends Act 117, session laws of 1999, as amended by Act 213, session laws of 2001, relating to agriculture by repealing the sunset date. Amends Act 176, session laws of 1998. Repeals the requirement of the board of directors of the agribusiness development corporation to consist of members of the board of agriculture. -- SB1258 CD1
Committee Reports: SSCR 393 (WLA) SSCR 716 (WAM) HSCR 1261 (FIN) CCR 95
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 176 1998, ACT 117 1999, ACT 213 2001, 163D-3
- SB1260 SD1 (SSCR 871) RELATING TO MICROORGANISM IMPORT.
Introduced by: Bunda R (BR)
Amends provision relating to microorganism import by repealing provisions relating to permits issued under rules adopted prior to Act 211, session laws of 2000. Provides that the requirements of these provisions other than the notification, labeling, and inspection requirements of provisions relating to regulation of importation shall not apply to the state department of health or Tripler army medical center for their laboratories; and a laboratory certified under the Clinical Laboratories Improvement Amendment of 1988. Establishes criteria. -- SB1260 SD1
Committee Reports: SSCR 871 (WLA/ HTH/) HSCR 1259 (FIN)
Current Status: Apr-03 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 12 2003)
Section Affected: 150A-6.3
- SB1261 HD2 (HSCR 1433) RELATING TO PROCUREMENT CARD PAYMENTS.
Introduced by: Bunda R (BR)
Amends provision relating to definitions. Defines procurement card to mean a charge card, with predetermined limitations, used by government agencies in place of cash or purchase orders for the purchase of goods, services, or construction. Amends provision relating to payment for goods and services. Provides that all goods or services purchased by a state agency which are less than 25 dollars, except those purchased through the use of a state procurement card shall be paid from the petty cash funds of the agency. Further provides that the payments for goods and services obtained through use of any state or county procurement card shall be made under the terms and conditions specified in the contract under which the procurement card was established. -- SB1261 HD2
Committee Reports: SSCR 484 (TMG) SSCR 902 (WAM) HSCR 973 (CPC) HSCR 1433 (FIN)
Current Status: Apr-21 03 Received by the Governor
Section Affected: 103D-104, 103-10
- SB1262 SD1 HD1 CD1 (CCR 92) RELATING TO PROCUREMENT
Introduced by: Bunda R (BR)
Establishes provision relating to pre bid conference. Provides that at least 15 days prior to submitting any bids or proposals for a construction or design build project with a total estimated contract value of 500,000 dollars or more, or 100,000 or more the head of the purchasing agency shall hold a pre bid conference and shall invite all potential interested bidders, offerors, subcontractors, and union representatives to attend. Amends provision relating to additional duties of the administrator of the procurement office to provide that the administrator shall also establish and maintain a Hawaii procurement institute, in cooperation with the William S. Richardson School of Law and other public and private entities or persons, to promote and develop a professional acquisition workforce and to improve and enhance the State of Hawaii's contractor industrial base through education and training. Amends provision relating to competitive sealed proposals. Provides that in cases of awards made under this provision nonselected offerors may submit a written request for debriefing to the chief

SENATE BILLS WHICH PASSED THE LEGISLATURE

procurement officer or designee within 3 working days after the posting of the award of the contract. Amends provision relating to procurement of professional services. Provides that in designating the members of the review committee, the head of the purchasing agency shall ensure the impartiality and independence of committee members. Requires the names of the members of the review committee to be placed in the contract file. Provides that the selection criteria employed in descending order of importance shall be experience and professional qualifications relevant to the project type; past performance on projects of similar scope for public agencies or private industry including corrective actions and other responses to notices of deficiencies; and any additional criteria determined in writing by the selection committee to be relevant to the purchasing agency's needs or necessary and appropriate to ensure full, open, and fair competition for professional services contracts. Provides that in conducting discussions, there shall be no disclosure of any information derived from the competing professional service offerors and that the selection committee shall rank a minimum of 3 persons based on the selection criteria and send the ranking to the head of the purchasing agency. Provides that the contract file shall include documentation from the head of the purchasing agency, or designee, to support selection of other than the 1st ranked or next ranked person. Requires contracts awarded under these provisions for 5,000 dollars or more to be posted electronically within 7 days of the contract award. Provides that contracts for professional services of less than the limits in provisions relating to small purchases; prohibition against parceling, may be negotiated by the head of the purchasing agency, or designee. Provides that in cases of awards made under provisions nonselected professional service providers may submit a written request for debriefing to the chief procurement officer or designee within 3 working days after the posting of the award of the contract. Amends provision relating to responsibility of offerors. Provides that all offerors, upon award of contract, shall comply with all laws governing entities doing business in this state. Requires offerors to produce documents to the procuring officer. Provides that any offeror making a false affirmation or certification under these provisions shall be suspended from further offerings or awards. Repeals provision relating to preference to bidders on state agency contracts. -- SB1262 CD1

Committee Reports: SSCR 876 (TMG) HSCR 962 (CPC) HSCR 1457 (FIN) CCR 92
Current Status: Apr-29 03 Passed Legislature
Section Affected: 103D- (1 SECTION), 103D-206, 103D-303, 103D-304, 103D-310, 103D-701, 103D-1007

SB1267 HD2 CD1 (CCR 55)

RELATING TO TOBACCO.

Introduced by: Bunda R (BR)

Amends the cigarette and tobacco tax law to establish provisions to prohibit against the stamping or sale of cigarettes not listed in the attorney general's directory listing all participating tobacco product manufacturers and their brand families. -- Amends the tobacco products reporting law to require tobacco product manufacturers to execute and deliver a certification that they are a participating manufacturer (tobacco liability law) to the attorney general and for the attorney general to create the directory. -- SB1267 CD1

Committee Reports: SSCR 355 (JHW) HSCR 1002 (CPC) HSCR 1427 (JUD) CCR 55
Current Status: Apr-28 03 Received by the Governor
Section Affected: 245- (1 SECTION), 486P- (4 SECTIONS), 486P-1, 245-51, 245-52, 245-54, 245-55, 486P-3

SB1270 SD1 (SSCR 757)

RELATING TO ANTITRUST.

Introduced by: Bunda R (BR)

Provides that actions brought under unfair competition, practices, declared unlawful, shall be brought as parens patriae on behalf of natural persons residing in the State, to secure threefold damages for injuries sustained by such natural persons to their property by reason of any monopolies and restraint of trade violation. -- SB1270 SD1

Committee Reports: SSCR 757 (CPH/ JHW/) HSCR 1188 (CPC/ JUD/)
Current Status: Apr-02 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 13 2003)
Section Affected: 480-14

SB1274 SD1 HD1 CD1 (CCR 56)

RELATING TO MANSLAUGHTER.

SENATE BILLS WHICH PASSED THE LEGISLATURE

Introduced by: Bunda R (BR)

Amends provision relating to manslaughter by providing that in a prosecution for murder or attempted murder in the 1st and 2nd degrees it is an affirmative defense, which reduces the offense to manslaughter or attempted manslaughter, that the defendant was, at the time the defendant caused the death of the other person, under the influence of extreme mental or emotional disturbance for which there is a reasonable explanation. Provides that the reasonableness of the explanation shall be determined from the viewpoint of a reasonable person in the circumstances as the defendant believed them to be. -- SB1274 CD1

Committee Reports: SSCR 978 (JHW) HSCR 1410 (JUD) CCR 56

Current Status: Apr-28 03 Received by the Governor

Section Affected: 707-702

SB1275

RELATING TO ASSAULT AGAINST LAW ENFORCEMENT OFFICERS.

Introduced by: Bunda R (BR)

Establishes provision relating to assault against a law enforcement officer in the 2nd degree. Provides that a person commits the offense of assault against a law enforcement officer in the 2nd degree if the person recklessly causes bodily injury to a law enforcement officer who is engaged in the performance of their duty. Provides that assault against a law enforcement officer in the 2nd degree is a misdemeanor and the court shall sentence a person convicted of this offense to a definite term of imprisonment of not less than 30 days without the possibility of probation or suspension of sentence. Provides that a person commits the offense of assault against a law enforcement officer in the 1st degree if the person intentionally or knowingly causes bodily injury to a law enforcement officer who is engaged in the performance of duty or recklessly or negligently causes with a dangerous instrument, bodily injury to a law enforcement officer who is engaged in the performance of duty. Provides that assault against a law enforcement officer in the 1st degree is a class C felony and that the court shall, at a minimum, sentence a person convicted of this offense an indeterminate term of imprisonment for 5 years, 5 years probation with conditions to include a term of imprisonment for not less than 30 days without the possibility of suspension of sentence.

-- SB1275

Committee Reports: SSCR 979 (JHW) HSCR 1674 (JUD)

Current Status: Apr-29 03 Passed Legislature

Section Affected: 707- (1 SECTION), 707-712.5

SB1279 SD2 HD2 CD1 (CCR 112)

RELATING TO TOBACCO.

Introduced by: Bunda R (BR)

Amends provision relating tobacco enforcement special fund in the department of the attorney general. Provides that the allocated portion of the stamp fee designated to pay for the cost of enforcing the cigarette tax stamp and fines shall be deposited into the special fund. Repeals the exemption of the cigarette tax stamp enforcement special fund from contributing to central service and administrative expenses of the government. Amends the distribution of the tobacco settlement moneys by changing the amount of tobacco settlement moneys to be deposited into the tobacco enforcement special fund from the sum representing the difference between the 1st 350,000 dollars of such moneys and the unexpended and unencumbered balance of the special fund at the close of the previous fiscal year to the 1st 350,000 dollars of those moneys. Repeals the cigarette tax stamp enforcement special fund. Amends provision relating to requirements by providing that funds shall be released from escrow only to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the State in a particular year was greater than the master settlement agreement payments that such manufacture would have been required to make on account of such units sold had it been a participating manufacturer. Requires the director of finance to transfer unexpended balance of the cigarette tax stamp enforcement special fund to the credit of the tobacco enforcement special fund. Appropriation out of the tobacco enforcement special fund for the administration and operation of tobacco enforcement activities. (\$\$) -- SB1279 CD1

Committee Reports: SSCR 240 (HTH/ JHW/) SSCR 817 (WAM) HSCR 1137 (JUD)
HSCR 1268 (FIN) CCR 112

Current Status: Apr-29 03 Passed Legislature

SENATE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 28-15, 36-27, 36-30, 245-26, 245-41, 328L-2, 28-14, 675-3

- SB1281 SD1 HD1 (HSCR 915) RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION.
Introduced by: Bunda R (BR)
Amends provision relating to the definition of public lands. Provides that lands to which the high technology development corporation in its corporate capacity holds title for shall not be defined as public lands. -- SB1281 HD1
Committee Reports: SSCR 872 (WLA) HSCR 915 (EDB) HSCR 1453 (FIN)
Current Status: Apr-28 03 Received by the Governor
Section Affected: 171-2
- SB1286 SD1 HD2 CD1 (CCR 106) RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.
Introduced by: Bunda R (BR)
Provides that the housing and community development corporation of Hawaii shall be placed within the department of human services rather than the department of business, economic development, and tourism. Amends provision relating to annual statements by including that the corporation shall forward to the director of human services a full, detailed description and financial statement. -- SB1286 CD1
Committee Reports: SSCR 433 (HMS/ CPH/) SSCR 847 (WAM) HSCR 919 (EDB/ HSH/) HSCR 1024 (LAB) HSCR 1434 (FIN) CCR 106
Current Status: Apr-29 03 Passed Legislature
Section Affected: 26-14, 26-18, 201G-2, 201G-143
- SB1305 SD1 HD1 CD1 (CCR 119) RELATING TO STATE FUNDS.
Introduced by: Bunda R (BR)
Appropriation to the department of human services to undertake outreach and application assistance, improve the readability of materials, improve internal processes, and comply with federal requirement for matching funds to enroll eligible families in medical assistance programs. Appropriation out of the emergency and budget reserve fund (rainy day fund) to the department of human services as a grant to Hale Mahaolu for the personal care program for disabled or chronically ill frail adults and elders residing in Maui county; for forensic medical examinations of children in foster custody placements; as a grant to the Hawaii Youth Services Network for its Transitional Living Program for Unserved Street Youth; for the residential alternative community care program; for the chore services program; as a grant to fund the continuation of the Kaneohe Community Family Center's core services, particularly families that are low income, unemployed or underemployed, and families of at risk youths; as a grant to fund the continuation of the Kuhio Park Terrace Family Center's core services to low income individuals and families residing in Kuhio Park Terrace and Kuhio Homes; as a grant for the Good Beginnings Alliance to carry out its statutory responsibilities; and for the delivery of diversion services and child protective services to target families, including the establishment of additional sites for neighborhood places; to the judiciary as a grant to provide treatment services for child victims of intrafamilial sexual abuse, including psychological treatment and case management services for child victims and their families who are not covered under the child protective services system of the department of human services; to the department of health for substance abuse services for youth and adolescents, including but not limited to, preventive services, school education programs, counseling, evaluation, treatment, therapy, family services, case management, recovery services, and residential substance abuse treatment services, and the coordination of such services; and as a grant for the operation of the Waipahu Community Adult Day Health Center and Youth Day Care Center pilot project; to the university of Hawaii as a grant for the bridge to hope program, including 1 position for outreach, provided that if federal funds are made available the sum appropriated be reduced by the amount received; and to the department of labor and industrial relations to fund legal services to children. (\$\$) -- SB1305 CD1
Committee Reports: SSCR 827 (WAM) HSCR 1424 (FIN) CCR 119
Current Status: Apr=29 03 Passed Legislature
- SB1306 HD1 (HSCR 1004) RELATING TO TELECOMMUNICATIONS RELAY SERVICES.
Introduced by: Bunda R (BR)

SENATE BILLS WHICH PASSED THE LEGISLATURE

Amends provisions relating to relay services for the deaf, hearing impaired, and speech impaired by changing it to telecommunications relay services for the deaf, persons with hearing disabilities, and persons with speech disabilities. Requires the public utilities commission to implement intrastate telecommunications relay services. Provides that the public utilities commission may require every intrastate telecommunications carrier to contract with a provider or providers for the provision of telecommunications relay service. Authorizes the commission to establish a surcharge to collect customer contributions for telecommunications relay services. Repeals telecommunications expedition of ratemaking procedures. -- SB1306 HD1

Committee Reports: SSCR 606 (CPH) HSCR 1004 (CPC) HSCR 1277 (FIN)

Current Status: Apr-24 03 Received by the Governor

Section Affected: 269-16.6, 269-16.7

SB1309 SD2 HD2 CD1 (CCR 80)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Bunda R (BR)

Amends provision relating to payment on death of pensioner. Provides that whenever a person receiving a pension from the State or county dies, the amount next payable shall be prorated from the last payment date up to and including the date of death and such prorated amount shall be paid to such persons as may have been designated by the pensioner during the pensioner's lifetime in a statement filed with the officer charged with payment of the pension or if no such designation has been made and filed, the amount should be paid to the personal representative of the estate of the pensioner. Further provides that effective January 1, 2003, whenever a person receiving a pension from the system dies, the full monthly pension for the month in which the pensioner died shall be payable to such person as may have been designated by the pensioner during the pensioner's lifetime in a statement filed with the officer charged with the payment of the pension, or, if no such designation has been filed the amount shall be paid to the personal representative of the estate of the pensioner; provided, further that effective July 1, 2003, whenever a person receiving a pension from the system dies, the full monthly pension for the month in which the pensioner dies shall be payable to the pensioner. Amends provision related to officers, employees, legal advisor. Provides that the salary of the administrator shall be set by the board provided that the salary shall be set at not more than the salary of the governor. Amends provision relating to service retirement. Provides that upon leaving active service, the elective officer or judge shall receive the retirement allowance, together with the post retirement allowances, effective on the 1st day of the month except the month of December when retirement benefits shall be effective on the 1st or last day of the month. Amends provision relating to average final compensation. Provides that the average final compensation of all members shall be calculated for employees who became members before or after January 1, 1971. Repeals the provision relating to the average final compensation of members retiring after December 31, 2002. -- SB1309 CD1

Committee Reports: SSCR 417 (LBR) SSCR 732 (WAM) HSCR 881 (LAB) HSCR 1439 (FIN) CCR 80

Current Status: Apr-29 03 Passed Legislature

Section Affected: 88-3, 88-29, 88-73, 88-74, 88-81

SB1311 SD1 HD1 (HSCR 1422)

RELATING TO SPECIAL FUNDS.

Introduced by: Bunda R (BR)

Amends provisions related to transfers from special funds for central service expenses. Repeals the exemption of the domestic violence prevention special fund, spouse and child abuse department of human services special account fund, spouse and child abuse judiciary special account, department of commerce and consumer affairs special fund, compliance resolution fund, Hawaii tobacco settlement special fund, probation services special fund, high technology special fund, cigarette tax stamp enforcement and administrative fund, tobacco enforcement fund, from contributing to central services and administrative expenses. Appropriation out of the cigarette tax stamp enforcement special fund to the department of the attorney general and out of the cigarette tax stamp administrative special fund to the department of taxation; out of the tobacco enforcement special fund to the department of the attorney general; out of the spouse and child abuse special fund to the department of human services. Appropriation out of the compliance resolution fund to the department of commerce and consumer affairs. (\$\$)

SENATE BILLS WHICH PASSED THE LEGISLATURE

-- SB1311 HD1

Committee Reports: SSCR 912 (WAM) HSCR 1422 (FIN)

Current Status: May=01 03 Passed Legislature

Section Affected: 36-27, 36-30

SB1312 SD1 HD2 CD1 (CCR 67)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Bunda R (BR)

Establishes the finalization of pensions within 6 months following the month of the employee's retirement. Provides that for pensions finalized after the 6th calendar month, an interest payment amounting to 4 1/2 per cent per annum shall be paid to the retiree. Provides that interest shall be calculated on the difference between the amount the retiree is entitled to receive from the retiree's retirement date up to the day the payment is made and the amount the retiree was paid including any refund of member contributions. Provides that beginning January 1, 2004 or the 1st day of the 7th calendar month following the month of retirement, whichever is later, interest payments calculated as simple interest shall be prorated up to the date payment is made; provided that any pension adjustment made after the retiree's pension has once been finalized shall not be subject to any interest payment. Requires the system to finalize ordinary and service connected disability retirements within 6 calendar months following the month that the member's retirement is approved by the board of trustees or the actual retirement date specified by the member, whichever is later. Provides that any department or agency of the State or counties that fails to comply with the system's request for unused sick leave balances and lump sum vacation payments not reported within 90 days of the employee's retirement and for payroll or personnel information not reported within 30 days of receipt of request shall be subject to a monthly fee for each request. Provides that beginning January 1, 2004, the system shall assess 10 dollars for each month or fraction thereof that the department or agency fails to provide the system with the requested information for each retiree and all assessments collected shall be deposited to the pension accumulation fund. Appropriation out of the employee's retirement systems' investment earnings. (\$\$) -- SB1312 CD1

Committee Reports: SSCR 418 (LBR) SSCR 733 (WAM) HSCR 882 (LAB) HSCR 1333 (FIN) CCR 67

Current Status: Apr-29 03 Passed Legislature

Section Affected: 88- (1 SECTION) FINALIZING OF PENSIONS

SB1319 SD1 HD3 CD1 (CCR 58)

RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT.

Introduced by: Bunda R (BR)

Repeals and replaces the uniform limited liability partnership Act. -- SB1319 CD1

Committee Reports: SSCR 587 (CPH) HSCR 905 (CPC) HSCR 1107 (JUD) HSCR 1447 (FIN) CCR 58

Current Status: Apr-29 03 Passed Legislature

Section Affected: (109 SECTIONS) UNIFORM LIMITED PARTNERSHIP ACT, 92-28, 235-68, 247-3, 414-53, 414D-64, 415A-8.5, 425-196, 428-105.5, 428-901, 436B-15.5, 482-3, 482-8.5, 425D-101, 425D-102, 425D-102.5, 425D-103, 425D-104, 425D-105, 425D-106, 425D-107, 425D-108, 425D-109, 425D-110, 425D-111, 425D-201, 425D-202, 425D-203, 425D-203.5, 425D-203.6, 425D-204, 425D-205, 425D-206, 425D-206.5, 425D-206.6, 425D-207, 425D-208, 425D-209, 425D-301, 425D-302, 425D-303, 425D-304, 425D-305, 425D-401, 425D-402, 425D-403, 425D-404, 425D-405, 425D-501, 425D-502, 425D-503, 425D-504, 425D-601, 425D-602, 425D-603, 425D-604, 425D-605, 425D-606, 425D-607, 425D-608, 425D-701, 425D-702, 425D-703, 425D-704, 425D-705, 425D-801, 425D-802, 425D-803, 425D-804, 425D-901, 425D-902, 425D-903, 425D-904, 425D-905, 425D-906, 425D-906.5, 425D-906.6, 425D-907, 425D-908, 425D-1001, 425D-1002, 425D-1003, 425D-1004, 425D-1102, 425D-1103, 425D-1104, 425D-1105, 425D-1106, 425D-1107, 425D-1108, 425D-1109, 425D-1110, 425D-1111, 425D-1112, 425D-1113, 425D-1201, 425D-1202, 425D-1203, 425D-1204,

SENATE BILLS WHICH PASSED THE LEGISLATURE

425D-1205, 425D-1206

- SB1321 HD2 CD1 (CCR 113) RELATING TO MENTAL HEALTH.
Introduced by: Bunda R (BR)
Amends the mental health, alcohol, drug abuse treatment insurance benefits law. Redefines serious mental illness by changing bipolar mood disorder to bipolar types I and II. Amends Act 121, session laws of 1999, as amended by Act 243, session laws of 2000, relating to mental health and alcohol and drug abuse treatment insurance by repealing the sunset date. -- SB1321 CD1
Committee Reports: SSCR 71 (HTH) SSCR 746 (CPH) HSCR 927 (HLT) HSCR 1052 (CPC) HSCR 1458 (FIN) CCR 113
Current Status: Apr-29 03 Passed Legislature
Section Affected: 431M-1, ACT 121 1999, ACT 243 2000, 431:2-216, 431M-5
- SB1324 SD1 HD2 CD1 (CCR 69) RELATING TO CONCILIATION PANELS.
Introduced by: Bunda R (BR)
Establishes certificate of consultation. Provides that any claim filed with the medical claim conciliation panel under the medical torts law shall be accompanied by a certificate. Establishes criteria. -- Establishes provision relating to submission of a claim to an alternative dispute resolution provider. Provides that any claim initially filed with the medical claims conciliation panel may be subsequently submitted to an alternative dispute resolution provider upon the written agreement of all the parties to the claim and with the written approval of the director of commerce and consumer affairs. Provides that within 30 days after the completion of the alternative dispute resolution process, the alternative dispute resolution provider shall notify all parties concerned that the alternative resolution process has been completed. Establishes provisions for the claimant to institute litigation. Provides that no statement made in the course of the approved alternative dispute resolution process shall be admissible for any purpose in any trial of the action. Further provides that no decision, conclusion, finding, or recommendation of the approved alternate dispute resolution provider on the issue of liability or damages shall be admitted as evidence in any subsequent trial nor shall any party of the alternative dispute resolution hearing, their counsel, or other representative of such party refer or comment thereon in an opening statement, in an argument, or at any time to the court or jury. -- Amends provision relating to subsequent litigation; excluded evidence by providing that after the 12 month period has expired, the claimant may institute litigation based upon the claim. Amends provision relating to statute of limitations tolled. Provides that the filing of the claim with the medical claim conciliation panel or with an approved alternative dispute resolution provider shall toll any applicable statute of limitations, and any such statute of limitations shall remain tolled until 60 days after the date the decision of the panel or the notification of completion from the approved alternative dispute resolution provider is mailed or delivered to the parties. Further provides that if a decision by the medical claim conciliation panel is not reached within 12 months, or the alternative dispute resolution process is not completed in 12 months, the statute of limitations shall resume running. -- SB1324 CD1
Committee Reports: SSCR 980 (JHW) HSCR 959 (CPC) HSCR 1330 (JUD) CCR 69
Current Status: Apr-29 03 Passed Legislature
Section Affected: 671- (1 SECTION), 671- (1 SECTION), 671-16, 671-18
- SB1326 SD1 HD1 (HSCR 1417) RELATING TO EDUCATION.
Introduced by: Bunda R (BR)
Amends provisions relating to the department of education powers and duties. Provides that the course of study and instruction for the 1st 12 grades shall provide opportunities for all students to develop competency in a language in addition to English. -- SB1326 HD1
Committee Reports: SSCR 764 (EDU) HSCR 1417 (FIN)
Current Status: Apr-22 03 Received by the Governor
Section Affected: 302A-1128
- SB1332 SD2 HD2 CD1 (CCR 100) RELATING TO THE COMPENSATION OF OFFICIALS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.
Introduced by: Bunda R (BR)

SENATE BILLS WHICH PASSED THE LEGISLATURE

Establishes the executive salary commission within the department of human resources development. Provides that the commission shall review the salaries of the governor, the lieutenant governor, administrative director of the State and department heads or executive officers and the deputy to the superintendent of education. Requires the commission to recommend an appropriate salary for the governor, the lieutenant governor, and each department head or executive officer and appropriate salary ranges for the deputy department heads. Permits the commission to recommend different salaries for department heads and executive officers and different salaries for deputies or assistants to department heads; provided that the commission shall recommend the same salary range for deputies or assistants to the department heads within the same department and provided further that the salary for a particular position shall be specified within the applicable range by the appointing official. Permits the commission to seek assistance from the department of human resources development and any other agency in conducting its review, and all agencies shall fully cooperate with the commission and provide any necessary information to the commission upon request. Requires the commission to convene in the month of November 2003, and every 8 years thereafter. Provides that not later than the 40th day of the regular session of 2004, and every 8 years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature and report to the legislature through the governor. Provides that the recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the recommended salaries are submitted, provided that the salaries of the governor and the lieutenant governor shall not be decreased for their respective terms and the new salaries shall not take effect until the beginning of the next term for those offices. Requires the governor to include the salary amounts, recommended by the commission and approved by the legislature, in the executive budget. Provides that if the salary amounts recommend by the commission are disapproved by the legislature, the commission shall reconvene in the month of November following the legislature disapproval to review the legislature's reasons for disapproving its salary recommendation. Provides that the commission may submit a report of its findings and submit a new salary recommendation to the legislature of the next regular session. Provides that the commission's reconvening following a legislative disapproval shall not toll the 8 year cycle. Amends provision related to the governor and lieutenant governor. Provides that effective noon on December 4, 2006, and every 8 years thereafter, the salaries of the governor and the lieutenant governor shall be as recommended by the executive salary commission, unless rejected by the legislature. Amends provision relating to department heads and executive officers. Provides that effective on July 1, 2004, and every 8 years thereafter, the salaries of various department heads or executive officers, the adjutant general, the deputies or assistants to the deputy head, the deputy to the superintendent of education and the administrative director of the State shall be determined by the executive salary commission unless rejected by the legislature. Amends provision relating to deputies or assistants to department heads. Provides that effective January 1, 1989, and January 1, 1990, respectively, and effective July 1, 2004, and every 8 years thereafter, within the range or ranges for the specific positions as last recommended by the executive salary commission, unless rejected by the legislature. -- SB1332 CD1

Committee Reports: SSCR 491 (LBR) SSCR 955 (WAM) HSCR 1082 (LAB) HSCR 1477 (FIN) CCR 100

Current Status: Apr-29 03 Passed Legislature

Section Affected: 26- (1 SECTION), 26-51, 26-52, 26-53, 26-54

SB1333 SD1 HD2 CD1 (CCR 87)

RELATING TO THE COMPENSATION OF OFFICIALS IN THE JUDICIAL BRANCH OF STATE GOVERNMENT.

Introduced by: Bunda R (BR)

Amends provision relating to the compensation of officials in the judicial branch of state government. Provides that effective on July 1, 2004, and every 8 years thereafter, the salary of the administrative director and the deputy administrative director; the chief justice and the associate justices; the chief judge of the intermediate appellate court and

SENATE BILLS WHICH PASSED THE LEGISLATURE

associate judges; the circuit court judge; and the district court judge shall be as last determined by the judicial salary commission, unless disapproved by the legislature. Provides that the judicial salary commission shall be attached to the judicial council. Permits the commission to seek assistance from any other agency in conducting its review, and all agencies shall cooperate fully with the commission and provide any necessary information to the commission upon request. Provides that in determining the salaries of the justices and judges and appointed judiciary administrative officers, the commission may set different salaries for the chief justice of the supreme court, the associate justices of the supreme court, the chief judge of the intermediate appellate court, the associate judges of the intermediate appellate court, the judges of the circuit courts, and the judges of the district courts and different salaries or salary ranges for appointed administrative judiciary officers, with the salary for a particular position to be specified within the applicable range by the appointing official. Requires the commission to convene in the month of November 2003, and every 8 years thereafter. Provides that not later than the 40th day of the regular session of 2004, and every 8 years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature, report to the legislature through the chief justice. Provides that the recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the salary recommendations submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the recommended salaries are submitted; provided that the salaries of justices and judges shall not be decreased during their respective terms in office. Provides that at the next legislative session, the salary amounts recommended by the commission, and not disapproved by the legislature shall be submitted by the chief justice as part of the judiciary's proposed budget. Further provides that if the salary amounts recommended by the commission are disapproved by the legislature, the commission shall reconvene in the month of November following the legislative disapproval to review the legislature's reasons for disapproving its salary recommendation. Requires the commission to submit a report to the legislature of the next regular session on its findings and to submit a new salary recommendation. -- SB1333 CD1

Committee Reports: SSCR 44 (JHW) SSCR 703 (WAM) HSCR 1083 (LAB) HSCR 1496 (FIN) CCR 87

Current Status: Apr-29 03 Passed Legislature

Section Affected: 601-3, 602-2, 602-52, 603-5, 604-2.5, 608-1.5

SB1334 HD1 (HSCR 1262)

RELATING TO THE STATE INTERNET PORTAL.

Introduced by: Bunda R (BR)

Amends Act 292, session laws of 2000, by extending the sunset date for the access Hawaii committee within the office of the governor to June 30, 2005. -- SB1334 HD1

Committee Reports: SSCR 573 (SAT) HSCR 1262 (FIN)

Current Status: May=01 03 Passed Legislature

Section Affected: ACT 292 2000

SB1352 SD1 HD2 CD1 (CCR 75)

RELATING TO HOME AND COMMUNITY-BASED SERVICES.

Introduced by: Bunda R

Amends Act 273, session laws of 2001, relating to the home and community based case management agencies and community care foster family homes within the department of human services by extending the sunset date to June 30, 2004. Department to report to the legislature on the cost effectiveness and administration of the certification process of community care foster family homes, as well as the possibility of integrating or consolidating the classification of community care foster family homes with adult residential care homes (ARCH). Appropriation out of the criminal history record improvement revolving fund to the department of the attorney general. (\$\$) -- SB1352 CD1

Committee Reports: SSCR 217 (HMS) SSCR 849 (WAM) HSCR 948 (HSH) HSCR 1040 (JUD) HSCR 1437 (FIN) CCR 75

Current Status: Apr-29 03 Passed Legislature

Section Affected: ACT 273 2001

SENATE BILLS WHICH PASSED THE LEGISLATURE

- SB1353 HD1 (HSCR 1224) MAKING AN EMERGENCY APPROPRIATION FOR MEDICAID.
Introduced by: Bunda R
Appropriation to the department of human services for health care payments to health plans and medical providers. (\$\$) -- SB1353 HD1
Committee Reports: SSCR 218 (HMS) SSCR 850 (WAM) HSCR 1224 (FIN)
Current Status: Apr-11 03 Received by the Governor
 Apr-16 03 Approved by Governor (Act 22 2003)
- SB1361 SD2 HD1 (HSCR 1145) RELATING TO PRESCRIPTION DRUGS.
Introduced by: Bunda R (BR)
Amends provision relating to drugs limited to dispensing on prescription. Provides that a prescription drug shall be dispensed only if its label bears the use by date for the drug; and the statement same as or words of similar meaning for dispensing generic drug products. Authorizes an electronic prescription to be issued by the out of state practitioner or the prescriber's authorized agent. Changes Orange Book to compendia of therapeutically equivalent generic drugs, which means the Orange Book and any US Food and Drug Administration documentation of any US Food and Drug Administration approved therapeutic equivalency. -- SB1361 HD1
Committee Reports: SSCR 473 (HTH) SSCR 747 (CPH) HSCR 1145 (HLT) HSCR 1226 (CPC)
Current Status: Apr-17 03 Received by the Governor
Section Affected: 328-1, 328-16, 328-17.6, 328-17.7, 328-91, 328-92, 328-94, 328-96, 328-93
- SB1373 SD1 HD1 (HSCR 1471) RELATING TO STAFFING FOR FEDERALLY FUNDED PROGRAMS.
Introduced by: Bunda R (BR)
Establishes provision relating to staffing for federally funded programs. Provides that positions established by the department of labor and industrial relations to implement federally funded employment or training programs or both, but not limited to those established under the Comprehensive Employment and Training Act, Job Training Partnership Act, Workforce Investment Act, and welfare to work program, may be exempt from civil service law. -- SB1373 HD1
Committee Reports: SSCR 530 (LBR) SSCR 734 (WAM) HSCR 883 (LAB) HSCR 1471 (FIN)
Current Status: Apr-24 03 Received by the Governor
Section Affected: 371- (1 SECTION) STAFFING FOR FEDERALLY FUNDED PROGRAMS
- SB1393 SD2 HD1 CD1 (CCR 128) RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT.
Introduced by: Bunda R (BR)
Amends provision relating to executive departments of state government. Requires the director of public safety to conduct a study to determine the feasibility of dividing the department of public safety into the department of corrections and the department of law enforcement. Establishes criteria. Provides that if it is determined that dividing the department is feasible, the director is required to submit justification for dividing the department; a cost / benefit analysis for dividing the department; the effect of the division of the department on personnel; a summation of jurisdictional issues relating to law enforcement and duplication of services between the new law enforcement department and local law enforcement; on organizational structure; a proposed budget for each new entity; a report on how each issue raised in these provisions will be resolved; legislation to effectuate the recommendations of the director's report if necessary; and a report to the legislature. -- SB1393 CD1
Committee Reports: SSCR 55 (JHW/ TMG/) SSCR 704 (WAM) HSCR 904 (PSM/ LAB/) HSCR 1120 (JUD) HSCR 1459 (FIN) CCR 128
Current Status: Apr-29 03 Passed Legislature
- ~~SB1394 SD2 HD1 (HSCR 1376) RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE.
Introduced by: Bunda R (BR)
Amends provisions conforming to the Federal Internal Revenue Code for apply to taxable years beginning after December 31, 2002. Provides that section 114 (with~~

SENATE BILLS WHICH PASSED THE LEGISLATURE

~~respect to extraterritorial income) shall not be operative. Provides that section 168 (with respect to accelerated cost recovery system) shall be operative. Provides that the 5 year carryback period for net operating losses for any taxable year ending during 2001 and 2002 in section 172(b)(1)(H) shall not be operative. SB1394 HD1~~

~~Committee Reports: SSCR 577 (WAM) SSCR 834 (WAM) HSCR 1376 (FIN)~~

~~Current Status: May=01 03 Passed Legislature~~

~~Section Affected: 235-2.3, 235-2.4, 235-7~~

SB1395 SD1 HD1 CD1 (CCR 63)

RELATING TO THE AMENDMENT OR REPEAL OF OBSOLETE TAX LAWS.

Introduced by: Bunda R (BR)

Amends provisions relating to general excise taxes by defining retailing to include the sale of tangible personal property for consumption or use by the purchaser and not for resale, the renting of tangible personal property, and the rendering of services by one engaged in a service business or calling to a person who is not purchasing the services for resale and repeals the provisions relating to tax on certain retailing. Repeals the general excise tax exemption for agricultural meat or fish products grown, raised, or caught in Hawaii and provides the exemption to sale of products to any person or common carrier in interstate or foreign commerce. Repeals the general excise tax exemption of producers of motion picture or televisions films. Repeals provisions relating to county general excise tax and use tax surcharge and the county surcharge excise tax credit. -- SB1395 CD1

Committee Reports: SSCR 829 (WAM) HSCR 1377 (FIN) CCR 63

Current Status: Apr-29 03 Passed Legislature

Section Affected: 237-1, 231-23, 237-13, 237-18, 237-24.3, 238-2.3, 238-6, 239-6, 235-16, 237-8.5, 237-16, 237-28.2, 238-2.5, 248-2.5

SB1396

RELATING TO THE ADMINISTRATION OF TAXES.

Introduced by: Bunda R (BR)

Amends provisions relating to estimated tax payments by redefining tax to include estimated tax payments or payments remitted with extension requests. Provides that payment for estimated tax shall be 100 per cent of the tax shown for the preceding taxable year. Amends provisions relating to the department of taxation's authority to grant tax filing extensions. -- SB1396

Committee Reports: SSCR 830 (WAM) HSCR 1327 (FIN)

Current Status: Apr-04 03 Received by the Governor

Apr-16 03 Approved by Governor (Act 14 2003)

Section Affected: 235-97, 235-98

SB1397 SD1 HD2 (HSCR 1435)

RELATING TO SIMPLIFIED TAX ADMINISTRATION.

Introduced by: Bunda R (BR)

Establishes the Hawaii simplified sales and use tax administration Act. Authorizes the department of taxation to enter into a streamlined sales and use tax agreement with 1 or more states to simplify and modernize sales and use tax administration. Requires the department of taxation to prepare legislation conforming state law as necessary. -- SB1397 HD2

Committee Reports: SSCR 831 (WAM) HSCR 1021 (EDB) HSCR 1435 (FIN)

Current Status: May=01 03 Passed Legislature

Section Affected: (9 SECTIONS) HAWAII SIMPLIFIED SALES AND USE TAX ADMINISTRATION ACT

SB1400 SD1 HD1 (HSCR 1421)

RELATING TO TAX ADMINISTRATION.

Introduced by: Bunda R (BR)

Authorizes the director of taxation to appoint and commission 1 or more investigators whose primary duty it to conduct investigations as directed by the director. Provides the investigators with the powers and authority and the benefits and privileges of a police officer or of a deputy sheriff, including the power to arrest. Exempts investigators from civil service provisions. -- Amends provisions relating to the department of taxation's authority to compromise taxes with the approval of the governor. Provides that approval of the governor is required only for compromise to a tax claim where the tax is 50,000 dollars or more. Requires the department to post proposed compromises on the department's internet website for 5 calendar days before the director of taxation signs

SENATE BILLS WHICH PASSED THE LEGISLATURE

- the compromise. -- SB1400 HD1
Committee Reports: SSCR 913 (WAM) HSCR 1421 (FIN)
Current Status: May=01 03 Passed Legislature
Section Affected: 231- (1 SECTION), 231-3
- SB1403HD1 CD1 (CCR 96) RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME-RELATED USES.
Introduced by: Bunda R (BR)
Amends provision relating to disposition by negotiation. Provides that dispositions of public lands for maritime related operations may be negotiated without regard to limitations. Defines maritime related as a purpose or activity that requires and is directly related to the loading, off loading, storage, or distribution of goods, and services of the maritime industry. -- SB1403 CD1
Committee Reports: SSCR 602 (WLA/ TMG/) HSCR 964 (TRN) HSCR 1472 (FIN) CCR 96
Current Status: Apr-29 03 Passed Legislature
Section Affected: 171-59
- SB1405 HD1 (HSCR 1331) RELATING TO COMMERCIAL DRIVER LICENSING.
Introduced by: Bunda R (BR)
Amends provisions relating to commercial motor vehicle driver's license or instruction permit. Prohibits a license to be issued to someone not domiciled in the State. Requires the applicant to show proof of residency. -- SB1405 HD1
Committee Reports: SSCR 647 (TMG) HSCR 1032 (TRN) HSCR 1331 (JUD)
Current Status: Apr-14 03 Received by the Governor
Section Affected: 286-236, 286-238
- SB1406 RELATING TO COMMERCIAL DRIVER LICENSING.
Introduced by: Bunda R (BR)
Amends provision relating to the issuance of commercial drivers licenses. Provides that a license shall display the commercial driver's license number and not the licensee's social security number. -- SB1406
Committee Reports: SSCR 648 (TMG) HSCR 970 (TRN) HSCR 1339 (JUD)
Current Status: Apr-03 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 15 2003)
Section Affected: 286-239
- SB1407 RELATING TO COMMERCIAL DRIVER LICENSING.
Introduced by: Bunda R (BR)
Amends provisions relating to commercial motor vehicle driver's license. Authorizes the examiner of drivers to waive the knowledge and skills test for any person who is at least 21 years of age and who possesses a valid commercial driver's license issued by any other state of the US or province of Canada. -- SB1407
Committee Reports: SSCR 649 (TMG) HSCR 971 (TRN) HSCR 1425 (JUD)
Current Status: Apr-08 03 Received by the Governor
Apr-22 03 Approved by Governor (Act 32 2003)
Section Affected: 286-236
- SB1410 SD1 HD1 (HSCR 1445) RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR.
Introduced by: Bunda R (BR)
Appropriation out of the university of Hawaii tuition and fees special fund for the purpose of satisfying claims for legislative relief to persons, firms, corporations, and entities which have claims against the university of Hawaii for payments of judgments or settlements, or other liabilities. (\$\$) -- SB1410 HD1
Committee Reports: SSCR 236 (JHW/ EDU/) SSCR 705 (WAM) HSCR 890 (HED) HSCR 1445 (FIN)
Current Status: May=01 03 Passed Legislature
- SB1413 HD1 (HSCR 1263) RELATING TO KIKALA-KEOKEA.
Introduced by: Bunda R (BR)
Amends provision relating to the infrastructure development fund. Provides that any

SENATE BILLS WHICH PASSED THE LEGISLATURE

unexpended or unencumbered funds appropriated by the legislature or remaining in the infrastructure development fund as of the close of business on December 31, 2004 shall not lapse into that fund or to the credit of the general fund, but shall be transferred to the credit of the Kikala - Keokea housing revolving fund. Amends Act 144, Session Laws of Hawaii 2001, as amended by Act 112, Session Laws of Hawaii 2002 by extending date of business closing to December 31, 2004. -- SB1413 HD1

Committee Reports: SSCR 198 (JHW) SSCR 706 (WAM) HSCR 1263 (FIN)

Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 43 2003)

Section Affected: 171-19.5, ACT 144 2001, ACT 112 2002

SB1415

RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT.

Introduced by: Bunda R (BR)

Amends provision relating to penalties for violations within the conservation district. Provides that a person shall be fined not more than 2,000 dollars per violation in addition to administrative costs and costs associated with land or habitat restoration, or both, if required, and damages to state land. -- SB1415

Committee Reports: SSCR 155 (WLA) SSCR 618 (JHW) HSCR 1027 (WLH) HSCR 1286 (FIN)

Current Status: Apr-02 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 16 2003)

Section Affected: 183C-7

SB1423 SD2 HD2 CD1 (CCR 76)

RELATING TO A COMMISSION ON FATHERHOOD.

Introduced by: Kanno B

Establishes the state commission on fatherhood within the office of the lieutenant governor to serve in an advisory capacity to state agencies to promote healthy family relationships between parents and children. Act to be repealed on June 30, 2005 (sunset). -- SB1423 CD1

Committee Reports: SSCR 219 (HMS) SSCR 852 (WAM) HSCR 988 (HSH) HSCR 1446 (FIN) CCR 76

Current Status: Apr-29 03 Passed Legislature

Section Affected: (7 SECTIONS) COMMISSION ON FATHERHOOD

SB1426 SD1 (SSCR 761)

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

Introduced by: Kanno B

Provides that substitute teachers of the department of education, including part time employees working less than 1/2 of a full time equivalent shall constitute appropriate bargaining unit, (14). -- SB1426 SD1

Committee Reports: SSCR 761 (LBR) HSCR 1081 (LAB) HSCR 1448 (FIN)

Current Status: Apr-29 03 Vetoed

Section Affected: 89-6, 89-11

SB1438 HD1 CD1 (CCR 129)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 1 (nonsupervisory blue collar employees) and for state officers and employees excluded from collective bargaining. (\$\$) -- SB1438 CD1

Committee Reports: SSCR 419 (LBR) SSCR 735 (WAM) HSCR 1318 (FIN) CCR 129

Current Status: Apr=29 03 Passed Legislature

SB1439 HD1 CD1 (CCR 130)

MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES.

Introduced by: Bunda R

Appropriation to the director of finance and chief justice for salary increases and other cost adjustments for negotiated collective bargaining cost items for public employees in collective bargaining unit 2 (supervisory blue collar employees), unit 3 (nonsupervisory white collar employees), unit 4 (supervisory white collar employees), unit 6 (educational officers and other personnel of the department of education), unit 8 (personnel of the university of Hawaii and community college system), and unit 13 (other

SENATE BILLS WHICH PASSED THE LEGISLATURE

professional and scientific employees), for state officers and employees excluded from collective bargaining units 2, 3, 4, 6, 8, and 13, and for state employees in these units assigned to the Hawaii health systems corporation. (\$\$) -- SB1439 CD1
Committee Reports: SSCR 337 (LBR) SSCR 736 (WAM) HSCR 1319 (FIN) CCR 130
Current Status: Apr=29 03 Passed Legislature

SB1440 HD1 CD1 (CCR 98)

RELATING TO COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 5 (teachers and other personnel of the department of education) and for state officers and employees in the department of education excluded from collective bargaining. (\$\$) -- SB1440 CD1

Committee Reports: SSCR 338 (LBR) SSCR 737 (WAM) HSCR 1320 (FIN) CCR 98

Current Status: Apr-29 03 Passed Legislature

SB1441 HD1 CD1 (CCR 99)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 7 (faculty of the university of Hawaii and community college system) and for state officers and employees who are excluded from collective bargaining. (\$\$) -- SB1441 CD1

Committee Reports: SSCR 339 (LBR) SSCR 738 (WAM) HSCR 1321 (FIN) CCR 99

Current Status: Apr-29 03 Passed Legislature

SB1442 HD1 CD1 (CCR 131)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 10 (nonprofessional hospital and institutional workers), for state officers and employees excluded from collective bargaining. (\$\$) -- SB1442 CD1

Committee Reports: SSCR 340 (LBR) SSCR 739 (WAM) HSCR 1322 (FIN) CCR 131

Current Status: Apr-29 03 Passed Legislature

SB1443 HD1 CD1 (CCR 78)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for salary increases and other cost adjustments and for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 11 (firefighters) and for state officers and employees excluded from collective bargaining. (\$\$) -- SB1443 CD1

Committee Reports: SSCR 341 (LBR) SSCR 740 (WAM) HSCR 1323 (FIN) CCR 78

Current Status: Apr-29 03 Passed Legislature

SB1444 HD1 CD1 (CCR 79)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Bunda R

Appropriation to the director of finance for salary increases and other cost adjustments and for Hawaii employer union health benefits trust fund costs for negotiated collective bargaining cost items for public employees in collective bargaining unit 9 (registered professional nurses) and for state officers and employees excluded from collective bargaining. (\$\$) -- SB1444 CD1

Committee Reports: SSCR 451 (LBR) SSCR 741 (WAM) HSCR 1324 (FIN) CCR 79

Current Status: Apr-29 03 Passed Legislature

SB1446 SD2 HD1 CD1 (CCR 114)

RELATING TO TECHNOLOGY.

Introduced by: Ige D, Chun Oakland S, Aduja M, Baker R

Establishes the cancer detection development revolving fund to be administered by the Hawaii strategic development corporation to assist enterprises that develop healthcare and biomedical technology to detect cancer, including cervical cancer, in its early stages. -- SB1446 CD1

SENATE BILLS WHICH PASSED THE LEGISLATURE

Committee Reports: SSCR 474 (HTH/ SAT/) SSCR 963 (WAM) HSCR 1068 (EDB/ HLT/) HSCR 1455 (FIN) CCR 114
Current Status: Apr-29 03 Passed Legislature
Section Affected: 211F- (1 SECTION) CANCER DETECTION DEVELOPMENT REVOLVING FUND

SB1460 SD1 HD2 CD1 (CCR 57)

RELATING TO CONTRACTS ENTERED INTO BY THE HAWAII TOURISM AUTHORITY.

Introduced by: Kim D

Establishes provision relating to reporting requirements, service contracts and required provisions of the Hawaii tourism authority. Provides that to ensure accountability and efficient use of public funds expended for services related to tourism or tourism marketing or promotion, the authority shall include in each of its contracts that exceed 6 million dollars, or are of a level of complexity, as determined by the executive director, that a reasonably prudent person would expect the contract to contain the following provisions, ownership rights, copyrights, and licensing of intellectual property developed or created pursuant to the contract; and requiring loyalty and support of the authority and its policies, programs, and goals, including prohibiting lobbying, promotional, and other activity that conflict with the programs and goals of the state authority. Provides criteria. Provides that if it appears in the course of negotiations of a contract that inclusion in the contract of provisions would prevent agreement on a contract for any legitimate reason, the authority may suspend any 1 or all of the provisions. Further provides that in its annual report to the legislature the authority shall provide details regarding each contract entered into using public funds and the results of those contracts, including the names of contractors, descriptions and amounts of each contract and whether performance and monitoring specifications have been met. Establishes provision relating to works for hire. Provides that any intellectual property arising from works for hire contracted for by the Hawaii tourism authority shall become intellectual property of the State. -- SB1460 CD1

Committee Reports: SSCR 271 (TSM) HSCR 893 (TAC) HSCR 1491 (FIN) CCR 57
Current Status: Apr-28 03 Received by the Governor
Section Affected: 201B- (2 SECTIONS) SERVICE CONTRACTS

SB1462 HD2 CD2 (SENATE FLOOR AMENDMENT 10 OR HOUSE FLOOR AMENDMENT 14)

RELATING TO THE HAWAII TOURISM AUTHORITY.

Introduced by: Kim D, Espero W

Establishes provision relating to the Hawaii tourism registry. Requires the Hawaii tourism authority to establish a registry of groups of state residents, who plan to travel out of state, to market or promote Hawaii as a tourist destination. Establishes internet website to promote registry. Provides criteria. -- Authorizes the board of directors of the Hawaii tourism authority to appoint a sports coordinator, exempt from civil service and collective bargaining laws, who shall provide management services for all sporting events supported through the authority. -- Amends provision relating to the convention center enterprise special fund. Provides that the authority shall deposit moneys in the convention center enterprise special fund into interest bearing accounts in any depository within the State until such time as the money is needed. Provides that any sums so deposited shall be deemed by the state treasury; provided that the depository into which the money is deposited furnish security. Provides that all interest accruing from the investment of these moneys shall be credited to the convention center enterprise special fund. Amends provision related to the tourism special fund. Provides that all interest and any revenues or receipts derived by the authority from any project or project agreements shall be deposited into the tourism special fund. Provisions to be repealed on June 30, 2006 (sunset). -- Amends provision relating to annual report. Provides that the authority shall engage a certified public accountant to conduct an annual audit of its financial affairs, books, and records in accordance with generally accepted accounting principals. Appropriation out of the tourism special fund to the authority to respond to any adverse effects of world conflicts, terrorists threats, and the outbreak of SARS on the economy of Hawaii and the welfare of its people and to strengthen the programs and operations of the Hawaii tourism authority. Requires the sum appropriated to be in addition to sums appropriated out of the tourism special fund. Report to the legislature. (\$\$) -- SB1462 CD2

Committee Reports: SSCR 138 (TSM) HSCR 894 (TAC) HSCR 1478 (FIN) CCR 88

SENATE BILLS WHICH PASSED THE LEGISLATURE

- filed SENATE FLOOR AMENDMENT 10 HOUSE FLOOR AMENDMENT 14
Current Status: May-01 03 Passed Legislature
Section Affected: 201B- (1 SECTION), 201B-2, 201B-3, 201B-7, 201B-8, 201B-11, 201B-16
- SB1469 SD1 (SSCR 539) RELATING TO PEER SUPPORT COUNSELING SESSIONS.
Introduced by: Bunda R
Establishes provision relating to peer support counseling and sessions. Provides that any communication made by a participant or counselor in a peer support counseling session conducted by a law enforcement agency or by an emergency services provider shall be privileged. Further provides that any communications made privileged shall not be admissible in any judicial, administrative, or arbitration proceeding. -- SB1469 SD1
Committee Reports: SSCR 539 (HTH) SSCR 634 (JHW) HSCR 1258 (HLT)
Current Status: Apr-03 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 25 2003)
Section Affected: (1 SECTION) PEER SUPPORT COUNSELING
- SB1492 SD1 HD2 CD1 (CCR 70) RELATING TO ASSISTED LIVING FACILITIES.
Introduced by: Fukunaga C
Requires the department of health and the real estate commission to conduct a study on the impact and feasibility of allowing condominium and cooperative housing corporation projects to become licensed as assisted living facilities to provide assisted living services for its residents. Report to the legislature. Prohibits the department from issuing any new license for any condominium or cooperative housing corporation project as an assisted living facility until the legislature has acted upon the report or until July 1, 2004, whichever occurs 1st. -- SB1492 CD1
Committee Reports: SSCR 768 (HMS) HSCR 952 (HLT/ HSH/) HSCR 1430 (CPC) CCR 70
Current Status: Apr-29 03 Passed Legislature
- SB1496 HD1 CD1 (CCR 97) RELATING TO AGRICULTURE.
Introduced by: Inouye L
Amends Act 188, session laws of 2000, authorizing the issuance of special purpose revenue bonds to assist the Hawaii Gold Cacao Tree, Inc. by extending the sunset date to June 30, 2005. -- SB1496 CD1
Committee Reports: SSCR 129 (WLA) SSCR 930 (WAM) HSCR 1416 (FIN) CCR 97
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 188 2000
- SB1505 SD1 HD2 CD1 (CCR 82) RELATING TO INVASIVE SPECIES.
Introduced by: Kokubun R, English J, Hooser G
Establishes a temporary invasive species council for the special purpose of providing policy level direction, coordination and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the State and for preventing the introduction of other invasive species that may be potentially harmful. Requires the council to maintain, advise, consult, and coordinate invasive species related efforts with and between the departments of agriculture, land and natural resources, health, and transportation including state, federal, international, and privately organized programs and policies. Requires the council to create and implement a plan that includes the prevention, early detection, rapid response, control, enforcement and education of the public with respect to invasive species and fashion a mission statement articulating the State's position against invasive species. Requires the council to coordinate and promote the State's position with respect to federal issues, identify and record all invasive species present in the State. Annual report to the legislature and the governor. Establishes lead agency. Provides that a state department that is designated as a lead agency with respect to a particular function of invasive species control shall have sole administrative responsibility and accountability for that invasive species. Annual report to the legislature and governor. Provides that a department is authorized to examine, control, and eradicate all instances of invasive species on any public or private premises or in

SENATE BILLS WHICH PASSED THE LEGISLATURE

any aircraft or vessel landed or docked in waters of the State. Requires reasonable notice to be given to the owner of the property whenever any invasive species is found on private property and pursuant to court order and a duplicate of the notice so given shall be left with 1 or more of the tenants or occupants of the premises. Provides that if the notified owner fails to comply with the order of the department, or its agent, within the time specified by the department, or if entry is refused after notice is given the department or its agent may apply to the district court of the circuit in which the property is situated for a warrant directed to any police officer of the circuit, commanding the police officer to take sufficient aid and to assist the department member or its agent in gaining entry onto the premises, and executing measures to control or eradicate the invasive species. Amends provision relating to plant import. Provides that no person shall import, offer for sale, or sell any salvinia molesta or salvinia minima and pistia stratiotes plant or portion thereof within the State. Act to be repealed on July 1, 2008 (sunset). -- SB1505 CD1

Committee Reports: SSCR 641 (ENE) HSCR 1148 (EEP/ AGR/) HSCR 1466 (FIN) CCR 82

Current Status: Apr-29 03 Passed Legislature

Section Affected: 150A-6.1, 150A-9.5

SB1594 HD1 (HSCR 1503)

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

Introduced by: Hanabusa C

Provides that the commission on water resource management within the department of land and natural resources shall consist of 7 members. Provides that 5 members shall be appointed by the governor and at least 1 member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional riparian usage. -- SB1594 HD1

Committee Reports: SSCR 132 (WLA) SSCR 619 (JHW) HSCR 1028 (WLH) HSCR 1503 (JUD)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 174C-7

SB1630 HD1 CD1 (CCR 53)

RELATING TO NONPROFIT CORPORATIONS.

Introduced by: Menor R (BR)

Provides that where directors or officers of nonprofit corporations are to be elected by members, the bylaws or board of directors may provide that the election may be conducted by mail if no less than 2,500 members are eligible to vote and the primary purpose of the corporation is the management of a planned community. Authorizes the election of directors to be conducted by mail only if provided within the articles or bylaws, excluding nonprofit corporations. -- SB1630 CD1

Committee Reports: SSCR 590 (CPH) HSCR 1187 (CPC) CCR 53

Current Status: Apr-29 03 Received by the Governor

Section Affected: 414D-115

SB1647 SD2 HD2 CD1 (CCR 107)

RELATING TO SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED.

Introduced by: Espero W, Chun Oakland S

Appropriation to the public utilities commission to continue a telephonic reading system service that provides individuals who are blind or visually impaired with toll free telephonic access to time sensitive information. Authorizes the commission to contract with a qualified private, nonprofit organization to provide these services. (\$\$) -- SB1647 CD1

Committee Reports: SSCR 434 (HMS/ CPH/) SSCR 857 (WAM) HSCR 947 (HSH) HSCR 1507 (FIN) CCR 107

Current Status: Apr-29 03 Passed Legislature

SB1661 SD2 HD1 CD1 (CCR 117)

RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.

Introduced by: Kanno B

Amends Act 100, session laws of 2001. Provides that the housing and community development corporation of Hawaii shall complete construction of the villages of Kapolei, including affordable housing units, if any, no later than June 20, 2011. Provides that the

SENATE BILLS WHICH PASSED THE LEGISLATURE

state department of transportation or the city and county of Honolulu, as applicable, and the housing and community development corporation of Hawaii shall collaborate and coordinate to implement the recommendations of the traffic study for the villages of Kapolei, prepared by Walkable Communities, Inc. Provides criteria. Appropriation out of the dwelling unit revolving fund to the housing and community development corporation of Hawaii for the construction of traffic improvements at the intersection of Kapolei parkway and Kama'aha (Kamaaha) avenue fronting Kapolei middle school and Kapolei parkway and Malu Ohai street fronting Kapolei high school. (\$\$) -- SB1661 CD1
Committee Reports: SSCR 79 (CPH/ TMG/) SSCR 914 (WAM) HSCR 938 (HSH)
HSCR 1463 (FIN) CCR 117
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 100 2001, (2 SECTIONS)

SB1700 SD1 HD2 CD1 (CCR 124)

RELATING TO CHARTER SCHOOLS.

Introduced by: Kokubun R

Amends provisions relating to new century charter schools. Defines executive director to mean the chief executive officer of the charter school administrative office. Replaces the superintendent of education with the executive director. Authorizes a new century conversion charter school or a new century conversion charter school to enter into an annual contract with the department of education for centralized services to be provided by the department. -- Repeals and replaces provisions relating to new century charter school funding. Provides that the charter school administrative office shall submit a request for general fund appropriations for each new century charter school and each new century conversion charter school. Requires the department of education to provide appropriate transitional resources to a new century charter conversion charter school for its 1st year of operation based on department's allocation to the school for the year prior to the charter school's conversion. -- Amends provisions relating to new century charter school accountability to include probationary status and revocation of charter. -- Establishes the charter school administrative office attached to the department and who shall be administered by the executive director. Provides that the executive director shall be appointed by the board of education based on recommendations from charter schools. Further provides that the executive director under the direction of the board and charter schools shall be responsible for the internal organization, operation, and management of the charter schools. Authorizes the executive director to hire staff. Exempts the executive director and staff from civil service and collective bargaining requirements. Establishes provisions relating to responsibilities of the department to new century charter schools and for special education services provided by charter schools. -- SB1700 CD1

Committee Reports: SSCR 503 (EDU) SSCR 689 (WAM) HSCR 1129 (EDN) HSCR 1464 (FIN) CCR 124

Current Status: Apr=29 03 Passed Legislature

Section Affected: 302A-1181, 302A-1182, 302A-1185, 302A-1186, 302A-1187, 302A-1188, 302A-1191, 302A-1302

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB0001 HD1 (HSCR 5) MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN.
Introduced by: Takamine D
Appropriation for session and nonsession expenses of the senate and the house of representatives. Expenses of the senate to be approved by the president and expenses of the house of representatives to be approved by the speaker. Requires the senate and the house of representatives to have their accounts audited and report to the senate and house of representatives respectively. Expenses for legislators while traveling abroad to be 130 dollars a day. Appropriation for the expenses of the office of the legislative auditor, the legislative reference bureau, the office of the ombudsman, the legislative information system, and for the legislative broadcast program. (\$\$) -- HB0001 HD1
Committee Reports: HSCR 5 (FIN) SSCR 3 (WAM)
Current Status: Feb-04 03 Received by the Governor
Feb-04 03 Approved by Governor (Act 1 2003)
- HB0010 HD2 SD1 CD1 (CCR 16) RELATING TO PUBLIC UTILITIES.
Introduced by: Thielen C, Hiraki K, Morita H
Establishes provisions relating to annual fuel mix disclosure for public utilities. Provides that beginning June 1, 2004, each retail supplier shall state the average retail price of electricity (per kilowatt hour) for each rate class of service for the prior calendar year. -- HB0010 CD1
Committee Reports: HSCR 180 (EEP) HSCR 729 (CPC) SSCR 1071 (ENE) SSCR 1397 (CPH) CCR 16
Current Status: Apr-29 03 Passed Legislature
Section Affected: 269- (1 SECTION) ANNUAL FUEL MIX DISCLOSURE
- HB0029 HD1 SD1 CD1 (CCR 4) RELATING TO MEAL BREAKS.
Introduced by: Takumi R
Amends provisions relating to breastfeeding. Provides that no employer shall prohibit an employee from expressing breastmilk during any meal break that is provided by the employer on a voluntary basis. Amends provision relating to maximum hours of work. Prohibits any employee from being required to work more than 8 hours continuously without at least 30 consecutive minutes for a meal break, unless a collective bargaining agreement otherwise contains express provisions for employee meal breaks; the employer is a common carrier or a contract carrier by motor vehicle, or a private carrier of property by motor vehicle; the employer is a power generating utility; or the employer is the operator of a continuously operating facility that is regulated by environmental permits. -- HB0029 CD1
Committee Reports: HSCR 184 (LAB) HSCR 668 (FIN) SSCR 1012 (LBR) SSCR 1378 (WAM) CCR 4
Current Status: Apr-29 03 Passed Legislature
Section Affected: 378-10, 387-3
- HB0032 HD2 SD2 CD1 (CCR 43) RELATING TO EDUCATION.
Introduced by: Takumi R
Amends provisions relating to educational textbooks and instructional materials. Defines textbooks and instructional materials to include any book or other printed materials used as a standard work for a particular course of study except library books. Amends the requirement that all publishers of textbooks or other instructional materials sold to the State or any educational agency furnish computer diskettes for literary subjects in the American Standard Code for Information Exchange from which braille versions can be produced by changing educational agency to public schools. Repeals the restriction that the department of education cannot assess equipment, materials, or other fees against any pupil and allows assessment on a student, student's parents or guardians. Requires each school to provide a copy of the current list of textbooks and instructional materials upon the request of a student or a parent or guardian of a student attending the school. Authorizes public schools to assess and collect from each student or the student's parent or guardian, a textbook and instructional materials fee not to exceed 20 dollars per student per school year. -- HB0032 CD1

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Committee Reports: HSCR 92 (EDN) HSCR 452 (EDN) HSCR 824 (FIN) SSCR 1195 (EDU) SSCR 1329 (WAM) CCR 43
Current Status: Apr-29 03 Passed Legislature
Section Affected: 302A-101, 302A-442.5, 302A-1130, 302A-1130.5, 302A-1146

HB0058

RELATING TO MOTOR VEHICLES.

Introduced by: Souki J

Amends provision relating to unlawful removal of motor vehicles from the State to add an exemption for any motor vehicle rental company that periodically ships in quantities of 10 vehicles or more. -- HB0058

Committee Reports: HSCR 3 (TRN) HSCR 292 (JUD) HSCR 657 (FIN) SSCR 1085 (TMG) SSCR 1271 (CPH)

Current Status: Apr-09 03 Received by the Governor
Apr-22 03 Approved by Governor (Act 26 2003)

Section Affected: 286-57, 286-271

HB0075 HD2 SD1 (SSCR 1067)

RELATING TO CONDOMINIUMS.

Introduced by: Hiraki K

Amends Act 213, session laws of 2000 by requiring the real estate commission to report to the legislature prior to the convening of the regular sessions of 2003 and 2004. Requires the recodification advisory committee to meet to review the final version of the recodification draft to be presented at public hearings and to meet after the public hearings to review the data and make recommendations to the real estate commission before the final recodification draft is submitted to the legislature. Appropriation out of the condominium management education fund to the department of commerce and consumer affairs to complete the comprehensive review of the condominium property regimes law. (\$\$) -- HB0075 SD1

Committee Reports: HSCR 248 (CPC) HSCR 741 (FIN) SSCR 1067 (CPH) SSCR 1318 (WAM)

Current Status: Apr-29 03 Passed Legislature

Section Affected: ACT 213 2000

HB0078 HD1 (HSCR 780)

RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.

Introduced by: Kahikina M, Arakaki D

Establishes provision relating to federal funds outside of state treasury. Provides that the housing community development corporation shall establish and manage federal funds outside of the state treasury to be used for federal housing programs. Provides that the corporation shall invest such funds as permitted investments in accordance with government fiscal policies. -- HB0078 HD1

Committee Reports: HSCR 404 (HSH) HSCR 780 (FIN) SSCR 1156 (CPH) SSCR 1548 (WAM)

Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 36 2003)

Section Affected: 201G- (1 SECTION) FEDERAL FUNDS OUTSIDE OF STATE TREASURY

HB0083 HD1 (HSCR 8)

RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE ALOHA COUNCIL BOY SCOUTS OF AMERICA.

Introduced by: Kanohe E, Bukoski K, Thielen C

Approves land exchange involving private land at Waikele, Oahu, owned by Aloha Council Boy Scouts and public lands located on the islands on Oahu, Kauai, and Hawaii. Provides criteria. Repeals the authority granted to enter into a land exchange agreement on June 30, 2006 (sunset). -- HB0083 HD1

Committee Reports: HSCR 8 (WLH) HSCR 658 (FIN) SSCR 1123 (WLA) SSCR 1411 (WAM)

Current Status: Apr-09 03 Received by the Governor
Apr-22 03 Approved by Governor (Act 27 2003)

HB0123 HD1 SD1 (SSCR 1305)

RELATING TO THE PRACTICE OF PHARMACY.

Introduced by: Arakaki D, Takai K, Marumoto B, Shimabukuro M, Thielen C, Ching C,

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Lee M, Kanoho E, Luke S, Morita H, Hale H, Caldwell K, Sonson A, Kawakami B, Schatz B

Amends provisions relating to pharmacy to include emergency contraception. Redefines the practice of pharmacy to include initiating emergency contraception oral drug therapy, between a licensed physician and a pharmacist having appropriate training. Changes licensed medical doctor to licensed physician. Redefines contraceptive services within accident and sickness insurance contract provisions to include pharmacist delivered medical services. -- HB0123 SD1

Committee Reports: HSCR 244 (HLT) HSCR 625 (CPC) SSCR 1305 (CPH/ HTH/)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 461-1, 431:10A-116.6, 431:10A-116.7

HB0127 HD1 SD1 (SSCR 1361)

RELATING TO GENERAL ASSISTANCE.

Introduced by: Shimabukuro M, Thielen C, Mindo R, Luke S, Morita H, Leong B, Hale H, Kahikina M, Abinsay F, Meyer C, Kawakami B, Lee M

Amends provision relating to eligibility of general assistance to households without minor dependents. Provides that a person with a physical or mental disability shall be ineligible for general assistance for failure to pursue appropriate medical treatment unless the failure is due to good cause, including treatment is unavailable, personal emergencies, and circumstances which threaten the safety of the patient. -- HB0127 SD1

Committee Reports: HSCR 405 (HSH) HSCR 683 (FIN) SSCR 1080 (HMS) SSCR 1361 (WAM)

Current Status: May-01 03 Received by the Governor

Section Affected: 346-71

HB0130 HD1 SD2 CD1 (CCR 44)

RELATING TO PENSION AND RETIREMENT SYSTEMS.

Introduced by: Lee M, Morita H, Thielen C, Ching C, Kanoho E, Arakaki D, Mindo R, Luke S, Leong B, Shimabukuro M, Karamatsu J, Hale H, Kawakami B

Amends provision relating to election of mode of retirement allowance. Provides that any election mode of retirement allowance shall be irrevocable and subject to the spousal or reciprocal beneficiary notification requirement. Prohibits election to take effect unless the spouse or reciprocal beneficiary of the member is furnished a written notification that specifies the retirement date, the benefit option selected, and the beneficiary designated by the member and provides information indicating the effect of the election; is determined adequate by rules established by the board; the member selects option 2 or option 3 / option A or option B and designates the spouse or reciprocal beneficiary as the beneficiary; or it is established to the satisfaction of the board that notice cannot be provided. Requires each member, within a reasonable period of time before the member's retirement date, shall be provided a written explanation of the terms and conditions of the various benefit options; the rights of the member's spouse or reciprocal beneficiary to notification of the member's election of a benefit option; and the member's right to make, and the effect of, a revocation of an election. -- HB0130 CD1

Committee Reports: HSCR 319 (LAB) HSCR 847 (FIN) SSCR 1173 (LBR) SSCR 1380 (WAM) CCR 44

Current Status: Apr-29 03 Passed Legislature

Section Affected: 88-83, 88-283

HB0133 HD1 SD3 CD1 (CCR 21)

RELATING TO CHILD PROTECTION.

Introduced by: Lee M, Arakaki D, Thielen C, Mindo R, Morita H, Leong B, Shimabukuro M, Jernigan M, Finnegan L, Hale H, Abinsay F, Kahikina M, Sonson A, Kawakami B

Establishes the safe place for newborns law. Authorizes a hospital to receive a newborn left with a health care provider on the hospital premises if the newborn was born within 72 hours of being left at the hospital and the newborn is left in an unharmed condition. Prohibits the hospital from inquiring the identity of the mother or the person leaving the newborn, and from calling a law enforcement officer. Provides that a person may leave a newborn with a health care provider at a hospital without being subjected to prosecution for abandonment of a child. Requires the hospital to notify law enforcement that a newborn was received for purposes of matching the child with missing children reports. Further requires the hospital to inform the department of human services that

HOUSE BILLS WHICH PASSED THE LEGISLATURE

a newborn has been left at the hospital within 24 hours. Upon receiving custody of a newborn, the department may reunify the newborn with the newborn's parents. Allows the department to search for the newborn's relatives as a placement or permanency option, or other placement requirements that give a preference to relatives. -- HB0133 CD1

Committee Reports: HSCR 582 (JUD) SSCR 1132 (HMS) SSCR 1264 (JHW) - filed FLOOR AMENDMENT 7 CCR 21

Current Status: Apr-29 03 Passed Legislature

Section Affected: (7 SECTIONS) SAFE PLACE FOR NEWBORNS, 709-902

HB0135 HD1 SD1 CD1 (CCR 11)

RELATING TO INTERNATIONAL MATCHMAKING ORGANIZATIONS.

Introduced by: Lee M, Shimabukuro M, Pendleton D, Thielen C, Ching C, Kawakami B, Marumoto B, Finnegan L, Kahikina M, Sonson A, Arakaki D, Luke S, Morita H, Leong B, Hale H, Karamatsu J, Abinsay F

Establishes the international matchmaking organizations law. Provides that each international matchmaking organization in this State shall notify all recruits that all criminal history record and marital history information is available upon request, in the recruit's native language; and upon request disseminate to a recruit in the recruit's native language all criminal conviction information and marital history information in the possession of the international matchmaking organization relating to a Hawaii resident about whom any information is provided to the recruit. Further provides that upon receipt of a request for criminal conviction or marital history information, an international matchmaking organization shall refrain from facilitating future interaction between the recruit and the Hawaii resident until the Hawaii resident has submitted that information. Establishes criteria. Establishes fines and imprisonment for violation of these provisions. -- HB0135 CD1

Committee Reports: HSCR 710 (JUD) SSCR 1157 (CPH) SSCR 1265 (JHW) CCR 11

Current Status: Apr-29 03 Passed Legislature

Section Affected: (5 SECTIONS) INTERNATIONAL MATCHMAKING ORGANIZATIONS

HB0139 HD1 SD1 (SSCR 1399)

RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY.

Introduced by: Hiraki K

Amends provisions relating to the motor vehicle rental industry. Redefines commission to mean any compensation, bonus, award, or remuneration that corresponds directly to the amount of sales of collision damage waivers. Provides that commission for selling collision damage waivers does not include any compensation, commission, bonus, award, or remuneration to an employee that corresponds to the overall gross receipts of a sales location, where sales of collision damage waivers are 1 of many factors contributing to overall gross receipts. -- HB0139 SD1

Committee Reports: HSCR 614 (CPC) SSCR 1399 (CPH)

Current Status: Apr-29 03 Passed Legislature

Section Affected: 437D-8.5

HB0192 HD1 SD1 CD1 (CCR 2)

RELATING TO ACCRETED LANDS.

Introduced by: Morita H, Thielen C, Bukoski K, Kanoho E, Evans C, Waters T, Lee M
Amends provisions relating to public lands. Defines accreted land to mean land formed by the gradual accumulation of land on a beach or shore along the ocean by the action of natural forces. Redefines public lands to include accreted lands not otherwise awarded. Requires the office of environmental quality control to inform the public of an application for the registration of land by accretion for any land accreted along the ocean. Amends provision relating to accretion to land by providing that no applicant other than the State shall register land accreted along the ocean, except that a private property owner whose eroded land has been restored by accretion may file an accretion claim to regain title to the restored portion. Requires the applicant to supply the office of environmental quality control with a notice for publication in the office's periodic bulletin. Provides that the application shall not be approved unless the office of environmental quality control has published notice in the office's periodic bulletin. -- HB0192 CD1

Committee Reports: HSCR 369 (WLH) HSCR 626 (JUD) SSCR 1147 (WLA/ ENE/) SSCR 1224 (JHW) CCR 2

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Current Status: Apr-28 03 Received by the Governor
Section Affected: 171-1, 171-2, 343-3, 501-33, 669-1

HB0200 HD1 SD1 CD1 (CCR 142)

RELATING TO THE STATE BUDGET.

Introduced by: Say C (BR)

General Appropriations Act of 2003 (state budget). Appropriations for general operating and capital improvement funds for the support of state government operations over the 2003 - 2005 fiscal biennium. Authorizes the issuance of general obligation bonds. (\$\$)

-- HB0200 CD1

Committee Reports: HSCR 862 (FIN) SSCR 1429 (WAM) CCR 142

Current Status: Apr-29 03 Received by the Governor

Section Affected: ACT 259 2001, ACT 3 2001 3SP, ACT 177 2002, ACT 301 1983, ACT 285 1984, ACT 300 1985, ACT 345 1986, ACT 216 1987, ACT 390 1988, ACT 316 1989, ACT 299 1990, ACT 296 1991, ACT 300 1992, ACT 289 1993, ACT 252 1994, ACT 218 1995, ACT 287 1996, ACT 328 1997, ACT 116 1998, ACT 91 1999, ACT 281 2000, ACT 1 1981 1SP, ACT 264 1982

HB0281 HD1 SD2 CD1 (CCR 135)

RELATING TO STATE EDUCATIONAL FACILITIES REPAIR AND MAINTENANCE.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Arakaki D, Luke S, Lee M, Shimabukuro M, Takamine D, Souki J, Hale H, Oshiro M, Caldwell K, Kanoho E, Tamayo T, Nishimoto S, Magaoay M, Evans C, Ito K, Kahikina M, Herkes R, Karamatsu J, Schatz B, Wakai G, Hiraki K, Kaho'ohalahala S, Abinsay F, Morita H, Hamakawa E, Waters T, Sonson A, Nakasone B, Kawakami B

Requires the department of accounting and general services to compile and submit a report at least quarterly to the department of education regarding the current status of projects on pre June 30, 2001, and post June 30, 2001, lists. Requires the department of education to compile and report the information to all school complexes and schools. Further requires the department of education and the department of accounting and general services to submit interim or final reports to the legislature, the governor, the board of education, the department of budget and finance, and each school complex and school by September 30, 2003. Requires the departments to annually report to the legislature on actions taken to maximize utilization of available funding to develop a work schedule that incorporates all available resources to reduce the backlog of all identified repair and maintenance projects and include recommendations and proposed legislation to implement the suggested transfer of authority over repair and maintenance funds from department of accounting and general services to department of education.

-- Amends provisions relating to the state educational facilities repair and maintenance account and the school physical plant operations and maintenance account to provide that expenditures from the accounts shall be based on the prioritization approved by the department of education. -- Requires the comptroller of the department of accounting and general services to develop and implement appropriate planning procedures and follow up accountability reports for moneys used from the school priority program. Annual report to the legislature. -- Includes the department of education in the coordination of physical plant operations and in the maintenance activities meeting with each school and the department of accounting and general services on school needs. Empowers the department of education to make the final decision if there are differing views on a school's repair and maintenance priority list. -- HB0281 CD1

Committee Reports: HSCR 32 (EDN) HSCR 825 (FIN) SSCR 1163 (EDU) SSCR 1342 (WAM) CCR 135

Current Status: Apr-29 03 Passed Legislature

Section Affected: 36-35, 36-36, 302A-604.5, 302A-1312, 302A-1505

HB0282 HD2 SD1 CD1 (CCR 30)

RELATING TO THE AUDITOR.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Herkes R, Hale H, Luke S, Lee M, Shimabukuro M, Takamine D, Arakaki D, Oshiro M, Karamatsu J, Caldwell K, Wakai G, Tamayo T, Magaoay M, Abinsay F, Hamakawa E, Kahikina M, Nakasone B, Kawakami B, Schatz B, Kanoho E, Hiraki K, Nishimoto S, Kaho'ohalahala S, Evans C, Morita H, Waters T, Ito K, Sonson A

Establishes reimbursement moneys for financial audits. Provides that when any part of the costs of the financial audits conducted by or contracted for by the auditor are

HOUSE BILLS WHICH PASSED THE LEGISLATURE

reimbursable by moneys appropriated to or generated by any department, office, or agency of the State or its political subdivisions, the affected department, office, or agency of the State or political subdivision shall transmit those cost reimbursements to the auditor. Requires money collected shall be deposited in the audit revolving fund. Establishes the audit revolving fund in the office of the auditor. Provides that the fund shall consist of any moneys received from departments, offices, and agencies of the State and its political subdivisions for audits; fees for conducting audits of special funds, revolving funds, capitol improvement funds, or trust funds; legislative appropriations; and all interest and investment earnings credit to the assets of the fund. Provides that moneys in the audit revolving fund shall be expended by the auditor to conduct audits of state departments, offices, agencies, and its political subdivisions, audits of special, revolving, capital improvement, or trust funds, and for the services of certified public accountants contracted to conduct such audits. -- HB0282 CD1

Committee Reports: HSCR 314 (LMG) HSCR 777 (FIN) SSCR 1419 (WAM) CCR 30

Current Status: Apr-29 03 Passed Legislature

Section Affected: 23- (2 SECTIONS) REIMBURSEMENT MONEYS FOR FINANCIAL AUDITS

HB0285 HD1 SD2 (SSCR 1225)

RELATING TO ADMINISTRATIVE PROCEDURE.

Introduced by: Say C, Saiki S, Mindo R, Chang J, Takumi R, Shimabukuro M, Arakaki D, Hale H, Schatz B, Luke S, Lee M, Herkes R, Oshiro B, Takamine D, Souki J, Oshiro M, Karamatsu J, Caldwell K, Wakai G, Magaoay M, Abinsay F, Evans C, Ito K, Kahikina M, Kawakami B, Kanoho E, Tamayo T, Nishimoto S, Kaho'ohalahala S, Morita H, Hamakawa E, Waters T, Sonson A, Nakasone B

Establishes provision relating to rulemaking procedure. Provides that when making, amending, or repealing rules, agencies shall comply with requirements of rulemaking procedure, consistent procedures required by other statutes and applicable federal mandates. Provides that each agency shall develop and use flexible approaches in adopting, amending, or repealing rules that meet the needs of the agency and that involve persons affected by the agency's rules. Provides that in adopting, amending, or repealing rules, the head of the agency shall ensure that the rules are developed in concert with the spirit and intent of the law. Provides that after a public hearing has been held on any rules, the proposed rule shall not be adopted until the head of the agency concurs that the proposed rule has a rational nexus to the law and conforms to the letter, spirit, and intent of the law. Provides that any interested party may appeal the adoption of a rule by filing a petition for regulatory review. Establishes automatic repeal of administrative rules. Provides that upon the repeal of a statute or ordinance, any administrative rule that has been adopted pursuant to the repealed statute or ordinance shall be automatically repealed, effective 180 days after the related statute or ordinance is repealed. Excludes an administrative rule adopted pursuant to a subsequently repealed statute or ordinance, that is readopted by operation of law as part of a transfer of functions from 1 department or agency to another department or agency. Amends provision relating to periodic review and evaluation report. Provides that any recommendations as to whether a rule is in furtherance of an appropriate function of the state government and any recommendations as to whether the rule, although in furtherance of an appropriate function of the state government, can be implemented by the private sector as cost effectively as the public sector while meeting the same plans, goals, objectives, standards, measures of effectiveness, wage, salary, conditions of employment, and employee benefit program of the State. -- HB0285 SD2

Committee Reports: HSCR 412 (EDB) HSCR 627 (JUD) SSCR 1093 (TMG) SSCR 1225 (JHW)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 91- (1 SECTION), 91- (1 SECTION), 201M-7

HB0287 HD3 SD2 CD1 (CCR 13)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Say C, Saiki S, Mindo R, Chang J, Takumi R, Herkes R, Hale H, Oshiro B, Luke S, Lee M, Shimabukuro M, Takamine D, Souki J, Arakaki D, Oshiro M, Karamatsu J, Kanoho E, Tamayo T, Magaoay M, Abinsay F, Evans C, Ito K, Kahikina M, Kawakami B, Schatz B, Caldwell K, Nishimoto S, Kaho'ohalahala S, Morita H, Hamakawa E, Waters T, Sonson A, Nakasone B

Establishes provision relating to public employees and termination. Provides that if a

HOUSE BILLS WHICH PASSED THE LEGISLATURE

public employee is convicted of a felony for conduct related to the public employee's duties, the public employee shall be terminated from the public employee's position. Provides that if the felony conviction that results in the termination of a public employee is overturned on appeal, the public employee shall obtain back pay and be returned to the position the public employee held prior to conviction, or an equivalent position if the public employee's position was filled provided that the employee is not terminated in accordance with any other provision of law. Provides that public employee means any public employee of the State or any county, and the political subdivisions and agencies, any employees under contract with the State or county, any civil service employees, and any probationary or provisional employees of the State or county. Provides that for public employees that are covered by a collective bargaining agreement shall be entitled to a grievance procedure culminating in a final and binding decision. Provides that a rebuttable presumption shall arise that the criminal conviction is just and proper cause for the employee's termination. Defines public office to mean an office held by an elected official, department heads, officers, and members of the board, commission, or other state agency whose appointments are made by the governor, chief justice, office of Hawaiian affairs, or the judicial selection commission, or are required by law to be confirmed by the senate. -- HB0287 CD1

Committee Reports: HSCR 291 (LAB) HSCR 537 (JUD) HSCR 767 (FIN) SSCR 1097 (LBR) SSCR 1266 (JHW) CCR 13

Current Status: Apr-29 03 Passed Legislature

Section Affected: 78- (1 SECTION), 831-2

HB0289 HD2 SD2 CD1 (CCR 137)

RELATING TO EDUCATION.

Introduced by: Say C, Saiki S, Mindo R, Chang J, Takumi R, Takamine D, Shimabukuro M, Oshiro B, Schatz B, Luke S, Lee M, Souki J, Arakaki D, Herkes R, Hale H, Oshiro M, Karamatsu J, Caldwell K, Wakai G, Magaoay M, Abinsay F, Evans C, Morita H, Ito K, Kahikina M, Kawakami B, Kanoho E, Hiraki K, Tamayo T, Nishimoto S, Kaho'ohalahala S, Hamakawa E, Waters T, Sonson A, Nakasone B

Establishes provisions relating to education complex areas and curricula. Establishes 15 complex areas comprising multiple school complexes as determined by the superintendent of education in consultation with the board of education. Provides that the complex areas shall ensure that curricula within each school complex are aligned with statewide performance standards and demonstrate a coherent progression throughout all grade levels. Exempts the fund from contributing to the central service and administrative expenses of the government. Defines complex area to mean a grouping of complexes established by the department for administrative support and organizational purposes and defines complex area superintendent to mean the chief administrative officer of a complex area and the school complexes therein. -- HB0289 CD1

Committee Reports: HSCR 453 (EDN) HSCR 826 (FIN) SSCR 1192 (EDU) SSCR 1330 (WAM) CCR 137

Current Status: Apr-29 03 Passed Legislature

Section Affected: 302A- (1 SECTION), 302A-101

HB0290 HD2 SD1 CD1 (CCR 45)

RELATING TO UNEMPLOYMENT.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Arakaki D, Herkes R, Karamatsu J, Schatz B, Luke S, Lee M, Takamine D, Shimabukuro M, Souki J, Hale H, Oshiro M, Caldwell K, Kanoho E, Kaho'ohalahala S, Magaoay M, Morita H, Evans C, Ito K, Kahikina M, Kawakami B, Hiraki K, Tamayo T, Nishimoto S, Abinsay F, Hamakawa E, Waters T, Sonson A, Nakasone B

Amends provision relating to employment security. Provide that moneys credited to the state's account in federal fiscal years 2000, 2001, and 2002 shall be used solely for the administration of unemployment compensation program and are not subject to specific appropriation requirements, except that moneys credited in calendar year 2002 pursuant to P.L. 107-147 shall not be subject to the conditions of this provision or the 2 year limitation requirement. -- Establishes that any individual shall be eligible to receive a payment of state additional benefits with respect to a week of unemployment provided that the federal Temporary Extended Unemployment Compensation program is not extended after May 31, 2003, the individual filed an initial claim or continued claim certification for regular benefits on or after September 11, 2001, the individual exhausted

HOUSE BILLS WHICH PASSED THE LEGISLATURE

all rights to receive regular benefits under the Hawaii employment security law, and the individual is not eligible to receive unemployment benefits under federal or state laws after September 11, 2001. Authorizes the governor to provide for a schedule change only by issuance of a proclamation. Requires the benefits to cease once the unemployment insurance fund reaches the threshold where the department of labor and industrial relations would be required to increase the unemployment taxes paid by employers (sunset). Act to be repealed on June 30, 2005 (sunset). -- HB0290 CD1

Committee Reports: HSCR 422 (LAB) HSCR 853 (FIN) SSCR 1013 (LBR) SSCR 1381 (WAM) CCR 45

Current Status: Apr-29 03 Passed Legislature

Section Affected: 383-123

HB0293 HD1 SD2 CD1 (CCR 36)

RELATING TO THE FARMERS' MARKET.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Luke S, Lee M, Shimabukuro M, Takamine D, Souki J, Herkes R, Oshiro M, Caldwell K, Kanoho E, Nishimoto S, Magaoay M, Abinsay F, Morita H, Ito K, Arakaki D, Hale H, Karamatsu J, Schatz B, Hiraki K, Tamayo T, Kaho'ohalahala S, Evans C, Hamakawa E, Waters T, Kawakami B, Kahikina M, Sonson A, Nakasone B

Appropriation to the department of agriculture to assess the economic feasibility of establishing a world class farmers market in Hawaii. Department to report to the legislature. (\$\$) -- HB0293 CD1

Committee Reports: HSCR 26 (AGR) HSCR 808 (FIN) SSCR 1148 (WLA) SSCR 1413 (WAM) CCR 36

Current Status: Apr-29 03 Passed Legislature

HB0297 HD2 SD2 CD1 (CCR 31)

RELATING TO DRUGS.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Takamine D, Hale H, Karamatsu J, Caldwell K, Luke S, Lee M, Shimabukuro M, Souki J, Arakaki D, Herkes R, Oshiro M, Schatz B, Kanoho E, Wakai G, Evans C, Abinsay F, Magaoay M, Ito K, Kahikina M, Nakasone B, Kawakami B, Hiraki K, Tamayo T, Nishimoto S, Kaho'ohalahala S, Morita H, Hamakawa E, Waters T, Sonson A

Establishes a nuisance abatement unit within the department of the attorney general to provide for the enforcement and prosecution of violations of nuisance abatement laws in the penal code. Appropriation. (\$\$) -- HB0297 CD1

Committee Reports: HSCR 402 (JUD) HSCR 848 (FIN) SSCR 1064 (JHW) SSCR 1423 (WAM) CCR 31

Current Status: Apr-29 03 Passed Legislature

Section Affected: 28- (1 SECTION) DRUG NUISANCE ABATEMENT UNIT, 712A-16

HB0298 HD2 SD2 CD1 (CCR 19)

RELATING TO CORRECTIONAL FACILITIES.

Introduced by: Say C, Saiki S, Mindo R, Oshiro B, Chang J, Takumi R, Shimabukuro M, Takamine D, Hale H, Caldwell K, Tamayo T, Luke S, Lee M, Souki J, Arakaki D, Herkes R, Oshiro M, Karamatsu J, Schatz B, Kanoho E, Kaho'ohalahala S, Evans C, Magaoay M, Kahikina M, Sonson A, Kawakami B, Nishimoto S, Morita H, Abinsay F, Hamakawa E, Waters T, Ito K, Nakasone B

Directs the executive branch to initiate the process to develop the undeveloped portion of the site of the Halawa correctional facility for a new correctional facility including soil tests and negotiations for the development of private, in state correctional facilities with any qualified private entity. Authorizes the governor to negotiate or contract for the development of other in state correctional facilities. Further directs the executive branch to initiate the preparation of a feasibility and planning study for the future use, disposition, or development of the existing Oahu community correctional center site. Governor to report to the legislature. -- HB0298 CD1

Committee Reports: HSCR 230 (PSM) HSCR 833 (FIN) SSCR 1026 (JHW) SSCR 1424 (WAM) CCR 19

Current Status: Apr-29 03 Passed Legislature

HB0317 HD2 SD2 CD1 (CCR 38)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Takai K, Arakaki D, Kahikina M, Ching C, Finnegan L, Tamayo T, Nishimoto S

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Amends provision relating to membership of employees holding more than 1 position, appointment or office. Provides that the membership of any faculty member or lecturer of the university of Hawaii with multiple part time appointments or positions shall be based on an aggregate of all such part time faculty or lecturer appointments or positions not to exceed 1 full time position. Provides that the sum total of the compensation, pay, or salary received from the positions shall not, exceed an amount equal to the highest of the full time compensation, pay, or salary for any 1 of the part time appointments or positions. Provides that if an existing or former faculty member, lecturer, or administrative, professional, and technical employee of the university system who holds or held multiple part time faculty or lecturer appointments prior to the July 1, 2003, and who was reported by the university of Hawaii to the system as eligible for membership in the system, the system shall not adjust its records for, or reduce the benefits of, such faculty member, lecturer, or administrative, professional, or technical employee to meet the system membership eligibility requirements without the aggregation of multiple part time appointments or positions. Amends provision relating to persons ineligible for membership; optional membership. Provides that except with respect to faculty members or lecturers employed on 1 or more campuses of the university of Hawaii who hold multiple part time appointments or positions, any of which may be less than 1/2 of a full time equivalent but all of which when added together aggregate to at least 1/2 of a full time equivalent position the board of trustees may deny membership to any class of part time employees. -- HB0317 CD1

Committee Reports: HSCR 36 (HED) HSCR 323 (LAB) HSCR 811 (FIN) SSCR 1130 (LBR/ EDU/) SSCR 1383 (WAM) CCR 38

Current Status: Apr-29 03 Passed Legislature

Section Affected: 88-42.5, 88-43

HB0320 HD2 SD1 CD1 (CCR 27)

RELATING TO RISK MANAGEMENT.

Introduced by: Takai K, Tamayo T

Establishes the university of Hawaii risk management special fund. Authorizes funds to be expended by the university for the administration of the university's risk management program including insurance premiums, retention payments, claims administration and operation, settlements, payment of judgments, other obligations, and legal fees and costs. Authorizes the board of regents of the university of Hawaii to agree in writing to an indemnity provision under specified conditions. Requires the board of regents of the university of Hawaii to report to the legislature annually. -- HB0320 CD1

Committee Reports: HSCR 38 (HED) HSCR 385 (JUD) HSCR 638 (FIN) SSCR 1034 (EDU) SSCR 1333 (WAM) CCR 27

Current Status: Apr-29 03 Passed Legislature

Section Affected: 304- (1 SECTION) UNIVERSITY OF HAWAII RISK MANAGEMENT SPECIAL FUND

HB0324 HD1 SD1 CD1 (CCR 17)

RELATING TO DRIVER LICENSING.

Introduced by: Takai K, Arakaki D, Kahikina M, Finnegan L, Ching C, Tamayo T, Nishimoto S

Amends provisions relating to application for driver's license or instruction permit. Provides that if an applicant is not eligible to receive a social security number, the applicant shall submit a US Social Security Administration letter stating the applicant's ineligibility and either a government issued photo identification document or other identification documents as deemed acceptable by the director of transportation. -- HB0324 CD1

Committee Reports: HSCR 585 (JUD) SSCR 1207 (TMG) CCR 17

Current Status: Apr-29 03 Passed Legislature

Section Affected: 286-111

HB0373 HD2 SD1 CD1 (CCR 12)

RELATING TO POLITICAL SPEECH.

Introduced by: Oshiro M, Oshiro B, Lee M

Amends provision relating to tenant to use properly. Provides that in a rental agreement for a single family residence, a landlord shall not prohibit a tenant from erecting, maintaining, or displaying an otherwise legal sign or outdoor advertising device that urges voters to vote for or against any person or issue. Further provides that

HOUSE BILLS WHICH PASSED THE LEGISLATURE

reasonable restrictions shall be permissible for purposes of complying with applicable building and housing laws affecting health and safety. Amends provision relating to outdoor advertising. Provides that signs urging voters to vote for or against any person or issue, may be erected, maintained, and used, except where contrary to or prohibited by law. -- HB0373 CD1

Committee Reports: HSCR 478 (CPC) HSCR 731 (JUD) SSCR 1114 (TMG) SSCR 1226 (JHW) CCR 12

Current Status: Apr-29 03 Passed Legislature

Section Affected: 521-52, 445-112

HB0377 HD1 SD1 (SSCR 1044)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 279, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Cardiac Institute, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0377 SD1

Committee Reports: HSCR 510 (HLT) HSCR 769 (FIN) SSCR 1044 (HTH) SSCR 1352 (WAM)

Current Status: Apr-29 03 Passed Legislature

Section Affected: ACT 279 1999

HB0378 HD1 (HSCR 770)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 293, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Community Health and Wellness, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0378 HD1

Committee Reports: HSCR 528 (HLT) HSCR 770 (FIN) SSCR 1045 (HTH) SSCR 1668 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 293 1999

HB0379 HD1 (HSCR 771)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 292, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Saging Center, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0379 HD1

Committee Reports: HSCR 511 (HLT) HSCR 771 (FIN) SSCR 1046 (HTH) SSCR 1669 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 292 1999

HB0380 HD1 (HSCR 753)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 181, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Sports Medicine

HOUSE BILLS WHICH PASSED THE LEGISLATURE

& Research Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0380 HD1

Committee Reports: HSCR 512 (HLT) HSCR 753 (FIN) SSCR 1047 (HTH) SSCR 1670 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 181 1999

HB0381 HD1 (HSCR 772)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 281, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Wellness Center, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0381 HD1

Committee Reports: HSCR 513 (HLT) HSCR 772 (FIN) SSCR 1048 (HTH) SSCR 1671 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 281 1999

HB0382 HD1 (HSCR 754)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 291, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Pacific Women's Center, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0382 HD1

Committee Reports: HSCR 514 (HLT) HSCR 754 (FIN) SSCR 1049 (HTH) SSCR 1672 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 291 1999

HB0383 HD1 (HSCR 773)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 180, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Wahiawa Central Oahu Health Center, Inc. regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0383 HD1

Committee Reports: HSCR 515 (HLT) HSCR 773 (FIN) SSCR 1050 (HTH) SSCR 1673 (WAM)

Current Status: Apr=29 03 Passed Legislature

Section Affected: ACT 180 1999

HB0384 HD1 SD1 (SSCR 1353)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES.

Introduced by: Oshiro M

Amends Act 179, session laws of 1999, relating to not for profit corporations that provide health care facilities, by changing the sunset date to June 30, 2008. Authorizes the issuance of refunding special purpose revenue bonds to assist Wahiawa General Hospital, Inc. regardless of whether the outstanding special purpose revenue bonds or

HOUSE BILLS WHICH PASSED THE LEGISLATURE

refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi project programs. (\$\$) -- HB0384 SD1

Committee Reports: HSCR 516 (HLT) HSCR 774 (FIN) SSCR 1051 (HTH) SSCR 1353 (WAM)

Current Status: Apr-29 03 Passed Legislature

Section Affected: ACT 179 1999

HB0389 HD2 (HSCR 751)

RELATING TO FAMILY LEAVE.

Introduced by: Oshiro M, Oshiro B

Amends provision relating to permitted unpaid leave and relationship to paid leave by including sick leave. Repeals provision prohibiting an employer or an employee from substituting an employee's accrued sick leave in any situation under the family leave law. Provides that an employer who provides sick leave for employees shall permit an employee to use accrued and available sick leave. Prohibits the employee to use more than 10 days per year for sick leave unless authorized by an express provision of a valid collective bargaining agreement. -- HB0389 HD2

Committee Reports: HSCR 185 (LAB) HSCR 751 (FIN) SSCR 1014 (LBR) SSCR 1547 (WAM)

Current Status: Apr-11 03 Received by the Governor

Apr-30 03 Became Law Without the Governor's Signature (Act 44 2003)

Section Affected: 398-1, 398-4

HB0401 HD1 SD1 (SSCR 1203)

RELATING TO ELECTIONS.

Introduced by: Saiki S

Provides that the chief election officer may be removed by the elections appointment and review panel at any time for good cause. Provides that the office of elections shall be placed within the department of accounting and general services. Transfers all rights, powers and functions of the office of elections and the review panel to the department of accounting and general services. -- HB0401 SD1

Committee Reports: HSCR 586 (JUD) SSCR 1203 (JHW)

Current Status: May-01 03 Received by the Governor

Section Affected: 11-1.6, 11-1.5, 11-2.5, 11-192

HB0422 HD2 SD2 CD1 (CCR 26)

RELATING TO A CENTER FOR NURSING.

Introduced by: Takai K, Lee M, Morita H

Establishes the center for nursing law. Establishes the center for nursing within the university of Hawaii, school of nursing and dental hygiene. Establishes an advisory board to employ an executive director and staff. Requires the center to collect and analyze data, and prepare and disseminate written reports and recommendations regarding the current and future status and trends of the nursing workforce; conduct research on best practices and quality outcomes; develop a plan for implementing strategies to recruit and retain nurses; and research, analyze, and report data related to the retention of the nursing workforce. Establishes the center for nursing special fund into which shall be deposited any legislative appropriations, grants, and other funds collected for the center. Provides that the fund shall be administered by the board of regents of the university of Hawaii and shall be used to support the center's activities. -- Establishes an additional fee upon the issuance of a new license and at each license renewal period for each nurse which shall be kept in a separate account in the compliance resolution fund. Requires the director of commerce and consumer affairs to disburse moneys in the separate account to the nursing special fund on a quarterly basis. Provides that the fee shall not be assessed and the separate account repealed after June 30, 2009 (sunset). Report to the legislature. Appropriation out of the special fund to the university of Hawaii for the center. Appropriation out of the compliance resolution fund to the center for nursing special fund which shall be reimbursed by the special fund. (\$\$) -- HB0422 CD1

Committee Reports: HSCR 469 (HED/ HLT/) HSCR 800 (FIN) SSCR 1078 (HTH/ EDU/) SSCR 1354 (WAM) CCR 26

Current Status: Apr-29 03 Passed Legislature

Section Affected: (5 SECTIONS) CENTER FOR NURSING, 457- (1 SECTION),

HOUSE BILLS WHICH PASSED THE LEGISLATURE

36-27, 36-30

- HB0426 HD1 SD2 CD1 (CCR 7) RELATING TO PUBLIC LANDS.
Introduced by: Kanoho E, Kawakami B, Morita H, Kaho'ohalahala S
Authorizes the board of land and natural resources to issue new leases to the existing lessee of certain properties situated at Wailua, Lihue, Kauai, Hawaii. Provides criteria. -- HB0426 CD1
Committee Reports: HSCR 541 (WLH) HSCR 840 (FIN) SSCR 1149 (WLA) SSCR 1414 (WAM) CCR 7
Current Status: Apr-29 03 Passed Legislature
- HB0475 RELATING TO THE PUBLIC UTILITIES COMMISSION.
Introduced by: Morita H, Kaho'ohalahala S, Evans C, Lee M, Oshiro B, Wakai G, Hale H, Thielen C, Bukoski K, Waters T, Caldwell K, Schatz B
Requires the legislative auditor to conduct a management audit of the public utilities commission. Report to the legislature and the governor. -- HB0475
Committee Reports: HSCR 138 (LMG) HSCR 470 (CPC/ EEP/) HSCR 651 (FIN) SSCR 1069 (CPH) SSCR 1674 (WAM)
Current Status: Apr-30 03 Received by the Governor
- HB0485 RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAU'OLI SCHOOL.
Introduced by: Takumi R
Authorizes the issuance of special purpose revenue bonds to assist Hanahauoli school to finance the construction and improvement of its educational facilities and the acquisition of land for future school needs. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0485
Committee Reports: HSCR 133 (EDN) HSCR 632 (FIN) SSCR 1038 (EDU) SSCR 1675 (WAM)
Current Status: Apr=29 03 Passed Legislature
- HB0488 RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE.
Introduced by: Takumi R
Authorizes the issuance of special purpose revenue bonds to assist Mid Pacific Institute to finance and refinance the planning, acquisition, construction, and improvement of its educational facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0488
Committee Reports: HSCR 134 (EDN) HSCR 633 (FIN) SSCR 1036 (EDU) SSCR 1676 (WAM)
Current Status: Apr=29 03 Passed Legislature
- HB0507 HD3 SD1 CD1 (CCR 41) RELATING TO EMERGENCY MEDICAL TECHNICIANS.
Introduced by: Oshiro M, Arakaki D, Waters T
Establishes provision relating to unreduced allowance on service retirement; when applicable. Provides that if a member has at least 30 years of credited service through June 30, 2003; 29 years of credited service on or after July 1, 2004; 28 years of credited service on or after July 1, 2005; 27 years of credited service on or after July 1, 2006; 26 years of credited service on or after July, 1 2007; and 25 years of credited service on or after July 1, 2008, as an emergency medical technician, of which the last 5 or more years prior to retirement is credited service in that capacity, then upon retirement and irrespective of age, that member's service retirement allowance shall not be reduced for actuarial purposes and the emergency medical technician shall be eligible to receive a retirement benefit unreduced for age after the member has terminated service. Defines emergency medical technician to mean any person regularly employed by the city and county of Honolulu's emergency services department whose principal duty is to provide emergency medical services and who is licensed to provide emergency medical services. -- HB0507 CD1
Committee Reports: HSCR 22 (HLT) HSCR 540 (LAB) HSCR 799 (FIN) SSCR 1100 (LBR) SSCR 1384 (WAM) CCR 41
Current Status: Apr-29 03 Passed Legislature

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 88- (1 SECTION), 88-21, 88-281

HB0512 HD1 SD2 CD2 (SENATE
FLOOR AMENDMENT 12 OR
HOUSE FLOOR AMENDMENT 15)

RELATING TO HEALTH.

Introduced by: Nakasone B

Amends provision relating to confidentiality of records within the mental health, mental illness, drug addiction, and alcoholism law. Provides that all certificates, applications, records, and reports made, directly or indirectly identifying a person shall be kept confidential and shall not be disclosed by any person except when disclosure is made to the person's health care insurer to obtain reimbursement for services rendered to the person, provided that disclosure shall be made only if the insurer informs the person that a reimbursement claim will be made, the person is afforded an opportunity to pay the claim directly, and the person does not pay. -- Transfers all rights, powers, functions, and duties of the office of the governor, relating to the executive office on aging, to the department of health. -- HB0512 CD2

Committee Reports: HSCR 722 (FIN) SSCR 1145 (HTH) SSCR 1418 (WAM) CCR 133 - filed SENATE FLOOR AMENDMENT 12 HOUSE FLOOR AMENDMENT 15

Current Status: May-01 03 Passed Legislature

Section Affected: 349-2, 334-5

HB0531 SD1 CD1 (CCR 46)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Takamine D

Amends provision relating to adjustments for excluded civil service employees. Provides that each jurisdiction shall provide adjustments for its respective excluded civil service employees based on recommendations from its respective personnel director. Provides that in formulating recommendations to the appropriate authority, the respective director shall ensure that proposed adjustments are consistent with civil service laws and equivalent or not less than adjustments provided within the employer's jurisdiction. -- HB0531 CD1

Committee Reports: HSCR 561 (LAB) HSCR 672 (FIN) SSCR 1015 (LBR) SSCR 1385 (WAM) CCR 46

Current Status: Apr-29 03 Passed Legislature

Section Affected: 89C-3

HB0548 HD2 SD1 (SSCR 1079)

RELATING TO ANATOMICAL GIFTS.

Introduced by: Abinsay F, Arakaki D, Magaoay M, Sonson A, Lee M, Kahikina M

Amends Act 88, session laws of 1999, relating to anatomical gifts, by repealing the sunset date. -- HB0548 SD1

Committee Reports: HSCR 52 (HLT) HSCR 345 (CPC) HSCR 628 (JUD) SSCR 1079 (HTH) SSCR 1355 (WAM)

Current Status: Apr-28 03 Received by the Governor

Section Affected: ACT 88 1999

HB0562 SD1 CD1 (CCR 22)

RELATING TO SEXUAL ASSAULT.

Introduced by: Saiki S, Mindo R, Nishimoto S, Caldwell K, Shimabukuro M, Sonson A, Kaho'ohalahala S, Wakai G

Amends Act 1, 2nd special session laws of 2001, relating to sexual assault, by repealing the sunset date. Requires the attorney general to collect and coordinate data generated as a result of the task force's recommendations, from the department of education, the department of health, the university of Hawaii, and service providers. Report to the legislature. Amends provision relating to registration requirements by providing that whenever a sex offender provides registration information, the sex offender shall also sign a statement verifying that all of the registration information is accurate and current. Further provides that each sex offender, who remains in this state for more than 10 days or for an aggregate period exceeding 30 days in 1 calendar year, shall register within 3 working days of arrival in this state; release from incarceration; release from commitment; release from furlough; placement on parole; or arrival in a county in which the sex offender resides or expects to be present for a period exceeding 10 days. Requires each sex offender to register in person with the county chief of police having jurisdiction of the area where the sex offender resides or is present. Amends provision relating to access to registration information. Provides that the State shall be

HOUSE BILLS WHICH PASSED THE LEGISLATURE

represented by the prosecuting attorney for the county where the hearing is held. Further provides that if any of these factors apply, then the time duration of the public release shall be for the life of the sex offender provided that upon petition by the sex offender, the court may modify its order for lifetime public release upon a showing, by clear and convincing evidence, the sex offender suffers an extraordinary physical disability that prevents the offender from committing future sexual offenses. -- HB0562 CD1

Committee Reports: HSCR 568 (JUD) SSCR 1204 (JHW) CCR 22
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 1 2001 2SP, 707-730, 707-732, 846E-1, 846E-2, 846E-3, 846E-4, 846E-6

HB0564 SD1 CD1 (CCR 8)

RELATING TO PROMOTION OF CONTROLLED SUBSTANCES.

Introduced by: Saiki S, Mindo R, Nishimoto S, Caldwell K, Shimabukuro M, Tamayo T, Sonson A, Wakai G, Waters T, Kaho'ohalahala S

Amends provision relating to promotion of controlled substances in, on or near schools or school vehicles by changing the title to promoting a controlled substance in, on, or near schools, school vehicles, or public parks. Provides that it shall be a class C felony to promote a controlled substance in, on, or near schools, school vehicles, or public parks. -- HB0564 CD1

Committee Reports: HSCR 311 (JUD) SSCR 1017 (JHW) CCR 8
Current Status: Apr-29 03 Passed Legislature
Section Affected: 712-1249.6

HB0595 HD1 SD1 CD1 (CCR 3)

RELATING TO CHECK CASHING.

Introduced by: Hiraki K

Amends provision relating to deferred deposits. Provides that a check casher shall defer deposit of a personal check until a specific date no later than 32 days from the date the written agreement was signed. Provides that the face amount of the check shall not exceed 600 dollars. -- HB0595 CD1

Committee Reports: HSCR 613 (CPC) SSCR 1400 (CPH) CCR 3
Current Status: Apr-29 03 Passed Legislature
Section Affected: 480F-4

HB0638 HD1 SD2 CD1 (CCR 136)

RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM.

Introduced by: Say C (BR)

Amends provision relating to income check off authorized by providing that any individual may designate 2 dollars of their income tax refund to the libraries special fund. Authorizes the state librarian to receive privately donated moneys to support the operations of the library system. -- HB0638 CD1

Committee Reports: HSCR 350 (EDN) HSCR 664 (FIN) SSCR 1161 (EDU) SSCR 1343 (WAM) CCR 136
Current Status: Apr-29 03 Passed Legislature
Section Affected: 235-102.5, 312-3.6

HB0640 HD1 SD2 CD1 (CCR 139)

MAKING AN APPROPRIATION FOR THE LOSS MITIGATION GRANT PROGRAM.

Introduced by: Say C (BR)

Appropriation out of the hurricane relief fund to the insurance commissioner to be deposited into the loss mitigation grant fund. Appropriation out of the loss mitigation fund to develop and implement the loss mitigation grant program. Requires the State to apply for federal pre disaster mitigation funds. (\$\$) -- HB0640 CD1

Committee Reports: HSCR 705 (FIN) SSCR 1158 (CPH) SSCR 1320 (WAM) CCR 139
Current Status: Apr-29 03 Passed Legislature

HB0645

RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC.

Introduced by: Nishimoto S, Say C

Authorizes the issuance of special purpose revenue bonds to assist the Queen's health systems, a Hawaii nonprofit corporation, and 1 or more of its nonprofit affiliates, to

HOUSE BILLS WHICH PASSED THE LEGISLATURE

finance the costs of construction of, improvements to, and equipping of health care facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0645

Committee Reports: HSCR 448 (HLT) HSCR 682 (FIN) SSCR 1052 (HTH) SSCR 1677 (WAM)

Current Status: Apr=29 03 Passed Legislature

HB0651 HD2 SD1 (SSCR 1121)

RELATING TO INFORMED CONSENT.

Introduced by: Say C (BR)

Amends provision relating to informed consent. Authorizes, rather than requires, the board of medical examiners to establish standards for health care providers to follow in giving information to a patient, or to a patient's guardian, including legal surrogate. Provides that information shall be provided to the patient, the patient's guardian, or legal surrogate with information prior to obtaining consent for proposed medical or surgical treatment, or for a diagnostic or therapeutic procedure information shall be provided. Further provides that the information to be provided shall consist of the condition to be treated; a description of the proposed treatment or procedure; the intended and anticipated results of the proposed treatment or procedure; the recognized alternative treatments or procedures, including the option of not providing these treatments or procedures; the recognized material risks of serious complications or mortality with the proposed treatment procedure, the recognized alternative treatments or procedures; and not undergoing any treatment or procedure; and the recognized benefits of the recognized alternative treatments or procedures. -- HB0651 SD1

Committee Reports: HSCR 520 (HLT) HSCR 793 (JUD) SSCR 1121 (HTH) SSCR 1228 (JHW)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 432E-4, 671-3

HB0652

RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

Introduced by: Say C (BR)

Amends or repeals various provisions of the Hawaii revised statutes and the session laws of Hawaii for the purpose of correcting errors, clarifying language, correcting references, and deleting obsolete or unnecessary provisions. -- HB0652

Committee Reports: HSCR 569 (JUD) SSCR 1018 (JHW)

Current Status: Mar-18 03 Received by the Governor

Apr-01 03 Approved by Governor (Act 3 2003)

Section Affected: 46-11, 89-13, 201B-2, 201B-3, 201G-152, 226-2, 245-3, 281-17, 286-41, 291E-44, 302A-803, 302A-807, 302A-808, 431:13-104, 444-23.5, 706-606.4, 708-890, 201-62.5, ACT 163 2001, 36-27, ACT 39 2002, 431:2-216, ACT 72 2002, 576E-1, ACT 74 2002, 432:1-102, 432D-19, ACT 77 2002, ACT 130 2002, 414-124, 414-126, ACT 160 2002, ACT 176 2002, 342G-86, ACT 192 2002, 457-8.6, ACT 224 2002, ACT 226 2002, 321-15, 466J-8, 605-1

HB0659

RELATING TO THE LEGISLATIVE JOURNALS.

Introduced by: Say C

Amends provision relating to the sale and distribution of legislative journals. Provides that the responsibility for the publication, sale, and distribution of house and senate journals shall be transferred from the lieutenant governor to the legislature. Further provides that the speaker of the house of representatives and the senate president shall fix the price of their journals and determine who shall receive the journals free of charge. -- HB0659

-- HB0659

Committee Reports: HSCR 266 (LMG) HSCR 652 (FIN) SSCR 1086 (TMG) SSCR 1427 (WAM)

Current Status: Apr-09 03 Received by the Governor

Apr-22 03 Approved by Governor (Act 28 2003)

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 93-15

HB0662 HD2 SD2 (SSCR 1404)

RELATING TO THE HAWAII SPORTS HALL OF FAME.

Introduced by: Wakai G, Say C, Waters T, Nishimoto S

Establishes the Hawaii sports hall of fame as a nonprofit corporation that shall be the museum of sports history in the islands. Provides that the hall of fame shall serve as a repository of sports memorabilia of notable Hawaii athletes. Authorizes the hall of fame to select 1 or more sites for a museum. -- HB0662 SD2

Committee Reports: HSCR 325 (TAC) HSCR 749 (FIN) SSCR 1074 (TSM/ ECD/)
SSCR 1404 (WAM)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 109- (1 SECTION) HAWAII SPORTS HALL OF FAME

HB0730 SD1 (SSCR 1401)

RELATING TO OCCUPATIONAL THERAPISTS.

Introduced by: Kawakami B, Arakaki D, Hiraki K

Provides that a professional or vocational regulatory program enacted after January 1, 1994, shall be repealed on December 31, 2003 (sunset). Allows a registered occupational therapist to use support personnel to assist the occupational therapist in the practice of occupational therapy. Repeals the sunset date for occupational therapy practice law. -- Repeals the qualifications of an occupational therapy assistants. Further repeals provision relating to temporary permits to perform occupational therapy services. -- HB0730 SD1

Committee Reports: HSCR 531 (HLT) HSCR 623 (CPC) SSCR 1401 (CPH)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 26H-4, 457G-1.5, 457G-2, 457G-1, 457G-2.5

HB0731 HD1 SD1 (SSCR 1251)

RELATING TO WORKERS' COMPENSATION.

Introduced by: Kawakami B, Hiraki K

Amends the workers' compensation law by redefining medical care, medical services, or medical supplies to include every type of care, treatment, surgery, hospitalization, attendance, service, and supplies as the nature of the work injury requires, and includes such care, services and supplies rendered or furnished by an occupational therapist, certified occupational therapy assistant, or licensed massage therapist. -- HB0731 SD1

Committee Reports: HSCR 48 (HLT) HSCR 624 (CPC) SSCR 1101 (LBR) SSCR
1251 (CPH)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 386-1

HB0736 HD1 SD2 CD1 (CCR 20)

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES.

Introduced by: Kawakami B

Establishes provisions relating to judicial certification. Provides that the certification of an administering entity for professional and vocational license shall be based on the judgment of a district or circuit court that specifies the amount of the default; finds that the education of the licensee or applicant was financed by the student loan, student loan repayment contract, or scholarship contract that is in default; finds that the licensee or applicant has the ability to cure the default without undue financial hardship; and includes proof of service of notice to the applicant or licensee that the judgment will be reported to the applicable licensing authority with the discretion to suspend, deny application for, or deny renewal of the license. Authorizes the court to consider whether financial hardship exists if the licensee or applicant declares to the court that the default cannot be cured without financial hardship. Applies the certification to commercial marine licenses, teachers, laboratory technicians, tattoo artists, environmental health professionals, insurance agents, brokers, solicitors, adjusters, and bill reviewers, nurses, radiation therapists, attorneys, and insurance producers. -- HB0736 CD1

Committee Reports: HSCR 86 (CPC) HSCR 795 (JUD) SSCR 1159 (CPH) SSCR
1267 (JHW) CCR 20

Current Status: Apr-29 03 Passed Legislature

Section Affected: 436C- (2 SECTIONS), 436C-1, 189-2, 302A-807, 321-15,
431:9-235, 431:9A-112, 436B-19.6, 436C-2, 457-9, 466J-8,
605-1

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB0754 RELATING TO ELECTIONS BY MAIL.
Introduced by: Say C (BR)
Allows federal, state, or county elections, other than regularly scheduled primary or general elections, to be conducted by mail (provided that the election is state or county wide). Provides that chief election officer shall determine whether a federal or state election other than a regularly scheduled primary or general election is conducted by mail or at polling places and shall adopt rules to provide for the uniformity in the conduct of federal and statewide elections by mail. Provides that the county clerk shall determine whether a county election, other than on the date of a regularly scheduled primary or general election, may be conducted by mail or at polling places. -- HB0754
Committee Reports: HSCR 293 (JUD) HSCR 643 (FIN) SSCR 1188 (TMG/ JHW/ SSCR 1551 (WAM)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 37 2003)
Section Affected: 11- (1 SECTION) FEDERAL, STATE, AND COUNTY ELECTIONS BY MAIL
- HB0772 RELATING TO BONDS.
Introduced by: Say C (BR)
Amends provision relating to details of bonds. Provides that unless the governing body shall itself perform the actions, the director of finance shall determine whether to acquire such policies of insurance and enter into such banking arrangements on such terms as the director of finance may deem necessary or desirable in order to carry out the purposes of fiscal policies, including, without limitation, credit or liquidity support facilities and interest rate swaps, swaptions, interest rate floors or caps and other similar contracts to hedge or reduce the amount of duration of payment, rate, spread or similar risk or to reduce the cost of borrowing when used in conjunction with the bonds. -- HB0772
Committee Reports: HSCR 690 (FIN) SSCR 1087 (TMG) SSCR 1549 (WAM)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 38 2003)
Section Affected: 47-7
- HB0773 RELATING TO BONDS.
Introduced by: Say C (BR)
Amends provision relating to the details of revenue bonds. Provides that the governing body may determine to acquire such policies of insurance and enter into such banking arrangements on such terms as the county may deem necessary or desirable including, without limitation, credit and liquidity support facilities and interest rate swaps, swaptions, interest rate floors or caps, and other similar contracts to hedge or reduce the amount or duration of payments, rate, spread, or similar risk or to reduce the cost of borrowing when used in conjunction with the bonds. -- HB0773
Committee Reports: HSCR 691 (FIN) SSCR 1088 (TMG) SSCR 1550 (WAM)
Current Status: Apr-11 03 Received by the Governor
Apr-30 03 Approved by Governor (Act 39 2003)
Section Affected: 49-4
- HB0807 HD2 SD2 CD1 (CCR 18) RELATING TO CHAPTER 291E.
Introduced by: Say C (BR)
Amends provisions relating to operating a vehicle under the influence of intoxicants. Provides that a person commits the offense of habitually operating a vehicle under the influence of intoxicants if the person is a habitual operator of a vehicle while under the influence of an intoxicant and the person operates or assumes actual physical control of a vehicle while under the influence of alcohol or drugs that impairs the person's ability to operate the vehicle for convictions of 3 or more times in 10 years. Provides that adjudication of a minor for law or probation violation for driving under the influence of intoxicating liquor or drugs prior to December 31, 2001, shall be counted as prior offenses. -- HB0807 CD1
Committee Reports: HSCR 330 (TRN) HSCR 794 (JUD) SSCR 1185 (TMG) SSCR 1268 (JHW) CCR 18
Current Status: Apr-29 03 Passed Legislature

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- Section Affected: 291E- (1 SECTION), 291E-4, 291E-61, 291E-62
- HB0808 HD1 SD2 CD1 (CCR 143) RELATING TO THE JUDICIARY.
Introduced by: Say C (BR)
Judiciary appropriations Act of 2003 (judiciary budget). Appropriations to the judiciary for the 2003 - 2005 fiscal biennium. (\$\$) -- HB0808 CD1
Committee Reports: HSCR 532 (JUD) HSCR 863 (FIN) SSCR 1179 (JHW) SSCR 1345 (WAM) CCR 143
Current Status: Apr=29 03 Passed Legislature
- HB0814 RELATING TO TRAFFIC INFRACTIONS.
Introduced by: Say C (BR)
Amends provisions relating to the adjudication of traffic infractions. Repeals the requirement that the return envelope be postage paid. -- HB0814
Committee Reports: HSCR 198 (JUD) HSCR 645 (FIN) SSCR 1058 (JHW)
Current Status: Mar-24 03 Received by the Governor
Apr-03 03 Approved by Governor (Act 4 2003)
Section Affected: 291D-6
- HB0815 RELATING TO THE COURTS.
Introduced by: Say C (BR)
Amends provision relating to use of credit cards to pay for court costs, fees, expenses, and other charges by including debit cards. Provides that costs, fees, bond forfeitures, fines, expenses, and other charges that are due and owing to the courts may be paid by use of credit or debit cards acceptable to the administrative director of the courts provided that bail postings and driver's license and vehicle registration clearances shall be paid in cash only. -- HB0815
Committee Reports: HSCR 199 (JUD) HSCR 646 (FIN) SSCR 1059 (JHW)
Current Status: Mar-24 03 Received by the Governor
Apr-03 03 Approved by Governor (Act 5 2003)
Section Affected: 601-17
- HB0818 HD1 (HSCR 298) RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION.
Introduced by: Say C (BR)
Amends provisions relating to operating a vehicle under the influence of intoxicants. Repeals law enforcement mileage fees from the costs of processing a request for an administrative hearing. -- HB0818 HD1
Committee Reports: HSCR 298 (JUD) HSCR 647 (FIN) SSCR 1089 (TMG) SSCR 1552 (WAM)
Current Status: Apr-11 03 Received by the Governor
Apr-22 03 Approved by Governor (Act 31 2003)
Section Affected: 291E-39
- HB0857 SD2 (SSCR 1371) RELATING TO CORRECTIONAL FACILITIES.
Introduced by: Oshiro B, Ito K
Amends provision relating to the development of in state correctional facilities to include expansion. Requires the governor to accept public comments for a period of 60 days if an environmental assessment or environmental impact statement is required for a proposed site or for the expansion of an existing facility. -- HB0857 SD2
Committee Reports: HSCR 504 (PSM) HSCR 834 (FIN) SSCR 1028 (JHW) SSCR 1371 (WAM)
Current Status: Apr-28 03 Received by the Governor
Section Affected: 353-16.35
- HB0914 HD2 SD1 CD1 (CCR 42) RELATING TO ADULT RESIDENTIAL CARE HOMES.
Introduced by: Arakaki D, Magaoay M
Amends provision relating to licensing of adult residential care homes (ARCH). Requires the department of health to conduct unannounced visits, other than the inspections for relicensing, to every licensed adult residential care home and expanded adult residential care homes on an annual basis or as determined by the department. -- HB0914 CD1

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Committee Reports: HSCR 338 (HLT/ HSH/) HSCR 798 (FIN) SSCR 1119 (HMS/ HTH/) SSCR 1229 (JHW) CCR 42
Current Status: Apr-29 03 Passed Legislature
Section Affected: 321-15.6

HB0939

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HOALA SCHOOL.

Introduced by: Takumi R

Authorizes the issuance of special purpose revenue bonds to assist Hoala School to finance or refinance the planning, acquisition, construction, and improvement of its educational facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0939

Committee Reports: HSCR 135 (EDN) HSCR 634 (FIN) SSCR 1040 (EDU) SSCR 1678 (WAM)

Current Status: Apr=29 03 Passed Legislature

HB0968 HD1 SD1 CD1 (CCR 28)

RELATING TO UNEMPLOYMENT BENEFITS.

Introduced by: Oshiro M

Amends provisions relating to employment security. Beginning January 21, 2003 and thereafter, each eligible individual who is unemployed in any week shall be paid with respect to that week a benefit in an amount equal to the individual's weekly benefit amount. -- HB0968 CD1

Committee Reports: HSCR 562 (LAB) HSCR 841 (FIN) SSCR 1102 (LBR) SSCR 1386 (WAM) CCR 28

Current Status: Apr-29 03 Passed Legislature

Section Affected: 383-23

HB0980 HD1 SD1 CD1 (CCR 9)

RELATING TO CIVIL SETTLEMENTS.

Introduced by: Hamakawa E

Amends provision relating to release; joint tortfeasors; co obligors; good faith settlement. Provides that 1 or more joint tortfeasors or 1 or more co obligors who are mutually subject to contribution rights shall not discharge any other joint tortfeasor or co obligor not released from liability unless its terms so provide; reduce the claims against the joint tortfeasor or co obligor not released in the amount stipulated by the release, dismissal or covenant; or discharge the party to whom it is given from all liability for any contribution to any other joint tortfeasor or co obligor. Provides that the petition shall indicate the settling parties and except for a settlement that includes a confidential agreement regarding the case of the terms of the settlement, the basis, terms, and settlement amount. Provides that the notice, petition and proposed order shall be served as provided by rules of court. Further provides that a determination by the court that a settlement was made in good faith shall bar any other joint tortfeasor or co obligor from any further claims against the settling joint tortfeasor or co obligor except those based on a written indemnity agreement; and result in a dismissal of all cross claims filed against the settling joint tortfeasor or co obligor except those based on a written indemnity agreement. -- HB0980 CD1

Committee Reports: HSCR 712 (JUD) SSCR 1205 (JHW) CCR 9

Current Status: Apr-29 03 Passed Legislature

Section Affected: 663-15.5

HB0993 SD1 CD1 (CCR 1)

RELATING TO RECONSTRUCTED VEHICLES.

Introduced by: Hamakawa E

Amends provision relating to the inspection and certification requirement for any privately owned reconstructed vehicle. Provides that beginning July 1, 2004, the requirement shall not apply to any privately owned reconstructed vehicle in a county with a population of less than 500,000 that has adopted or adopts and provides for the enforcement of ordinances regulating the inspection and certification of reconstructed vehicles. -- HB0993 CD1

Committee Reports: HSCR 331 (TRN) HSCR 803 (JUD) SSCR 1208 (TMG) SSCR 1316 (TMG) CCR 1

Current Status: Apr-25 03 Received by the Governor

Section Affected: 286-85

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB1003 HD1 SD2 CD1 (CCR 32) RELATING TO CRIME VICTIM COMPENSATION.
Introduced by: Hamakawa E
Establishes provision relating to transfer by the crime victim compensation commission. Provides that if the crime victim compensation commission has ordered the payment of an award of compensation to a minor, the commission may make an irrevocable transfer of that award to an appropriate state agency, adult, or trust company as custodian for the benefit of the minor. -- Amends provision relating to definitions by redefining victim to include a child or a person who is 60 years of age or older who is a witness to a crime and in need of mental health counseling services. -- Amends provision relating to eligibility for compensation. Provides that the commission in its discretion, upon application may order the payment of compensation in cases involving a death or sexual assault, for mental health services for the surviving relatives; or in cases involving a crime enumerated in violent crimes, for mental health services to or for the benefit of a child witness, or a witness who is 60 years old or older. -- Amends provision relating to commission staff. Provides that supervisory, administrative, and clerical personnel necessary for the efficient functioning of the commission shall be appointed without regard to the civil service laws; provided that no position filled by an employee appointed pursuant to the civil service laws shall be affected by these provisions; provided further that upon becoming vacant, any position filled by an employee appointed pursuant to the civil service laws shall be filled by an employee appointed without regard to the civil service laws. -- Amends provision relating to annual report by requiring the judiciary to provide information showing compliance with compensation fee to the commission. -- Amends provision relating to the escheat process by providing that if the victim cannot be located, the restitution money shall be deposited to the credit of the crime victim compensation special fund, provided that a notification of the proposed deposit is made at least once a week for 2 consecutive weeks in a newspaper of general circulation in this State, and the victim has at least 60 days after the last date of publication to file a claim for the restitution. -- HB1003 CD1
Committee Reports: HSCR 534 (JUD) HSCR 818 (FIN) SSCR 1029 (JHW) SSCR 1372 (WAM) CCR 32
Current Status: Apr-29 03 Passed Legislature
Section Affected: 553A- (1 SECTION), 351-2, 351-31, 351-33, 351-52, 351-62.5, 351-69, 351-70, 523A-3.5, 706-646, 712A-18
- HB1010 HD1 SD2 CD1 (CCR 23) RELATING TO THE USE OF INTOXICANTS.
Introduced by: Hamakawa E
Amends provisions relating to the use of intoxicants while operating a vehicle. Provides that if a person involved in a collision is not injured or refuses to be treated for any injury, the law enforcement officer may offer the person a breath test in lieu of a blood or urine test. Further provides that if the person declines to perform a breath test, the law enforcement officer shall request a blood or urine sample. Authorizes a law enforcement officer to transport that person to another police facility or a hospital or medical facility capable of conducting a breath, blood, or urine test. -- HB1010 CD1
Committee Reports: HSCR 581 (JUD) SSCR 1094 (TMG) SSCR 1269 (JHW) CCR 23
Current Status: Apr-29 03 Passed Legislature
Section Affected: 291E-21
- HB1013 HD3 SD2 (SSCR 1388) RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT.
Introduced by: Hamakawa E
Establishes the examination for determination of permanent impairment in workers' compensation. Requires the examination to be conducted by a physician who has been mutually agreed upon by the employer and the employee. Requires the director of labor and industrial relations to appoint an impairment physician from a list of qualified physicians, if the parties are not able to mutually agree on a physician. Provides that the director shall compile and maintain a list of physicians and shall appoint the physicians to conduct examinations in the order that they appear on the list. Cost of the examinations shall be borne by the employer. -- HB1013 SD2
Committee Reports: HSCR 152 (LAB) HSCR 474 (CPC) HSCR 830 (FIN) SSCR 1176 (LBR) SSCR 1388 (WAM)
Current Status: Apr-28 03 Received by the Governor

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 386- (1 SECTION) MEDICAL EXAMINATION BY EMPLOYER'S PHYSICIAN FOR DETERMINATION OF PERMANENT IMPAIRMENT

HB1022

RELATING TO EXPUNGEMENT.

Introduced by: Hamakawa E

Amends provision relating to expungement by providing that the court may issue an order to expunge a juvenile arrest record if the person was counseled and released by the police and the person is an adult. -- HB1022

Committee Reports: HSCR 579 (JUD) SSCR 1061 (JHW)

Current Status: Mar-24 03 Received by the Governor

Apr-03 03 Approved by Governor (Act 6 2003)

Section Affected: 571-88

HB1076 HD1 SD1 (SSCR 1206)

RELATING TO APPELLATE JURISDICTION.

Introduced by: Caldwell K, Hamakawa E, Thielen C, Kanoho E, Lee M, Pendleton D, Saiki S, Oshiro B, Oshiro M

Establishes provision relating to appeals. Provides that a judgment entered on a decree of foreclosure; a judgment entered on an order confirming the sale of the foreclosed property; and a deficiency judgment shall be final and appealable. Establishes criteria. Provides that an appeal shall be taken in the manner and within the time provided by the rules of the court. -- HB1076 SD1

Committee Reports: HSCR 687 (JUD) SSCR 1206 (JHW)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 667- (1 SECTION) APPEALS

HB1077 HD1 SD1 (SSCR 1033)

MAKING EMERGENCY APPROPRIATIONS FOR THE OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

Introduced by: Say C (BR)

Appropriation to the office of the governor and the office of the lieutenant governor for the operations of the offices. (\$\$) -- HB1077 SD1

Committee Reports: HSCR 720 (FIN) SSCR 1033 (TMG) SSCR 1077 (WAM)

Current Status: Mar-25 03 Received by the Governor

Mar-28 03 Approved by Governor (Act 2 2003)

HB1111 HD2 SD2 CD1 (CCR 33)

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

Introduced by: Say C (BR)

Appropriation to the department of the attorney general for the purpose of satisfying claims for legislative relief to persons, firms, corporations, and entities which have claims against the State due to overpayment of taxes, refunds, reimbursements, payments of judgments or settlements, or other liabilities. (\$\$) -- HB1111 CD1

Committee Reports: HSCR 434 (JUD) HSCR 822 (FIN) SSCR 1019 (JHW) SSCR 1373 (WAM) CCR 33

Current Status: Apr-29 03 Passed Legislature

HB1116 HD1 SD2 (SSCR 1374)

RELATING TO COURTS.

Introduced by: Say C (BR)

Establishes exemption of costs and fees. Provides that persons subjected to domestic abuse, abuse of family or household members, stalking, or sexual assault shall be exempt from paying the costs and fees in connection with filing, issuance, registration, or service of a protection order, or a petition for a protection order, warrant, or witness subpoena issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person. -- HB1116 SD2

Committee Reports: HSCR 300 (JUD) HSCR 809 (FIN) SSCR 1030 (JHW) SSCR 1374 (WAM)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 607- (1 SECTION) EXEMPTION OF COSTS AND FEES

HB1152 HD1 SD1 CD2 (SENATE)

RELATING TO STATE FUNDS.

HOUSE BILLS WHICH PASSED THE LEGISLATURE

FLOOR AMENDMENT 13 OR
HOUSE FLOOR AMENDMENT 16)

Introduced by: Say C (BR)

Repeals the petroleum products control fund, the Hawaii film facility special fund, the clean Hawaii fund, the homes revolving fund, the Hawaii innovation development fund, the statewide planning and geographic information system special fund, Hawaii capitol loan revolving fund, Hawaii strategic development corporation revolving fund. -- Amends Act 142, session laws of 1998, as amended by Act 163, session laws of 1999, as amended by Act 39, session laws of 2002, relating to the elevator and boiler safety law, by changing the sunset date to June 29, 2003. -- Requires the director of finance to transfer funds from the petroleum products control fund, Hawaii film facility special fund, the clean Hawaii fund, homes revolving fund, the Hawaii innovation development fund, the statewide planning and geographic information system special fund, and the boiler and elevator safety revolving fund to the general fund. -- Appropriation to the department of business, economic development, and tourism to operate the Hawaii film studio. -- Transfers excess funds from the cigarette tax stamp enforcement special fund, the medicaid investigations recovery fund, the litigation settlement clearance account, the Aloha tower fund, the dwelling unit revolving fund, the teachers' housing revolving fund, the housing finance revolving fund, the Waialua loan and subsidy account, the compliance resolution fund, the spouse and child abuse special account, the bureau of conveyances special fund, the agricultural loan reserve fund, the agricultural loan revolving fund, the animal quarantine special fund, the state disaster revolving fund, the Waiahole water system revolving fund, the stadium special fund, the state motor pool revolving fund, the state parking revolving fund, the state identification revolving fund, the Hawaii capital loan revolving fund, the foreign trade zone special fund, the public utilities commission special fund, the real estate education fund, the insurance commissioner's education training fund, the state health planning and development agency fund, the tobacco settlement special fund, the driver education and training fund, the occupational safety and health training assistance fund, the special land and development fund, the controlled substance registration revolving fund, the Halawa correctional facility inmate store fund, the Oahu community correctional facility inmate store fund, the Waiawa correctional facility inmate store fund and the Hawaii strategic development corporation revolving fund. -- Amends provision relating to the tobacco settlement special fund. Provides that any excess distributed to the university of Hawaii revenue undertakings fund, 80 per cent shall be transferred to the emergency and budget reserve fund (rainy day fund) and 20 per cent shall be transferred to the Hawaii tobacco prevention and control trust fund. Exempts the passenger facility charge special fund from contributing to administrative expenses of the government and to the works of art special fund. -- Repeals provisions relating to the housing alteration revolving loan fund. (\$\$) -- HB1152 CD2

Committee Reports: HSCR 717 (FIN) SSCR 1421 (WAM) CCR 140 - filed SENATE FLOOR AMENDMENT 13 HOUSE FLOOR AMENDMENT 16

Current Status: May-01 03 Passed Legislature

Section Affected: 125C-7, 201-15, 201-106, 201G-401, 201G-402, 201G-403, 211E-2, 225M-5, 210-3, 211F-5, 225M-6, ACT 142 1998, ACT 163 1999, ACT 39 2002, 36-27, 397-5, 328L-2, 502-8, 103-8.5, 201G-341, 201G-343, 201G-344, 201G-345, 201G-422

HB1154 HD1 SD2 CD1 (CCR 25)

RELATING TO UNCLAIMED PROPERTY.

Introduced by: Say C (BR)

Amends provision relating to unclaimed property trust fund. Provides that all money collected by the unclaimed property program from holders of property presumed abandoned and proceeds from the sale of unclaimed property, less costs in connection with the sale of the abandoned property, shall be deposited into the unclaimed property trust fund. Establishes what the money shall be used to pay. Provides that money in the fund shall be invested by the director of finance and that all investment earnings shall be deposited to the credit of the general fund. Provides that all unencumbered and unexpended money in excess of 1.3 million dollars remaining on balance in the unclaimed property trust fund on June 30 of each year shall lapse into the state general fund. Repeals provisions relating to deposit of funds. -- HB1154 CD1

Committee Reports: HSCR 702 (FIN) SSCR 1020 (JHW) SSCR 1375 (WAM) CCR 25

Current Status: Apr=29 03 Passed Legislature

Section Affected: 523A-23.5, 523A-23

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB1155 HD1 SD1 (SSCR 1056) RELATING TO UNCLAIMED PROPERTY.
Introduced by: Say C (BR)
Amends provision relating to notice and publication of abandoned property. Provides that notice shall be given by posting on the State of Hawaii department of budget and finance internet website; publication in a daily or weekly publication of statewide circulation; or any other method the director of finance deems effective for publicizing the notice. -- HB1155 SD1
Committee Reports: HSCR 260 (CPC/ JUD/) HSCR 629 (FIN) SSCR 1056 (JHW) SSCR 1367 (WAM)
Current Status: May-01 03 Received by the Governor
Section Affected: 1-28.5, 523A-18
- HB1157 SD2 CD1 (CCR 5) RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.
Introduced by: Say C (BR)
Amends provision relating to membership of the employees retirement system. Provides that class B shall consist of police officers and firefighters, and employees who were members on June 30, 1957, who elected not to be covered by the Social Security Act. -- HB1157 CD1
Committee Reports: HSCR 320 (LAB) HSCR 650 (FIN) SSCR 1111 (LBR) SSCR 1396 (WAM) CCR 5
Current Status: Apr-29 03 Passed Legislature
Section Affected: 88-47
- HB1160 HD1 SD1 (SSCR 1402) RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT.
Introduced by: Say C (BR)
Amends provision relating to license of certified public accountants. Repeals the requirement that the examination be in writing, be held twice a year, and have the time of the examination be fixed by the board of accountancy and changed from time to time. -- HB1160 SD1
Committee Reports: HSCR 590 (CPC) SSCR 1402 (CPH)
Current Status: Apr-29 03 Passed Legislature
Section Affected: 466-5
- HB1161 HD1 SD1 (SSCR 1233) RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS.
Introduced by: Say C (BR)
Amends provision relating to licensing of psychologists. Provides that a license for a psychologist may be issued to an applicant who holds a current Certificate of Professional Qualification in Psychology issued by the Association of State and Provincial Psychology Boards or a current National Register of Health Service Providers in Psychology credential. Repeals the requirement of an open book examination in jurisprudence for license as a senior psychologist. -- HB1161 SD1
Committee Reports: HSCR 577 (CPC) SSCR 1233 (CPH)
Current Status: Apr-29 03 Passed Legislature
Section Affected: 465-7, 465-7.6
- HB1163 SD1 (SSCR 1160) RELATING TO DENTAL INSURANCE.
Introduced by: Say C (BR)
Amends Act 132, session laws of 2001, as amended by Act 219, session laws of 2002, relating to the regulation of dental service corporation by changing the sunset date to July 1, 2004. Adds that examinations of dental service corporations shall be conducted at the insurance commissioner's discretion. -- HB1163 SD1
Committee Reports: HSCR 85 (CPC) HSCR 630 (FIN) SSCR 1160 (CPH) SSCR 1321 (WAM)
Current Status: Apr-29 03 Passed Legislature
Section Affected: ACT 132 2001, ACT 219 2002
- HB1164 HD1 SD1 CD1 (CCR 49) RELATING TO INSURANCE.
Introduced by: Say C (BR)
Amends provisions relating to insurance. Establishes provisions relating to suspension or denial of insurance producers license for noncompliance with child support orders.

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Amends casualty insurance to include accident and health or sickness insurance and not disability insurance. Replaces the term insurance agent, subagent, broker, or solicitor with producer. Amends provisions relating to filings with the insurance commissioner and the national association of insurance commissioners. Amends Act 39, session laws of 2002. -- HB1164 CD1

Committee Reports: HSCR 272 (CPC) HSCR 662 (FIN) SSCR 1348 (CPH) CCR 49
Current Status: Apr-29 03 Passed Legislature

Section Affected: 431:9A- (1 SECTION), 41D-1, 237-13, 383-7, 386-200, 392-5, 398-1, 412:5-205.5, 412:5-205.6, 412:6-200, 412:7-200, 412:8-200, 412:9-400, 431:1-209, 431:2-201, 431:2-216, 431:2-304, 431:2-308, 431:3-204, 431:3-205, 431:3-212, 431:3-301, 431:3-302, 431:3-306.5, 431:3-401, 431:3-402, 431:3-403, 431:3-406, 431:3-408, 431:3A-102, 431:3A-201, 431:3A-302, 431:4-105, 431:4-232, 431:4-314, 431:4-403, 431:4-405, 431:5-203, 431:5-301, 431:5-307, 431:7-201, 431:7-202, 431:8-201, 431:8-205, 431:8-208, 431:8-307, 431:8-313, 431:8-315, 431:8-316, 431:8-317, 431:8-318, 431:9-229, 431:9-235, 431:9A-101, 431:9A-103, 431:9A-104, 431:9A-105, 431:9A-106, 431:9A-107, 431:9A-107.5, 431:9A-108, 431:9A-109, 431:9A-112, 431:9A-124, 431:9A-126, 431:9A-129, 431:9A-142, 431:9C-102, 431:9C-103, 431:10A-116.5, 431:10A-116.6, 431:10A-116.7, 431:10A-118, 431:10A-120, 431:10A-206.5, 431:10A-301, 431:10A-404, 431:10A-406, 431:10A-602, 431:10B-104, 431:10C-119, 431:10C-215, 431:10C-405, 431:10D-104, 431:10D-208, 431:10D-305, 431:10D-408, 431:10D-409, 431:10D-507, 431:10D-508, 431:10H-112, 431:10H-115, 431:10H-117, 431:10H-220, 431:10H-221, 431:11-103, 431:11A-101, 431:12-101, 431:12-102, 431:12-107, 431:12-109, 431:13-103, 431:13-108, 431:13-201, 431:13-203, 431:15-308, 431:15-311, 431:15-324, 431:16-103, 431:16-115, 431:16-203, 431:16-218, 431:19-106.5, 431:19-107, 431:20-103, 431:21-104, 431:21-106, 431M-2, 432:1-404, 432:1-604, 432:2-609, 432C-1, 432D-5, 432D-7, 432D-9, 432E-11, 476-8, 485-14.5, ACT 39 2002

HB1165 HD2 SD1 CD1 (CCR 15)

RELATING TO BUSINESS REGISTRATION.

Introduced by: Say C (BR)

Amends provisions relating to the nonprofit corporation Act. Provides that a corporation shall not authorize or issue shares of stock except for limited equity housing cooperatives. Prohibits any dividend to be paid and no part of the income or profit of a corporation to be distributed to its members, directors, or officers. Authorizes a corporation to pay compensation in a reasonable amount to its members, directors, or officers for services rendered, to confer benefits upon its members in conformity with its purposes, and to make distributions to its members as permitted upon dissolution or final liquidation. Requires a foreign limited liability company to deliver the director of commerce and consumer affairs a certificate evidencing any name change. Further establishes that if any trade mark or service mark has not been used for 365 consecutive days, and the mark has not been registered in the Patent and Trademark Office of the US, the registration mark has been abandoned, was granted improperly, was obtained fraudulently, has become the generic name for goods or services, or is so similar to another mark that it is likely to cause confusion or deceit the certificate of registration shall be subject to revocation. Amends provision relating to service on foreign corporation, corporation's administrative dissolution, and registered office and agents. Amends registration and protection of trademarks, prints, labels, and trade names law by changing it to registration and protection of trademarks, service marks, and trade names law. -- HB1165 CD1

Committee Reports: HSCR 88 (CPC) HSCR 557 (JUD) HSCR 674 (FIN) SSCR 1307 (CPH) CCR 15

Current Status: Apr-29 03 Passed Legislature

Section Affected: 414D- (1 SECTION), 414D-14, 428- (1 SECTION), 482- (1 SECTION), 414-310, 414-311.6, 414-315, 414-401, 414-402,

HOUSE BILLS WHICH PASSED THE LEGISLATURE

414-404, 414-422, 414-433, 414-437, 414-440, 414-451, 414-461, 414-462, 414-472, 414D-3, 414D-5, 414D-6, 414D-8, 414D-11, 414D-32, 414D-33, 414D-61, 414D-71, 414D-74, 414D-184, 414D-201.5, 414D-203, 414D-248, 414D-249, 414D-251, 414D-273, 414D-274, 414D-277, 414D-280, 414D-283, 414D-284, 414D-308, 415A-22, 421-4, 421-22, 421C-11, 421C-11.5, 425-1, 425-1.5, 425-9, 425-14, 425-21, 425-154, 425-156, 425-159, 425-163, 425-164, 425-201, 425-202, 425-204, 425D-111, 425D-203.6, 425D-204, 425D-206, 425D-902, 425D-906.5, 425D-906.6, 425D-1201, 425D-1202, 425D-1204, 428-107, 428-109, 428-110, 428-206, 428-901, 428-901.5, 428-903, 428-905, 428-1002, 428-1006, 482-1, 482-2, 482-3, 482-4, 482-5, 482-6, 482-7, 482-8, 482-8.5, 482-9, 482-21, 482-22, 482-23, 482-24, 482-25, 482-28, 482-29, 482-36, 414-273, 414D-63, 414D-209, 415A-16.7, 425-194, 425D-1112, 428-1010, 482-10, 482-11, 482-12

HB1172

RELATING TO THE UNIFORM SECURITIES ACT.

Introduced by: Say C (BR)

Amends provision relating to the uniform securities Act. Redefines dealer to exclude a bank, savings institution, or trust company. -- HB1172

Committee Reports: HSCR 576 (CPC) SSCR 1234 (CPH)

Current Status: Apr-04 03 Received by the Governor
Apr-16 03 Approved by Governor (Act 17 2003)

Section Affected: 485-1

HB1175 HD2 SD1 CD1 (CCR 138)

RELATING TO THE DEPARTMENT OF EDUCATION.

Introduced by: Say C (BR)

Amends provision relating to deputies or assistants to department heads. Repeals the salary of the deputy to the superintendent of education. Changes district superintendents to complex area superintendents and chief deputy superintendents to deputy and assistant superintendents who shall be exempt from civil service. Defines complex area superintendent as the chief administrative officer of a complex area and the school complex therein. Provides that the superintendent of education shall appoint complex area superintendents who shall supervise the delivery of administrative and instructional support services within their respective complex areas, including personnel, fiscal, and facilities support; monitoring of compliance with applicable state and federal laws; and curriculum development, student assessment, and staff development services. Provides that the salaries of the deputy superintendent and complex area superintendents shall be set by the board of education. -- HB1175 CD1

Committee Reports: HSCR 457 (EDN) HSCR 776 (FIN) SSCR 1138 (EDU) SSCR 1417 (WAM) CCR 138

Current Status: Apr-29 03 Passed Legislature

Section Affected: 302-101, 26-53, 76-16, 84-17, 302A-412, 302A-438, 302A-604, 302A-621, 302A-1130, 302A-1134, 302A-1153, 302A-1308

HB1198 HD2 SD2 (SSCR 1230)

RELATING TO CHILD LABOR.

Introduced by: Say C (BR)

Prohibits any minor under the age of 18 to be employed or permitted to work in, about, or in connection with adult entertainment. Provides exceptions to child labor laws during period when the minor is not legally required to attend school or when excused by school authorities from attending school, in an occupation which has not been declared hazardous, and not in connection with adult entertainment. Further provides that any person, other than the minor employee, who knowingly violates this law shall be guilty of a misdemeanor, rather than fined 1,000 dollars or 1 year imprisonment. -- HB1198 SD2

Committee Reports: HSCR 316 (LAB) HSCR 737 (JUD) SSCR 1112 (LBR) SSCR 1230 (JHW)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 390-1, 390-2, 390-5, 390-6, 390-7

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB1212 HD1 SD1 (SSCR 1341) RELATING TO LAND EXCHANGES.
Introduced by: Say C (BR)
Amends provision relating to land exchanges. Requires the board of land and natural resources' approval in the principal of the exchange of public land for private land. Provides that limitations of time shall be removed for the department to submit for introduction to the legislature a resolution for review of action on any exchange to be consummated by the board wherein exchange deeds will be executed by the parties together with required information. -- HB1212 SD1
Committee Reports: HSCR 90 (WLH) HSCR 366 (LMG) HSCR 812 (FIN) SSCR 1341 (WLA)
Current Status: May-01 03 Received by the Governor
Section Affected: 171-50
- HB1214 HD2 SD2 CD1 (CCR 14) RELATING TO PUBLIC LAND LIABILITY.
Introduced by: Say C (BR)
Establishes limitations on public entity liability in actions based upon duty to warn of natural conditions. Provides that a sign or signs warning of dangerous natural conditions on improved public lands shall be conclusively presumed to be legally adequate warning of the dangerous natural conditions of which the sign or signs warn, if the State or county posts the sign or signs and the design and placement of the warning sign or signs have been approved by the board of land and natural resources. Provides that the State or a county shall have no duty to warn of dangerous natural conditions on unimproved public lands. Provides that if a warning sign, device or system is posted or established on unimproved lands, the posting or establishment of the warning sign, device or system shall not create a duty on the part of the State or county to warn of other dangerous natural conditions on unimproved lands or to place or establish an additional warning sign, device, or system on other locations of the unimproved lands. Requires the State and the counties to implement and maintain a sign inspection program in which a park caretaker or other authorized person conducts documented inspections of all signs in the park or trail area on a quarterly or more frequent basis. Provides that the conclusive presumption provided in these provisions shall continue for any sign posted pursuant to these provisions for a period of 120 days after the last inspection. Establishes a risk assessment working group to be attached to the department of land and natural resources to provide consultation to the board of land and natural resources regarding the design and placement of warning signs, devices or systems on improved public lands. Report to the legislature. Defines improved public lands to mean lands designated as part of the state park system, parks, and parkways under the state parks and recreation areas law or as part of a county's park system, and lands which are part of the Hawaii statewide trail and access system under the Hawaii statewide trail and access system, excluding buildings, and structures constructed upon such lands. Act to be repealed June 30, 2008 (sunset). -- HB1214 CD1
Committee Reports: HSCR 308 (WLH) HSCR 788 (JUD) SSCR 1125 (WLA) SSCR 1231 (JHW) CCR 14
Current Status: Apr-29 03 Passed Legislature
Section Affected: 663- (2 SECTIONS) LIMITATIONS ON PUBLIC ENTITY LIABILITY IN ACTIONS BASED UPON DUTY TO WARN OF NATURAL CONDITIONS, 171- (1 SECTION)
- HB1217 HD1 SD1 CD1 (CCR 10) RELATING TO CONTROLLED SUBSTANCES.
Introduced by: Say C (BR)
Amends provisions relating to the controlled substance Act. Includes concentrate of poppy straw as a controlled substance in schedule II. Provides that unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone having a stimulant effect on the central nervous system shall be included in schedule V. Excludes an office used by a practitioner where controlled substances are prescribed but neither administered nor otherwise dispensed and where no supplies of controlled substances are maintained, to be required to obtain a separate registration. -- HB1217 CD1
Committee Reports: HSCR 589 (JUD) SSCR 1128 (HTH) SSCR 1232 (JHW) CCR 10
Current Status: Apr-29 03 Passed Legislature

HOUSE BILLS WHICH PASSED THE LEGISLATURE

Section Affected: 329-14, 329-16, 329-18, 329-20, 329-22, 329-32, 329-38, 329-61, 329-65

HB1220

RELATING TO THE HAWAII PAROLING AUTHORITY.

Introduced by: Say C (BR)

Amends provision relating to rules and regulations of paroles by changing it to rules of paroles. Provides that the power to retake and reimprison a paroled prisoner is conferred upon the administrative secretary or the administrative secretary's designee.

-- HB1220

Committee Reports: HSCR 355 (PSM) HSCR 804 (JUD) SSCR 1062 (JHW)

Current Status: Mar-24 03 Received by the Governor

Apr-03 03 Approved by Governor (Act 7 2003)

Section Affected: 353-65

HB1230 HD1 SD2 CD1 (CCR 24)

RELATING TO TRANSPORTATION.

Introduced by: Say C (BR)

Appropriation out of the airport special fund to the department of transportation for security measures at state airports and out of the harbor special fund to continue heightened security at various state harbor locations. -- Appropriation out of the harbor special fund for Snug Harbor Relocation, Honolulu Harbor, Oahu and Kapalama Container Terminal Land Acquisition, Oahu. Appropriation out of the highway revenue bond funds and federal funds of the State of Hawaii for Oahu highways (HWY 501) for Kamehameha Highway, South Punaluu Bridge, Oahu; Interstate Route H-1 and Moanalua Freeways Oahu; and Fort Weaver Road, Oahu; Farrington Highway, Maipalaoa Bridge, Oahu. Appropriation out of the highway other funds for Kalaeloa Barbers Point, Oahu. Requires the department of transportation to report to the legislature. -- Establishes the passenger facility charge revenue fund into which shall be deposited proceeds from the charge. Provides that moneys in the fund shall be used for capital improvement programs projects approved by the legislature. Exempts the fund from contributing to administrative expenses of the government and to the works of art special fund. (\$\$) -- HB1230 CD1

Committee Reports: HSCR 278 (TRN) HSCR 839 (FIN) SSCR 1198 (TMG) SSCR 1407 (WAM) CCR 24

Current Status: Apr-29 03 Passed Legislature

Section Affected: 261- (1 SECTION), 36-30, 103-8.5

HB1255 SD2 CD1 (CCR 34)

MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS.

Introduced by: Saiki S

Appropriation to the office of elections to meet the 5 per cent matching fund requirement of the federal Help America Vote Act of 2002. (\$\$) -- HB1255 CD1

Committee Reports: HSCR 201 (JUD) HSCR 648 (FIN) SSCR 1066 (JHW) SSCR 1376 (WAM) CCR 34

Current Status: Apr-29 03 Passed Legislature

HB1276 HD1 (HSCR 605)

RELATING TO ELECTIONS.

Introduced by: Say C, Hamakawa E, Oshiro B

Establishes notice of proposed constitutional amendments. Provides that upon the adoption of any bill that proposes a constitutional amendment, the clerks of each house of the legislature shall publish the text of the proposed constitutional amendment in accordance with the Constitution of the State of Hawaii. -- Amends provision relating to the duties of the chief election officer. Provides that the chief election officer shall be responsible for public education with respect to voter registration and information. -- HB1276 HD1

Committee Reports: HSCR 263 (LMG) HSCR 605 (JUD) SSCR 1073 (JHW)

Current Status: Mar-24 03 Received by the Governor

Apr-03 03 Approved by Governor (Act 8 2003)

Section Affected: 22- (1 SECTION), 11-2

HB1285 HD1 SD1 CD1 (CCR 6)

RELATING TO HISTORIC SITES.

Introduced by: Hale H

Amends provision relating to historic sites. Establishes provision relating to

HOUSE BILLS WHICH PASSED THE LEGISLATURE

enforcement. Provides that if the board of land and natural resources determines that any person has violated or is violating historic preservation laws, the board shall serve written notice by certified mail or personal service upon the alleged violator or violators. Provides criteria. Provides that if the board determines that any person is continuing to violate historic preservation laws after having been served notice of violation, the board shall serve written notice specifying the alleged violation and shall order the alleged violator or violators to submit a written schedule within 30 days specifying measures to be taken and the time within the measures shall be taken to bring that person into compliance. Further provides that the board shall accept or modify the submitted schedule within 60 days of receipt of the schedule. Provides that the board may order the alleged violator or violators to appear before the board for a hearing to answer the charges issued, at a time and place specified in the notice or set by the board. Provides that any penalty imposed shall become due and payable 20 days after the notice of penalty is served, unless the person or persons named therein request in writing a hearing before the board. Provides that if the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the board may institute a civil action in the name of the State to collect the administrative penalty, which shall be a government realization. Establishes civil and administrative penalties. Provides that it shall be unlawful for a person to remove, excavate, injure, destroy, or alter any historic property or burial site during the course of land development or land alteration activities which required an approval, without obtaining the required approval. Further provides that it shall be unlawful for a person who inadvertently discovers a burial site to fail to stop work in the immediate area and report the discovery. Further provides that if human skeletal remains are discovered in the course of land development or land alteration activities, all activity in the immediate area that could damage the remains of the potential historic site shall cease, and the treatment of the remains shall be allowed only in compliance with prehistoric and historic burial sites. -- HB1285 CD1

Committee Reports: HSCR 222 (WLH/ TAC/) HSCR 738 (JUD) SSCR 1126 (WLA)
SSCR 1315 (JHW) CCR 6

Current Status: Apr-29 03 Passed Legislature

Section Affected: 6E- (3 SECTIONS), 6E-11, 6E-13, 6E-43.6

HB1300 HD2 SD2 CD1 (CCR 144)

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

Introduced by: Say C (BR), Kanoho E, Waters T, Kaho'ohalahala S, Morita H, Bukoski K

Appropriations to the office of Hawaiian affairs (OHA budget) for the 2003 - 2005 fiscal biennium. (\$\$) -- HB1300 CD1

Committee Reports: HSCR 416 (WLH) HSCR 864 (FIN) SSCR 1180 (JHW) SSCR
1346 (WAM) CCR 144

Current Status: Apr=29 03 Passed Legislature

HB1302

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

Introduced by: Say C (BR), Kanoho E, Waters T, Kaho'ohalahala S, Morita H, Bukoski K

Amends provision relating to the conditions and qualifications of grants. Provides that grants made by the office of Hawaiian affairs may be made without regard to Hawaii public procurement code or purchases of health and human services laws. -- HB1302

Committee Reports: HSCR 161 (WLH) HSCR 675 (FIN) SSCR 1031 (JHW)

Current Status: Mar-24 03 Received by the Governor

Apr-03 03 Approved by Governor (Act 9 2003)

Section Affected: 10-17, 103D-102, 103F-101

HB1303 SD1 CD1 (CCR 29)

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

Introduced by: Say C (BR), Kanoho E, Kaho'ohalahala S, Morita H, Bukoski K

Provides that the definition of state agency shall include the office of Hawaiian affairs. -- HB1303 CD1

Committee Reports: HSCR 63 (WLH) HSCR 424 (LAB) HSCR 676 (FIN) SSCR 1057
(JHW) SSCR 1377 (WAM) CCR 29

Current Status: Apr-29 03 Passed Legislature

Section Affected: 87A-1

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB1307 HD1 SD1 (SSCR 1215) RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.
Introduced by: Say C (BR), Kanoho E, Waters T, Kaho'ohalahala S, Morita H, Bukoski K
Appropriation to the department of budget and finance to be deposited into the public land trust proceeds trust fund to better the conditions of native Hawaiians. Appropriation out of the parking control revolving fund to the department of accounting and general services; out of the agricultural parks special fund to the department of agriculture; out of the state educational facilities improvement special fund to the department of education; out of the foreign trade zones special fund, the natural energy laboratory of Hawaii authority special fund, and the Hawaii community development revolving fund to the department of business, economic development, and tourism; out of the boating special fund, special land and development fund, the state parks special fund, the beach restoration special fund, and the water resource management fund, to the department of land and natural resources; and out of the harbor special fund to the department of transportation; all to be deposited into the public land trust proceeds trust fund to better the conditions of native Hawaiians. (\$\$) -- HB1307 SD1
Committee Reports: HSCR 108 (WLH) HSCR 606 (FIN) SSCR 1215 (WAM)
Current Status: Apr-10 03 Received by the Governor
Apr-23 03 Approved by Governor (Act 34 2003)
- HB1328 HD1 SD1 (SSCR 1306) RELATING TO THE CONSUMER ADVOCATE.
Introduced by: Thielen C
Amends provisions relating to public utilities to require the consumer advocate to consider the long term benefits of renewable resources. -- HB1328 SD1
Committee Reports: HSCR 227 (CPC) HSCR 726 (EEP) SSCR 1306 (CPH/ ENE/)
Current Status: Apr-29 03 Passed Legislature
Section Affected: 269-54
- HB1361 HD2 SD1 CD1 (CCR 35) RELATING TO THE MEDICAID PRESCRIPTION DRUG EXPANSION PROGRAM.
Introduced by: Takumi R
Amends provision relating to the Medicaid prescription drug expansion program and the drug rebate special fund. Provides that discounted prescription drugs shall be offered to qualified individuals whose income level is at or below any other maximum income limit established by the Centers for Medicare and Medicaid Services for approval of federal funding for this program, and meets the eligibility criteria required by the Centers. Amends Act 75, session laws of 2002 by establishing the sunset date on July 1, 2006. -- HB1361 CD1
Committee Reports: HSCR 497 (HSH/ HLT/) HSCR 744 (FIN) SSCR 1200 (CPH/ HMS/) SSCR 1322 (WAM) CCR 35
Current Status: Apr-29 03 Passed Legislature
Section Affected: 346-59.8, ACT 75 2002
- HB1362 SD1 CD1 (CCR 47) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL.
Introduced by: Takumi R
Authorizes the issuance of special purpose revenue bonds for appropriation to assist St. Patrick school to finance or refinance the planning, acquisition, construction, or improvement of its educational facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1362 CD1
Committee Reports: HSCR 136 (EDN) HSCR 635 (FIN) SSCR 1041 (EDU) SSCR 1337 (WAM) CCR 47
Current Status: Apr-29 03 Passed Legislature
- HB1400 HD1 SD2 CD2 (SENATE FLOOR AMENDMENT 14 OR HOUSE FLOOR AMENDMENT 17) RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT.
Introduced by: Chang J, Souki J, Ito K, Herkes R, Sonson A, Kanoho E, Magaoay M, Karamatsu J
Amends Act 10, 3rd special session laws of 2001, relating to the hotel construction and remodeling income tax credit by repealing the sunset date of July 1, 2003. Further amends the income tax credit by reducing it from 10 per cent to 8 per cent and by extending the credit to July 1, 2006 (sunset). Redefines qualified hotel facility to include

HOUSE BILLS WHICH PASSED THE LEGISLATURE

commercial buildings and facilities located within a qualified resort area designated by the counties. Further amends the income tax credit by reducing it from 8 per cent to 4 per cent and extending the credit to July 1, 2010 (sunset). Repeals the income tax credit on July 1, 2010. -- HB1400 CD2

Committee Reports: HSCR 128 (TAC/ EDB/) HSCR 855 (FIN) SSCR 1154 (TSM/ ECD/) SSCR 1405 (WAM) CCR 141 - filed SENATE FLOOR AMENDMENT 14 HOUSE FLOOR AMENDMENT 17

Current Status: May-01 03 Passed Legislature

Section Affected: 235-110.4, ACT 10 2001 3SP

HB1453 HD1 (HSCR 498)

RELATING TO RESIDENTIAL LEASEHOLDS.

Introduced by: Herkes R

Amends provision relating to residential leaseholds to redefine lot, house, residential lot and residential houselot to mean a parcel of land 2 acres or less in size, zoned for residential use, which is used or occupied or is developed, devoted, intended, or permitted to be used or occupied as a principal place of residence for 1 or 2 families. -- HB1453 HD1

Committee Reports:

HSCR 498 (WLH) HSCR 601 (HSH) SSCR 1116 (TMG) SSCR 1272 (CPH)

Current Status: Apr-09 03 Received by the Governor

Apr-22 03 Approved by Governor (Act 29 2003)

Section Affected: 516-1

HB1456 HD1 SD1 CD1 (CCR 132)

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

Introduced by: Morita H

Provides an income tax exemption for amounts received as beverage container deposits. -- Amends provision relating to sales of beverages in deposit beverage containers to include payment. Provides that each deposit beverage distributor to generate a monthly report to the department of health of total sales to dealers or consumers. Requires all information submitted and contained in the monthly reports including commercial and financial information shall be treated as confidential and shall be protected to the extent allowable by state law. Provides that beginning October 1, 2002, payment of the deposit beverage container fee and deposits shall be made monthly based on sale reports of the deposit beverage distributors. Provides that the department may allow dealers to charge customers the deposit value prior to January 1, 2005, provided that the containers are clearly marked with the deposit value and the deposit has been paid by the importer or manufacturer to the department on each container. Provides that the dealer shall inform customers that deposits paid prior to January 1, 2005 will not be redeemable until January 1, 2005. Provides that the amount due from deposit beverage distributors shall be the net number of deposit beverage containers sold multiplied by the sum of the prevailing deposit beverage container fee and the refund value of 5 cents. Requires payment to be made by check or money order payable to the Department of Health, State of Hawaii and that all sales reports and payments shall be made no later than the last day of the month following the end of the payment period of the previous month. Requires all importers and manufacturers to submit an annual report to the department by January 31, 2004, and each January 31 thereafter. Provides that the report form shall be supplied by the department and shall contain the quantities of deposit beverage containers imported or manufactured during the previous year by material size and type and the report shall cover the period from January 1 until December 31 of the reporting year. Amends provision relating to handling fees and refund values for certified redemption centers. Authorizes the department to limit the number of redemption centers to maintain appropriate operating scale, set minimum distances between redemption centers, permit potential redemption center operators to bid for the right to operate a center if there are conflicts over servicing a particular area, and set minimum population requirements to be served by a redemption center. Requires the handling fee shall be paid in addition to the refund value of each such empty deposit beverage container and payments for handling fees shall be made within 60 days of receiving collection reports from redemption centers; provided there is no discrepancy in the collection reports. Repeals provision related to deposit beverage container inventory report and payment. -- HB1456 CD1

Committee Reports: HSCR 708 (EEP) SSCR 1144 (ENE/ CPH/) SSCR 1351 (WAM)

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- CCR 132
Current Status: Apr-29 03 Passed Legislature
Section Affected: 235- (1 SECTION), 342G-104, 342G-110, 342G-111, 342G-113, 342G-114, 342G-117, 342G-105
- HB1465 HD2 SD2 CD1 (CCR 48) RELATING TO INTOXICATING LIQUOR.
Introduced by: Hiraki K
Amends provisions relating to reciprocal shipments of wine and individual permits to receive shipments of liquor. Increases the amount of wine that a manufacturer from a state with a reciprocal shipping privilege may ship to a consumer for personal use from 2 to 3 cases. Provides that an unlicensed adult shall not be required to obtain a permit to receive shipments. -- HB1465 CD1
Committee Reports: HSCR 229 (CPC) HSCR 785 (FIN) SSCR 1167 (CPH) SSCR 1324 (WAM) CCR 48
Current Status: Apr-29 03 Passed Legislature
Section Affected: 281-33.1, 281-33.5
- HB1509 HD2 SD2 CD1 (CCR 39) RELATING TO HISTORIC PRESERVATION.
Introduced by: Herkes R, Kaho'ohalahala S, Kanoho E, Kahikina M, Morita H, Chang J, Hale H, Hamakawa E, Evans C, Kawakami B
Establishes the south Kona wilderness area to be administered by the department of land and natural resources. Provides that the area be used for the preservation of visual, cultural, and historic aspects as well as the archeological sites, native Hawaiian plants and animals, to provide a wilderness area with minimal manmade structures, and to permit limited access for recreational purposes. Establishes that Honomalino, Okoe, Kapu'a (Kapua), Kaulanamauna, and Manuka shall be included in the wilderness area. Provides that the department of land and natural resources, in cooperation with appropriate county, state, and federal agencies, shall develop a comprehensive management plan. Provides that no new homes or other structures shall be constructed within 1000 feet of the shoreline of the south Kona wilderness area. Authorizes the department of land and natural resources to acquire any private lands by a value for value land exchange of other state lands. Provides that all included lands shall be classified as lands within the conservation district. Act to be repealed on December 31, 2006 (sunset) if the exchange of lands are not consummated prior to that date. -- HB1509 CD1
Committee Reports: HSCR 375 (WLH) HSCR 857 (FIN) SSCR 1063 (WLA) SSCR 1415 (WAM) CCR 39
Current Status: Apr-29 03 Passed Legislature
Section Affected: 6E- (6 SECTIONS) SOUTH KONA WILDERNESS AREA
- HB1564 RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY.
Introduced by: Takai K, Tamayo T
Authorizes the issuance of special purpose revenue bonds to assist Chaminade university of Honolulu to refinance, acquire, construct, and furnish its educational facilities, undertake improvements to and acquire furnishings for its existing facilities, as well as procure professional planning services. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1564
Committee Reports: HSCR 381 (HED) HSCR 639 (FIN) SSCR 1037 (EDU) SSCR 1679 (WAM)
Current Status: Apr=29 03 Passed Legislature
- HB1572 HD3 (HSCR 746) RELATING TO PARKING FOR DISABLED PERSONS.
Introduced by: Caldwell K (BR)
Amends provisions relating to parking for people with disabilities. Establishes that a law enforcement officer is authorized to access private property to enforce parking for people with disabilities. Provides that a commissioned volunteer enforcement officer may access the property of a private entity provided the private entity's parking lot contains a parking space reserved for persons with disabilities. Includes the adjacent access aisle as part of the parking space and provides that a person using the access

HOUSE BILLS WHICH PASSED THE LEGISLATURE

aisle adjacent to the parking space reserved for persons with disabilities shall be guilty of a traffic infraction under the adjudication of traffic infractions and be fined. Provides that a citation may be sent by certified or registered mail to a violator who refuses the citation. Redefines person with a disability to include a person with a vascular condition. Amends removable windshield placard, temporary removable windshield placard, and identification card provisions. -- HB1572 HD3

Committee Reports: HSCR 103 (TRN) HSCR 387 (JUD) HSCR 746 (FIN) SSCR 1189 (TMG/ HTH/) SSCR 1270 (JHW)

Current Status: Apr-09 03 Received by the Governor
Apr-22 03 Approved by Governor (Act 30 2003)

Section Affected: 291- (1 SECTION), 291-51, 291-51.6, 291-52, 291-52.5, 291-52.6, 291-52.7, 291-55, 291-56, 291-57, 291C-165

HB1579 HD1 SD2 CD1 (CCR 37)

RELATING TO THE ECONOMIC DIVERSIFICATION AUTHORITY.

Introduced by: Schatz B, Ito K, Herkes R, Luke S, Oshiro B, Shimabukuro M, Sonson A, Saiki S, Caldwell K, Takai K, Hiraki K

Establishes provision relating to economic diversification. Requires the department of business, economic development, and tourism to develop and implement plans, programs, and initiatives to facilitate the diversification of the State's economy to stimulate, encourage, and facilitate economic development in the State. Provides that the department shall create a vision and develop a long range plan for economic diversification in Hawaii, including development, infrastructure, and educational issues; and develop a strategic economic diversification plan that shall be updated at least every 3 years to promote and market the State as offering a desirable environment for economic development. Requires the department to establish a public information and educational program to inform the public about economic diversification and explore ways to remove redundancies in the delivery of services to the public relating to economic diversification, including consolidating agencies to eliminate duplicative or outmoded functions and activities, to increase efficiency in the delivery of those services, enhance productivity, eliminate unnecessary regulation, cut costs, reduce public inconvenience, and realize significant long term savings. Annual report to the legislature and the governor. Permits the departments of business, economic development and tourism to actively consult, collaborate with, and seek the participation of the department of education, labor and industrial relations, transportation, agriculture, and land and natural resources, the university of Hawaii, representatives from the US armed forces and the private sector industry representatives and potential partners. -- HB1579 CD1

Committee Reports: HSCR 290 (EDB) HSCR 836 (FIN) SSCR 1170 (ECD/ TMG/) SSCR 1327 (WAM) CCR 37

Current Status: Apr-29 03 Passed Legislature

Section Affected: 201- (1 SECTION) ECONOMIC DIVERSIFICATION

HB1594 HD1 SD1 (SSCR 1273)

RELATING TO NONPROFIT CORPORATIONS.

Introduced by: Mindo R, Chang J

Establishes provision relating to amendment terminating or canceling members and redemption of membership of nonprofit corporations. -- HB1594 SD1

Committee Reports: HSCR 620 (CPC) SSCR 1273 (CPH)

Current Status: May-01 03 Received by the Governor

Section Affected: 414D- (1 SECTION), 414D-167

HB1607 HD2 SD1 (SSCR 1209)

RELATING TO AUTHORIZED EMERGENCY VEHICLES.

Introduced by: Souki J

Amends provisions relating the statewide traffic code by redefining authorized emergency vehicle to include ocean safety vehicles. Amends the exemption from parking regulations, traffic signals, speed limits, and regulations governing direction of movement afforded to authorized emergency vehicles when the vehicle is making use of authorized audible and visual signals for police motorcycles by changing it to include police vehicles. -- HB1607 SD1

Committee Reports: HSCR 130 (TRN) HSCR 727 (WLH) SSCR 1209 (TMG)

Current Status: Apr-28 03 Received by the Governor

Section Affected: 291C-1, 291C-26

HOUSE BILLS WHICH PASSED THE LEGISLATURE

- HB1613 HD2 SD1 CD1 (CCR 40) RELATING TO NORTH KOHALA.
Introduced by: Evans C, Say C
Requires the department of land and natural resources to renew its efforts to acquire through land exchange the lands adjacent to the Kohala historical sites state monument to preserve, protect, and provide public access to these historical sites. Authorizes the Mo'okini (Mookini) Luakini Corporation to protect and care for the Mo'okini heiau site. -- HB1613 CD1
Committee Reports: HSCR 417 (WLH) HSCR 778 (FIN) SSCR 1127 (WLA) SSCR 1416 (WAM) CCR 40
Current Status: Apr-29 03 Passed Legislature
- HB1652 SD1 CD1 (CCR 50) MAKING AN APPROPRIATION TO THE MEDICAID PRESCRIPTION DRUG REBATE SPECIAL FUND.
Introduced by: Takumi R, Nishimoto S
Appropriation to the department of human services for deposit into the medicaid prescription drug rebate special fund and provides for the development of a waiver and activities associated with securing approval for the waiver from the Centers for Medicare and Medicaid Services for the expansion of prescription drug benefits under the medicaid program. (\$\$) -- HB1652 CD1
Committee Reports: HSCR 700 (FIN) SSCR 1190 (CPH/ HMS/) SSCR 1325 (WAM) CCR 50
Current Status: Apr-29 03 Passed Legislature