

BILLS PASSED

BY THE

HAWAII STATE LEGISLATURE

REGULAR SESSION OF 2005

SHOWING ACTIONS TAKEN AS OF

May 5, 2005

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 2005. 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 5, 2005, 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 2005

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

SOURCE	CONTACT	HOURS	COST
All public libraries. See www.librarieshawaii.org or 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	Copies of 2004 - 2005 bills, committee reports, resolutions, and concurrent resolutions will be available after December 2005. 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 or Senate Clerk's office	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.	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 www.librarieshawaii.org or 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	10¢/page (self service) 15¢/page via usage of the internet
Kona Law Library Keakealani Building 79-1020 Haukapila Street (Old Kona Hospital) Kealahou 96750 Phone: 322-8729 (Circuit Ct.)	Carol	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 www.librarieshawaii.org or 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 3059 Umi Street, Rm. 206 Lihue 96766 Phone: 246-3327	Rhonda	Monday - Friday 7:45 am - 4:30 pm Closed 12:00 - 1:00 pm	15¢/page (self service)
<i>Maui</i>			
All public libraries. See www.librarieshawaii.org or 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	Service Center Rm. 141	Monday - Friday 7:45 am - 4:30 pm	15¢/page (self service) or via usage of the internet

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB0003 SD2 HD2 CD1 (CCR 104) RELATING TO HUMAN SERVICES.
Introduced by: Chun Oakland S
Changes developmental disabilities domiciliary homes to developmental disabilities residential services. Provides that the department of health is authorized to license developmental disabilities domiciliary homes for individuals with developmental disabilities or mental retardation who are unable to live independently and who require supervision, support, or care, but do not require care by licensed nurses, provided that nothing in these provisions shall exclude the department of human services from licensing, certifying, regulating, or entering into purchase service agreements for child foster homes or providers that serve individuals with developmental disabilities or mental retardation. Provides that no single apartment in a developmental disabilities apartment complex funded shall be occupied by more than 2 residents with developmental disabilities or mental retardation. Provides that the director of the department of health shall establish criteria for contracts for developmental disabilities apartment complexes and where necessary to provide for additional funding for developmental disabilities domiciliary homes. -- SB0003 CD1
Committee Reports: SSCR 329 (HTH/ HMS/) SSCR 798 (WAM) HSCR 1198 (HLT/ HUS/) HSCR 1494 (FIN) CCR 104
Current Status: May=03 05 Passed Legislature
Section Affected: 321-15.9, 346-53
- SB0027 SD1 HD1 CD1 (CCR 114) MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM.
Introduced by: Chun Oakland S
Appropriation to the department of human services as a grant to Kapiolani Medical Center for Women and Children with the intent to fund the Kapiolani child at risk evaluation program. (\$\$) -- SB0027 CD1
Committee Reports: SSCR 12 (HMS) SSCR 962 (WAM) HSCR 1544 (FIN) CCR 114
Current Status: May=03 05 Passed Legislature
- SB0040 SD1 HD1 (HSCR 1485) RELATING TO CAREGIVER CONSENT.
Introduced by: Chun Oakland S, Espero W, Baker R, English J, Kanno B, Tsutsui S, Nishihara C
Establishes provisions relating to affidavit of caregiver consent for minor's health care. Provides that except for children placed under the custody of the department of human services, pursuant to proceedings under the child protective act, a care giver who possesses and presents a notarized affidavit of caregiver consent for a minor's health care may consent on behalf of a minor to primary and preventive medical and dental care and diagnostic testing, and other medically necessary health care examination and treatment. Provides that a person who relies in good faith on this affidavit has no obligation to conduct any further inquiry or investigation and shall not be subject to civil or criminal liability or to professional disciplinary action. Provides that affidavits shall be superseded by written notification from the minor's parent, guardian, or legal custodian to the health care professionals providing services to the minor that the affidavit has been rescinded. Defines caregiver to mean any person at least 18 years of age and related by blood, marriage or adoption to the minor but is not the legal custodian or guardian of the minor or who has resided with the minor continuously during the immediately preceding period of 6 months or more. -- SB0040 HD1
Committee Reports: SSCR 253 (HMS/ HTH/) SSCR 698 (JHW) HSCR 1485 (JUD)
Current Status: Apr-20 05 Received by the Governor
Section Affected: 577- (1 SECTION) AFFIDAVIT OF CAREGIVER CONSENT FOR MINOR'S HEALTH CARE
- SB0055 SD1 HD2 CD1 (CCR 151) RELATING TO MEAL BREAKS.
Introduced by: Kanno B
Amends provisions relating to maximum hours. Prohibits an employee to be required to work more than 5 hours continuously without an interval of at least 30 consecutive minutes for a rest or meal break, provided that the employer may select the time of the break, except in cases where a collective bargaining agreement otherwise expressly provides for employee meal breaks, the rest or meal period requirement offered by an employer is waived by the employee, the employer is the operator of a continuously operating facility that is regulated by an environmental permit, provided that an on duty meal is provided by the employer, or upon application of an employer for exemption of specific job positions, the department of labor and industrial relations has reviewed the application, has issued an order that amends the rest and meal period requirement for any of the specified job positions, and has determined that the order is consistent with

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the health and welfare of the affected employees. Requires that the employer's application be in writing, designate the job positions for which the exemption is sought, and provide justifications explaining why the required rest and meal break would be impractical, unsafe, or unreasonable given the job requirements. Requires that any order relating to meal breaks issued or revoked by the department of labor and industrial relations be conspicuously posted on the employer's premises. -- SB0055 CD1

Committee Reports: SSCR 480 (LBR) SSCR 848 (WAM) HSCR 1181 (LAB) HSCR 1581 (FIN) CCR 151

Current Status: May-03 05 Passed Legislature

Section Affected: 387-3

SB0061 SD1 (SSCR 971)

RELATING TO WAGES.

Introduced by: Kanno B

Amends provisions relating to employer's records, posting of notices, furnishing of pay data and director's rights and duties. Authorizes an employer to furnish each employee at every pay period an electronic notice that may be electronically accessed by the employee which will be retained by the employer for at least 6 years. -- SB0061 SD1

Committee Reports: SSCR 383 (LBR) SSCR 971 (WAM) HSCR 1179 (LAB) HSCR 1787 (FIN)

Current Status: May-03 05 Passed Legislature

Section Affected: 387-6, 388-7

SB0073

RELATING TO HIGHWAY SAFETY.

Introduced by: Inouye L

Amends provisions relating to safety inspection (safety check) of motor carrier vehicles. Adds that safety inspection of motor carrier vehicles be conducted during the month in which the vehicle's certificate of motor vehicle registration is issued. -- SB0073

Committee Reports: SSCR 54 (TGO) HSCR 1018 (TRN) HSCR 1106 (CPC/ JUD/)

Current Status: Mar-23 05 Received by the Governor

Apr-08 05 Approved by Governor (Act 3 2005)

Section Affected: 286-209

SB0074 SD1 HD1 (HSCR 1170)

RELATING TO HIGHWAY SAFETY.

Introduced by: Inouye L, Chun Oakland S, English J

Amends provisions relating to highway safety. Defines intrastate driver to mean a driver, not less than 18 years of age, engaged in intrastate commerce except in the transportation of passengers in a school vehicle or in the transportation of hazardous materials. Defines intrastate commerce as trade, traffic, or transportation between 2 places in the State that originates and terminates within the State. -- SB0074 HD1

Committee Reports: SSCR 55 (TGO) SSCR 718 (CPH) HSCR 1170 (TRN) HSCR 1511 (JUD)

Current Status: May-03 05 Vetoed

Section Affected: 286-2, 286-236

SB0076 SD1 HD1 CD1 (CCR 9)

RELATING TO TRAFFIC VIOLATIONS.

Introduced by: Inouye L

Amends provisions relating to penalties for traffic violations. -- SB0076 CD1

Committee Reports: SSCR 56 (TGO) SSCR 719 (CPH) HSCR 1223 (TRN/ JUD/) HSCR 1492 (FIN) CCR 9

Current Status: May=03 05 Passed Legislature

Section Affected: 291-37

SB0077 SD1 HD1 CD1 (CCR 2)

RELATING TO HIGHWAY SAFETY.

Introduced by: Inouye L

Establishes provisions relating to vehicle identification card. Requires a motor carrier to file a description of the commercial motor vehicle registered to the motor carrier with the director of transportation who shall issue a motor vehicle identification card for that commercial motor vehicle. -- Establishes provisions relating to mudguards and protective devices. Prohibits a commercial motor vehicle to be operated on public highways unless the vehicle is equipped with fenders, covers, or other devices, including flaps or splash aprons, to minimize the spray or splash of water or mud to the rear of the vehicle. Establishes penalty. -- SB0077 CD1

Committee Reports: SSCR 57 (TGO) SSCR 739 (CPH) HSCR 1171 (TRN) HSCR 1557 (CPC/ JUD/) CCR 2

Current Status: May=03 05 Passed Legislature

Section Affected: 286- (2 SECTIONS) VEHICLE IDENTIFICATION CARD

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB0116 SD2 HD2 CD1 (CCR 50) RELATING TO NURSES.
Introduced by: Baker R, English J, Tsutsui S
Establishes the nursing scholars program law. Establishes the nursing scholars program under the university of Hawaii. Allows the university to provide scholarship grants to an eligible student who is a resident of this State and confirmed to have been accepted for enrollment in an approved graduate course of study. Requires the student to enter into a written agreement to satisfy all degree requirements; commence nursing instruction within 1 year after completion of a degree for a period of 1 year for each academic year the student received a grant; and reimburse the State if the student fails to comply. Annual report to the legislature and governor. Appropriation. (\$\$) -- SB0116 CD1
Committee Reports: SSCR 422 (HRE/ HTH/) SSCR 815 (WAM) HSCR 1141 (HLT) HSCR 1603 (FIN) CCR 50
Current Status: May=03 05 Passed Legislature
Section Affected: (5 SECTIONS) NURSING SCHOLARS PROGRAM
- SB0117 HD2 CD1 (CCR 31) RELATING TO HOUSING.
Introduced by: Baker R
Establishes provisions relating to authority to modify and amend development agreements with eligible developers. Provides the housing and community development corporation of Hawaii the power and authority to amend, delete, restate, and otherwise modify the terms, conditions, plans, specification, and all other matters relating, directly or indirectly, to any housing project that was previously approved by the housing finance and development corporation, including, without limitation, the terms, covenants, and conditions of any development agreement for a housing project between the housing finance and development corporation and an eligible developer. Provides that affordable housing requirements for the undeveloped parcels in Puukoolii village shall be established by agreement among the developer, the housing and community development corporation of Hawaii, and the appropriate agency or department of the county of Maui. Requires that affordable housing shall include housing that is affordable to households earning up to 120 per cent of the county median income. -- SB0117 CD1
Committee Reports: SSCR 616 (CPH) HSCR 1050 (HSG) HSCR 1254 (JUD) HSCR 1568 (FIN) CCR 31
Current Status: May=03 05 Passed Legislature
Section Affected: 201G- (1 SECTION) AUTHORITY TO MODIFY AND AMEND DEVELOPMENT AGREEMENTS WITH ELIGIBLE DEVELOPERS
- SB0118 SD2 HD2 CD1 (CCR 41) RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS.
Introduced by: Baker R
Amends provisions relating to who may become dental hygienists. Provides that the board of dental examiners shall require an applicant to take and pass the State's examination or 1 of the following 4 regional examinations given after February 1, 2005, by The Western Regional Examining Board, The Central Regional Dental Testing Service, Inc., The Southern Regional Testing Agency, Inc., or The North East Regional Board of Dental Examiners; or once a national examination is available, an applicant shall take and pass the national examination, and neither the state examination nor any regional examination shall be accepted, provided that an applicant who has taken and passed the state or regional examination after February 1, 2005, but prior to the availability of a national examination shall be deemed to have met the board's examination requirement. -- SB0118 CD1
Committee Reports: SSCR 26 (HTH) SSCR 658 (CPH) HSCR 1187 (HLT) HSCR 1562 (CPC) CCR 41
Current Status: May=03 05 Passed Legislature
Section Affected: 447-1
- SB0119 SD1 (SSCR 650) RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS.
Introduced by: Menor R (BR)
Amends provisions relating to applications for and certificates of licensure; renewal; fees by adding continuing education. Authorizes the board of professional engineers, architects, surveyors, and landscape architects to require continuing professional education requirements for license renewal. Provides that an architect licensee shall not be subject to the continuing education requirement if the architect otherwise meets all the renewal requirements and is a member of the armed forces, national guard, or reserve component on active duty and deployed during a state or national crisis; is ill or disabled for a significant period of time documented by a licensed physician, and is

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unable to meet the continuing education requirements; can demonstrate undue hardship that prevented the licensee from meeting the continuing education requirements; or is retired from the practice of architecture and is no longer performing or providing architectural services. -- SB0119 SD1

Committee Reports: SSCR 650 (CPH) HSCR 1089 (CPC)

Current Status: Mar-23 05 Received by the Governor

Apr-08 05 Approved by Governor (Act 2 2005)

Section Affected: 464-9

SB0121 HD1 CD1 (CCR 15)

RELATING TO BREWPUB LICENSES.

Introduced by: Baker R, Espero W, English J

Amends provisions relating to intoxicating liquor class 14 (brewpub) license. Allows licensee to sell beverages manufactured on the licensee's premises in recyclable containers provided by the licensee or customer rather than glass containers. Allows the sale of malt beverages manufactured on the premises in brewery sealed containers directly to class 2 (restaurant) licensees. -- SB0121 CD1

Committee Reports: SSCR 243 (BED/ EIA/) SSCR 693 (JHW) HSCR 1094 (EDB) HSCR 1565 (CPC/ JUD/) CCR 15

Current Status: May=03 05 Passed Legislature

Section Affected: 281-31

SB0122 SD1 HD3 CD1 (CCR 6)

RELATING TO PATIENT SAFETY.

Introduced by: Baker R, Chun Oakland S

Amends provisions relating to proceedings and records of peer review committees and quality assurance committees. Provides that proceedings and records of peer review committees, quality assurance committees, health care review organizations, and case review forums shall not be subject to discovery. Provides that no person in attendance at a meeting of a committee or case review forum shall be required to testify as to what transpired at the meeting. -- SB0122 CD1

Committee Reports: SSCR 325 (HTH) SSCR 642 (JHW) HSCR 1073 (HLT) HSCR 1196 (CPC) HSCR 1489 (JUD) CCR 6

Current Status: May=03 05 Passed Legislature

Section Affected: 624-25.5

SB0179 SD3 HD2 CD1 (CCR 181)

RELATING TO HOUSING.

Introduced by: Hanabusa C

Establishes provisions relating to land use density; low income rental units. Authorizes counties to provide flexibility in land use density provisions to encourage the development of any rental housing complex where at least a portion of the rental units are set aside for persons and families with incomes at or below 140 per cent of the area median family income, of which 20 per cent are set aside for persons or families with incomes at or below 80 per cent of the area median family income. -- Amends provisions related to exemption from general excise taxes. Provides that the Hawaii housing and community development corporation may approve and certify an exemption from general excise taxes for any qualified person or firm involved with a newly constructed or moderately or established rehabilitation project to provide affordable rental housing where at least 50 per cent of the available units are for households with incomes at or below 80 per cent of the area median income and at least 20 per cent of the available units are for households with incomes at or below 60 per cent of the area median income. Provides that the corporation may establish, revise, charge, and collect a reasonable service fee in connection with approvals and certifications. -- Amends provisions relating to the rental housing trust fund. Provides that moneys available shall be used in order of priority: projects or units in projects that are allocated low income housing credits wherein at least 50 per cent of the available units are for person or families with incomes at or below 80 per cent of the median family income, at least 5 per cent are for persons or families at or below 30 per cent of the median family income, and the remaining units are for persons and families at or below 100 per cent of the median family income, then mixed income rental projects or units in a mixed income rental project wherein all of the available units are for persons and families with incomes at or below 140 per cent of the median family income. Requires the corporation to submit an annual report to the legislature describing the projects funded for and its efforts to develop low income rental housing projects, a description of proposals submitted and action taken on such proposals, and any barriers to developing housing units. Allows the corporation to provide loans and grants. Provides that for the period commencing July 1, 2005, through June 30, 2007, the fund may be used to provide grants for rental units set aside for persons and families with incomes at or below 30 per cent of the

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median family income in any project financed in whole or in part by the fund in proportion of those units to the total number of units in the project. Report to the legislature at the end of the period. Repealed June 30, 2010 (sunset). -- Amends provision relating to eligible applicants for funds. Provides that eligible applicants shall include corporations, limited liability companies and partnerships. -- Amends provisions relating to eligible projects. Provides preference to be given to projects producing units in the category of US department of housing and urban development mixed finance development of public housing units. Amends criteria for the corporation to give preference in funding to include projects that provide at least 5 per cent of total units for persons or families with incomes at or below 30 per cent of the median family income, and with favorable past performances in developing, owning, managing, or maintaining affordable rental housing. -- Amends provisions relating to administration of state low income housing projects and programs. Allows the Hawaii housing and community development corporation to offer decommissioned low income public housing projects to nonprofit organizations or government agencies for rehabilitation into emergency or transitional shelter facilities for the homeless or into rental units for very low income and low income households. Provides that the legislature declares a moratorium on the demolition of all decommissioned housing projects administered by the corporation for 2 years or until such time that the housing projects may be offered for rehabilitation to nonprofit organizations and government agencies. Appropriations for the expansion of emergency and transition shelter facilities serving the homeless. -- Amends provisions relating to annual performance audits. Requires that the corporation require all provider agencies to submit an annual report that contains statistical information to enable the corporation to measure the effectiveness of contracted services in transitioning homeless into permanent housing. Amends provisions relating to housing development; exemption from statutes, ordinances, charter provisions to be for lower cost housing. -- Amends provisions relating to housing development; exemption from statutes, ordinances, charter revisions, rules. Provides that the corporation may develop or assist in the development of housing projects which shall be exempt from all statutes, ordinances, charter revisions, and rules provided that the project primarily or exclusively includes housing units affordable to households with incomes at or below 140 per cent of the median family income. -- Establishes the Hawaii housing finance and development administration establishment within the department of business, economic development, and tourism. Establishes acquisition, use, and disposition of property, and cooperative agreements with other governmental agencies. Establishes development of property and eminent domain, exchange or use of public property. -- Transfers the rights, powers, functions, and duties of the corporation relating to state housing and relating to financing programs to the Hawaii housing finance and development administration. Transfers all records, equipment, and other personal property, continuity of rules, policies, and other materials, effect on deeds, permits, and other documents to the administration. -- Amends provisions relating to the board; establishment, functions, duties. Provides that the board of the housing and community development corporation of Hawaii shall consist of 9 members, 8 of whom shall be public members appointed by the governor and at least 3 of which shall be community advocates for low income housing affiliated with private nonprofit organizations and that not more than 4 members of the same political party shall be appointed to the board. Repeals provisions relating to housing research, housing counseling, administration of low income housing credits allowed. -- Repeals the rental housing trust fund advisory commission and the duties of the advisory commission. -- Amends provisions relating to the board; establishment, functions, duties. Provides that 1 member shall be a person appointed from a list of 3 nominees submitted by the continuum of care systems of each county. Repeals provision that the chairperson of the rental housing trust fund advisory committee shall serve a concurrent term on the board. -- Establishes a joint legislative housing and homeless task force in the senate and house of representatives to further identify near term solutions to Hawaii's affordable housing and homeless problem. Report to the legislature. -- Requires that responsibilities and administrations of funds be transferred from the housing and community development corporation to the department to budget and finance. Requires the governor to inform the president of the senate, the speaker of the house of representatives, and the acting director of the legislative reference bureau of the declaration and the date upon which the transfer of functions will take effect and issue a public notice regarding the declaration and transfer of responsibilities to the department. Amends provisions relating to administration of low income housing credit allowed under section 235-110.8. Transfers power from the corporation to the department. Repealed on July 1, 2007 (sunset). -- Requires the corporation to develop an implementation plan for the reorganizing of the State's housing functions. Report to

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the legislature. (\$\$) -- SB0179 CD1

Committee Reports: SSCR 20 (CPH) SSCR 545 (CPH/ IGA) SSCR 764 (WAM)
HSCR 1214 (HSG) HSCR 1632 (FIN) CCR 181

Current Status: May-03 05 Passed Legislature

Section Affected: 46- (1 SECTION), 201G-116, 201G-432, 201G-435, 201G-436,
235-110.8, 247-3, 201G-44, 201G-461, 201G-118, 201G-123,
201G-411, (22 SECTIONS) HAWAII HOUSING FINANCE AND
DEVELOPMENT ADMINISTRATION, 27-11, 53-6, 76-16,
209-16, 290-1, 290-8, 521-7, 10-2, 10-13.6, 36-24, 46-15.1,
53-17, 53-22, 111-8, 111-9, 171-2, 171-18.5, 171-50.2, 206E-15,
209-17, 237-29, 519-2, 519-3, 201G-3, 201G-15, 201G-7,
201G-8, 201G-14, 201G-431, 201G-433, 201G-434

SB0212 SD2 HD2 CD1 (CCR 124)

RELATING TO ENVIRONMENT.

Introduced by: Hanabusa C

Establishes provisions relating to reverse vending machine rebate program; standards. Requires the department of health to provide a rebate up to 3 million dollars in the aggregate in any fiscal year, of the cost of purchasing a reverse vending machine, including shipping and general excise tax, purchased by a dealer. Requires the director of health to include in the deposit beverage container program annual report to the legislature, a report on the reverse vending machine rebate program. -- Establishes provisions relating to redemption center and recycling infrastructure improvement program; standards. Requires the department to develop and implement a redemption center and recycling infrastructure improvement program using a request for proposals to contract with dealers and recyclers to improve redemption and recycling infrastructure statewide. Provides only 1 award shall be allowed for each person and an award shall not be available to any person to whom a reverse vending machine rebate has been paid. Annual reports to the legislature and the governor. Act repealed on June 30, 2006 (sunset). -- SB0212 CD1

Committee Reports: SSCR 29 (EIA) SSCR 472 (WLA) SSCR 915 (WAM) HSCR 1143
(WLO) HSCR 1633 (FIN) CCR 124

Current Status: May=03 05 Passed Legislature

Section Affected: 342G- (3 SECTIONS), 342G-104

SB0294 SD3 HD1 CD1 (CCR 152)

RELATING TO EMPLOYMENT.

Introduced by: Hanabusa C

Amends provisions relating to minimum wage. Provides that the minimum wage shall be 6.75 dollars per hour beginning January 1, 2006, and 7.25 dollars per hour beginning January 1, 2007. Redefines employee to exclude an employee on a ship or vessel and who has a merchant mariners document issued by the US coast guard. -- SB0294 CD1

Committee Reports: SSCR 90 (LBR) SSCR 525 (LBR) SSCR 988 (WAM) HSCR 1182
(LAB) HSCR 1573 (FIN) CCR 152

Current Status: May-03 05 Passed Legislature

Section Affected: 387-1, 387-2

SB0459 SD2 HD1 CD1 (CCR 3)

RELATING TO SPECIAL PURPOSE REVENUE BONDS.

Introduced by: Taniguchi B

Amends provisions relating to assisting not for profit corporations that provide health care facilities to the general public. Redefines health care facility, facility, and project to include any equipment and software in any structure or required or useful for the operation of a health care facility. Redefines project agreement to include leases, subleases, conditional sale agreements, or other similar financing contracts or agreements entered into by the department of budget and finance with a project party, lender, lessor, or other 3rd party. -- Authorizes the issuance of special purpose revenue bonds to assist Hawaii Pacific Health, a nonprofit corporation, the obligated group in which Hawaii Pacific Health is a member, and 1 or more of its not for profit affiliates, in financing, refinancing, and reimbursing costs related to the acquisition or construction of health care facilities (including, without limitation, costs related to the acquisition or the acquisition and installation of information technology, equipment, software, and other related projects for Hawaii Pacific Health and any 1 or more of its not for profit affiliates). Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- SB0459 CD1

Committee Reports: SSCR 28 (HTH) SSCR 801 (WAM) HSCR 1366 (FIN) CCR 3

Current Status: May=03 05 Passed Legislature

Section Affected: 39A-31

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB0460 HD1 (HSCR 1546) RELATING TO TAX REFUNDS.
Introduced by: Taniguchi B
Establishes provisions relating to appeals relating to claims for refund. Provides that if a tax refund is denied by the department of taxation it may be appealed by filing a written notice of appeal to the board of review or the tax appeal court within 30 days after notice of the denial of the claim. Allows an appeal to be filed after 180 days from the date that the tax refund claim was filed provided the department has not given notice of a denial of the claim. -- SB0460 HD1
Committee Reports: SSCR 664 (WAM) HSCR 1546 (FIN)
Current Status: May=03 05 Passed Legislature
Section Affected: 232- (1 SECTION) APPEALS RELATING TO CLAIMS FOR REFUND
- SB0527 SD2 HD1 (HSCR 1154) RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES.
Introduced by: Inouye L
Amends provisions relating to purchases of health and human services law. Provides that this law shall apply to all contracts made by state agencies and may be used by county agencies to provide health and human services to Hawaii's residents. -- SB0527 HD1
Committee Reports: SSCR 516 (HTH/ HMS/) SSCR 802 (WAM) HSCR 1154 (HLT/ HUS/) HSCR 1525 (FIN)
Current Status: Apr-27 05 Received by the Governor
Section Affected: 103F-101
- SB0543 MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN.
Introduced by: Bunda R, Hemmings F
Appropriation for session and nonsession expenses of the senate and the house of representatives during the interim. 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 shall 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. -- Amends act 1, session laws of 2004, by providing that moneys in the audit revolving fund shall not lapse into the general fund. (\$\$) -- SB0543
Committee Reports: SSCR 1 (WAM) HSCR 4 (FIN)
Current Status: Feb-02 05 Received by the Governor
Feb-07 05 Approved by Governor (Act 1 2005)
Section Affected: ACT 1 2004
- SB0556 SD2 HD2 CD1 (CCR 38) RELATING TO FAMILY COURT.
Introduced by: Chun Oakland S
Establishes provisions relating to parenting plans. Provides that for every action that includes a contested custody of children, both parties or both parents shall develop either a mutually agreed upon general parenting plan or separate individually desired parenting plan, and file the plan at the outset of the action. Establishes criteria for plan. -- SB0556 CD1
Committee Reports: SSCR 149 (HMS) SSCR 746 (JHW) HSCR 1245 (HUS) HSCR 1490 (JUD) CCR 38
Current Status: May=03 05 Passed Legislature
Section Affected: 571- (1 SECTION), 571-46, 571-2, 571-46.1
- SB0568 SD1 HD2 CD1 (CCR 42) RELATING TO DENTISTS.
Introduced by: Chun Oakland S, Baker R
Changes application for examination for graduates of dental colleges accredited by the American dental association commission on dental accreditation to application for licensure. Reduces the application submission deadline from 60 days prior to the date of the scheduled examination to 45 days. -- Amends provisions relating to examination; time. Provides that if the board of dental examiners determines that 2 state written and practical examinations on dentistry will not or have not been administered during the calendar year, an applicant shall be eligible for licensure if the applicant takes and passes 1 of the following 4 regional examinations given between February 1, 2004 and the date of availability of the American board of dental examiners (ADEX) examination,

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by The Western Regional Examining Board, The Central Regional Dental Testing Service, Inc., The Southern Regional Testing Agency, Inc., or The North East Regional Board of Dental Examiners; takes and passes a national examination approved by the board; or by credential if the applicant is a dental specialist and agrees to practice only as a dental specialist, within the area of the applicant's specialization. Establishes provisions relating to American board of dental examiners (ADEX) examination; regional examinations. Provides that once the ADEX examination is available and approved by the board, an applicant shall take and pass the ADEX examination, and neither the state examination nor any regional examination shall be accepted, provided that an applicant who has taken a regional examination after February 1, 2004, but prior to the availability of the ADEX examination shall be deemed to have met the board's examination requirement if the applicant passes the exam. -- SB0568 CD1

Committee Reports: SSCR 24 (HTH) SSCR 934 (CPH) HSCR 1188 (HLT) HSCR 1563 (CPC) CCR 42

Current Status: May-03 05 Passed Legislature

Section Affected: 448-9, 448-10, 448- (1 SECTION)

SB0608 HD1 (HSCR 1290)

RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS.

Introduced by: Bunda R (BR)

Amends provisions relating to duty of physician, surgeon, hospital, clinic, etc to report wounds. Adds that every physician or surgeon attending or treating a case in a motor vehicle collision resulting in serious injury or death, or whenever the case is treated in a hospital, clinic, or other institution, the manager, superintendent, or person in charge thereof, shall report the case or provided information to the chief of police of the county within which the person was attended or treated, giving the name of the injured person, description of the nature, type, and extent of the injury, together with pertinent information that may be of use to the chief of police. -- SB0608 HD1

Committee Reports: SSCR 417 (TGO) SSCR 755 (CPH/ JHW/) HSCR 1290 (JUD/ CPC/)

Current Status: Apr-15 05 Received by the Governor

May-02 05 Approved by Governor (Act 39 2005)

Section Affected: 453-14

SB0615 SD1 (SSCR 128)

RELATING TO SMALL CLAIMS COURT.

Introduced by: Bunda R (BR)

Amends provisions relating to powers of district court. Adds that the district court, having jurisdiction over a civil action involving summary possession, to have concurrent jurisdiction with the small claims division of the district court hearing any security deposit dispute between landlord and tenant in a residential landlord tenant relationship. -- Amends provisions relating to counterclaim and retention of jurisdiction. Adds that the district court, having jurisdiction over a civil action involving summary possession, to have concurrent jurisdiction with the small claims division of the district court hearing any security deposit dispute between landlord and tenant in a residential landlord tenant relationship. -- SB0615 SD1

Committee Reports: SSCR 128 (JHW) HSCR 1282 (JUD)

Current Status: Mar-31 05 Received by the Governor

Apr-18 05 Approved by Governor (Act 12 2005)

Section Affected: 633-27, 633-28, 633-30

SB0617 SD1 HD1 CD1 (CCR 125)

RELATING TO COURT INTERPRETER SERVICES.

Introduced by: Bunda R (BR)

Establishes provisions relating to court interpreting services revolving fund. Establishes the court interpreter services revolving fund into which shall be deposited fees, charges, and other moneys collected for programs relating to interpreter issues and training, screening, testing, and certification of court interpreters; all moneys received from public or private sources for the purpose of this fund; and any interest accrued or investment earnings realized that are attributable to the moneys in the revolving fund. Requires the fund to be administered by the director of the courts to support the court interpreting services program's educational services and the program's activities to the training, screening, testing, and certification of court interpreters. Appropriation out of the fund. (\$\$) -- SB0617 CD1

Committee Reports: SSCR 170 (JHW) SSCR 835 (WAM) HSCR 1159 (JUD) HSCR 1612 (FIN) CCR 125

Current Status: May-03 05 Passed Legislature

Section Affected: 607- (1 SECTION), 36-27, 36-30

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- SB0620 SD1 (SSCR 130) RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS.
Introduced by: Bunda R (BR)
Amends provisions relating to State compact administrator. Establishes that the compact administrator is responsible for making final decisions relating to actions of offenders requesting transfer between states, investigating and taking action regarding matters of interstate movement of offenders within the State, keeping statistics and information on interstate compact movement of offenders, representing the State on matters relating to the authorized movement of offenders between states, to facilitate policies and procedures governing interstate movement of offenders through the state council, drafting legislation, budgeting and managing funds, and establishing interstate service standards for probationers. -- Amends provisions relating to state council for interstate adult offender supervision by adding that the council members terms shall be 4 years and no person shall be appointed consecutively more than 2 terms. Adds that the council shall also have the authority to appoint a deputy compact administrator for parole from the Hawaii paroling authority and a deputy compact administrator for probation from the judiciary. -- SB0620 SD1
Committee Reports: SSCR 130 (JHW) HSCR 1060 (PSM) HSCR 1250 (JUD) HSCR 1788 (FIN)
Current Status: May-03 05 Passed Legislature
Section Affected: 353B-2, 353B-3
- SB0621 HD1 (HSCR 1486) RELATING TO TRAFFIC INFRACTIONS.
Introduced by: Bunda R (BR)
Amends provisions relating to the adjudication of traffic infractions. Prohibits penal sanctions that includes imprisonment to apply to a violation of a state statute or rule, or county ordinance or rule, that would constitute a traffic infraction under adjudication provisions. Prohibits traffic infractions that involves an accident resulting in personal injury or property damage and is committed in the same course of conduct as a criminal offense for which the offender is arrested or charged to be adjudicated. Requires the notice of traffic infraction to include a statement of the total amount to be paid for each traffic infraction which shall include any fee, surcharge, or cost required by statute, ordinance or rule. Increases the time allotted to respond to traffic infractions from 15 days to 21 days. Allows a person to answer a notice of traffic infraction via the internet or by telephone, by submitting payment by an approved credit or debit card. Further allows a person to deny the committing of a traffic infraction and to request a hearing to contest the infraction. -- SB0621 HD1
Committee Reports: SSCR 131 (JHW) HSCR 1486 (JUD)
Current Status: Apr-20 05 Received by the Governor
Section Affected: 291D-3, 291D-5, 291D-6, 291D-7, 291D-10
- SB0639 SD2 HD1 CD1 (CCR 16) RELATING TO EDUCATION.
Introduced by: Hee C, English J, Nishihara C, Sakamoto N
Establishes provisions relating to teachers' housing. Requires the department of education to administer the teachers' housing program. Establishes the teachers' housing revolving fund administered by the department. Provides that the fund may be used for teachers' housing, including the planning, construction, maintenance, and operation of teachers' housing, as well as for the salaries of the necessary personnel. Repeals teacher housing under the housing and community development corporation of Hawaii and transfers the teacher housing program to the department. Report to the legislature. -- SB0639 CD1
Committee Reports: SSCR 511 (EDM/CPH) SSCR 948 (WAM) HSCR 1042 (EDN) HSCR 1200 (HSG) HSCR 1576 (FIN) CCR 16
Current Status: May=03 05 Passed Legislature
Section Affected: 302A- (5 SECTIONS) TEACHERS' HOUSING, 201G-141, 201G-142, 201G-143, 201G-144, 201G-145, 201G-146
- SB0667 SD2 HD2 (HSCR 1579) MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES.
Introduced by: Bunda R (BR)
Appropriation out of the state risk management revolving fund to the department of accounting and general services to be deposited into the general fund. Appropriation to the university of Hawaii for the cleaning, repairing or replacing damaged or destroyed university property and for reimbursing the university for funds that have already been spent cleaning, repairing and replacing damaged or destroyed property as a result of the October 20, 2004 flood. (\$\$) -- SB0667 HD2
Committee Reports: SSCR 306 (HRE) SSCR 817 (WAM) HSCR 1114 (HED) HSCR

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- 1579 (FIN)
Current Status: Apr-29 05 Received by the Governor
- SB0669 SD2 HD1 CD1 (CCR 109) RELATING TO ANIMAL QUARANTINE FACILITIES.
Introduced by: Bunda R (BR)
Establishes provisions relating to authority to contract or rent facilities. Provides that the board of agriculture is authorized to contract with 3rd parties for the use or rental of animal quarantine property or facilities provided that the board determines the property or facilities are not required for use by the animal quarantine program during the term of use by the 3rd party; the property or facilities shall be leased or rented at fair market value; and property or facilities shall be used only by the 3rd party. -- Amends provisions relating to animal quarantine special fund. Adds that all moneys received by the board of agriculture from use of animal quarantine property or facilities shall be deposited into this special fund. -- SB0669 CD1
Committee Reports: SSCR 377 (WLA) SSCR 916 (WAM) HSCR 1084 (AGR) HSCR 1567 (FIN) CCR 109
Current Status: May=03 05 Passed Legislature
Section Affected: 142- (1 SECTION), 142-28.5
- SB0673 SD2 HD2 CD1 (CCR 12) MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.
Introduced by: Bunda R (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. (\$\$) -- SB0673 CD1
Committee Reports: SSCR 132 (JHW) SSCR 837 (WAM) HSCR 1164 (JUD) HSCR 1611 (FIN) CCR 12
Current Status: May=03 05 Passed Legislature
- SB0675 HD1 (HSCR 1287) RELATING TO CHILD SUPPORT ENFORCEMENT.
Introduced by: Bunda R (BR)
Amends provisions relating to implementation of income withholding. Provides that the income of an obligor shall become subject to withholding without regard to whether there are arrearages or delinquency upon the agency receiving a request for income withholding from the obligee and a determination made by the agency that income withholding is appropriate or upon the agency receiving the request for income withholding from the obligor. Amends provisions relating to administrative orders; required findings. Provides that a statement that both the obligor and obligee are required to file with the state case registry, through the child support enforcement agency, upon entry of the support order, and to update, as appropriate, information on the identity and location of the party. Amends provisions relating to medical support enforcement by providing that the agency shall forward a copy of the notice by regular mail or transmission by electronic means. Provides that a dependant child's insurance coverage shall not be terminated prior to the expiration of the duty of support or entry of an order relieving the responsible parent of the duty to provide insurance coverage, unless it is determined by the agency that insurance coverage is being provided through appropriate alternative means. Further provides that the agency may terminate the requirement for the responsible parent's employer or union to enroll the dependent child as a beneficiary in the group medical insurance plan and withhold any required premium from the responsible parent's income by sending a notice to the employer or union by regular mail or transmission by electronic means. -- SB0675 HD1
Committee Reports: SSCR 317 (HMS) SSCR 700 (JHW) HSCR 1287 (JUD)
Current Status: Apr-07 05 Received by the Governor
Apr-25 05 Approved by Governor (Act 26 2005)
Section Affected: 576D-3, 576D-12, 576D-14, 576E-11, 576E-17
- SB0680 SD1 HD1 (HSCR 1536) RELATING TO SOLID WASTE CONTROL.
Introduced by: Bunda R (BR)
Amends provisions relating to redemption centers. Adds that the department of health shall develop procedures to facilitate the exchange of information between deposit beverage container manufacturers, distributors, and retailers and certified redemption centers, including but not limited to universal product code information for reverse vending machine purposes. Amends provisions relating to redemption center reporting. Changes request for payment to less than 2 times per month. -- SB0680 HD1
Committee Reports: SSCR 421 (EIA/ HTH) HSCR 1536 (EEP)

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- Current Status: Apr-21 05 Received by the Governor
Section Affected: 342G-114, 342G-119
- SB0681 RELATING TO THE DEFINITION OF SEXUAL CONDUCT.
Introduced by: Bunda R (BR)
Amends provisions relating to offenses related to obscenity. Repeals definition of sexual conduct. -- SB0681
Committee Reports: SSCR 637 (JHW) HSCR 1281 (JUD)
Current Status: Mar-31 05 Received by the Governor
Apr-18 05 Approved by Governor (Act 10 2005)
Section Affected: 712-1210
- SB0682 SD2 HD3 CD1 (CCR 112) RELATING TO TOBACCO.
Introduced by: Bunda R (BR)
Establishes provisions relating to retail tobacco permit. Requires every retailer engaged in the retail sale of cigarettes and other tobacco products to obtain a retail tobacco permit issued by the department of taxation. Requires a permit for each place of business and includes permits for vending machine and motor vehicles from which cigarettes or tobacco products are sold. Provides that permit holders are subject to inspection and investigation by the department of the attorney general. Establishes penalties. Appropriation out of the tobacco enforcement special fund of the department of the attorney general to be transferred to the department of taxation to establish and administer the licensing and permitting of tobacco and cigarette sales, including the establishment of 3 permanent full time (3.00 FTE) positions. Appropriation from interdepartmental appropriation transferred from the department of the attorney general to be transferred for the department of taxation to establish and administer the licensing and permitting of tobacco and cigarette sales, including the establishment of 3 permanent full time (3.00 FTE) positions. Act repealed on July 1, 2009 (sunset). (\$\$)
-- SB0682 CD1
Committee Reports: SSCR 172 (HTH/ HMS/) SSCR 804 (WAM) HSCR 1075 (HLT) HSCR 1270 (JUD) HSCR 1609 (FIN) CCR 112
Current Status: May=03 05 Passed Legislature
Section Affected: 245- (3 SECTIONS), 245-1, 245-2
- SB0693 SD1 HD1 CD1 (CCR 17) RELATING TO CHARITABLE GIFT ANNUITIES.
Introduced by: Bunda R (BR)
Amends provisions relating to life insurance. Adds that a nonprofit educational foundation or nonprofit organization issuing charitable gift annuities is required to have conducted business in the form of program services or fundraising activities in the State consecutively for at least 10 years and must file its annual statement with the attorney general annually on or before March 15 of each year. Requires segregated assets to be calculated with mortality tables and discount rates to be determined by the insurance commissioner. Provides that in determining fund reserves, a reduction shall be made, and no surplus shall be required for all or any portion of an annuity risk that is lawfully reinsured by an authorized insurer. -- SB0693 CD1
Committee Reports: SSCR 717 (CPH) HSCR 1291 (CPC/ JUD/) CCR 17
Current Status: May=03 05 Passed Legislature
Section Affected: 431:1-204
- SB0698 HD1 (HSCR 1487) RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER.
Introduced by: Bunda R (BR)
Amends provisions relating to information to be secured with the Hawaii criminal justice data center; civil identification. Adds that the department of the attorney general requires a frontal photograph of the applicant's full face as 1 of the requirements for certificate of identification. -- SB0698 HD1
Committee Reports: SSCR 188 (JHW) HSCR 1487 (FIN)
Current Status: Apr-20 05 Received by the Governor
Section Affected: 846-28
- SB0700 SD1 HD1 CD1 (CCR 11) RELATING TO NUISANCE ABATEMENT.
Introduced by: Bunda R (BR)
Establishes provisions relating to standard of proof. Provides that the civil causes of action in nuisance abatement provisions shall be proved by a preponderance of the evidence. Establishes provisions relating to protective order. Provides that if proof of the existence of the nuisance depends, in whole or in part, upon the affidavits or testimony of witnesses who are not law enforcement officers, the court, upon a showing

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of prior threats of violence or acts of violence by any defendant may issue orders to protect those witnesses including, but not limited to, the nondisclosure of the name, address, or any other information that may identify those witnesses. Establishes provisions relating to contempt. Provides that any person who knowingly violates any order issued shall be subject to civil contempt as well as punishment for criminal contempt of court. -- Amends provisions relating to injunctions against persons, temporary writ, and order of abatement to include maintaining, aiding, abetting, or permitting the nuisance. Adds that the court's orders may include an order suspending or revoking any business, professional, operational, or liquor license. -- SB0700 CD1
Committee Reports: SSCR 638 (JHW) HSCR 1288 (JUD) CCR 11
Current Status: May=03 05 Passed Legislature
Section Affected: 712- (3 SECTIONS), 712-1270.5, 712-1271, 712-1272, 712-1273, 712-1275, 712-1276

SB0702 SD2 HD1 CD1 (CCR 36)

RELATING TO ANTITRUST.

Introduced by: Bunda R (BR)

Amends provisions relating to mergers, acquisitions, holdings, and divestitures. Redefines person to include limited partnerships, limited liability partnerships, limited liability limited partnerships and limited liability companies. Changes corporation to person. Allows a person to hold the stock, interest, or membership in any other person provided the person do not seek to create a monopoly in any line of commerce in any section of the State. Defines control as owning or having the power to vote 80 per cent or more of any class of voting securities of the subsidiary, having the power to elect, by any means, a majority of the directors, or having the power to exercise a dominant influence over the management policies of the subsidiary. Defines subsidiary to mean any person that is under control of a person. Provides that any person who may or shall be injured in the person's business or property because of anything prohibited may seek injunctive relief against the proposed merger or acquisition. Provides that the court may order a divestiture where it finds that the holding of the whole or any part of the stock, interest, membership, or assets of any other person may be used to substantially lessen competition or to create a monopoly in any line of commerce in any section of the State. -- SB0702 CD1

Committee Reports: SSCR 597 (CPH) SSCR 747 (JHW) HSCR 1127 (CPC) HSCR 1507 (JUD) CCR 36

Current Status: May=03 05 Passed Legislature

Section Affected: 480-1, 480-7, 480-13

SB0708 SD2 HD2 CD1 (CCR 126)

RELATING TO CHAPTER 846E.

Introduced by: Bunda R (BR)

Establishes provisions relating to automatic termination of registration requirements. Provides that the registration requirements for a covered offender whose most serious covered offense is a class A, B, or C felony who has complied with registration requirements, who is not a sexually violent predator, and is not a repeat offender or convicted of aggravated sexual offense may petition the court for termination of registration. -- Establishes provisions relating to presumptions; civil hearing, tolling, and determination of whether a sex offender is a sexually violent offender. -- Changes the sex offender registration and notification law to the registration of sex offenders and other covered offenders and public access to registration information law. Defines covered offender as all offenders against minors, sex offenders, and any person who is convicted of an offense that is not a covered offense, but by stipulation, agrees that the offense involved conduct chargeable as a crime against children or as a sexual offense. -- SB0708 CD1

Committee Reports: SSCR 600 (JHW) SSCR 998 (WAM) HSCR 1266 (JUD) HSCR 1617 (FIN) CCR 126

Current Status: May=03 05 Passed Legislature

Section Affected: 846E- (4 SECTIONS), 846E-1, 846E-2, 846E-3, 846E-4, 846E-5, 846E-6, 846E-7, 846E-9

SB0738 SD1 HD1 CD1 (CCR 153)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Bunda R (BR)

Establishes provisions relating to compromise and settlement. Provides that the board of trustees of the employees' retirement system may compromise or settle any claim for benefits. Provides that a compromise or settlement that would result in a person receiving benefits that the person would not otherwise receive requires approval of the attorney general. -- SB0738 CD1

Committee Reports: SSCR 523 (LBR) SSCR 852 (WAM) HSCR 1103 (LAB) HSCR

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1618 (FIN) CCR 153
Current Status: May-03 05 Passed Legislature
Section Affected: 88- (1 SECTION) COMPROMISE AND SETTLEMENT

- SB0754 SD1 HD1 CD1 (CCR 18) RELATING TO INSURANCE.
Introduced by: Bunda R (BR)
Amends provisions relating to insurance. Repeals the requirement that the insurance commissioner conduct an examination of each domestic insurer at least once every 3 years. Allows the commissioner to order extension of suspension or revoke an insurer's certificate of authority to transact insurance. Repeals the limit of license suspension to not exceed 1 year. Requires 2 printed copies and 1 copy by electronic, telephonic, or optical means of insurance policy revisions to be filed with the commissioner, including an analysis of the impact of each revision on the rates. Authorizes the liquidator to hold hearings to determine whether assets of the insurer have been concealed, misappropriated, or improperly transferred. Amends provisions relating to recovery of premiums owed to require an insurer to pay upon written demand by the liquidator. Provides that the circuit court of the 1st judicial circuit shall have original but not exclusive jurisdiction of all civil proceedings to hear and determine the rights of any producer, premium finance company, insured, liquidator, or any other person for the recovery of premiums. Requires the commission to notify other compacting states of the introduction of legislation repealing the compact within 10 days of its receipt of notice. -- SB0754 CD1
Committee Reports: SSCR 653 (CPH) HSCR 1128 (CPC) HSCR 1508 (JUD) CCR 18
Current Status: May=03 05 Passed Legislature
Section Affected: 431:2-302, 431:3-219, 431:9-237, 431:14-105, 431:15-310, 431:15-323, 431:30-107, 431:30-119
- SB0761 SD2 HD1 CD1 (CCR 5) RELATING TO MENTAL HEALTH.
Introduced by: Bunda R (BR)
Amends the mental health, alcohol, drug abuse treatment insurance benefits law. Redefines serious mental illness to mean a mental disorder consisting of at least 1 of the following schizophrenia, schizo affective disorder, bipolar types I and II, obsessive compulsive disorder, dissociative disorder, delusional disorder, and major depression. -- SB0761 CD1
Committee Reports: SSCR 119 (HTH) SSCR 674 (CPH) HSCR 1189 (HLT) HSCR 1558 (CPC) CCR 5
Current Status: May=03 05 Passed Legislature
Section Affected: 431M-1
- SB0768 SD1 HD1 (HSCR 1191) RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS.
Introduced by: Bunda R (BR)
Establishes provisions relating to no rules combat, extreme or ultimate fighting, and other similar competitions prohibited; exemption. Provides that no person shall hold, promote, or participate as a contestant in any no rules combat, extreme or ultimate fighting, or other similar competition. -- Establishes provisions relating to exemption. Provides that at least 30 days prior to a match or exhibition, a promoter shall provide the department of commerce and consumer affairs information and documents together with a review and enforcement fee of 500 dollars to establish that the match or exhibition is not prohibited. -- Establishes provisions relating to violation and penalty; rebuttable presumption. Adds that a person in violation of these provisions shall be subject to a fine of not more than 10,000 dollars for each offense. -- Repeals provisions relating to no rules combat, extreme or ultimate fighting; or similar contests prohibited. -- SB0768 HD1
Committee Reports: SSCR 655 (CPH) HSCR 1191 (TAC) HSCR 1509 (JUD)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 440D- (6 SECTIONS), 440D-1
- SB0778 SD1 (SSCR 779) MAKING AN EMERGENCY APPROPRIATION FOR SERVICES TO CHILDREN WITH AUTISM SPECTRUM DISORDER, AND FOR SCHOOL-BASED BEHAVIORAL HEALTH SERVICES
Introduced by: Bunda R (BR)
Appropriation to the department of education for increased costs due to an increase in required services to students with autism spectrum disorder and in school based behavioral health services. (\$\$) -- SB0778 SD1
Committee Reports: SSCR 45 (EDM) SSCR 779 (WAM) HSCR 1293 (FIN)

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Current Status: Apr-01 05 Received by the Governor
Apr-15 05 Approved by Governor (Act 6 2005)

SB0780

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.
Introduced by: Bunda R (BR)
Amends the Hawaiian homes commission Act. Provides that brothers or sisters who are at least 1/4 Hawaiian may receives a lessee's interest upon death. Establishes brothers and sisters as heir when there is no husband, wife, child, or grandchild. -- SB0780
Committee Reports: SSCR 741 (JHW) HSCR 1292 (HAW/ HSG/)
Current Status: Apr-01 05 Received by the Governor
Apr-20 05 Approved by Governor (Act 16 2005)
Secion Affected: HAWAIIAN HOMES COMMISSION ACT 1920 209

SB0781

RELATING TO ENFORCEMENT OF QUARANTINE.
Introduced by: Bunda R (BR)
Amends provisions relating to quarantine without removal, duty of police officers to assist in removals by adding enforcement of quarantine. -- SB0781
Committee Reports: SSCR 120 (HTH) SSCR 728 (JHW) HSCR 1083 (AGR) HSCR 1510 (JUD)
Current Status: Apr-07 05 Received by the Governor
Apr-25 05 Approved by Governor (Act 29 2005)
Section Affected: 325-9

SB0782 SD1 (SSCR 121)

MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES.
Introduced by: Bunda R (BR)
Amends Act 200, session laws of 2003, as amended by Act 41, session laws of 2004, relating to the state budget, by increasing the appropriation for health resources administration (HTH 595). Appropriation to the department of health. (\$\$) -- SB0782 SD1
Committee Reports: SSCR 121 (HTH) SSCR 805 (WAM) HSCR 1294 (FIN)
Current Status: Apr-01 05 Received by the Governor
Apr-15 05 Approved by Governor (Act 7 2005)
Section Affected: ACT 200 2003, ACT 41 2004

SB0789 HD1 (HSCR 1299)

MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES.
Introduced by: Bunda R (BR)
Appropriation to the department of health for the department's program to provide home and community based services for the developmentally disabled or mentally retarded (title XIX waiver program). -- Amends Act 200, session laws of 2003, as amended by Act 41, session laws of 2004, relating to the state budget, by increasing the appropriation for home and community based care services (HMS 603). (\$\$) -- SB0789 HD1
Committee Reports: SSCR 330 (HTH/ HMS/) SSCR 960 (WAM) HSCR 1299 (FIN)
Current Status: Apr-07 05 Received by the Governor
Apr-19 05 Approved by Governor (Act 15 2005)
Section Affected: ACT 200 2003, ACT 41 2004

SB0791 SD2 HD2 CD1 (CCR 106)

RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS.
Introduced by: Bunda R (BR)
Establishes provisions relating to special treatment facilities. Requires all special treatment facilities to be licensed and to mean a therapeutic residential program for care, diagnosis, treatment, or rehabilitation for socially or emotionally distressed persons, mentally ill persons, persons suffering from substance abuse, and developmentally disabled persons. -- Establishes provisions relating to therapeutic living programs. Requires therapeutic living programs to be licensed and to mean a supervised living arrangement that provides mental health, substance abuse services or supportive services for individuals or families who do not need the structure of a special treatment facility and are transitioning from a more restrictive treatment setting to independent living. Prohibits a permit to be issued by a county agency for operation of a drug rehabilitation home unless a public informational meeting is held in the affected county. Repeals the use of drug rehabilitation homes in residential zones. -- SB0791 CD1
Committee Reports: SSCR 581 (HTH) SSCR 806 (WAM) HSCR 1079 (HLT/ HUS/)
HSCR 1255 (JUD) HSCR 1626 (FIN) CCR 106
Current Status: May=03 05 Passed Legislature

SENATE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 321- (2 SECTIONS), 46-4, 46-15.39

- SB0797 SD1 HD1 CD1 (CCR 34) RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.
Introduced by: Bunda R (BR)
Amends provisions relating to the housing and community development corporation of Hawaii. Redefines public housing project and public housing complex. Amends provisions allowing the corporation to permit any qualified member of a tenant family of a public housing project to enter into a contract for the acquisition of a dwelling unit and lot or a dwelling unit and the lease of the lot. -- SB0797 CD1
Committee Reports: SSCR 617 (CPH) HSCR 1204 (HSG) HSCR 1496 (FIN) CCR 34
Current Status: May=03 05 Passed Legislature
Section Affected: 201G-1, 201G-31, 201G-41, 201G-71, 201G-32, 201G-42, 201G-43, 201G-44, 201G-45, 201G-47, 201G-51, 201G-72, 201G-76, 201G-78, 201G-92, 201G-94, 201G-95, 201G-96, 201G-98, 201G-99, 201G-100, 201G-152, 201G-391
- SB0802 SD2 HD1 CD1 (CCR 113) RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM.
Introduced by: Bunda R (BR)
Establishes provisions relating to the State pharmacy assistance program. Establishes the state pharmacy assistance program within the department of human services. Provides that if there are no federally approved prescription drug plans available in the State that provides a full coverage prescription drug benefit the program may coordinate the prescription drug coverage with the federal medicare part D prescription drug benefit. -- Establishes eligibility requirements and benefits of the program. -- Establishes the State pharmacy assistance program special fund, into which all moneys received from manufacturers that pay rebates; appropriations made by the legislature to the fund; and any other revenue designated for the fund shall be deposited for reimbursement payments to participating pharmacies; the costs of administering the state pharmacy assistance program; and any other purpose deemed necessary by the department for the purpose of operating and administering the state pharmacy program. Annual report to the legislature. Appropriation out of the fund. (\$\$) -- SB0802 CD1
Committee Reports: SSCR 559 (HTH/ CPH/) SSCR 807 (WAM) HSCR 1244 (HUS/ HLT/) HSCR 1631 (FIN) CCR 113
Current Status: May=03 05 Passed Legislature
Section Affected: 346- (7 SECTIONS) STATE PHARMACY ASSISTANCE PROGRAM
- SB0807 SD1 HD1 CD1 (CCR 107) RELATING TO SALARIES.
Introduced by: Bunda R (BR)
Amends provisions relating to salaries and wages of the chief elections officer, chairperson of the Hawaii labor relations board, the administrator of the state procurement office, manager and deputy manager of the stadium authority, vice director of civil defense, the chairperson of the public utilities commission, recycling coordinator, the director of the executive office on aging, the chairperson of the Hawaii paroling authority, the director of the office of veterans services, the chairperson of the labor and industrial relations appeals board, the commissioner of financial institutions, and the state public defender. Appropriation. (\$\$) -- SB0807 CD1
Committee Reports: SSCR 485 (LBR/ TGO/) SSCR 854 (WAM) HSCR 1184 (LAB) HSCR 1622 (FIN) CCR 107
Current Status: May=03 05 Passed Legislature
Section Affected: 11-1.6, 89-5, 103D-204, 109-2, 128-3, 269-2, 342G-12.5, 349-2, 353-63, 363-2, 371-4, 412:2-100, 802-11
- SB0813 SD2 HD2 CD1 (CCR 127) RELATING TO EMPLOYMENT SECURITY.
Introduced by: Bunda R (BR)
Amends provisions relating to employment security. Provides 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 programs 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. Appropriation from the unemployment insurance trust fund to the department of labor and industrial relations for the city and county of Honolulu's workforce investment board who shall partner with the Leeward community college to provide federal Wagner Peyser services for immigrants from the freely associated states, to the county of Maui's workforce investment board, to the county of

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Kauai's workforce investment board, and to the county of Hawaii's workforce investment board to partner with the department of labor and industrial relations, workforce development division, to provide federal Wagner Peysner services for the eradication of coqui frogs and / or other invasive species and to serve residents of Hamakua, Waimea, Kohala, and Waikoloa. Also to improve employer outreach and services, labor force pool expansion, capacity building, and to fund some shared costs for the operations of the 1 stop career centers within each county. Also to implement a computer system that benefits workforce development. Report to the legislature on the timely release of funds. (\$\$) -- SB0813 CD1

Committee Reports: SSCR 488 (LBR) SSCR 855 (WAM) HSCR 1221 (LAB) HSCR 1620 (FIN) CCR 127

Current Status: May=03 05 Passed Legislature

Section Affected: 383-123

SB0817 SD2 HD1 CD1 (CCR 154)

RELATING TO THE EMPLOYMENT SECURITY LAW.

Introduced by: Bunda R (BR)

Amends provisions relating to how contribution rates are determined. Adds provisions regarding assignment of rates and transfers of experience. Provides that violators be charged with a misdemeanor but subject to a maximum fine of 10,000 dollars. -- SB0817 CD1

Committee Reports: SSCR 489 (LBR) SSCR 989 (WAM) HSCR 1547 (FIN) CCR 154

Current Status: May-03 05 Passed Legislature

Section Affected: 383-66, 383-142, 383-143

SB0834 SD2 HD1 (HSCR 1550)

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 to apply for taxable years beginning after December 31, 2004. Provides that the charitable cash contributions for the relief of victims of the Indian Ocean tsunami are applicable for the calendar years that ended December 31, 2004 and ending December 31, 2005 (sunset). Provides that section 179B (with respect to expensing of capital costs incurred in complying with environmental protection agency sulphur regulations), section 181 (with respect to special rules for certain film and television productions), section 199 (with respect to the US production activities deduction), and subchapter R (sections 1352 to 1359) (with respect to election to determine corporate tax on certain international shipping activities using per ton rate shall not be operative. Provides that section 168 j relating to Indian reservation and special allowance for certain property acquired after September 10, 2001, and before January 1, 2005, and section 168 k (including the extension of the qualifying aircraft placed in service before January 1, 2006), shall not be operative. Repeals the provision that section 704 (with respect to a partner's distributive share) shall be operative. Provides that sections 6103(i)(3)(C) and 6103(i)(7) (with respect to disclosures of information to the US Justice Department or appropriate federal or state law enforcement agency for purposes of investigating terrorist incidents, threats, or activities, and for analyzing intelligence concerning investigating terrorist incidents, threats, or activities) shall be operative. -- SB0834 HD1

Committee Reports: SSCR 615 (WAM) SSCR 914 (WAM) HSCR 1550 (FIN)

Current Status: May=03 05 Passed Legislature

Section Affected: 235-2.3, 235-2.4, 235-2.45

SB0840 SD1 (SSCR 663)

RELATING TO INCOME TAX WITHHOLDING.

Introduced by: Bunda R (BR)

Amends provisions relating to return and payment of withheld taxes. Provides that each employer whose liability for taxes withheld exceeds 40,000 dollars annually shall remit the complete amount on a semi weekly schedule. -- SB0840 SD1

Committee Reports: SSCR 663 (WAM) HSCR 1096 (EDB) HSCR 1524 (FIN)

Current Status: Apr-07 05 Received by the Governor

Apr-25 05 Approved by Governor (Act 27 2005)

Section Affected: 235-62

SB0842 SD1 (SSCR 662)

RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS.

Introduced by: Bunda R (BR)

Amends provisions relating to withholdings of income tax on the disposition of real property by nonresident persons. Provides that if a single member limited liability company has not elected to be taxed as a corporation, the single member limited liability

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company shall be disregarded for withholding purposes and shall be applied as if the sole member is the transferor. -- SB0842 SD1
Committee Reports: SSCR 662 (WAM) HSCR 1365 (FIN)
Current Status: Apr-05 05 Received by the Governor
Apr-22 05 Approved by Governor (Act 23 2005)
Section Affected: 235-68

- SB0944 SD1 HD1 CD1 (CCR 155) MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS.
Introduced by: Kanno B, Chun Oakland S
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 units 1 (nonsupervisory blue collar employees) and 10 (nonprofessional hospital and institutional workers), for state officers and employees excluded from collective bargaining within these units, and for state employees in units 1 and 10 assigned to the Hawaii health systems corporation. (\$\$) -- SB0944 CD1
Committee Reports: SSCR 668 (WAM) HSCR 1368 (FIN) CCR 155
Current Status: May-03 05 Passed Legislature
- SB0945 SD1 HD1 CD1 (CCR 156) MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS.
Introduced by: Kanno B, Chun Oakland S
Appropriation to the director of finance for salary increases and other cost adjustments 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 excluded within this unit. (\$\$) -- SB0945 CD1
Committee Reports: SSCR 669 (WAM) HSCR 1369 (FIN) CCR 156
Current Status: May-03 05 Passed Legislature
- SB0956 SD1 HD1 CD1 (CCR 27) RELATING TO AGRICULTURAL INSPECTIONS.
Introduced by: Kokubun R, English J
Amends provisions relating to conditions of importation. Adds that the department of agriculture may require the identification of specific articles on negotiable and nonnegotiable warehouse receipts, bills of lading, or other documents of title for inspection of pests. -- SB0956 CD1
Committee Reports: SSCR 621 (WLA/ EIA/) HSCR 1404 (AGR) CCR 27
Current Status: May=03 05 Passed Legislature
Section Affected: 150A-5
- SB0960 HD1 CD1 (CCR 108) RELATING TO CIVIL DEFENSE.
Introduced by: Bunda R
Appropriation out of the hurricane reserve trust fund to the department of defense for tsunami preparedness efforts, including installing and maintaining new siren systems, updating evacuation maps in telephone books, constructing additional shelter space and retrofitting existing public buildings that could serve as emergency shelters, developing statewide residential safe room design standards by January 1, 2006, providing around the clock alert staff for the civil defense division, and expanding public education campaigns emphasizing the need for tsunami and hurricane preparedness. -- Requires the department of defense to develop Hawaii public shelter and residential safe room design criteria by January 1, 2006, and to facilitate impact resistance testing and certification of safe room design, provided that safe room prototype models are developed with public or private sector grants or investments. Requires the department to coordinate with state or county agencies having responsibility for the repair, maintenance, and upkeep of any public building to be retrofitted. -- Amends provisions relating to the loss mitigation grant program. Redefines wind resistive devices to include safe rooms that are defined and built pursuant to the rules of the department of defense's civil defense divisions. Reduces the amount of the grant awarded for the installation of wind resistive devices and repeals reimbursement of a percentage of the inspection cost as part of the award. -- Appropriation out of the hurricane reserve trust fund for deposit into the loss mitigation grant fund. Appropriation out of the loss mitigation grant fund to the department of commerce and consumer affairs for the loss mitigation grant program. (\$\$) -- SB0960 CD1
Committee Reports: SSCR 542 (TGO) SSCR 902 (WAM) HSCR 1099 (PSM) HSCR 1493 (FIN) CCR 108
Current Status: May=03 05 Passed Legislature
Section Affected: 431:22-101, 431:22-104
- SB0962 SD2 HD2 CD1 (CCR 129) RELATING TO PREVAILING WAGES.

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Introduced by: Bunda R

Establishes provisions relating to applicability; wages, hours, and other requirements. Provides that every laborer and mechanic performing work on the construction of any public work project shall be paid no less than prevailing wages, provided that the prevailing wages shall be established by the director of labor and industrial relations as the sum of the basic hourly rate and the cost to an employer of providing a laborer or mechanic with fringe benefits. -- SB0962 CD1

Committee Reports: SSCR 492 (LBR/ TGO/) SSCR 725 (JHW) HSCR 1264 (EDB/ LAB/) HSCR 1634 (FIN) CCR 129

Current Status: May=03 05 Passed Legislature

Section Affected: 104-2

SB1003 SD2 HD2 CD1 (CCR 7)

RELATING TO NET ENERGY METERING.

Introduced by: English J, Chun Oakland S, Tsutsui S, Fukunaga C

Establishes provisions relating to maximum capacity of eligible customer generator. Provides that the eligible customer generator shall have a capacity of not more than 50 kilowatts. Allows the public utilities commission to increase the maximum allowable capacity. Amends provisions relating to net energy metering. Redefines eligible customer generator by repealing the maximum capacity limitation of 50 kilowatts. Allows the commission to increase the total rated generating capacity produced by eligible customer generators to an amount above .5 per cent of the electric utility's system peak demand. Further allows the commission to amend the rate structure or standard contract or tariff. Provides that excess electricity generated by the customer generator in each monthly billing period shall be carried over to the next month as a monetary value to the credit of the eligible customer generator. -- SB1003 CD1

Committee Reports: SSCR 88 (EIA) SSCR 935 (CPH) HSCR 1120 (EEP) HSCR 1564 (CPC) CCR 7

Current Status: May=03 05 Passed Legislature

Section Affected: 269- (1 SECTION), 269-101, 269-102, 269-104, 269-105, 269-106, 269-107, 269-108, 269-109, 269-110

SB1018 SD1 HD1 CD1 (CCR 22)

RELATING TO HUMAN SERVICES.

Introduced by: Chun Oakland S

Establishes a temporary private preschool licensing and accreditation task force. Provides that the task force shall develop recommendations for licensing and accreditation standards, policies, and procedures for private elementary schools serving children under the age of 5, with special focus on the policies and procedures of the western association of schools and colleges and the health and safety standards of the department of human services. Report to the legislature and the department. Task force to cease to exist on June 30, 2006 (sunset). -- SB1018 CD1

Committee Reports: SSCR 731 (HMS/ EDM/) HSCR 1364 (EDN/ HUS/) CCR 22

Current Status: May=03 05 Passed Legislature

SB1038 SD2 HD1 CD1 (CCR 101)

RELATING TO THE HAWAII PROCUREMENT INSTITUTE.

Introduced by: Inouye L

Repeals the procurement institute from under the administrator of the procurement office and establishes the procurement institute at the William S. Richardson school of law of the university of Hawaii. -- SB1038 CD1

Committee Reports: SSCR 66 (TGO/ HRE/) SSCR 904 (WAM) HSCR 1021 (EDB) HSCR 1233 (HED) HSCR 1614 (FIN) CCR 101

Current Status: May=03 05 Passed Legislature

Section Affected: (1 SECTION), 103D-206

SB1100 SD2 HD1 CD1 (CCR 40)

RELATING TO PSEUDOEPHEDRINE.

Introduced by: Baker R (BR)

Establishes provisions relating to pseudoephedrine permit. Provides that beginning January 1, 2006, any person transporting by any means more than 3 packages of any product the sale of which is restricted by the uniform controlled substances act shall obtain a pseudoephedrine permit issued by the department of public safety. Establishes provisions relating to unlawful transport of pseudoephedrine. Provides that a person commits the offense of unlawful transport of pseudoephedrine if the person transports more than 3 packages of any product the sale of which is restricted by the uniform controlled substances act without a permit issued from the department. Provides that unlawful transport of pseudoephedrine is a misdemeanor. Establishes provisions relating to sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirements for wholesalers. Provides that a pharmacy or retailer may

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dispense, sell, or distribute without a prescription not more than 3 packages or not more than 9 grams per transaction, of any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, optical isomers, or salts of optical isomers, as the only active ingredient or in combination with other active ingredients. Provides that every wholesaler shall report to the administrator all sales made to any retailer, of any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, optical isomers, or salts of optical isomers, as the only active ingredient or in combination with other active ingredients. -- SB1100 CD1

Committee Reports: SSCR 441 (HTH) SSCR 936 (CPH) HSCR 1540 (JUD) CCR 40
Current Status: May-03 05 Passed Legislature
Section Affected: 329- (3 SECTIONS) PSEUDOEPHEDRINE PERMIT

SB1117 SD1 HD1 CD1 (CCR 19)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC.

Introduced by: Bunda R

Authorizes the issuance of special purpose revenue bonds to assist Hawaiian Electric Company, Inc., Maui Electric Company, Limited and Hawaii Electric Light Company, Inc., Hawaii corporations, to continue multi project capital improvement programs, including the acquisition of land, facilities used to produce electricity, transmission and distribution facilities, and other electric systems and facilities, or any combination thereof, provided that public utilities commission approval be required for any project. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- SB1117 CD1

Committee Reports: SSCR 82 (CPH) SSCR 772 (WAM) HSCR 1101 (EEP) HSCR 1512 (FIN) CCR 19
Current Status: May=03 05 Passed Legislature

SB1127 SD1 (SSCR 407)

RELATING TO THE PUBLIC PROCUREMENT CODE.

Introduced by: Taniguchi B

Amends provisions relating to responsibility of offerors. Adds that small purchases do not need verification relating to being incorporated or organized under the laws of the State, or be registered to do business in the State as a separate branch or division that is capable of fully performing under the contract. -- SB1127 SD1

Committee Reports: SSCR 407 (TGO) SSCR 905 (WAM) HSCR 1205 (EDB) HSCR 1789 (FIN)
Current Status: May-03 05 Passed Legislature
Section Affected: 103D-310

SB1132 SD2 HD1 CD1 (CCR 179)

RELATING TO CONDOMINIUMS.

Introduced by: Menor R (BR)

Amends Act 164, session laws of 2004, relating to condominiums. Establishes provisions relating to sales to owner occupants; creation, alteration, and termination of condominiums; registration and administration of condominiums; and protection of condominium purchasers. Repeals the condominium property regimes law. -- SB1132 CD1

Committee Reports: SSCR 81 (CPH) SSCR 774 (WAM) HSCR 1130 (CPC) HSCR 1520 (FIN) CCR 179

Current Status: May-03 05 Passed Legislature

Section Affected: ACT 164 2004, (17 SECTIONS), (23 SECTIONS), (25 SECTIONS), 514A-1, 514A-1.5, 514A-1.6, 514A-2, 514A-3, 514A-4, 514A-5, 514A-6, 514A-7, 514A-11, 514A-12, 514A-13, 514A-13.4, 514A-13.5, 514A-13.6, 514A-14, 514A-14.5, 514A-15, 514A-15.1, 514A-15.5, 514A-16, 514A-17, 514A-18, 514A-19, 514A-20, 514A-21, 514A-22, 514A-31, 514A-32, 514A-33, 514A-34, 514A-35, 514A-36, 514A-37, 514A-38, 514A-39.5, 514A-40, 514A-41, 514A-42, 514A-43, 514A-44, 514A-45, 514A-46, 514A-47, 514A-48, 514A-49, 514A-50, 514A-61, 514A-62, 514A-63, 514A-64.5, 514A-65, 514A-67, 514A-68, 514A-69, 514A-70, 514A-81, 514A-82, 514A-82.1, 514A-82.15, 514A-82.2, 514A-82.3, 514A-82.4, 514A-82.5, 514A-82.6, 514A-83, 514A-83.1, 514A-83.2, 514A-83.3, 514A-83.4, 514A-83.5, 514A-83.6, 514A-84, 514A-84.5, 514A-85, 514A-86, 514A-87, 514A-88, 514A-89, 514A-90, 514A-90.5, 514A-90.6, 514A-91, 514A-92, 514A-92.1, 514A-92.2, 514A-92.5, 514A-93, 514A-93.5, 514A-94, 514A-95, 514A-95.1, 514A-96, 514A-97, 514A-98, 514A-99, 514A-101,

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514A-102, 514A-103, 514A-104, 514A-104.5, 514A-104.6,
514A-105, 514A-107, 514A-107.5, 514A-107.6, 514A-108,
514A-121, 514A-121.5, 514A-122, 514A-123, 514A-124,
514A-125, 514A-126, 514A-127, 514A-131, 514A-132,
514A-133, 514A-134, 514A-135

SB1140 SD1 (SSCR 673)

RELATING TO FINANCIAL SERVICE LOAN COMPANIES.

Introduced by: Menor R (BR)

Amends provisions relating to general powers. Allows a financial service loan company to charge a borrower a returned check fee if a check that has been tendered by the borrower in payment on account of a loan is returned unpaid. Provides that the fee shall not exceed 20 dollars, shall be imposed under separate billing, and shall not be added to a borrower's outstanding balance now deducted from loan payment, and a failure to pay the fee shall not constitute a default under any outstanding loan agreement between the borrower and the financial services loan company. Amends provisions relating to consumer loan charges. Provides that fees, charges, and expenses are charges only on consumer loans that are secured interest in real property; and that the total dollar amount of the fees, charges, and expenses, whether or not itemized, shall not exceed 1 per cent of the principal amount of the loan. Expands 3rd parties to include affiliates, or subsidiaries for services actually rendered. -- SB1140 SD1

Committee Reports: SSCR 673 (CPH) HSCR 1539 (CPC)

Current Status: Apr-14 05 Received by the Governor
Apr-29 05 Approved by Governor (Act 38 2005)

Section Affected: 412:9-200, 412:9-304

SB1170 SD2 HD1 (HSCR 1538)

RELATING TO ELECTRONIC COMMERCE.

Introduced by: Fukunaga C, Chun Oakland S, English J, Baker R, Espero W

Establishes within the department of the attorney general a Hawaii anti phishing task force to examine options to prevent electronic commerce based crimes in the State. Report to the legislature. Task force to cease to exist on June 30, 2006 (sunset). -- SB1170 HD1

Committee Reports: SSCR 544 (CPH/ MAT/) SSCR 645 (JHW) HSCR 1538 (CPC/ JUD/)

Current Status: Apr-21 05 Received by the Governor

SB1194 SD1 HD2 CD1 (CCR 157)

RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN.

Introduced by: Kanno B

Amends provisions relating to composition of the board of trustees. Requires that all 5 members of the board of trustees of the deferred compensation plan who represent employee interests shall be elected by the members of the plan. Amends provisions relating to election and terms. Provides that the terms shall be staggered. Provides that each incumbent member of the board shall complete serving their respective terms and the election of a replacement to fill each elected board position shall be conducted prior to the expiration of the staggered terms of each position. -- SB1194 CD1

Committee Reports: SSCR 390 (LBR) SSCR 868 (WAM) HSCR 1186 (LAB) HSCR 1582 (FIN) CCR 157

Current Status: May-03 05 Passed Legislature

Section Affected: 88E-4, 88E-5

SB1210

RELATING TO FAMILY CHILD CARE.

Introduced by: Chun Oakland S, Inouye L, Baker R, Sakamoto N, English J

Amends Act 242, session laws of 1999, as amended by Act 225, session laws of 2001, relating to family child care homes by repealing the sunset date. -- SB1210

Committee Reports: SSCR 152 (HMS) SSCR 702 (JHW) HSCR 1295 (FIN)

Current Status: Apr-01 05 Received by the Governor
Apr-20 05 Approved by Governor (Act 20 2005)

Section Affected: ACT 242 1999, ACT 225 2001, 46-15.35, 346-151, 501-231, 502-111

SB1230

RELATING TO DENTAL INSURANCE.

Introduced by: Baker R

Amends Act 132, session laws of 2001, as amended by Act 219, session laws of 2002, and Act 128, session laws of 2003, and Act 30, session laws of 2004, relating to the regulation of dental service corporation by changing the sunset date to July 1, 2006. -- SB1230

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Committee Reports: SSCR 103 (HTH) SSCR 675 (CPH) HSCR 1280 (CPC)
Current Status: Mar-31 05 Received by the Governor
Apr-18 05 Approved by Governor (Act 11 2005)
Section Affected: ACT 132 2001, ACT 219 2002, ACT 128 2003, ACT 30 2004

SB1235 HD1 (HSCR 1495)

RELATING TO ELDERLY CARE.
Introduced by: Baker R, Chun Oakland S
Amends Act 211, session laws of 1992, as amended by and Act 338, session laws of 1997, and Act 57, session laws of 2002, relating to a demonstration project at Maluhia hospital known as the program for all inclusive care for the elderly (PACE). Extends the sunset date to June 30, 2007. Amends Act 338, session laws of 1997, as amended by Act 57, session laws of 2002, relating to PACE. Reports to the legislature in 2006 and 2007. -- SB1235 HD1
Committee Reports: SSCR 640 (HTH/ HMS/ WAM/) HSCR 1124 (HLT/ HUS/) HSCR 1495 (FIN)
Current Status: Apr-18 05 Received by the Governor
May-03 05 Approved by Governor (Act 40 2005)
Section Affected: ACT 211 1992, ACT 338 1997, ACT 57 2002

SB1249

RELATING TO EDUCATION.
Introduced by: Sakamoto N
Repeals the school to work system. -- SB1249
Committee Reports: SSCR 42 (EDM) HSCR 1296 (FIN)
Current Status: Apr-01 05 Received by the Governor
Apr-20 05 Approved by Governor (Act 19 2005)
Section Affected: 302A-471, 302A-472, 302A-473, 302A-474, 302A-475

SB1250 SD2 HD2 CD1 (CCR 111)

RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS.
Introduced by: Sakamoto N
Amends provisions relating to the per diem rate for substitute teachers. Provides that the rates shall be determined by the legislature and that the department of education shall develop a classification and compensation schedule that is not restricted to the minimum compensation rates that may exceed them. Further provides that any individual in class I, II, or III who works less than a full 7 hour work day shall be compensated on a prorated hourly basis. Provides that class I, other individuals who do not possess a bachelor's degree shall be compensated at a rate of not less than 119.80 dollars for a full work day; class II, individuals with a bachelor's degree shall be compensated at a rate of not less than 130 dollars for a full work day; and class III, department of education teachers, or licensed or highly qualified teachers, shall be compensated at a rate of not less than 140 dollars for a full work day. Requires the department to report to the legislature on its findings and recommendations including the classification and compensation schedule as well as any proposed legislation. Appropriation to the department of education for possible compensation adjustments. (\$\$) -- SB1250 CD1
Committee Reports: SSCR 475 (LBR/ EDM/) SSCR 990 (WAM) HSCR 1212 (LAB/ EDN/) HSCR 1597 (FIN) CCR 111
Current Status: May=03 05 Passed Legislature
Section Affected: 302A-624

SB1253 SD1 HD1 CD1 (CCR 13)

RELATING TO EDUCATION.
Introduced by: Sakamoto N
Amends provisions relating to mandate to initiate school community councils. Changes the requirement that school community council ensure that the school's academic and financial plans are aligned with the educational accountability system to be consistent rather than aligned. -- SB1253 CD1
Committee Reports: SSCR 47 (EDM) HSCR 1327 (EDN) CCR 13
Current Status: May=03 05 Passed Legislature
Section Affected: 302A-1124

SB1256 HD1 (HSCR 1587)

PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS.
Introduced by: Sakamoto N, Hooser G, Hee C, Tsutsui S, Nishihara C, Baker R, Kokubun R, Espero W, Inouye L
Proposes to amend the constitution. Establishes that the university of Hawaii board of regents of shall be nominated and, by and with the advice and consent of the senate,

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appointed by the governor from pools of qualified candidates presented by the candidate advisory council. -- SB1256 HD1

Committee Reports: SSCR 427 (HRE) SSCR 696 (JHW) HSCR 1069 (HED) HSCR 1251 (JUD) HSCR 1587 (FIN)

Current Status: Apr-25 05 Received by the Governor

Section Affected: ART X S6

SB1257 SD2 HD2 CD1 (CCR 180)

RELATING TO THE UNIVERSITY OF HAWAII.

Introduced by: Sakamoto N, Hooser G, Hee C, Tsutsui S, Nishihara C, Baker R, Kokubun R, Espero W, Inouye L

Establishes provisions relating to candidate advisory council for the board of regents of the university of Hawaii. Establishes the council to assist the governor in determining criteria for and screening and proposing qualified candidates for membership on the board. Increases the number of members on the board from 12 to 15. Provides that the board shall include 1 student member. Provides that 10 members shall represent geographic areas and shall serve no more than 2 consecutive 5 year terms. Requires the senate to consider reconfirmation after the 1st 5 year term. Requires the governor to reduce the terms of those initially appointed to each seat on the board to provide for the expiration of 3 terms each year. -- SB1257 CD1

Committee Reports: SSCR 426 (HRE) SSCR 697 (JHW) HSCR 1070 (HED) HSCR 1253 (JUD) HSCR 1588 (FIN) CCR 180

Current Status: May-03 05 Passed Legislature

Section Affected: 304- (1 SECTION), 26-11, 304-3

SB1262 SD1 HD2 CD1 (CCR 121)

RELATING TO THE WAIANAE COAST.

Introduced by: Hanabusa C

Restricts the department of land and natural resources from issuing any state small boat harbor permits for any vessel owner or operator engaged in ocean use activities until the boundaries of an ocean recreational management area for the area from Kalaeloa point to Kaena point are determined. Requires the department to prepare a baseline environmental study of the area from Kalaeloa to Kaena point. Baseline environmental study (report) to the legislature. -- SB1262 CD1

Committee Reports: SSCR 87 (EIA) SSCR 958 (WAM) HSCR 1152 (EEP) HSCR 1501 (FIN) CCR 121

Current Status: May=03 05 Passed Legislature

SB1267 SD2 HD2 CD1 (CCR 49)

RELATING TO SHARK MONITORING.

Introduced by: Hanabusa C

Appropriation to the department of land and natural resources in conjunction with the Hawaii institute of marine biology to hire a contractor to tag and monitor sharks along the Leeward coast of Oahu from Pearl Harbor to Kaena Point. (\$\$) -- SB1267 CD1

Committee Reports: SSCR 343 (WLA) SSCR 920 (WAM) HSCR 1119 (WLO/ AGR/) HSCR 1505 (FIN) CCR 49

Current Status: May=03 05 Passed Legislature

SB1285 SD2 HD1 CD1 (CCR 43)

RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES.

Introduced by: Hanabusa C

Amends provisions relating to required licenses of physicians of medicine and surgery. Changes provision authorizing traditional Hawaiian healing practices by traditional Hawaiian healers recognized and certified by Papa Ola Lokahi to healing practices by traditional native Hawaiian healers engaged in traditional native Hawaiian healing practices recognized and certified as such by any kupuna council convened by Papa Ola Lokahi. Amends Act 162, session laws of 1998, as amended by Act 304, session laws of 2001. -- SB1285 CD1

Committee Reports: SSCR 171 (HTH/ HMS/) SSCR 659 (CPH) HSCR 1541 (JUD) CCR 43

Current Status: May=03 05 Passed Legislature

Section Affected: 453-2, ACT 162 1998, ACT 304 2001

SB1336 SD1 HD1 (HSCR 1542)

RELATING TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS.

Introduced by: Hanabusa C

Amends provisions relating to exceptions. Provides that if the land under the condominium is owned jointly by lessors, all of whom qualify as tax exempt charitable organizations, the sale by 1 co lessor to another co lessor of its interest in the land under the condominium shall not be subject to the lease to fee conversions for condominiums and cooperative housing corporations law. -- SB1336 HD1

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Committee Reports: SSCR 546 (CPH) SSCR 751 (JHW) HSCR 1542 (JUD/ CPC/)
Current Status: May=03 05 Passed Legislature
Section Affected: 514C-8

SB1345 SD1 (SSCR 83)

RELATING TO CONDOMINIUMS.

Introduced by: Espero W, Fukunaga C

Amends provisions relating to condominium property regimes. Provides that if a dispute is not resolved by mediation, in addition to any other legal remedies that may be available, any party that participated in the mediation may file a request for a hearing with the office of administrative hearings, department of commerce and consumer affairs. Provides that the subject matter of the hearing before the hearing officer may include any matter that was the subject of the mediation. -- SB1345 SD1

Committee Reports: SSCR 83 (CPH) SSCR 752 (JHW) HSCR 1048 (CPC) HSCR 1790 (FIN)

Current Status: May-03 05 Passed Legislature

Section Affected: 514A-121.5

SB1348 SD1 HD1 CD1 (CCR 30)

RELATING TO CONDOMINIUM PROPERTY REGIMES.

Introduced by: Espero W, Fukunaga C

Amends provisions relating to documents of the association of apartment owners. Requires the association's meeting minutes of the board of directors' meetings to be available to any owner at no cost or on a 24 hour loan, at a convenient location designated by the board of directors; or be transmitted to any apartment owner making a request for the minutes within 15 days of the request, provided that the minutes shall be transmitted by mail, electronic mail transmission, or facsimile. Amends Act 164, session laws of 2004. -- SB1348 CD1

Committee Reports: SSCR 690 (CPH) HSCR 1283 (CPC) CCR 30

Current Status: May=03 05 Passed Legislature

Section Affected: 514A-83.5, ACT 164 2004

SB1349 SD1 HD1 CD1 (CCR 20)

RELATING TO CONDOMINIUM PROPERTY REGIMES.

Introduced by: Espero W, Fukunaga C

Amends provisions relating to documents of the association of apartment owners. Requires condominium board of directors to maintain records for the duration those records are kept by the association and to be available for examination by apartment owners at a place designated by the board. Amends Act 164, session laws of 2004, relating to association records. Requires condominium board of directors to maintain records for the duration those records are kept by the association and to be available for examination by apartment owners at a place designated by the board. -- SB1349 CD1

Committee Reports: SSCR 716 (CPH) HSCR 1284 (CPC) CCR 20

Current Status: May=03 05 Passed Legislature

Section Affected: 514A-83.5, ACT 164 2004

SB1352 SD1 HD1 CD1 (CCR 176)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Espero W

Amends provisions relating to scope of negotiations; consultation. Provisions shall not preclude negotiation over procedures criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other disciplinary actions. Provides that the exclusion from negotiation of matters of classification, reclassification, benefits, recruitment, examination, initial pricing, and retirement shall not be used to invalidate provisions of the collective bargaining agreements in effect on and after July 1, 2005. Further provides that violations of procedures and criteria so negotiated may be subject to grievance procedure in the collective bargaining agreement. -- SB1352 CD1

Committee Reports: SSCR 494 (LBR) SSCR 869 (WAM) HSCR 1553 (FIN) CCR 176

Current Status: May-03 05 Passed Legislature

Section Affected: 89-9

SB1362 SD1 HD1 CD1 (CCR 47)

RELATING TO ABANDONED VEHICLES.

Introduced by: Espero W, Inouye L, Hooser G

Amends provisions relating to disposition by counties of certain abandoned vehicles. Redefines an abandoned vehicle to mean a vehicle left unattended for 24 hours or more and is unlawfully parked on any public highway, other public property, or on private lands defined as a setback, shoulder, easement, or right of way adjacent to or part of a public highway. Specifies that the housing and community development corporation of Hawaii

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may cause vehicles that have been abandoned on any public housing property to be taken into custody and disposed of. Provides that the counties may cause vehicles to be taken into custody and disposed of that have been abandoned on roads for which dedication to the State or county is pending approval by the county. -- SB1362 CD1
Committee Reports: SSCR 722 (TGO) HSCR 1058 (EEP) HSCR 1219 (TRN) HSCR 1513 (FIN) CCR 47

Current Status: May=03 05 Passed Legislature
Section Affected: 290-1

SB1378 SD2 HD1 CD1 (CCR 10)

RELATING TO THE PEARL HARBOR HISTORIC TRAIL.

Introduced by: Espero W, Sakamoto N

Establishes provisions relating to the Pearl Harbor historic trail. Designates the path that runs from Halawa landing to Waipahu to be the Pearl Harbor historic trail. -- SB1378 CD1

Committee Reports: SSCR 463 (BED/ MAT/) SSCR 759 (WAM) HSCR 1142 (WLO/ PSM/) HSCR 1583 (FIN) CCR 10

Current Status: May=03 05 Passed Legislature

Section Affected: 6E- (1 SECTION) PEARL HARBOR HISTORIC TRAIL

SB1394 SD2 HD2 CD1 (CCR 117)

RELATING TO EDUCATION.

Introduced by: Sakamoto N, Espero W

Requires the department of education in collaboration with the department of human services and department of health to establish a federal revenue maximization program to identify medicaid eligible health services being provided through the department of education to students and to submit claims for such services through the department of human services. -- Requires the department of health, in collaboration with the department of human services and the department of education to identify sources of funding including medicaid eligible health services, including reimbursable health services, for the establishment and provision of school based or school linked health services at schools in federally designated underserved areas. Quarterly and annual reports to the legislature by the department of education until 2010 (sunset). -- SB1394 CD1

Committee Reports: SSCR 268 (EDM/ HRE/) SSCR 787 (WAM) HSCR 1225 (EDN/ HED/) HSCR 1607 (FIN) CCR 117

Current Status: May=03 05 Passed Legislature

SB1419 SD1 (SSCR 561)

RELATING TO DOMESTIC VIOLENCE.

Introduced by: Baker R, Chun Oakland S

Amends provisions relating to income check off authorized by changing the distribution to the domestic violence prevention special fund to the domestic violence and sexual assault special fund. -- Amends the domestic violence prevention special fund. Changes it to the domestic violence and sexual assault special fund. Provides that fund will be for domestic violence and sexual assault intervention or prevention. -- Amends provisions relating to copies of certificate; fees by changing the distribution to the domestic violence prevention special fund to the domestic violence and sexual assault special fund. -- Requires the department of health to work with providers of services to victims of domestic violence and sexual assault to develop a 5 year strategic plan to reduce the incidence of domestic violence and sexual assault. Report to the legislature. -- Requires the department of health to work with the sexual violence strategic planning groups to implement the recommendations of the January 2005 strategic plan entitled " Shaping Tomorrow, The Future of Sexual Violence Programs in Hawaii " that was presented by the sexual violence strategic planning group. Report to the legislature. -- SB1419 SD1

Committee Reports: SSCR 561 (HTH/ JHW/) SSCR 810 (WAM) HSCR 1785 (FIN)

Current Status: May-05 05 Passed Legislature

Section Affected: 235-102.5, 321-1.3, 338-14.5

SB1420 SD2 HD3 CD1 (CCR 105)

RELATING TO PSYCHOTROPIC MEDICATION.

Introduced by: Baker R

Establishes provisions relating to psychotropic medication. Prohibits the department of human services from imposing any restrictions or limitation on the coverage for, or a recipient's access to, psychotropic medication provided it is prescribed by a licensed psychiatrist or by a licensed physician in consultation with a psychiatrist duly licensed in the State. Defines psychotropic medication to mean only those agents approved by the US food and drug administration for the treatment of mental or emotional disorders. Establishes provisions relating to preauthorization exemption for psychotropic

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medication. Provides that a licensed physician may prescribe psychotropic medication pursuant to the laws of this State to an individual who is medicaid eligible without the requirement of any preauthorization procedure; provided that the individual is in need of emergency psychiatric or psychological service. Report to the legislature. Act shall cease to exist on June 30, 2007 (sunset). -- SB1420 CD1

Committee Reports: SSCR 607 (HTH/ HMS/) SSCR 814 (WAM) HSCR 1080 (HLT/ HUS/) HSCR 1273 (JUD) HSCR 1592 (FIN) CCR 105

Current Status: May=03 05 Passed Legislature

Section Affected: 346- (2 SECTIONS) PSYCHOTROPIC MEDICATION

SB1427 SD1 HD2 CD1 (CCR 25)

RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT VEHICLES.

Introduced by: English J, Chun Oakland S, Hooser G, Hemmings F

Establishes provisions relating to high energy efficient vehicles. Provides that the procurement policy for all agencies purchasing or leasing motor vehicle fleets shall be to obtain alternative fuel vehicles. Provides that beginning January 1, 2006, all state agencies are directed to procure increasing percentages of alternative fuel vehicles as part of their annual vehicle acquisition plans. -- SB1427 CD1

Committee Reports: SSCR 374 (EIA/ TGO/) SSCR 959 (WAM) HSCR 1111 (EEP) HSCR 1502 (FIN) CCR 25

Current Status: May=03 05 Passed Legislature

Section Affected: 103D- (1 SECTION) HIGHLY ENERGY-EFFICIENT VEHICLES

SB1451 SD2 HD1 CD1 (CCR 110)

RELATING TO IMPROVING WATER QUALITY.

Introduced by: Bunda R

Requires the watershed scientists with the center for conservation and research training (CCRT) of the university of Hawaii to prepare a comprehensive watershed management plan that includes the best strategies to manage water quality problems in Lake Wilson and to identify and solicit federal and other funding and to coordinate the pilot scale demonstration of the constructed wetland designs developed. Appropriation to the university of Hawaii. (\$\$) -- SB1451 CD1

Committee Reports: SSCR 571 (WLA) SSCR 922 (WAM) HSCR 1064 (WLO) HSCR 1234 (HED) HSCR 1514 (FIN) CCR 110

Current Status: May=03 05 Passed Legislature

SB1453 SD2 HD1 CD1 (CCR 21)

RELATING TO PUBLIC SERVICE COMPANY TAX.

Introduced by: Bunda R

Amends provisions relating to public service company tax. Redefines gross income to include gross income from the operation of a private sewer company or private sewer facility. -- SB1453 CD1

Committee Reports: SSCR 208 (CPH) SSCR 776 (WAM) HSCR 1053 (EEP) HSCR 1193 (CPC) HSCR 1503 (FIN) CCR 21

Current Status: May=03 05 Passed Legislature

Section Affected: 239-2

SB1473 SD1 HD1 CD1 (CCR 35)

RELATING TO WAIMANO RIDGE.

Introduced by: Ige D, Nishihara C

Amends provisions relating to nonconventional uses; department of health; approval and authorization; Waimano ridge. Requires the department to provide at least 90 days notification to the affected neighborhood boards and legislators representing the district where Waimano ridge is located, and obtain the approval of the governor prior to new uses or the expanded use of the land as a sex offender treatment facility, drug treatment facility, state laboratory, or other uses. -- Requires the department, in consultation with the department of land and natural resources, residents of Pearl City, the Pearl City community association, and Pearl City neighborhood board no. 21, to prepare an updated master plan for the future use of the state owned Waimano ridge lands. Requires the department to conduct not less than 2 public hearings, noticed 2 weeks in advance, in the Waimano ridge community to obtain public input on formulating the master plan. Report to the legislature. -- SB1473 CD1

Committee Reports: SSCR 580 (HTH) SSCR 715 (WLA) HSCR 1113 (WLO) HSCR 1516 (FIN) CCR 35

Current Status: May=03 05 Passed Legislature

Section Affected: 171- (1 SECTION) NONCONVENTIONAL USES

SB1478 SD1 (SSCR 69)

RELATING TO THE STATE FIRE COUNCIL.

Introduced by: Inouye L

Amends provisions relating to the state fire council by providing that upon the receipt of

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any such federal grants, the state fire council shall administer such fire related federal grant assistance. -- SB1478 SD1
Committee Reports: SSCR 69 (IGA/ TGO/) SSCR 832 (WAM) HSCR 1786 (FIN)
Current Status: May-05 05 Passed Legislature
Section Affected: 132-16

SB1483 SD1 HD1 CD1 (CCR 1) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL.
Introduced by: Inouye L
Authorizes the issuance of special purpose revenue bonds to assist Waimea country school to finance and refinance the planning, acquisition, construction, and improvement of facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- SB1483 CD1
Committee Reports: SSCR 370 (EDM) SSCR 788 (WAM) HSCR 1134 (EDN) HSCR 1499 (FIN) CCR 1
Current Status: May=03 05 Passed Legislature

SB1554 SD1 HD2 CD1 (CCR 122) RELATING TO THE ENVIRONMENT.
Introduced by: English J, Tsutsui S, Baker R, Kokubun R, Chun Oakland S, Fukunaga C, Sakamoto N, Nishihara C, Hemmings F, Hooser G
Establishes provisions relating to an environmental workforce. Establishes the environmental workforce attached to the research corporation of the university of Hawaii. Allows the workforce to employ individuals exempt from civil service and collective bargaining. Requires the environmental workforce to provide labor to assist the counties to prevent the introduction of, controlling, and eradicating invasive species throughout the State, including but not limited to miconia, coqui frogs, fire ants, and other invasive species populations. Provides that the State shall be responsible for funds necessary to cover the unemployment claims on behalf of the employees hired through the environmental workforce and the research corporation of the university of Hawaii shall contribute to the State the current fringe cost charged to the appropriation for unemployment insurance. Allows the research corporation to provide the workforce with training and research opportunities in the biological and social sciences related to the eradication of invasive species. Annual report to the legislature. Repeals Act 4, 3rd special session laws of 2001. -- Requires the research corporation of the university of Hawaii to work in collaboration with the Hawaii invasive species council to effectively deploy the workforce. Appropriation. (\$\$) -- SB1554 CD1
Committee Reports: SSCR 361 (EIA) SSCR 796 (WAM) HSCR 1059 (EEP/ WLO/) HSCR 1237 (HED) HSCR 1504 (FIN) CCR 122
Current Status: May=03 05 Passed Legislature
Section Affected: 193- (1 SECTION), ACT 4 2001 3SP

SB1579 SD1 HD1 CD1 (CCR 158) MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.
Introduced by: Kanno B
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 unit 10 (nonprofessional hospital and institutional workers) and for state officers and employees excluded from collective bargaining within these unit. (\$\$) -- SB1579 CD1
Committee Reports: SSCR 200 (LBR) SSCR 872 (WAM) HSCR 1376 (FIN) CCR 158
Current Status: May-03 05 Passed Legislature

SB1580 SD1 HD1 CD1 (CCR 159) MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.
Introduced by: Kanno B
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 within this unit. (\$\$) -- SB1580 CD1
Committee Reports: SSCR 201 (LBR) SSCR 873 (WAM) HSCR 1377 (FIN) CCR 159
Current Status: May-03 05 Passed Legislature

SB1592 SD1 HD2 CD1 (CCR 102) RELATING TO STATE PLANNING.
Introduced by: Kokubun R, English J, Tsutsui S, Hooser G, Fukunaga C, Sakamoto N, Chun Oakland S, Baker R, Bunda R, Inouye L, Kanno B, Hanabusa C
Establishes the Hawaii 2050 task force to review and update the Hawaii state plan and other fundamentals of community planning. Requires the state office of planning to

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assist the task force. Report to the legislature and the auditor. Requires that after the receipt of the report the office of the auditor shall prepare the Hawaii 2050 sustainability plan. Requires the auditor with the assistance of the office of planning to update the plan every 10 years. Provides that the task force shall cease to operate after the adjournment of the regular session of 2007 (sunset). Appropriation to the office of the auditor. (\$\$) -- SB1592 CD1

Committee Reports: SSCR 184 (WLA) SSCR 925 (WAM) HSCR 1055 (EDB/ WLO/)
HSCR 1615 (FIN) CCR 102

Current Status: May=03 05 Passed Legislature

SB1620 SD2 HD2 CD1 (CCR 123)

RELATING TO STATE FUNDS.

Introduced by: Chun Oakland S

Appropriation out of the emergency and budget reserve fund (rainy day fund) to the judiciary via the children's justice center as a purchase of service 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. -- Appropriation out of the emergency and budget reserve fund to the department of health as a grant to the Kapiolani Medical Center for Women and Children Sex Abuse Treatment Center for the provision of sexual assault direct services throughout Hawaii; as a grant for Catholic Charities of the Diocese of Honolulu for the Lanakila Multi Purpose Senior Center; as a grant for the senior center program at the Moiliili Community Center; as a grant for the senior support program at the Waikiki Community Center; as a subsidy to the St. Francis Medical Center for the operations of the bone marrow registry; as a grant for staff salaries including a full time physician, a half time psychologist, 2 full time nurses, 1 substance and abuse counselor, and other support staff necessary for the operation of the West Hawaii community health center located in Kailua Kona on the island of Hawaii; as a grant for emergency room subsidy at the Waianae District Comprehensive Health and Hospital Board Inc. dba Waianae Coast Comprehensive Health Center; as grants for indigent care at Hana Community Health Center, Kahuku Hospital, and Molokai General Hospital; as a grant for dental health services for the indigent at the Oral Health Institute of the Pacific; as a grant to the Hawaii Primary Care Association to pay for technology, acquisition, expansion, or upgrading of facilities and equipment necessary to provide dental services at federally qualified health centers; for payment of residential services provided by developmental disabilities domiciliary homes and developmental disabilities apartment complexes. -- Appropriation out of the emergency and budget reserve fund to the department of human services for supporting and expanding the chore services program; as a grant for home instruction for parents of pre school children in West Hawaii by the Family Support Services of West Hawaii; as a grant for Hale Mahaolu; and as a grant for the Kapiolani Medical Center for Women and Children for the Kapiolani C.A.R.E. program. -- Appropriation out of the emergency and budget reserve fund to the office of youth services, department of human services, as a grant to the Hawaii Youth Services Network for its Transitional Living Program for Unserved Street Youth. -- Appropriation out of the emergency and budget reserve fund to the department of labor and industrial relations as a grant to the Honolulu Community Action Program, Inc., for personnel to provide supervision and outreach services to the homeless temporarily housed at designated public locations on Oahu, including public parks, unused government facilities, and abandoned military facilities, in a manner consistent with health and safety rules. -- Appropriation out of the emergency and budget reserve fund to the office of community services, department of labor and industrial relations as a grant for Maui Economic Opportunity, Inc., and its night transportation service for dialysis treatment programs in Maui County; as a grant to Ho'omau Ke Ola for the Weed and Seed Program to collaborate with and support existing programs on the Waianae Coast; and for a grant to Kokua Legal Services, Inc., to provide legal and housing assistance to low income families. -- Appropriation out of the emergency and budget reserve fund to the judiciary, circuit court of the 2nd circuit, as a grant for the Domestic Violence Clearinghouse and Legal Hotline for Maui program services. -- Appropriation out of the emergency and budget reserve fund to the housing and community development corporation of Hawaii for costs related to homeless assistance. -- Appropriation out of the emergency and budget reserve fund to Kapiolani Community College, University of Hawaii for nurse training, including a clinical component, teaching by qualified instructors, nurses review course, and certified nursing assistance course. -- Amends Act 45, session laws of 2004, appropriation for the Teen Center at Nanakuli high and intermediate school by adding that the grant is to the Boys and Girls Club of Hawaii and also for operations of the center. (\$\$) -- SB1620 CD1

SENATE BILLS THAT PASSED THE LEGISLATURE

Committee Reports: SSCR 604 (HMS) SSCR 996 (WAM) HSCR 1077 (HLT/ HUS/)
HSCR 1222 (LAB) HSCR 1628 (FIN) CCR 123
Current Status: May=03 05 Passed Legislature
Section Affected: ACT 45 2004

SB1643 SD2 HD2 CD1 (CCR 119)

RELATING TO EDUCATION.

Introduced by: Sakamoto N, Chun Oakland S

Amends provisions relating to new century charter schools. Redefines new century charter schools to mean schools chartered by the board of education. Requires the charter school implementation plan to include identifying, recruiting, and retaining highly qualified instructional faculty; governance structure that incorporates a conflict of interest policy and a plan for periodic board training; and a financial plan based on the most recent fiscal year's per pupil charter school allocation. Allows rather than requires the board to issue a charter upon recommendation of the new century charter school review panel. Requires the State to afford administrative, support, and instructional staff in charter school full participation in the State's system for retirement, workers' compensation, unemployment insurance, temporary disability insurance, and health benefits. Encourages the movement of personnel between charter schools and the department of education. Allows the charter school to propose an alternative weighted student formula, approved by more than 2/3 of the local school boards, to apply to the per pupil allocation for charter schools. Exempts charter schools from public agency and meetings and records law. Provides that employees included in collective bargaining increases shall be allocated by the department of budget and finance to the charter school administrative office for distribution to charter schools. Exempts the office from the state procurement code. Requires the board of education to adopt guidelines for multi year evaluations of charter schools that have been chartered for 4 or more years, or for special evaluations at any time, including schedule of such evaluations and for placing new century charter schools on probation. Authorizes the board of education to hire the executive director of the administrative office on a multi year contract. -- Establishes a task force on charter school governance to identify and recommend to the legislature revisions to the existing charter school law and to help create an effective framework for overseeing and supporting new and existing charter schools. Report to the legislature. Appropriation. -- Requires fringe benefit costs requested to be included in the department of budget and finance's annual budget request. Prohibits fringe benefit costs to be charged directly to or deducted from the charter school per pupil allocation. Requires the department of education to provide the charter school administrative office with all federal grant proposals that include charter schools as potential recipients and timely reports on federal grants received for which charter schools may apply. Appropriation for EDN 600. -- Establishes provisions relating to new century charter schools administration of workers' compensation. Requires the department of human resources development to administer workers' compensation claims for employees of new century charter schools. -- Amends provisions relating to new century charter schools; responsibilities of department of education; special education services. Provides that the department shall be responsible for the offer of a free appropriate public education. Provides that special education programs and services for a special education student shall be determined collaboratively by the student's individualized education program team and the student's parents or legal guardians. Provides that if the new century charter school is unable to provide all the required services then the services shall be provided by the department according to services determined by the student's individualized education program team. (\$\$) --

SB1643 CD1

Committee Reports: SSCR 234 (EDM) SSCR 995 (WAM) HSCR 1227 (EDN/ LAB/)
HSCR 1577 (FIN) CCR 119

Current Status: May=03 05 Passed Legislature

Section Affected: 302A-101, 302A-1182, 302A-1182.5, 302A-1184, 302A-1186,
302A-1187, 302A-1191, 302A-1185, 302A- (1 SECTION),
302A-1188

SB1660 SD2 HD1 CD1 (CCR 44)

RELATING TO EDUCATION.

Introduced by: Sakamoto N

Establishes provisions relating to the education design and construction project assessment fund. Establishes the revolving fund in the department of education. Provides the fund shall be used for defraying costs in carrying out construction projects managed by the department; managing funds representing accumulated vacation and sick leave credits and retirement benefits for non general fund employees in the construction program; equitably collecting and distributing the costs of other current

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expenses associated with capital improvement, repairs and maintenance, and repairs and alterations projects; and managing the payments of employee transportation requirements such as car mileage reimbursements. Requires the superintendent of education to assess construction projects managed by the department based on the superintendent's evaluation of the costs of services for capital improvement, repairs and maintenance, and repairs and alterations projects. Provides that the assessments shall be deposited into the fund. -- Amends provisions relating to the state educational facilities improvement special fund. Replaces the comptroller with the superintendent of education. Places the state education repair and maintenance account under EDN 400 (school support) instead on EDN 100 (school based budgeting). Provides that the department of education shall be responsible for operating and maintaining the capital improvement and repair and maintenance programs. Amends Act 164, session laws of 2004. Appropriation out of the education design and construction project assessment fund for the education design and construction project assessment fund. (\$\$) -- SB1660 CD1

Committee Reports: SSCR 584 (EDM/ TGO/) SSCR 954 (WAM) HSCR 1086 (EDN) HSCR 1523 (FIN) CCR 44

Current Status: May=03 05 Passed Legislature

Section Affected: 302A- (1 SECTION), 36-32, 36-35, 302A-1128, 302A-1312, 302A-1505, ACT 164 2004

SB1661 SD2 HD2 CD1 (CCR 116)

RELATING TO EDUCATION.

Introduced by: Sakamoto N

Amends provisions relating to administrative hearing procedures and subpoena power relating to the education of handicapped children to be for the education of children with a disability. Requires the hearing to be requested within 2 years of the date the parent, guardian, or department of education knew or should have known about the alleged action that formed the basis of the request for a hearing or within 90 days of a unilateral special education placement, where the request is for reimbursement of the costs of the placement. -- SB1661 CD1

Committee Reports: SSCR 43 (EDM) SSCR 793 (WAM) HSCR 1228 (EDN/ LAB/) HSCR 1500 (FIN) CCR 116

Current Status: May=03 05 Passed Legislature

Section Affected: 302A-443

SB1680 SD1 (SSCR 17)

RELATING TO QUALIFICATIONS OF BOARD MEMBERS.

Introduced by: Tsutsui S, English J, Chun Oakland S

Amends provisions relating to board members. Requires that at least 1 member of the board of land and natural resources have a background in conservation and natural resources. -- SB1680 SD1

Committee Reports: SSCR 17 (WLA) HSCR 1279 (WLO)

Current Status: Mar-31 05 Received by the Governor

Apr-18 05 Approved by Governor (Act 9 2005)

Section Affected: 26-15, 171-4

SB1685 SD2 HD1 CD1 (CCR 14)

RELATING TO TAX.

Introduced by: Tsutsui S, English J, Baker R, Nishihara C, Kim D, Hooser G, Sakamoto N

Establishes provisions relating to reciprocal supplying of tax information. Authorizes a tax official of any county to disclose any records relating to the administration of real property taxes to a tax official of the State. Amends administration of taxes, income tax, and transient accommodations tax provisions to allow the department of taxation to permit the counties to inspect tax returns. -- SB1685 CD1

Committee Reports: SSCR 162 (IGA) SSCR 833 (WAM) HSCR 1552 (FIN) CCR 14

Current Status: May=03 05 Passed Legislature

Section Affected: 246A- (1 SECTION), 231-18, 235-117, 237D-13

SB1699 SD1 HD1 CD1 (CCR 45)

RELATING TO CULTURE AND THE ARTS.

Introduced by: Fukunaga C

Appropriation to the department of accounting and general services to support the Hawaii state foundation on culture and the arts biennium grants program to sustain and develop vital community programming in culture, the arts, history, and the humanities for the people of Hawaii. (\$\$) -- SB1699 CD1

Committee Reports: SSCR 366 (MAT) SSCR 890 (WAM) HSCR 1300 (FIN) CCR 45

Current Status: May=03 05 Passed Legislature

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB1702 SD1 HD2 CD1 (CCR 46) RELATING TO HIGH TECHNOLOGY.
Introduced by: Fukunaga C
Establishes provisions relating to the high technology innovation corporation. Provides that the corporation shall be a public, not for profit organization attached to the Hawaii high technology development corporation designed to facilitate the growth and development of the commercial high technology industry in Hawaii. Provides that the corporation shall be under the general management and control of a board of directors. Establishes provisions for the dissolution, patents, copyrights and other rights, and contracts with other state agencies. Annual report to the governor, president of the senate, and speaker of the house of representatives. -- SB1702 CD1
Committee Reports: SSCR 166 (MAT/ BED/) SSCR 891 (WAM) HSCR 1045 (EDB/ LAB/) HSCR 1596 (FIN) CCR 46
Current Status: May=03 05 Passed Legislature
Section Affected: 206M- (9 SECTIONS) HIGH TECHNOLOGY INNOVATION CORPORATION
- SB1713 SD1 (SSCR 315) RELATING TO KALAUPAPA.
Introduced by: English J, Baker R
Establishes provisions relating to liberty, autonomy, and dignity of patient residents. Provides that the legislature declares its intent to ensure all residents at Kalaupapa are treated with dignity, respect, courtesy, and sensitivity and that the protections extended to residents at Kalaupapa are honored and upheld by the department of health. Provides that the department shall ensure and protect the personal liberty, autonomy, and dignity of each resident at Kalaupapa. -- SB1713 SD1
Committee Reports: SSCR 315 (HTH/ HMS/) SSCR 812 (WAM) HSCR 1543 (FIN)
Current Status: Apr-14 05 Received by the Governor
Apr-29 05 Approved by Governor (Act 37 2005)
Section Affected: 326- (1 SECTION) LIBERTY, AUTONOMY, AND DIGNITY OF PATIENT RESIDENTS
- SB1721 SD2 HD2 CD1 (CCR 37) RELATING TO A STATE CULTURAL PUBLIC MARKET.
Introduced by: Kim D, Chun Oakland S
Establishes a state cultural public market within the Hawaii community development authority. Provides that the market shall be located within the Kakaako, Oahu, area. -- SB1721 CD1
Committee Reports: SSCR 578 (BED/ MAT/) SSCR 892 (WAM) HSCR 1229 (EDB) HSCR 1616 (FIN) CCR 37
Current Status: May=03 05 Passed Legislature
- SB1729 SD2 HD2 CD1 (CCR 177) RELATING TO TOURISM.
Introduced by: Kim D
Amends provisions relating to the state parks special fund and the trail and access program to receive funds from the transient accommodations tax revenues. Amends provisions relating to Hawaii tourism authority. Provides that the authority shall be headed by a policy making board of directors which consists of 12 public, voting members, and 4 ex officio nonvoting members, provided that the executive director of the state foundation on culture and the arts or a designated representative shall be an ex officio nonvoting member. Provides that authority may appoint officers, agents, and employees subject to the approval of the board of directors if there is no anticipated shortfall in the tourism special fund and funds have been appropriated by the legislature and allotted as provided by law. -- Amends provisions relating to the convention center enterprise special fund. Allows moneys in the convention center enterprise special fund to be placed in interest bearing accounts or otherwise invested by the authority until such time as the money's may be needed. -- Amends provisions relating to the transient accommodations tax. Provides that excess revenues shall be deposited into the general fund. Increases the percentage that shall be deposited into the tourism special fund. Repeals the limitation that tourism special fund cannot receive more than 62 million 292,000 dollars from tax revenues. Repeals the limitation that the total amount deposited into the state parks special fund and the Hawaii statewide trail and access program shall not exceed 1 million dollars. Provides that .5 per cent shall be transferred to a sub account in the tourism special fund to provide funding for safety and security budget, in accordance with the tourism strategic plan 2005 - 2015. Repeals the transient accommodations tax trust fund. -- SB1729 CD1
Committee Reports: SSCR 459 (TSM) SSCR 997 (WAM) HSCR 1102 (TAC) HSCR 1608 (FIN) CCR 177
Current Status: May-03 05 Passed Legislature

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- Section Affected: 184-3.4, 198D-2, 201B-2, 201B-3, 201B-8, 201B-11, 237D-6.5, 237D-5.5
- SB1732 SD1 HD1 CD1 (CCR 103) MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON.
Introduced by: Bunda R
Appropriation to the department of defense for the purchase and installation of stream gauges and operation and maintenance of a flood warning system for Lake Wilson. Requires matching federal funds. (\$\$) -- SB1732 CD1
Committee Reports: SSCR 77 (TGO) SSCR 910 (WAM) HSCR 1211 (WLO/ PSM/ HSCR 1517 (FIN) CCR 103
Current Status: May=03 05 Passed Legislature
- SB1772 SD1 HD2 CD1 (CCR 23) RELATING TO EMPLOYERS.
Introduced by: Kanno B
Establishes provisions relating to medical assistance application information; annual report; public disclosure. Provides that each applicant for medical assistance under any program administered by the department of human services shall identify the employer of the proposed beneficiary of medical assistance. Defines proposed beneficiary to mean any person who files an application for health care benefits or hospital care for the person or any other individual on whose behalf an application is filed, including children or other dependents of the applicant. Annual report to the legislature identifying all employers who employ 25 or more beneficiaries of medical assistance programs. -- SB1772 CD1
Committee Reports: SSCR 261 (HMS) SSCR 827 (WAM) HSCR 1071 (HUS) HSCR 1272 (JUD) HSCR 1572 (FIN) CCR 23
Current Status: May=03 05 Passed Legislature
Section Affected: 346- (1 SECTION) MEDICAL ASSISTANCE APPLICATION INFORMATION
- SB1778 SD2 HD1 CD1 (CCR 29) RELATING TO CONTRACTORS.
Introduced by: Kanno B
Amends provisions relating to citation for unlicensed activity. Requires a citation to persons acting in the capacity of or engaging in the business of a contractor within the State, without having a license to contain an order to cease and desist from the violation. Adds that the director of commerce and consumer affairs may apply to the appropriate court for injunctive or any other relief the court deems appropriate, including a fine of not less than 10,000 dollars for each offense, against any person who violates a cease and desist order. Provides that each day's violation or failure to comply with a cease and desist order shall be deemed a separate offense. -- SB1778 CD1
Committee Reports: SSCR 85 (CPH) SSCR 1002 (WAM) HSCR 1149 (CPC) HSCR 1571 (FIN) CCR 29
Current Status: May=03 05 Passed Legislature
Section Affected: 444-10.5
- SB1780 SD2 HD2 CD1 (CCR 120) RELATING TO THE COMMISSION ON FATHERHOOD.
Introduced by: Kanno B
Amends Act 156, session laws of 2003, relating to fatherhood. Establishes the state commission on fatherhood within the department of human services instead of the office of the lieutenant governor. Extends the sunset date to June 30, 2007. -- SB1780 CD1
Committee Reports: SSCR 614 (HMS) SSCR 964 (WAM) HSCR 1248 (HUS) HSCR 1610 (FIN) CCR 120
Current Status: May=03 05 Passed Legislature
Section Affected: ACT 156 2003
- SB1796 SD1 HD1 CD1 (CCR 39) RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS.
Introduced by: Menor R
Amends Act 161, session laws of 2002, relating to sentencing for drugs and intoxicating compounds offenses. Provides that a person sentenced for a 1st time drug offense prior to July 1, 2002, may apply for resentencing provided that the person is able to demonstrate to the court a satisfactory record of drug treatment and drug abstinence, and a record free of any criminal conviction from the date of the person's sentencing for the 1st time drug offense to the date of the application for resentencing; and upon resentencing, may apply to the court for expungement of the related conviction and arrest records. Provides that any person previously granted an expungement of a 1st time drug offense shall not be eligible for another expungement under this provision. --

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- SB1796 CD1
Committee Reports: SSCR 39 (JHW) HSCR 1289 (JUD) CCR 39
Current Status: May=03 05 Passed Legislature
Section Affected: ACT 161 2002, (1 SECTION)
- SB1798 HD1 CD1 (CCR 28) RELATING TO NONPROFIT CORPORATIONS.
Introduced by: Menor R (BR)
Amends provisions relating to content of bylaws under condominium management provisions. Provides that the removal and replacement of members of the board of directors of apartment owners shall be by a vote of a majority of the apartment owners. Adds that if bylaws provide for cumulative voting by the owners, the owners may so vote if an owner gives notice of the owner's intent to cumulatively vote before voting commences. Amends Act 164, session laws of 2004. -- SB1798 CD1
Committee Reports: SSCR 632 (CPH) HSCR 1285 (CPC) CCR 28
Current Status: May=03 05 Passed Legislature
Section Affected: 514A-82, ACT 164 2004
- SB1802 SD1 (SSCR 656) RELATING TO CAPTIVE INSURANCE.
Introduced by: Menor R (BR)
Amends provisions relating to captive insurance companies. Changes affiliated company to affiliated entity. Repeals the requirement that the articles of incorporation of a risk retention captive insurance company incorporated as a stock insurer prohibit a stockholder to own more than 10 per cent of the company's stock. -- SB1802 SD1
Committee Reports: SSCR 656 (CPH) HSCR 1049 (CPC) HSCR 1521 (FIN)
Current Status: Apr-07 05 Received by the Governor
Apr-26 05 Approved by Governor (Act 31 2005)
Section Affected: 431:19-101, 431:19-101.3, 431:19-102, 431:19-106, 431:19-107, 431:19-108
- SB1808 SD1 HD1 CD1 (CCR 130) RELATING TO WORKERS' COMPENSATION LAW.
Introduced by: Kanno B
Amends provisions relating to workers' compensation law. Amends the duties and powers of the department of labor and industrial relations and the director of labor and industrial relations to include making, modifying, or repealing rules pertaining to any workers' compensation case. -- Amends provisions relating to vocational rehabilitation. Requires a provider to submit an evaluation report to the employer and director of labor and industrial relations. Requires the evaluation to determine whether the employee requires vocational rehabilitation services, identify the necessary services, and state whether the provider can provide these services. Allows the director to approve a plan that is determined to be in the best interests of and approved by the injured employee. Requires the rehabilitation unit to issue a reconsideration determination to affirm, reverse or modify a request for reconsideration. Authorizes the director to designate the hearings officer and issue a written decision. -- Provides that guidelines on frequency of treatment shall not be considered as an authoritative prescription for health care. -- Provides that if an employee is unable to complete a regular daily work shift due to a work injury the employee shall be deemed totally disabled for work for that day. Provides that if the employee is unable to perform light work, temporary disability benefits cannot be discontinued based solely on the inability to perform light work. -- Provides for annual updates in the medical fee schedules specific to the amount paid to medical providers. -- Prohibits rules adopted or amended on or after January 1, 2005, pertaining to any workers' compensation case from having the force and effect of law. -- Amends proceedings upon claim to include provisions for hearings. -- Allows for reasonable attorney's fees to be awarded. -- Amends provisions relating to reports of physicians, surgeons and hospitals to require interim reports of current diagnosis and prognosis. -- Amends provisions relating to security for payment of compensation; misdemeanor. -- SB1808 CD1
Committee Reports: SSCR 498 (LBR) SSCR 993 (WAM) HSCR 1263 (LAB) HSCR 1527 (FIN) CCR 130
Current Status: May=03 05 Passed Legislature
Section Affected: 386-1, 371-7, 371-8, 386-25, 386-26, 386-31, 386-72, 386-86, 386-94, 386-96, 386-98, 386-121
- SB1814 SD2 HD2 CD1 (CCR 118) RELATING TO IMPACT FEES.
Introduced by: Sakamoto N
Establishes a school impact fee working group administratively attached to the office of the auditor. Requires the working group to examine the background of the salient

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issues, which shall include but not necessarily be limited to an investigation and evaluation of the 2001 Group 70, Inc. and Duncan Associates report entitled "School Fair Share Contribution Study" and its relevancy today; the 1992 study entitled "Impact Fees in Hawaii: Implementing the State Law," and its relevancy today; the differing school facility infrastructure needs posed by infill and new development, condominium, duplex, detached single family homes, and other types of construction, and the varied market prices targeted by differing types of developments; various funding mechanisms and other best practices utilized by other jurisdictions nation wide; current practices engaged in by the department of education to assess and collect fair share contributions and any other relevant means of resource acquisition; potential means of funding; and how to improve the department of education projections for future facilities to be better aligned with various county plans and priorities. Further requires the group to conduct a case study, using central Oahu, on how these issues and proposals may affect a specific, contiguous geographic area that is slated for ongoing, complex, and varied development which will probably result in the need for increased department of education facility capacity. Report to the legislature. Appropriation. Act shall be repealed on July 30, 2006 (sunset). (\$\$) -- SB1814 CD1

Committee Reports: SSCR 274 (EDM/ WLA/) SSCR 794 (WAM) HSCR 1043 (EDN)
HSCR 1217 (EDB/ HSG/) HSCR 1578 (FIN) CCR 118

Current Status: May=03 05 Passed Legislature

SB1816 SD2 HD2 CD1 (CCR 115)

RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS.

Introduced by: Sakamoto N

Amends provisions relating to the zero tolerance policy. Provides that a child shall be allowed to return to school earlier than the department of education's original disciplinary determination if the child gives the school evidence of that a substance abuse assessment has been completed and the child is progressing toward clinical discharge from any substance abuse treatment or substance abuse counseling recommended by the substance abuse assessment or if the substance abuse assessment finds that the child does not need substance abuse treatment or substance abuse counseling, the school may allow the child to return to school earlier than originally indicated and if the child provides a certified copy of the assessment and the child's parent or legal guardian consents to the child receiving follow up counseling or other student support services to be provided by the department. -- Establishes a student substance abuse assessment and treatment advisory task force in the department of health to review the process by which a child who violates the zero tolerance policy for drugs and alcohol in public schools is referred for assessment and treatment of substance abuse and excluded from school. Task force to cease to exist on June 30, 2006 (sunset). Report to the legislature. -- SB1816 CD1

Committee Reports: SSCR 585 (EDM/ HTH/) SSCR 955 (WAM) HSCR 1268 (JUD)
HSCR 1621 (FIN) CCR 115

Current Status: May=03 05 Passed Legislature

Section Affected: 302A-1134.6

SB1843 SD1 HD2 CD1 (CCR 4)

RELATING TO PROCUREMENT.

Introduced by: Hooser G

Establishes provisions relating to indemnification. Provides that a contract for construction design professional services shall not require the person or entity to defend, indemnify, or hold harmless the governmental body, or its employees, officers, or agents from any liability, damage, or loss caused by, or any claim, action, or proceeding arising from, the negligence, errors, omissions, recklessness, or intentional misconduct of the governmental body, its employees, officers, or agents. Provides that the contract may require the person or entity to indemnify and hold harmless the governmental body, its employees, officers, and agents from any liability, damages, or losses, including without limitation reasonable attorneys' fees, or claims, actions, or proceedings, arising from the negligence, errors, or omissions of the person or entity, or the person's or entity's employees, officers, or agents in the performance of their professional services. -- SB1843 CD1

Committee Reports: SSCR 242 (TGO) SSCR 912 (WAM) HSCR 1031 (EDB) HSCR
1613 (FIN) CCR 4

Current Status: May=03 05 Passed Legislature

Section Affected: 103D- (1 SECTION) INDEMNIFICATION

SB1864 SD1 (SSCR 847)

MAKING AN EMERGENCY APPROPRIATION OUT OF THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND.

Introduced by: Taniguchi B

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Appropriation to the judiciary to purchase additional hardware, upgrade and replace the judiciary's network infrastructure, pay for the unanticipated expenses involved in converting data from the judiciary's antiquated TRAVIS case management system to the judiciary information management system, and pay for other expenses necessary to ensure the success of the judiciary information management system project. (\$\$) -- SB1864 SD1

Committee Reports: SSCR 285 (JHW) SSCR 847 (WAM) HSCR 1161 (JUD) HSCR 1566 (FIN)

Current Status: Apr-14 05 Received by the Governor
Apr-29 05 Approved by Governor (Act 36 2005)

SB1872 HD1 CD1 (CCR 24)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES.

Introduced by: Bunda R

Authorizes the issuance of special purpose revenue bonds to assist Palolo Chinese Home, a Hawaii not for profit corporation, and its not for profit subsidiaries, to finance the expansion, construction, and rebuilding of its health care facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- SB1872 CD1

Committee Reports: SSCR 262 (HMS/ HTH/) SSCR 829 (WAM) HSCR 1488 (FIN) CCR 24

Current Status: May=03 05 Passed Legislature

SB1876 SD2 HD2 CD1 (CCR 48)

RELATING TO HIGHWAYS.

Introduced by: Kokubun R, Baker R, Hooser G

Establishes provisions relating to flexibility in highway design; liability of State, counties, and public utilities. Authorizes the department of transportation with regard to a state highway or county with regard to a county highway to select or apply flexible highway design guidelines consistent with practices used by the Federal Highway Administration and the American Association of State Highway and Transportation Officials if a highway requires new construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation. Requires highway design to consider safety, durability, and economy of maintenance; the constructed and natural environment of the area; community development plans and relevant county ordinances; sites listed on the State or National Register of Historic Places; the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; access for other modes of transportation; access to and integration of sites deemed culturally and historically significant to the communities affected; acceptable engineering practices and standards; and safety studies and other pertinent research. Prohibits cause for action or claim against the State, department, counties, or any public utility with facilities within the highway right of way who select flexibility in highway design. Requires the director of transportation to establish new flexible highway design guidelines by June 30, 2006, and to establish a process to address flexible highway design when considering improvements on Hana highway, east Maui, Hanalei road, north Kauai, Hamakua Honokaa heritage corridor, island of Hawaii, Upper Kona road, island of Hawaii, and Ka Iwi coastal highway, eastern Oahu. -- SB1876 CD1

Committee Reports: SSCR 67 (TGO) SSCR 913 (WAM) HSCR 1269 (JUD) HSCR 1630 (FIN) CCR 48

Current Status: May=03 05 Passed Legislature

Section Affected: 264- (1 SECTION) FLEXIBILITY IN HIGHWAY DESIGN

SB1877 HD1 CD1 (CCR 26)

RELATING TO THE OFFICE OF PLANNING.

Introduced by: Kokubun R

Amends provisions relating to general objective, functions, and duties of the department. Requires the department of business, economic development, and tourism to have sole jurisdiction over the land use commission, state planning, and the state planning act. -- Requires the director of the office of planning to be nominated by the governor and by the advice and consent of the senate, and to report to the director of business, economic development, and tourism. -- SB1877 CD1

Committee Reports: SSCR 183 (WLA) SSCR 927 (WAM) HSCR 1109 (EDB/ WLO/) HSCR 1629 (FIN) CCR 26

Current Status: May=03 05 Passed Legislature

Section Affected: 201-2, 225M-2

SB1883 SD2 HD1 CD1 (CCR 32)

RELATING TO MILOLI'I FISHERIES MANAGEMENT AREA.

Introduced by: Kokubun R

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Establishes provisions relating to Miloli'i (Milolii) fisheries management area. Designates the Miloli'i fisheries management area as a community based subsistence fishing area. Requires the department of land and natural resources to adopt strategies to ensure long term sustainability of fish population and encourage scientific study and understanding of subsistence fishing management. -- SB1883 CD1

Committee Reports: SSCR 350 (WLA) SSCR 929 (WAM) HSCR 1362 (WLO) CCR 32
Current Status: May=03 05 Passed Legislature
Section Affected: 188- (1 SECTION) MILOLI'I FISHERIES MANAGEMENT AREA

SB1889 SD1 HD2 CD1 (CCR 160)

RELATING TO APPRENTICESHIPS.

Introduced by: Kanno B

Establishes provisions relating to chapter inoperative, when. Provides that the rules herein are inoperative when jeopardizing the receipt by the State of any federal grant in aid or other federal allotment. -- Amends provisions relating to standards for agreements under apprenticeship law. Requires quality assurance of training personnel, adequate supervision on the job, and specialty licenses relevant to the trade or craft and in the instance of parallel programs, assurance that a continuing need exists in the trade or group of trades, and compliance with the "equal to or better" than requirement. -- Requires the director of labor and industrial relations to establish a committee to be known as the apprenticeship council to promote and approve programs consistent with the standards for agreements. -- SB1889 CD1

Committee Reports: SSCR 478 (LBR/ HRE/) SSCR 941 (CPH) HSCR 1085 (LAB)
HSCR 1598 (FIN) CCR 160

Current Status: May-03 05 Passed Legislature
Section Affected: 372- (1 SECTION), 372-3, 372-4

SB1891 SD2 HD2 CD1 (CCR 33)

RELATING TO BOATING.

Introduced by: Kokubun R, Chun Oakland S, Baker R

Amends provisions relating to permits and fees for state boat harbors. Provides that a vessel used for commercial purposes shall pay, in lieu of moorage and liveaboard fees, a fee based on 3 per cent of the gross revenues derived from the use of the vessel or 2 times the moorage fee assessed for a recreational vessel of the same size, whichever is greater. -- SB1891 CD1

Committee Reports: SSCR 447 (WLA) SSCR 930 (WAM) HSCR 1209 (WLO) HSCR
1584 (FIN) CCR 33

Current Status: May=03 05 Passed Legislature
Section Affected: 200-10, 200-34

SB1903 SD1 HD1 CD1 (CCR 8)

RELATING TO THE SEAWATER AIR CONDITIONING.

Introduced by: English J (BR)

Redefines public utility to exclude any person who owns, controls, operates, or manages any seawater air conditioning district cooling project if at least 50 per cent of the energy required for the seawater air conditioning district cooling system is provided by a renewable energy resource, such as cold, deep seawater. -- SB1903 CD1

Committee Reports: SSCR 352 (WLA/ EIA/) SSCR 942 (CPH) HSCR 1034 (EDB)
HSCR 1150 (EEP) HSCR 1559 (CPC) CCR 8

Current Status: May=03 05 Passed Legislature
Section Affected: 269-1

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- HB0008 HD1 (HSCR 515) RELATING TO MILITARY SERVICE.
Introduced by: Takai K, Oshiro M, Oshiro B, Ito K, Say C, Chong P, Cabanilla R, Takamine D
Establishes provisions relating to Hawaii medal of honor. Provides that the Hawaii medal of honor may be rewarded on behalf of the people of the State of Hawaii to an individual who has been killed in action while engaged in an action against an enemy of the US, engaged in military operations involving conflict with an opposing foreign force, serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the US is not a belligerent party, or serving in a combat zone as designated by presidential order. -- HB0008 HD1
Committee Reports: HSCR 515 (PSM) HSCR 893 (LMG) SSCR 1309 (EDM)
Current Status: Apr-01 05 Received by the Governor
Apr-20 05 Approved by Governor (Act 21 2005)
Section Affected: 121- (1 SECTION) HAWAII MEDAL OF HONOR
- HB0019 HD2 SD2 CD1 (CCR 145) RELATING TO UNIVERSITY PROJECTS AND AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR HOUSING UNITS.
Introduced by: Waters T
Establishes provisions relating to support facility for variable rate revenue bonds under university projects law. Amends provisions relating to the board of regents of the university of Hawaii and the issuance of revenue bonds. Authorizes the issuance of revenue bonds for the construction and / or maintenance of any university housing units. (\$\$) -- HB0019 CD1
Committee Reports: HSCR 575 (HED) HSCR 888 (FIN) SSCR 1196 (HRE) SSCR 1521 (WAM) CCR 145
Current Status: May-03 05 Passed Legislature
Section Affected: 306- (1 SECTION), 306-1, 306-2, 306-4, 306-6, 306-8, 306-10, 306-11, 306-12
- HB0020 SD1 (SSCR 1181) RELATING TO THE UNIVERSITY OF HAWAII.
Introduced by: Waters T
Amends Act 321, session laws of 1986, as amended by Act 283, session laws of 1987, Act 371, session laws of 1989, Act 163, session laws of 1991, Act 314, session laws of 1993, Act 8, special session laws of 1993, Act 180, session laws of 1997, and Act 115, session laws of 1998, which excludes the accounts of the university of Hawaii and the department of education from being supervised by the comptroller of the department of accounting and general services, by extending the sunset date to June 30, 2006. -- HB0020 SD1
Committee Reports: HSCR 268 (HED) HSCR 902 (FIN) SSCR 1181 (HRE) SSCR 1522 (WAM)
Current Status: May-04 05 Received by the Governor
Section Affected: ACT 321 1986, ACT 283 1987, ACT 371 1989, ACT 163 1991, ACT 314 1993, ACT 8 1993 1SP, ACT 180 1997, ACT 115 1998, 40-1, 40-2, 40-4, 40-6, 40-81, 40-58
- HB0078 HD1 (HSCR 711) RELATING TO NUMBER PLATES.
Introduced by: Souki J (BR)
Amends provisions relating to number plates (license plates). Prohibits any person to manufacture, sell, display, permit to be displayed, or possess any reproduction, imitation, or facsimile of a license plate with a similar design, shape, size, and color as the license plates contracted for the director of finance of the city and county of Honolulu. -- HB0078 HD1
Committee Reports: HSCR 13 (TRN) HSCR 711 (JUD) SSCR 1138 (IGA/ TGO/)
Current Status: Mar-29 05 Received by the Governor
Apr-14 05 Approved by Governor (Act 5 2005)
Section Affected: 249-11
- HB0079 RELATING TO SPECIAL NUMBER PLATES.
Introduced by: Souki J
Amends provisions relating to special number plates (license plates), design and issuance by counties. Provides that registration certificates and special number plates may be transferable to any other person if the special number plates are transferred with the motor vehicle. Provides that the director of finance may revoke an organization's approval, if within 3 years of approval, the organization fails to register a minimum of 150 current participants. -- HB0079
Committee Reports: HSCR 14 (TRN) HSCR 710 (JUD) SSCR 1110 (TGO/ IGA/)

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- Current Status: Mar-30 05 Received by the Governor
Apr-15 05 Approved by Governor (Act 8 2005)
Section Affected: 249-9.3
- HB0081 RELATING TO MOTOR CARRIERS.
Introduced by: Souki J
Amends provisions relating to marking of motor carrier vehicles. Provides that markings be readily visible during daylight hours, from a distance of 50 feet (15.24 meters) while the motor carrier vehicle is stationary. -- HB0081
Committee Reports: HSCR 12 (TRN) HSCR 387 (CPC) SSCR 1089 (TGO) SSCR 1363 (CPH)
Current Status: Apr-07 05 Received by the Governor
Apr-25 05 Approved by Governor (Act 28 2005)
Section Affected: 286-202.6
- HB0085 HD2 SD2 (SSCR 1489) RELATING TO HARBORS.
Introduced by: Souki J, Lee M
Establishes provisions relating to Honolulu harbors pier 1 and 2. Provides that the department of transportation shall have jurisdiction and authority over the Honolulu harbor piers 1 and 2. Amends provisions relating to boundaries of the Kakaako community development district. Excludes Honolulu harbors piers 1 and 2 and the areas used for manifested cargo and passenger operations from the district. -- HB0085 SD2
Committee Reports: HSCR 470 (TRN/ WLO/) HSCR 950 (FIN) SSCR 1090 (TGO) SSCR 1489 (WLA)
Current Status: May-05 05 Passed Legislature
Section Affected: 266- (1 SECTION), 206E-32
- HB0098 HD2 SD1 (SSCR 1151) RELATING TO KAHULUI HARBOR.
Introduced by: Nakasone B
Amends provisions relating to restricted fishing in Honolulu harbor, Hilo harbor, by adding Kahului harbor. Prohibits the use of nets to take or kill fish in Kahului harbor, provided that persons may use throw net, opae net, crab net, or nehu net not longer than 50 feet to take nehu for family consumption or bait purposes. -- HB0098 SD1
Committee Reports: HSCR 471 (TRN/ WLO/) HSCR 841 (JUD) SSCR 1151 (WLA)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 188-34
- HB0099 HD1 SD2 (SSCR 1611) RELATING TO BUSINESS.
Introduced by: Hiraki K
Repeals the business action center. Establishes the business action center under the department of commerce and consumer affairs. Annual report to the legislature. -- HB0099 SD2
Committee Reports: HSCR 320 (CPC) HSCR 863 (FIN) SSCR 1175 (CPH) SSCR 1611 (WAM)
Current Status: Apr-29 05 Received by the Governor
Section Affected: (7 SECTIONS) BUSINESS ACTION CENTER, 201D-1, 201D-2, 201D-3, 201D-4, 201D-5, 201D-6, 201D-7
- HB0100 HD1 SD1 CD1 (CCR 100) RELATING TO THE STATE BUDGET.
Introduced by: Say C (BR)
General Appropriations Act of 2005 (state budget). Appropriations for general operating and capital improvement funds for the support of state government operations over the 2005 - 2007 fiscal biennium. Authorizes the issuance of general obligation bonds. (\$\$)
-- HB0100 CD1
Committee Reports: HSCR 816 (FIN) SSCR 1486 (WAM) CCR 100
Current Status: May-03 05 Received by the Governor
Section Affected: ACT 200 2003, ACT 41 2004, 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 259 2001, ACT 3 2001 3SP, ACT 177 2002
- HB0109 HD1 SD2 CD1 (CCR 135) RELATING TO LAND USE COMMISSION.
Introduced by: Schatz B
Amends provisions relating to districting and classification of lands. Allows rural districts to include golf courses, golf driving ranges, and golf related facilities. Prohibits golf

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courses and golf driving ranges from agricultural districts except when approved by a county before July 1, 2005. Amends provisions relating to permissible uses within the agricultural districts. Prohibits golf courses and golf driving ranges from agricultural districts except when approved by a county before July 1, 2005. -- Allows each county's planning department to conduct a study with the executive officer of the land use commission to review boundaries within its jurisdiction to develop policies and boundary amendment recommendations that would expand and enhance the use of rural districts. Requires the county planning departments to report on the legislation to redefine the rural district to the legislature. Appropriation to the department of business, economic development, and tourism to conduct a study to develop policy and recommend boundary amendments to expand and enhance the use of rural districts. (\$\$) -- HB0109 CD1

Committee Reports: HSCR 373 (WLO/ AGR/) - notwithstanding SSCR 1278 (WLA) SSCR 1593 (JHW/ WAM/) CCR 135

Current Status: May=03 05 Passed Legislature

Section Affected: 205-2, 205-4.5, 205-5

HB0115 HD1 SD2 CD1 (CCR 170)

RELATING TO MILITARY AFFAIRS.

Introduced by: Ito K

Appropriation to the department of defense to address the soil problems at the Hawaii state veterans cemetery, provided that a portion of the appropriated amount be used for casket liners. -- Requires the university of Hawaii to establish a program to allow returning military personnel the right to retain admission to programs to which they had been admitted prior to deployment, including students who had been admitted but did not enroll due to the timing of their deployment, provided that the individual is returning from a tour of duty and identifies the prior acceptance to the appropriate campus registrar. -- Establishes provisions relating to uniform maintenance allowance; deposit. Provides that enlisted personnel of the army or air national guard who receive a uniform maintenance allowance from the state department of defense, regardless of the source of the funds, may designate a financial institution account into which the department of accounting and general services is authorized to deposit the member's uniform maintenance allowance. (\$\$) -- HB0115 CD1

Committee Reports: HSCR 238 (PSM) HSCR 486 (PSM) HSCR 727 (FIN) SSCR 1198 (EDM) SSCR 1622 (WAM) CCR 170

Current Status: May-03 05 Passed Legislature

Section Affected: 121- (1 SECTION) UNIFORM MAINTENANCE ALLOWANCE

HB0119 HD1 (HSCR 699)

RELATING TO ELECTIONS.

Introduced by: Cabanilla R, Lee M, Takai K, Oshiro M, Say C, Sonson A, Tsuji C
Amends provisions relating to elections. Provides that no more than the last 4 digits of a voter's social security number shall be required on any candidate nomination forms. -- HB0119 HD1

Committee Reports: HSCR 699 (JUD) SSCR 1296 (JHW)

Current Status: Apr-01 05 Received by the Governor

Apr-19 05 Approved by Governor (Act 13 2005)

Section Affected: 12-3

HB0125 HD2 SD1 CD1 (CCR 68)

RELATING TO OCEAN RESOURCES.

Introduced by: Kanohe E

Establishes provisions relating to Hawaiian outrigger canoes on state shoreline areas. Allows Hawaiian outrigger canoe clubs registered with the Hawaiian canoe racing association, hui wa'a (waa) association, its affiliates, or its successor organization to keep their Hawaiian outrigger canoes on state shoreline areas at no charge, provided that the club shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or undertaken under ocean recreation and coastal areas programs, and shall procure sufficient insurance to provide this indemnification if requested by the department of land and natural resources; the club coordinate the placement of canoes with the applicable state or county authority to appropriately accommodate all beach users; and the club shall secure an annual revocable permit from the applicable state or county agency. -- HB0125 CD1

Committee Reports: HSCR 128 (WLO) HSCR 748 (WLO) SSCR 1178 (WLA) CCR 68

Current Status: May=03 05 Passed Legislature

Section Affected: 200- (1 SECTION) HAWAIIAN OUTRIGGER CANOES ON STATE SHORELINE AREAS

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- HB0140 HD1 SD2 CD1 (CCR 96) RELATING TO HUMAN SERVICES.
Introduced by: Sonson A
Establishes provisions relating to temporary assistance for needy families (TANF); funding and programs; legislative oversight. Provides that the department of human services shall make all data relating to TANF funds available to the senate and house of representatives committees having primary jurisdiction over fiscal, health, and human services issues, upon request. Provides that the legislature may conduct hearings to receive public comment relating to the implementation of the state TANF program and the optimal expenditure of such federal moneys. -- HB0140 CD1
Committee Reports: HSCR 249 (HUS) HSCR 629 (HUS) HSCR 800 (FIN) SSCR 1257 (HMS) SSCR 1596 (WAM) CCR 96
Current Status: May=03 05 Passed Legislature
Section Affected: 346- (1 SECTION) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
- HB0150 HD2 SD2 CD1 (CCR 59) RELATING TO DRIVER LICENSING.
Introduced by: Souki J (BR)
Establishes provisions relating to provisional license for persons under the age of 18. Allows a person at least 16 years of age but under 18 to be granted a provisional license. Authorizes a provisional licensee to drive between the hours of 11:00 p.m. and 5:00 a.m. without being accompanied by a parent or guardian for employment purposes or for school activities. Provides that the provisional licensee shall not transport more than 1 person under the age of 18 between the hours or 11:00 p.m. and 5:00 a.m. without being accompanied and supervised by a licensed driver who is the provisional licensee's parent or guardian. Establishes penalties. -- Authorizes an emancipated minor to be granted a motor vehicle driver's license upon satisfaction of all requirements applicable to persons 18 years of age or older. -- Requires a holder of an instruction permit to be accompanied by a person who is 21 years of age or older, licensed to operate the same category of motor vehicle as the motor vehicle being operated, and to occupy a passenger seat beside the permit holder. -- Provides that if the instruction permit holder is under 18 years of age and is driving between the hours of 11:00 p.m. and 5:00 a.m. a licensed driver who is the permit holder's parent or guardian and licensed to operate the same category of motor vehicle as the motor vehicle being operated shall occupy a passenger seat beside the driver. Further provides that that all occupants of the motor vehicle shall wear seat belts or be restrained by a child passenger restraint (car seat). -- Requires the department of transportation and the department of health to compile and analyze all relevant traffic and accident data to determine the effectiveness of the graduated provisional licensing program. Report to the legislature. Act to be repealed on January 9, 2011 (sunset). -- HB0150 CD1
Committee Reports: HSCR 465 (TRN) HSCR 844 (JUD) SSCR 1044 (TGO) SSCR 1462 (JHW) CCR 59
Current Status: May-03 05 Passed Legislature
Section Affected: 286- (1 SECTION), 286-102, 286-104, 286-106, 286-108, 286-110, 286-111, 286-112, 286-113, 286-114, 286-117
- HB0155 HD1 SD1 (SSCR 1431) RELATING TO TIME SHARING.
Introduced by: Hiraki K
Amends provisions relating to exemptions from mortgage brokers and solicitors law. Provides that a person licensed as a real estate broker or salesperson in the State selling time share interests on behalf of a time share plan developer that is licensed as a mortgage broker is exempt. -- Amends provisions relating to time sharing plans. Defines master development as a real estate development that consists of more than 1 project, including but not limited to a planned community association with 1 or more sub associations. Defines person as an individual, partnership, joint venture, corporation, association, business, trust, or any organized group of persons or legal entity, or any combination thereof. Defines blanket lien to include master lease. Redefines developer to not include a person who has acquired 1 or more time share interests for the person's own use and occupancy and later offers the time share interest for resale; an association not otherwise a developer, that offers for sale, through its plan manager or a 3rd party, time share interests transferred to the association through foreclosure, conveyance in lieu of foreclosure, cancellation for nonpayment of assessments, or gratuitous transfer; and a licensed real estate broker who owns at any 1 time not more than 12 time share interests in a particular time share plan and later offers the time share interest for resale. Defines project as an individual condominium project; 2 or more contiguous condominium projects that have been merged for administrative purposes and that operate as a single condominium project; an individual

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cooperative housing project; an individual subdivision of a single family homes subject to 1 or more project instruments; or an individual subdivision of townhomes subject to 1 or more project instruments. Provides that a master development is not a project. -- HB0155 SD1

Committee Reports: HSCR 137 (CPC) SSCR 1431 (TSM/ CPH/)

Current Status: Apr-26 05 Received by the Governor

Section Affected: 454-2, 514E-1

HB0160 HD2 SD1 CD1 (CCR 171)

RELATING TO THE COMPLIANCE RESOLUTION FUND.

Introduced by: Hiraki K

Amends provisions relating to the compliance resolution fund. Repeals the authority of the insurance commissioner to determine the amount and when assessments are due. Provides that the total amount or amounts to be assessed of insurers shall be calculated based on the commissioner's proposed fiscal year budget, less funds in the insurance regulation sub account of the compliance resolution fund on June 30 of the fiscal year immediately preceding the fiscal year of the proposed budget, and the commissioner's anticipated revenues. -- Amends provisions relating to the captive insurance administrative fund. Repeals the requirement that the insurance commissioner transfer funds to the compliance resolution fund and that all moneys remaining in the fund revert to the general fund. Allows the fund to be used to employ or retain without regard to civil service laws hearings officers, attorneys, investigators, accountants, examiners, and other personnel. -- Requires the office of the auditor to conduct a financial and management audit of the insurance regulation sub account of the compliance resolution fund. Report to the legislature. Appropriation out of the captive insurance administration fund to the department of commerce and consumer affairs for the operating expenses of the captive insurance branch and for the development of the captive insurance industry. (\$\$) -- HB0160 CD1

Committee Reports: HSCR 605 (CPC) HSCR 864 (FIN) SSCR 1249 (CPH) SSCR 1623 (WAM) CCR 171

Current Status: May-03 05 Passed Legislature

Section Affected: 431:2-215, 431:19-101.8

HB0161 HD1 SD1 (SSCR 1316)

RELATING TO SECURITIES.

Introduced by: Hiraki K

Amends provisions relating to securities and exempt transactions. Allows for exemption of offer or sale by or through a real estate broker or salesperson of a rental management contract relating to an apartment rental program in a condominium project including an interest in a legal entity formed for the purpose of managing or operating the rental of apartments or the apartment rental program in the condominium project. Amends Act 164, session laws of 2004. -- HB0161 SD1

Committee Reports: HSCR 25 (CPC) SSCR 1316 (CPH)

Current Status: May-04 05 Received by the Governor

Section Affected: 485-6, ACT 164 2004

HB0162 HD2 SD1 CD1 (CCR 62)

RELATING TO PROCUREMENT.

Introduced by: Hiraki K, Schatz B, Herkes R, Magaoay M

Establishes provisions relating to preference for small businesses, set asides, and use as subcontractors. Provides that the state procurement policy board shall adopt rules to promote the growth and development of small businesses which shall include set asides for small businesses in appropriate classifications of requirements suitable to performance by small businesses and criteria designed to encourage the use of small businesses as subcontractors on large contracts. Redefines small business to mean a business which is independently owned and defined by detailed criteria the policy board shall adopt pursuant to rules that may include the number of employees and similar measures used by the US small business administration. Amends provisions relating to duties of the chief procurement officer. Adds that the chief procurement officer may impose mandatory evaluation criteria designed to encourage the use of small business as subcontractors on large contracts not susceptible to performance by small business. -- HB0162 CD1

Committee Reports: HSCR 528 (EDB) HSCR 909 (FIN) SSCR 1107 (BED) SSCR 1496 (TGO/ WAM/) CCR 62

Current Status: May-03 05 Passed Legislature

Section Affected: 103D- (1 SECTION), 103D-901, 103D-903

HB0164 HD1 SD1 CD1 (CCR 71)

RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING.

Introduced by: Hiraki K

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Establishes provisions relating to unauthorized operation of a recording device in a motion picture theater. Provides that a person commits the offense of unauthorized operation of a recording device in a motion picture theater if the person knowingly operates the audiovisual recording function of any device in a motion picture theater while a motion picture is being exhibited, without the consent of the motion picture theater owner. -- HB0164 CD1

Committee Reports: HSCR 5 (CPC) HSCR 827 (JUD) SSCR 1100 (MAT/CPH/SSCR 1407 (JHW) CCR 71

Current Status: May=03 05 Passed Legislature

Section Affected: 708- (1 SECTION), 663-2

HB0168 HD2 SD1 CD1 (CCR 132)

MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT.

Introduced by: Abinsay F, Tsuji C, Magaoay M, Halford C, Chang J, Karamatsu J
Appropriation to the department of agriculture for the Hawaii farm bureau federation to conduct agricultural research and market development. (\$\$) -- HB0168 CD1

Committee Reports: HSCR 539 (AGR) HSCR 851 (FIN) SSCR 1059 (WLA) SSCR 1573 (WAM) CCR 132

Current Status: May=03 05 Passed Legislature

HB0180

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Takamine D, Lee M, Takumi R, Waters T, Kanoho E, Morita H, Kawakami B, Nishimoto S, Caldwell K, Herkes R, Magaoay M, Ito K

Amends provisions 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. -- HB0180

Committee Reports: HSCR 106 (LAB) HSCR 799 (FIN) SSCR 1177 (LBR) SSCR 1857 (WAM)

Current Status: May=03 05 Passed Legislature

Section Affected: 89C-3

HB0260 SD1 CD1 (CCR 141)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Caldwell K

Appropriation to the director of finance for salary increases and other cost adjustments 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. (\$\$) -- HB0260 CD1

Committee Reports: HSCR 688 (FIN) SSCR 1077 (LBR) SSCR 1548 (WAM) CCR 141

Current Status: May-03 05 Passed Legislature

HB0263 SD1 CD1 (CCR 142)

MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES.

Introduced by: Caldwell K

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 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. (\$\$) -- HB0263 CD1

Committee Reports: HSCR 691 (FIN) SSCR 1080 (LBR) SSCR 1551 (WAM) CCR 142

Current Status: May-03 05 Passed Legislature

HB0278 HD1 SD1 CD1 (CCR 161)

RELATING TO VICTIM RESTITUTION.

Introduced by: Lee M, Caldwell K, Wakai G, Shimabukuro M, Morita H, Arakaki D

Amends provisions relating to the crime victim compensation fee and authorized disposition of convicted defendants. Increases compensation fees that the court may impose. Requires that when a defendant is ordered to make payments in addition to the compensation fee, payments by the defendant shall be made in this order of priority;

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restitution, crime victim compensation fee, probation services fee, other fees, and then fines. -- HB0278 CD1

Committee Reports: HSCR 642 (JUD) HSCR 897 (FIN) SSCR 1210 (JHW) SSCR 1526 (WAM) CCR 161

Current Status: May-03 05 Passed Legislature

Section Affected: 351-62.6, 706-605

HB0283 HD1 SD1 CD1 (CCR 87)

ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR SENATOR HIRAM L. FONG.

Introduced by: Lee M, Schatz B, Chang J, Luke S, Caldwell K, Shimabukuro M, Tsuji C, Morita H

Establishes a commission to recognize and honor Senator Hiram L. Fong which shall have charge of all arrangements for recognizing and honoring Senator Fong. Requires the commission to be placed in the office of the Governor. Reports to the legislature. Commission shall cease to exist after December 31, 2009 (sunset). Appropriation. (\$\$) -- HB0283 CD1

Committee Reports: HSCR 99 (TAC) HSCR 913 (FIN) SSCR 1101 (MAT) SSCR 1564 (WAM) CCR 87

Current Status: May=03 05 Passed Legislature

HB0291 HD1 (HSCR 523)

RELATING TO ADVISORY COMMITTEE ON PESTICIDES.

Introduced by: Evans C, Shimabukuro M

Amends provisions relating to advisory committee on pesticides. Requires that the committee include a landscape professional as a member. -- HB0291 HD1

Committee Reports: HSCR 523 (EEP) HSCR 739 (AGR) SSCR 1150 (EIA/ WLA/)

Current Status: Mar-29 05 Received by the Governor

Apr-14 05 Approved by Governor (Act 4 2005)

Section Affected: 149A-51

HB0295 HD2 SD2 CD1 (CCR 51)

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

Introduced by: Takai K, Ito K

Establishes provisions relating to extension of licenses for members of the armed forces, national guard, and reserves. Provides that any license held by a member of the armed forces, national guard, or a reserve component that expires, is forfeited, or deemed delinquent, while the member is on active duty and deployed during a state or national crisis shall be restored under the restoration guidelines. -- HB0295 CD1

Committee Reports: HSCR 62 (PSM) HSCR 477 (CPC/ JUD/) HSCR 870 (FIN) SSCR 1128 (EDM) SSCR 1364 (CPH) CCR 51

Current Status: May=03 05 Passed Legislature

Section Affected: 436B- (1 SECTION) EXTENSION OF LICENSES FOR MEMBERS OF THE ARMED FORCES, NATIONAL GUARD, AND RESERVES

HB0313

RELATING TO 911 EMERGENCY SERVICE.

Introduced by: Say C (BR)

Establishes provisions relating to misuse of 911 emergency telephone service. Provides that a person commits the offense of misuse of 911 if the person calls 911 and reports false information in reckless disregard of the risk that a public safety agency will respond by dispatching emergency services. -- HB0313

Committee Reports: HSCR 129 (JUD) SSCR 1297 (JHW)

Current Status: Apr-01 05 Received by the Governor

Apr-20 05 Approved by Governor (Act 17 2005)

Section Affected: 710- (1 SECTION) MISUSE OF 911 EMERGENCY TELEPHONE SERVICE

HB0320 HD1 SD1 CD1 (CCR 79)

RELATING TO FINANCIAL DISCLOSURE STATEMENTS.

Introduced by: Say C (BR)

Amends provisions relating to requirements of disclosure. Requires the disclosure of financial interest for an individual leaving a state position within 30 days of separation, if prior financial disclosure statement was not filed within the 180 days preceding date of separation. Changes any business incorporated, regulated, or licensed to carry on business in the State to any business having a value of 5,000 dollars or more, and changes the value of real property in the State to any real property having a value of 10,000 dollars or more. -- HB0320 CD1

Committee Reports: HSCR 702 (JUD) SSCR 1298 (JHW) CCR 79

Current Status: May=03 05 Passed Legislature

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Section Affected: 84-17

HB0325 SD2 CD1 (CCR 95)

RELATING TO EMPLOYMENT PRACTICES.

Introduced by: Oshiro M, Thielen C

Amends provisions relating to temporary disability insurance. Provides that if benefits provided by the plan, agreement, extension or modification include provisions for benefits falling within the definition of sick leave, any amount in excess of the minimum statutory equivalent, as determined by the department of labor and industrial relations may be used for the family leave law. -- HB0325 CD1

Committee Reports: HSCR 77 (LAB) HSCR 732 (FIN) SSCR 1113 (LBR) SSCR 1552 (WAM) CCR 95

Current Status: May=03 05 Passed Legislature

Section Affected: 392-41, 398-1, 398-4

HB0332 HD1 SD2 CD1 (CCR 70)

RELATING TO FROZEN FOOD PRODUCTS.

Introduced by: Takumi R, Hiraki K

Amends provisions relating to notifying the consumer of frozen food products. Prohibits a person from selling or offering to sell any baked goods that have been previously frozen and are being offered for sale in a thawed state, unless the person posts a sign or notice within close proximity of the point of display of the baked goods that notifies purchasers that it is a common practice to flash freeze baked goods to preserve freshness. Provides that the sign or notice shall be entitled: baked goods previously frozen, include the words: previously frozen and thawed, and be composed in all capital letters in bold print in a minimum of 14 point font size; and shall list all baked good products that have been previously frozen, using all capital letters in bold point in a minimum 10 point font size. Requires all suppliers and distributors of previously frozen baked goods for resale in the State to provide their respective retailers with a listing that contains the name of a product and the name of the product's manufacturer for all baked good products supplied or distributed that have been previously frozen and thawed. Provides that no previously frozen baked good product shall use the term fresh as part of the label or advertising to describe the product unless the baked good has been maintained in an unfrozen state. -- HB0332 CD1

Committee Reports: HSCR 594 (HLT) HSCR 716 (CPC) SSCR 1049 (HTH) SSCR 1604 (CPH) CCR 70

Current Status: May=03 05 Passed Legislature

Section Affected: 328-61

HB0384 HD2 SD2 CD1 (CCR 182)

RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL.

Introduced by: Oshiro B, Luke S, Saiki S

Amends provisions relating to appointment of counsel; compensation. Provides that the court shall determine the amount of reasonable compensation to appointed counsel, based on the rate of 90 dollars an hour. Increases the maximum allowable fee for court appointed counsel. Amends Act 202, session laws of 2004. -- HB0384 CD1

Committee Reports: HSCR 125 (JUD) HSCR 883 (FIN) SSCR 1211 (JHW) SSCR 1527 (WAM) CCR 80 CCR 182

Current Status: May-03 05 Passed Legislature

Section Affected: 802-5, ACT 202 2004

HB0390 HD1 SD2 CD1 (CCR 131)

RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX.

Introduced by: Hiraki K, Schatz B

Amends provisions relating to the rental motor vehicle and tour vehicle surcharge tax. Repeals the sunset date of the exemption from the surcharge tax upon lessors if the lessor is renting the vehicle to replace a vehicle of the lessee that is being repaired and the repair order for the vehicle is retained by the lessor for 4 years for verification. -- HB0390 CD1

Committee Reports: HSCR 433 (TRN) HSCR 866 (FIN) SSCR 1056 (CPH) SSCR 1609 (WAM) CCR 131

Current Status: May=03 05 Passed Legislature

Section Affected: 251-2

HB0393 HD1 SD1 CD1 (CCR 172)

RELATING TO THE COUNTIES.

Introduced by: Hiraki K

Amends provisions relating to the general powers and limitations for counties. Requires that unpaid civil fines to taxes, fees, or charges shall not become a part of any taxes, fees, or charges. Allows the county to condition the issuance or renewal of a license, approval, or permit for which a fee or charge is assessed on the payment of unpaid civil

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finer. Provides that the amount of the civil fines shall constitute a lien upon all real property or rights to real property belonging to any person liable for the unpaid civil fines.

-- HB0393 CD1

Committee Reports: HSCR 316 (CPC/ JUD/) HSCR 865 (FIN) SSCR 1193 (IGA/ JHW/) SSCR 1598 (WAM) CCR 172

Current Status: May-03 05 Passed Legislature

Section Affected: 46-1.5

HB0408 HD2 SD1 CD1 (CCR 86)

RELATING TO THE ENVIRONMENT.

Introduced by: Morita H

Amends provisions relating to the applicability and requirements of the environmental impact statements law. Adds that when a conflict of interest may exist because the proposing agency and the agency making the determination are the same, the office of environmental quality control may review the agency's determination, consult the agency, and advise the agency of potential conflicts. -- HB0408 CD1

Committee Reports: HSCR 302 (EEP) HSCR 521 (EEP) HSCR 928 (FIN) SSCR 1246 (EIA) SSCR 1512 (WAM) CCR 86

Current Status: May=03 05 Passed Legislature

Section Affected: 343-2, 343-5

HB0422 HD2 SD2 CD1 (CCR 83)

RELATING TO CRUISE SHIPS.

Introduced by: Souki J, Lee M, Caldwell K

Establishes provisions relating to discharges from commercial passenger vessels. Defines commercial passenger vessel to mean a vessel that carries passengers for hire, excluding vessels authorized to carry fewer than 50 passengers, does not provide overnight accommodations for at least 50 passengers for hire, or are operated by the US or foreign government. Establishes provisions relating to prohibited discharges and limitations on discharges. Prohibits a person to discharge untreated sewage from a commercial passenger vessel into the marine waters of the State. Establishes provisions relating to prohibited air emissions. Prohibits a person to operate an incinerator on a vessel in any Hawaiian port for the combustion of any waste material. Requires the owner or operator of a commercial passenger vessel to maintain records and, upon request of the department, provide a report detailing the dates, times, and locations, and the volumes or flow rates of any discharge of sewage, graywater, or other wastewater into the marine waters of the State, or opacity of air emissions for 3 years after the information was gathered. Exempts commercial passenger vessels that operate solely in innocent passage from this provision. -- HB0422 CD1

Committee Reports: HSCR 251 (TRN) HSCR 848 (EEP/ WLO/) SSCR 1241 (EIA/ TGO/) SSCR 1584 (WAM) CCR 83

Current Status: May=03 05 Passed Legislature

Section Affected: 342D- (11 SECTIONS) DISCHARGES FROM COMMERCIAL PASSENGER VESSELS

HB0437

RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT.

Introduced by: Say C (BR)

Amends provisions relating to operating a vehicle under the influence of intoxicants. Amends the penalty for a person 18 years of age or older who operated a vehicle with a passenger younger than 15 years of age to provide that the term of imprisonment shall not exceed the maximum term of imprisonment for 1st, 2nd, and 3rd offenses. -- HB0437

Committee Reports: HSCR 130 (JUD) SSCR 1091 (TGO) SSCR 1445 (JHW)

Current Status: Apr-13 05 Received by the Governor

Apr-27 05 Approved by Governor (Act 33 2005)

Section Affected: 291E-61

HB0438 HD1 SD2 CD1 (CCR 81)

RELATING TO TRAFFIC OFFENSES.

Introduced by: Say C (BR)

Amends provisions relating to accidents involving damage to vehicle or property. Repeals penalties. -- Amends provisions relating to false reports. Repeals penalties. -- Amends provisions relating to pedestrians' right of way in crosswalks. Provides that the driver of a vehicle shall stop and yield the right of way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. -- HB0438 CD1

Committee Reports: HSCR 703 (JUD) SSCR 1092 (TGO) SSCR 1446 (JHW) CCR 81

Current Status: May=03 05 Passed Legislature

Section Affected: 291C-13, 291C-18, 291C-72

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- HB0447 HD1 SD1 (SSCR 1213) RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.
Introduced by: Say C (BR)
Establishes provisions relating to authority over disbursements. Provides that the office of Hawaiian affairs shall have and exercise the power to make all necessary and appropriate disbursements of its moneys by issuing checks in its own name and by any other means. Allows the department of accounting and general services, with the approval of the office of Hawaiian affairs, to continue to perform the payroll function of the office. -- HB0447 SD1
Committee Reports: HSCR 181 (HAW) HSCR 882 (FIN) SSCR 1213 (JHW) SSCR 1529 (WAM)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 10- (1 SECTION) AUTHORITY OVER DISBURSEMENTS
- HB0450 HD2 SD2 (SSCR 1487) RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.
Introduced by: Say C (BR)
Office of Hawaiian Affairs Appropriations Act of 2005 (OHA budget). Appropriations to the office of Hawaiian affairs for the 2005 - 2007 fiscal biennium. (\$\$) -- HB0450 SD2
Committee Reports: HSCR 335 (HAW) HSCR 1006 (FIN) SSCR 1269 (JHW) SSCR 1487 (WAM)
Current Status: May-05 05 Passed Legislature
- HB0460 HD2 SD1 CD1 (CCR 162) RELATING TO THE CIVIL SERVICE.
Introduced by: Say C (BR)
Amends provisions relating to election employees. Allows the chief election officer to employ staff with or without regard to civil service, and without regard to collective bargaining, and employment of attorneys laws. Exempts from any collective bargaining unit employees of the office of elections. -- HB0460 CD1
Committee Reports: HSCR 659 (JUD/ LAB/) HSCR 955 (FIN) SSCR 1221 (JHW/ LBR/) SSCR 1586 (WAM) CCR 162
Current Status: May-03 05 Passed Legislature
Section Affected: 11-5, 89-6
- HB0465 HD1 (HSCR 660) RELATING TO THE BOARDS OF REGISTRATION.
Introduced by: Say C (BR)
Amends provisions relating to board of registration; tenure. Establishes that the 4 boards of registration for elections shall be in the department of accounting and general services and not the office of the lieutenant governor. -- HB0465 HD1
Committee Reports: HSCR 660 (JUD) HSCR 788 (FIN) SSCR 1025 (TGO) SSCR 1858 (WAM)
Current Status: May=03 05 Passed Legislature
Section Affected: 11-41
- HB0477 HD1 SD1 CD1 (CCR 72) RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE.
Introduced by: Marumoto B
Amends provisions relating to pension money exempt. Adds that the right of a debtor to a pension, annuity, retirement or disability allowance, death benefit, any optional benefit, or any right accrued or accruing under any retirement plan or arrangement in section 408A of the Federal Internal Revenue Code of 1986, shall also be exempt from attachment, execution, seizure, or under any legal process whatever. -- HB0477 CD1
Committee Reports: HSCR 250 (CPC/ JUD/) SSCR 1174 (CPH) SSCR 1417 (JHW) CCR 72
Current Status: May=03 05 Passed Legislature
Section Affected: 651-124
- HB0496 RELATING TO PETTY MISDEMEANORS.
Introduced by: Say C (BR)
Amends provisions relating to grades and classes of offenses. Changes imprisonment for petty misdemeanor from a maximum of less than 1 year to imprisonment not to exceed 30 days. -- HB0496
Committee Reports: HSCR 132 (JUD) SSCR 1303 (JHW)
Current Status: Apr-01 05 Received by the Governor
Apr-20 05 Approved by Governor (Act 18 2005)
Section Affected: 701-107
- HB0497 HD1 (HSCR 540) RELATING TO UNCOLLECTIBLE ACCOUNTS.

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Introduced by: Say C (BR)
Amends provisions relating to uncollectible accounts. Defines delinquent receivables as fines, restitutions, monetary assessments, fees, surcharges, penalties, sanctions, court costs, and other payments that are past due. Establishes judicial power over delinquent receivables. -- HB0497 HD1
Committee Reports: HSCR 540 (JUD) HSCR 789 (FIN) SSCR 1215 (JHW) SSCR 1859 (WAM)
Current Status: May=03 05 Passed Legislature
Section Affected: 40-82

HB0500 HD2 SD2 CD1 (CCR 99) RELATING TO THE JUDICIARY.
Introduced by: Say C (BR)
Judiciary appropriations Act of 2005 (judiciary budget). Appropriations to the judiciary for the 2005 - 2007 fiscal biennium. (\$\$) -- HB0500 CD1
Committee Reports: HSCR 673 (JUD) HSCR 1007 (FIN) SSCR 1270 (JHW) SSCR 1488 (WAM) CCR 99
Current Status: May=03 05 Passed Legislature
Section Affected: ACT 120 2003, ACT 38 2004

HB0502 HD1 SD2 CD1 (CCR 64) RELATING TO TRAFFIC OFFENSES REQUIRING IMPOSITION OF INCREASED PENALTIES FOR SUBSEQUENT OFFENSES.
Introduced by: Say C (BR)
Amends provisions relating to child passenger restraints (car seat). Provides minimum penalties for 2nd and 3rd convictions. -- Amends provisions relating to motor vehicle alarm systems to specify penalties after the 3rd violation within a 5 year period. -- Amends provisions relating to lights for motor vehicles. Provides that a subsequent violation of the same provision within 1 year shall be subject to twice the fine. -- HB0502 CD1
Committee Reports: HSCR 135 (JUD) SSCR 1093 (TGO) SSCR 1447 (JHW) CCR 64
Current Status: May=03 05 Passed Legislature
Section Affected: 291-11.5, 291-24.6, 291-32

HB0515 SD1 (SSCR 1066) RELATING TO GOVERNMENT RECORDS.
Introduced by: Caldwell K, Magaoay M, Yamashita K, Oshiro B, Takai K, Say C, Oshiro M
Amends provisions relating to government records. Repeals destruction of vouchers and documents and replaces with county records. Requires the county legislative body to determine whether, and the extent to which, the county shall create, accept, retain, or store in electronic form any records and convert records to electronic form. -- Provides that any public officer having the care and custody of any record, paper, or document may cause the same to be photographed, microphotographed, reproduced on film, or copied to an electronic format. Any device or electronic storage system used to copy or reproduce the record, paper, or document shall accurately reflect the information in the original thereof in all details. -- Provides that a photograph, microphotograph, reproduction on film, or electronic copy of a government record shall be deemed to be an original record for all purposes. -- Provides that if requested, the comptroller shall provide assistance to the legislative branch of government or any agency or entity therein in establishing policies relating to the disposal of government records. -- Repeals destruction of paid or canceled warrants, bond and interests coupons. -- HB0515 SD1
Committee Reports: HSCR 55 (JUD) SSCR 1066 (TGO/ IGA/ MAT/)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 46-43, 92-29, 92-30, 92-31, 94-3, 46-44

HB0516 HD2 SD1 (SSCR 1137) RELATING TO EMERGENCY HEALTH POWERS.
Introduced by: Evans C, Shimabukuro M
Establishes provisions relating to emergency response stockpile to prepare for or respond to CBRNE events or other public health emergencies; exemption from certain laws and rules. Provides that the director of health, through the department, may maintain an emergency response stockpile to prepare for or respond to a CBRNE event or other public health emergency. Defines CBRNE to mean the use of chemicals, biological agents, radioactive materials, nuclear devices, or explosives to kill or sicken people, animals, or plants. -- HB0516 SD1
Committee Reports: HSCR 218 (HLT) HSCR 392 (JUD/ CPC/) HSCR 903 (FIN) SSCR 1137 (HTH/ TGO/) SSCR 1517 (WAM)
Current Status: Apr-26 05 Received by the Governor

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- Section Affected: 321- (2 SECTIONS) EMERGENCY RESPONSE STOCKPILE TO PREPARE FOR OR RESPOND TO CBRNE EVENTS
- HB0551 HD1 SD2 CD1 (CCR 65) RELATING TO PUBLIC MEETINGS.
Introduced by: Say C (BR)
Amends provisions relating to permitted interactions of members. Provides that 2 members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully as long as no commitment to vote is made or sought and the 2 members do not constitute a quorum of their board. -- HB0551 CD1
Committee Reports: HSCR 768 (JUD) SSCR 1141 (IGA) SSCR 1408 (JHW) CCR 65
Current Status: May=03 05 Passed Legislature
Section Affected: 92-2.5, 92-11
- HB0553 HD1 SD1 CD1 (CCR 66) RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED).
Introduced by: Say C (BR)
Amends provisions relating to disclosure required. Provides that each agency shall make final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases available for public inspection and duplication except to protect invasion of privacy. Provides that social security numbers of contract hires and consultants employed by agencies shall not be disclosed. -- HB0553 CD1
Committee Reports: HSCR 751 (JUD) SSCR 1322 (JHW) CCR 66
Current Status: May-03 05 Passed Legislature
Section Affected: 92F-12
- HB0555 MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE.
Introduced by: Say C (BR)
Appropriation to the department of accounting and general services to pay electricity bills. (\$\$) -- HB0555
Committee Reports: HSCR 802 (FIN) SSCR 1040 (TGO) SSCR 1760 (WAM)
Current Status: Apr-22 05 Received by the Governor
May-03 05 Approved by Governor (Act 41 2005)
- HB0556 SD1 (SSCR 1190) MAKING AN EMERGENCY APPROPRIATION FOR WIRELESS ENHANCED 911.
Introduced by: Say C (BR)
Appropriation out of the wireless enhanced 911 fund to the department of accounting and general services to reimburse public safety answering points and wireless providers for technical improvements and for the operating costs of the fund. (\$\$) -- HB0556 SD1
Committee Reports: HSCR 777 (FIN) SSCR 1190 (CPH) SSCR 1498 (WAM)
Current Status: Apr-21 05 Received by the Governor
May-03 05 Approved by Governor (Act 42 2005)
- HB0582 HD1 (HSCR 136) RELATING TO MISSING CHILD CENTER-HAWAII.
Introduced by: Say C (BR)
Changes the Hawaii state clearinghouse for missing children to the missing child center Hawaii. -- HB0582 HD1
Committee Reports: HSCR 136 (JUD) SSCR 1106 (HMS) SSCR 1409 (JHW)
Current Status: Apr-13 05 Received by the Governor
Apr-27 05 Approved by Governor (Act 32 2005)
Section Affected: 28-121
- HB0606 HD1 SD2 CD1 (CCR 53) RELATING TO STANDARDS FOR NET METERED RENEWABLE ENERGY SYSTEMS.
Introduced by: Say C (BR)
Amends provisions relating to net energy metering safety and performance standards. Provides that for eligible customer generator systems of greater than 10 kilowatts the public utilities commission shall set safety, performance, and reliability standards and requirements and to establish requirements that must be met by an eligible customer generator to become exempt from installing additional controls, perform or paying for additional tests, or purchasing additional liability insurance. -- HB0606 CD1
Committee Reports: HSCR 139 (EEP) HSCR 817 (CPC) SSCR 1209 (EIA) SSCR 1441 (CPH) CCR 53
Current Status: May=03 05 Passed Legislature
Section Affected: 269-111
- HB0624 SD1 (SSCR 1284) MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST

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ITEMS FOR PUBLIC EMPLOYEES.

Introduced by: Say C (BR)

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 units 1 (nonsupervisory blue collar employees) and 10 (nonprofessional hospital and institutional workers), for state officers and employees excluded from collective bargaining, and for state employees in units 1 and 10 assigned to the Hawaii health systems corporation. (\$\$) -- HB0624 SD1

Committee Reports: HSCR 676 (FIN) SSCR 1284 (WAM)

Current Status: Apr-13 05 Received by the Governor

Apr-22 05 Approved by Governor (Act 24 2005)

HB0631 HD1 SD2 CD1 (CCR 138)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Say C (BR)

Establishes provisions relating to federal limits on annual compensation for ordinary death benefits. Provides that there will be annual limits on amounts paid to beneficiaries of any member of the employees' retirement system who dies while in service or on authorized leave without pay after June 30, 2004, and before July 1, 2006, and whose compensation earned during the year immediately preceding the member's death exceeds the annual limit. -- Provides that pension, annuity, and retirement allowance payments from the system shall be subject to income tax withholding requirements. -- Provides that a former member who has vested benefit status, and who returns to service before retirement shall become a member again and upon retirement the benefit shall be computed with the member's combined service included under the formula in effect at the time of retirement. -- Provides that county employees shall be included among state employees and faculty members at the university of Hawaii shall be included among teachers. -- Provides that the state and counties shall make monthly contributions to the system within 30 days after the end of the month. -- Establishes method for changing class C credited service to Class H. -- Amends method for payment for credited services of class A or B. -- Provides a maximum on retirement allowances for class H members. -- HB0631 CD1

Committee Reports: HSCR 76 (LAB) HSCR 874 (FIN) SSCR 1116 (LBR) SSCR 1607 (WAM) CCR 138

Current Status: May=03 05 Passed Legislature

Section Affected: 88- (1 SECTION), 88-21, 88-23, 88-47, 88-59, 88-59.5, 88-74, 88-76, 88-80, 88-85, 88-94, 88-96, 88-97, 88-102, 88-124, 88-126, 88-251, 88-261, 88-282, 88-285, 88-286, 88-311, 88-321, 88-322, 88-324, 88-332, 88-333, 88-335, 88-337, 88-339, 88-341

HB0632

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Say C (BR)

Establishes provisions relating to actuarial assumptions. Allows the board of trustees of the employees' retirement system to approve the effect of post retirement allowance or any other mandatory increase in benefits. -- HB0632

Committee Reports: HSCR 457 (LAB) HSCR 733 (FIN) SSCR 1115 (LBR) SSCR 1860 (WAM)

Current Status: May=03 05 Passed Legislature

Section Affected: 88- (1 SECTION) ACTUARIAL ASSUMPTIONS

HB0683 HD1 SD2 (SSCR 1518)

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION.

Introduced by: Say C (BR)

Appropriation to the department of health for services and activities to patients of Hawaii state hospital to continue and implement services for the target population as defined and required by the federal court ordered community plan and to serve an increasing number of persons eligible for mental health services. (\$\$) -- HB0683 SD2

Committee Reports: HSCR 592 (HLT) HSCR 794 (FIN) SSCR 1047 (HTH) SSCR 1518 (WAM)

Current Status: Apr-26 05 Received by the Governor

HB0684 HD1 (HSCR 919)

MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH EMERGENCY AMBULANCE SERVICE CONTRACTS COLLECTIVE BARGAINING COSTS.

Introduced by: Say C (BR)

Appropriation to the department of health to comply with collective bargaining increases

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negotiated by ambulance providers statewide. (\$\$) -- HB0684 HD1
Committee Reports: HSCR 360 (HLT/ LAB/) HSCR 919 (FIN) SSCR 1191 (HTH/
LBR/) SSCR 1519 (WAM)
Current Status: Apr-13 05 Received by the Governor
Apr-22 05 Approved by Governor (Act 25 2005)

HB0685 SD1 (SSCR 1410) RELATING TO WIRELESS ENHANCED 911 SERVICE.
Introduced by: Say C (BR)
Amends provisions relating to wireless enhanced 911 board. Replaces the director of health with the comptroller or the comptroller's designee as a member to the board. -- HB0685 SD1
Committee Reports: HSCR 775 (CPC) SSCR 1410 (JHW)
Current Status: Apr-27 05 Received by the Governor
Section Affected: 138-2

HB0712 HD2 SD2 CD1 (CCR 54) RELATING TO VIOLATIONS OF CHAPTER 6E.
Introduced by: Say C (BR)
Establishes provisions relating to criminal offenses. Establishes the offense of appropriation, excavation, injury, destruction, or alteration of historic property or aviation artifact; the offense of appropriation, excavation, injury, destruction, or alteration of a burial site, and the offense of failure to stop work upon discovery of a burial site. Establishes criminal penalties. Provides that it shall be a civil and administrative violation for any person to glue together, label any human skeletal remains with any type of marking pen, or conduct any tests that destroy skeletal remains except as permitted by the department of land and natural resources. -- HB0712 CD1
Committee Reports: HSCR 361 (WLO/ HAW/) HSCR 839 (JUD) SSCR 1063 (MAT/ WLA/) SSCR 1357 (JHW) CCR 54
Current Status: May=03 05 Passed Legislature
Section Affected: 6E- (5 SECTIONS) CRIMINAL OFFENSES, 6E-2, 6E-11, 6E-11.5

HB0758 HD2 SD2 (SSCR 1499) RELATING TO EMPLOYMENT PRACTICES.
Introduced by: Oshiro M, Caldwell K, Takai K, Takumi R
Establishes provisions relating to meal count assistants, adult supervisors, and classroom cleaners; minimum wage. Provides that the wages of meal count assistants, adult supervisors, and classroom cleaners of the department of education shall be no less than the current state minimum wage. Amends provisions relating to special minimum wages for learners, apprentices, full time students, paroled wards of Hawaii youth correctional facility and handicapped workers. -- HB0758 SD2
Committee Reports: HSCR 296 (EDN/ LAB/) HSCR 885 (FIN) SSCR 1199 (EDM/ LBR/) SSCR 1499 (WAM)
Current Status: Apr-29 05 Received by the Governor
Section Affected: 302A- (1 SECTION), 387-9

HB0769 HD3 SD2 CD1 (CCR 61) RELATING TO UNCLAIMED PROPERTY.
Introduced by: Kawakami B, Kanohe E, Morita H
Establishes provisions relating to annual report of unclaimed property. Adds that an electric utility cooperative association shall not be subject to the uniform unclaimed property act provided that the cooperative file with the director of finance an annual report of unclaimed property in its possession within 120 days after the close of the association's fiscal year in a form prescribed by the director. Requires the electric utility cooperative association to remain responsible for the payment of all claims for unclaimed property reported to the director. -- Establishes the disposition of non escheat patronage refunds. Requires an electric utility cooperative association to transfer all non escheat patronage refunds which it has properly reported to the director of finance to a nonprofit corporation. -- HB0769 CD1
Committee Reports: HSCR 105 (EEP) HSCR 479 (CPC) HSCR 857 (FIN) SSCR 1104 (CPH) SSCR 1608 (WAM) CCR 61
Current Status: May=03 05 Passed Legislature
Section Affected: 421C- (2 SECTIONS), 421C-1

HB0785 HD1 SD1 CD1 (CCR 73) RELATING TO MORTGAGE FORECLOSURES.
Introduced by: Hiraki K
Establishes provisions relating to time share interest foreclosure under power of sale; notice; affidavit after sale. Provides that when a power of sale is contained in a mortgage of a time share interest, the mortgagee or the mortgagee's successor in

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interest or any person authorized by the power to act in the premises, upon a breach of the condition, may foreclose upon the mortgage by giving notice of the intention to foreclose the mortgage, and of the sale of the mortgaged time share interest by certified mail, return receipt requested, to the mortgagor at the mortgagor's last known address for mortgagors whose address is within the US; mail to the mortgagor at the mortgagor's last known address, for mortgagors whose address is outside the US; and publication once in each of 3 successive weeks, the last publication to be not less than 14 days before the day of sale, in a newspaper of general circulation in the county in which the mortgaged time share interest lies and give such notices and do all such acts as are authorized or required by the power contained in the mortgage. -- Establishes provisions relating to notice on mortgage creditors. Provides that a mortgage creditor having a mortgage lien on a time share interest who desires notice that another mortgage creditor having a mortgage lien on the time share interest intends to foreclose and sell the mortgaged interest may submit a written request to the mortgagee foreclosing. -- Establishes provisions relating to affidavit as evidence. Provides that if it appears that the affiant has in all respects complied with the requirements of the power of sale and the statute in relation to all things to be done by the affiant before selling the time share interest, a certified copy of the record shall be submitted as evidence that the power of sale was duly executed. -- Establishes provisions relating to application of time share interest power of sale requirements. Provides that these requirements shall apply only to time share interest mortgages, loans, agreements, and contracts that contain the power of sale. -- HB0785 CD1

Committee Reports: HSCR 744 (CPC) SSCR 1311 (CPH) CCR 73

Current Status: May=03 05 Passed Legislature

Section Affected: 667- (5 SECTIONS) DEFINITIONS

HB0806 HD1 SD1 CD1 (CCR 82)

RELATING TO CRIMINAL TRESPASS.

Introduced by: Kahikina M, Green J, Arakaki D, Hale H, Shimabukuro M, Sonson A
Establishes provisions relating to criminal trespass onto public parks and recreational grounds. Provides that a person commits the offense of criminal trespass onto public parks and recreational grounds if the person remains unlawfully in or upon a public park or recreational ground after a request to leave is made by any law enforcement officer. Amends provisions relating to criminal trespass in the 2nd degree. Changes provisions by repealing public property. -- HB0806 CD1

Committee Reports: HSCR 752 (JUD) SSCR 1300 (JHW) CCR 82

Current Status: May=03 05 Passed Legislature

Section Affected: 708- (1 SECTION), 708-814

HB0835 HD2 SD1 (SSCR 1203)

RELATING TO TIME SHARING PLANS.

Introduced by: Chang J, Herkes R, Marumoto B

Amends provisions relating to prohibited practices of time share plans. Provides that it is a violation of law for any sales agent or acquisition agent of time share units or plans to use any unregistered time share booth, or fail to display at all times a conspicuous, clear and unobstructed sign of a permanent nature that contains the words time share or time sharing; and to receive from any prospective purchaser any money, property or other valuable consideration prior to signing a contract or reservation agreement for the purchase of a time share plan or unit; provided that this paragraph shall not apply to sums paid for a tourist activity or other product or service offered to a purchaser or prospective purchaser to induce attendance at a time share sales presentation. Further provides that no developer, sales agent, or acquisition agent shall post anything on or adjacent to the sign that indicates that the booth is not being used for time share solicitation purposes. Repeals provisions relating to signs containing no artwork or text. -- HB0835 SD1

Committee Reports: HSCR 508 (TAC) HSCR 822 (CPC) SSCR 1203 (TSM) SSCR 1460 (CPH)

Current Status: Apr-27 05 Received by the Governor

Section Affected: 514E-11, 514E-11.1

HB0841 SD2 CD1 (CCR 136)

RELATING TO EDUCATION.

Introduced by: Takumi R, Berg L

Appropriation to the department of education to subsidize information systems projects, provide for additional support personnel and training, provide additional data processing systems analyst IV and V positions, and to continue the implementation of Act 51, session laws of 2004. -- Amends provisions relating to workforce development council. Requires that the council include private business sector chairpersons of the 4 county workforce investment boards, or their designees, as ex officio voting members. Amends

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number of representatives from the private sector from 16 to 12. Provides that legislative members will serve 2 year terms beginning in January of odd numbered years. (\$\$) -- HB0841 CD1

Committee Reports: HSCR 297 (EDN/ LAB/) HSCR 724 (FIN) SSCR 1274 (EDM/ LBR/) SSCR 1500 (WAM) CCR 136

Current Status: May=03 05 Passed Legislature

Section Affected: 202-1

HB0843 HD1 SD1 CD1 (CCR 57)

RELATING TO SCHOOL LUNCH.

Introduced by: Takumi R, Berg L

Amends provisions relating to school cafeterias. Provides that the price for school lunch shall be set by the department of education to ensure that moneys received from the sale of the lunched may be up to 1/2 of the cost of preparing the lunch. Provides that the price shall be based on the average cost of preparing the school lunch over the 3 years preceding any increase. -- HB0843 CD1

Committee Reports: HSCR 299 (EDN) HSCR 886 (FIN) SSCR 1237 (EDM) SSCR 1502 (WAM) CCR 57

Current Status: May=03 05 Passed Legislature

Section Affected: 302A-405

HB0844 HD1 SD2 CD1 (CCR 166)

RELATING TO EDUCATION.

Introduced by: Takumi R

Establishes the Hawaii teacher cadet program fund of the Hawaii alliance for future teachers. Moneys in the fund shall be expended in the form of grants to organizations or contracts with private vendors to provide programs for students who possess a high level of academic achievement and the personality traits found in good teachers to consider teaching as a career. Establishes a Hawaii teacher cadet program advisory board to solicit and raise funds, establish criteria for the expenditure of funds, review grant proposals, and make recommendations for grants and other expenditures. Superintendent of education to annually report to the legislature. -- Requires the university of Hawaii to review its college of education's admission standards and consider allowing incoming freshman to declare education as their major and enable them to graduate within 4 years. Requires the university to increase the full time equivalent teacher education faculty positions by an additional 5 positions each year until fiscal year 2014 - 2015. -- Establishes provisions for newly hired employees paycheck deficits and partial wages. Requires the department to ensure that newly hired employees receive timely and accurate wages. -- Requires the department to provide new teachers with the new personnel orientation handbook. -- Requires the department to establish and maintain a statewide teacher induction program that is available to every newly hired teacher. -- Amends provisions relating to teacher licensing standards. Requires the Hawaii teacher standards board to adopt policies exempt from administrative procedure and public agency meetings and records law to develop a plan for licensing more individuals with practical experience for teaching in vocational / technical programs; develop a plan to accept teachers from other states, clarify requirements on a state by state basis for out of state licensed teachers to obtain a license in Hawaii; develop a plan to facilitate licensing for those who intend to teach in Hawaii immersion programs; and pursue full teacher license reciprocity with mid Atlantic states, California, Colorado, Illinois, Michigan, New York, Oregon, and Washington. Report to the legislature. -- Requires the Hawaii teacher standards board to review alternative licensing requirements to replace PRAXIS examination requirements. -- Authorizes the Hawaii teacher standards board to convert its 9 temporary positions to 9 permanent full time equivalent positions. Appropriation. (\$\$) -- HB0844 CD1

Committee Reports: HSCR 677 (EDN) SSCR 1236 (EDM/ LBR/) SSCR 1503 (WAM) CCR 166

Current Status: May-03 05 Passed Legislature

Section Affected: 302A- (1 SECTION), 302A- (1 SECTION), 302A-802

HB0852 HD2 SD2 CD1 (CCR 91)

RELATING TO PERMIT APPROVALS.

Introduced by: Oshiro B, Morita H, Caldwell K, Schatz B, Waters T, Thielen C, Berg L, Luke S

Amends provisions relating to maximum time period for business or development related permits, licenses, or approvals, automatic approval; extensions. Provides that the lack of a quorum on the part of any issuing agency shall not initially be applicable to automatic approval or automatic extension unless the extension is agreed to by all parties. Exempts the public utilities commission. -- HB0852 CD1

Committee Reports: HSCR 552 (WLO/ EDB/) HSCR 854 (FIN) SSCR 1264 (WLA/

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BED/) SSCR 1411 (JHW) CCR 91
Current Status: May=03 05 Passed Legislature
Section Affected: 91-13.5

HB0864 SD1 CD1 (CCR 55)

RELATING TO COUNTIES.

Introduced by: Morita H, Schatz B, Luke S, Berg L, Caldwell K, Lee M
Amends provisions relating to regulation by counties. Provides that counties may prohibit billboards or outdoor advertising devices located in the airspace or waters beyond the boundaries of the county where visible from any public highway, park, or other public place located in the county. -- HB0864 CD1

Committee Reports: HSCR 550 (WLO) HSCR 715 (JUD) SSCR 1142 (IGA) SSCR 1412 (JHW) CCR 55

Current Status: May=03 05 Passed Legislature
Section Affected: 445-113

HB0894

RELATING TO ELECTIONS.

Introduced by: Thielen C, Luke S, Oshiro M

Amends provisions relating to precinct officials; submission of names and assignment; vacancies. Provides that the chairperson of the precinct officials and the governor shall not be required to be of the same party. -- HB0894

Committee Reports: HSCR 698 (JUD) SSCR 1301 (JHW)

Current Status: Apr-01 05 Received by the Governor
Apr-19 05 Approved by Governor (Act 14 2005)

Section Affected: 11-72

HB0895 HD2 SD2 CD1 (CCR 76)

RELATING TO COASTAL LIGHT POLLUTION.

Introduced by: Schatz B, Berg L, Thielen C, Kanoho E, Morita H, Pine K, Waters T
Establishes provisions relating to artificial light on shoreline and ocean waters. Prohibits artificial lights from floodlights, uplights, or spotlights that are used for decorative or aesthetic purposes when the light directly illuminates the shoreline and ocean waters or is directed to travel across property boundaries toward the shoreline and ocean waters. Excludes outdoor lighting fixtures that are located in a hotel / hotel condo provided the outdoor lighting fixture is located underwater or is directed downward and illuminates a limited area of no more than 30 feet into the shoreline and ocean waters or the outdoor lighting fixture is the only practicable means of ensuring the safety and security of guests, visitors, and employees, and artificial lighting provided by a government agency or its authorized users for government operations, security, public safety, or navigational needs; provided that a government agency or its authorized user shall make reasonable efforts to properly position or shield lights to minimize adverse impacts. Establishes provisions relating to prohibitions. Prohibits special management area permits or special management area minor permits from being granted for structures that allow artificial light from floodlights, uplights, or spotlights that are used for decorative or aesthetic purposes when the light directly illuminates the shoreline and ocean waters or is directed to travel across property boundaries toward the shoreline and ocean waters. Excludes outdoor lighting fixtures that are located in a hotel / hotel condo provided the outdoor lighting fixture is located underwater or is directed downward and illuminates a limited area of no more than 30 feet into the shoreline and ocean waters or the outdoor lighting fixture is the only practicable means of ensuring the safety and security of guests, visitors, and employees, and artificial lighting provided by a government agency or its authorized users for government operations, security, public safety, or navigational needs; provided that a government agency or its authorized user shall make reasonable efforts to properly position or shield lights to minimize adverse impacts. -- HB0895 CD1

Committee Reports: HSCR 555 (EEP/ WLO/) HSCR 837 (JUD) SSCR 1266 (EIA/ WLA/) SSCR 1358 (JHW) CCR 76

Current Status: May=03 05 Passed Legislature
Section Affected: 205A- (2 SECTIONS), 205A-1

HB0919 HD1 SD2 (SSCR 1449)

RELATING TO USE OF INTOXICANTS.

Introduced by: Nakasone B

Amends provisions relating to operating a vehicle under the influence of intoxicants. Provides that for a 3rd offense the vehicle owned and operated by the person committing the offense shall be subject to forfeiture under the criminal forfeiture law and requires the department of transportation to provide storage for the forfeited vehicle. -- Amends provisions relating to habitually operating a vehicle under the influence of intoxicants. Provides that any vehicle owned and operated by the person committing

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the offense shall be subject to forfeiture under the criminal forfeiture law and requires the department of transportation to provide storage for the forfeited vehicle. -- HB0919 SD2

Committee Reports: HSCR 424 (TRN) HSCR 828 (JUD) SSCR 1095 (TGO) SSCR 1449 (JHW)

Current Status: Apr-21 05 Received by the Governor

Section Affected: 291E-61, 291E-61.5

HB0931 HD2 SD2 CD1 (CCR 89)

RELATING TO AFFORDABLE HOUSING.

Introduced by: Kahikina M, Sonson A, Arakaki D

Establishes provisions relating to the exemption for sustainable affordable developments. Provides that no lessee under a sustainable affordable lease shall qualify to exercise the rights granted to a lessee under condemnation of development tract provisions. Provides that a lessor of a sustainable affordable development shall certify its qualifications for the exemptions at the time of delivery of the 1st sustainable affordable lease by filing an affidavit with the registrar of the bureau of conveyances or assistant registrar of the land court. Establishes provisions relating to recordkeeping. Provides that a lessor of a sustainable affordable development shall maintain during the term of all sustainable affordable leases records regarding income levels and other qualifications of buyers of sustainable affordable leases at the time of purchase. Establishes provisions relating to the university of Hawaii at Manoa. Prohibits that the university of Hawaii at Manoa from creating a sustainable affordable development by entering into any sustainable affordable lease or by authorizing any land owned by or set aside to the university of Hawaii at Manoa to be demised under a sustainable affordable lease prior to enactment of a law specifically authorizing the university of Hawaii at Manoa to enter into a sustainable affordable lease or to demise any land owned by or set aside. Establishes provisions relating to exemption for sustained affordable developments. Provides that no lessee under a sustainable affordable lease shall qualify to exercise the rights granted to a lessee under residential leases of real property provisions. -- HB0931 CD1

Committee Reports: HSCR 553 (WLO/ HSG/) HSCR 924 (FIN) SSCR 1173 (CPH) SSCR 1615 (WAM) CCR 89

Current Status: May=03 05 Passed Legislature

Section Affected: 516- (4 SECTIONS), 516-1, 519- (1 SECTION)

HB1015 HD2 SD1 (SSCR 1514)

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

Introduced by: Morita H

Establishes provisions relating to commercial passenger vessels; exemption. Allows an exemption for a deposit beverage container that is sold and delivered to a passenger vessel intended for use and consumption on the passenger vessel provided that the entity operating the passenger vessel has a recycling plan prescribed or approved by the department of health. Provides that recycling plans shall be submitted to the department and shall include the name and address of the recycling company that is accepting the empty beverage containers. Provides that deposit beverage containers covered under this exemption shall not be redeemed for the deposit or handling fee. Defines commercial passenger vessel to mean any domestic or foreign flagged marine or air carrier used primarily for transporting persons to, from or within the State. Defines patron to mean a person who buys a beverage in a deposit beverage container for use or consumption and does not pay the deposit. Amends provisions relating to reverse vending machine requirements. Provides that if the reverse vending machine is unable to read the barcode, then the reverse vending machine shall reject the container. -- HB1015 SD1

Committee Reports: HSCR 416 (EEP) HSCR 895 (TRN) SSCR 1180 (EIA/ CPH/ TGO/) SSCR 1514 (WAM)

Current Status: Apr-27 05 Received by the Governor

Section Affected: 342G- (1 SECTION), 342G-101, 342G-113, 342G-115, 342G-116

HB1017 HD3 SD2 CD1 (CCR 173)

RELATING TO SOLAR ENERGY.

Introduced by: Morita H, Wakai G, Schatz B, Berg L, Caldwell K, Shimabukuro M, Green J, Evans C, Thielen C

Amends provisions relating to placement of solar energy devices. Prohibits a person to be prevented by any covenant, declaration, by laws, restriction, deed, lease, term, provisions, condition, codicil, contract or similar binding agreements from installing a solar energy device on any single family residential dwelling or townhouse that the person owns, provided that the device is in compliance with the rules and specifications,

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registered with the private entity of record within 30 days of installation, and the homeowner has obtained written consent of the private entity if the device is placed on a common element or limited common element. -- Amends provisions relating to work prohibited under condominium property regimes law. Allows the installation of solar energy devices. -- Amends Act 164, session laws of 2004. -- HB1017 CD1

Committee Reports: HSCR 146 (EEP) HSCR 601 (CPC/ JUD/) HSCR 858 (FIN) SSCR 1267 (EIA) SSCR 1605 (CPH/ WAM/) CCR 173

Current Status: May-03 05 Passed Legislature
Section Affected: 196-7, 514A-89, ACT 164 2004

HB1029 SD2 (SSCR 1504)

MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE.

Introduced by: Kawakami B, Kanoho E, Kahikina M

Appropriation to the department of defense to publish the Hawaii veterans' newsletter and update the office of veterans' services database. (\$\$) -- HB1029 SD2

Committee Reports: HSCR 488 (PSM) HSCR 785 (FIN) SSCR 1132 (EDM) SSCR 1504 (WAM)

Current Status: May-05 05 Passed Legislature

HB1051 HD2 SD2 CD1 (CCR 169)

RELATING TO PRESCRIPTION DRUGS.

Introduced by: Arakaki D, Hiraki K, Nishimoto S, Sonson A, Abinsay F

Establishes provisions relating to medicaid preauthorization exemption. Provides that any physician who treats a medicaid recipient patient suffering from the human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis c, or a patient in need of transplant immunosuppressives may prescribe any medications approved by the US food and drug administration and that are eligible for omnibus budget reconciliation rebates act (OBRA), that are necessary to treat the condition, without the requirement of any preauthorization procedure. -- HB1051 CD1

Committee Reports: HSCR 597 (HLT) HSCR 825 (CPC) SSCR 1265 (HTH) SSCR 1606 (CPH/ WAM/) CCR 169

Current Status: May-03 05 Passed Legislature
Section Affected: 346- (2 SECTIONS) MEDICAID PREAUTHORIZATION EXEMPTION

HB1060 HD2 SD2 (SSCR 1419)

RELATING TO MEDICAID.

Introduced by: Arakaki D, Green J, Nishimoto S, Cabanilla R, Kahikina M, Sonson A
Establishes provisions relating to federally qualified health centers; rural health clinics; reimbursement. Provides that federally qualified health centers and rural health clinics shall be eligible for reimbursement in accordance with the Social Security Act, and services of federally qualified health centers and rural health clinics shall remain mandatory services of the Social Security Act. -- HB1060 SD2

Committee Reports: HSCR 200 (HUS) HSCR 381 (LMG) HSCR 997 (FIN) SSCR 1233 (HMS) SSCR 1419 (JHW/ WAM/)

Current Status: Apr-29 05 Received by the Governor
Section Affected: 346- (1 SECTION) FEDERALLY QUALIFIED HEALTH CENTERS

HB1118

RELATING TO NURSES.

Introduced by: Lee M, Cabanilla R, Takai K

Amends provisions relating to prescriptive authority for advanced practice registered nurses. -- HB1118

Committee Reports: HSCR 776 (CPC) SSCR 1048 (HTH) SSCR 1365 (CPH)

Current Status: Apr-07 05 Received by the Governor
Apr-26 05 Approved by Governor (Act 30 2005)

Section Affected: 457-8.6

HB1146 HD1 SD2 (SSCR 1597)

RELATING TO CIVIL SERVICE.

Introduced by: Yamane R, Lee M, Green J

Requires the department of human resources development, in consultation with the Hawaii chapter of the national association of social workers, university of Hawaii school of social work, Hawaii pacific university school of social work, Brigham Young university school of social work, Hawaii government employees association, department of education, department of health, department of human services, department of public safety, and any other affected department or agency, to develop a transition plan covering employees within the social worker series that do not possess a social work degree. Report to the legislature. Requires that as of June 1, 2005 all persons who enter state service within the executive branch in the job classification of social worker

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shall possess a bachelors, masters, or doctoral degree in social work. Provides that employees in the social worker class who do not possess a social work degree shall be reallocated to a class within the human resources professional series. -- HB1146 SD2
Committee Reports: HSCR 230 (HLT/ HUS/) HSCR 614 (LAB) HSCR 906 (FIN) SSCR 1259 (HMS/ LBR/) SSCR 1597 (WAM)
Current Status: Apr-29 05 Received by the Governor

HB1154 HD1 SD2 (SSCR 1391)

RELATING TO AGRICULTURE.

Introduced by: Hale H

Establishes provisions relating to home based agricultural producer of honey; exemption. Provides that a home based agricultural producer of honey shall not be required to process honey in a certified honey house or food processing establishment, or be required to obtain a permit from the department of health if the producer sells less than 50 gallons of honey a year, sells all of the honey directly to the consumer and prints on the container the name and address of the producer, net weight and volume of the honey, date it was produced, and that the product is home produced and processed. -- Establishes provisions relating to home based agricultural producer of honey; inspections. Provides that if the department receives a consumer complaint about a home based agricultural producer of honey, the producer shall be subject to food sampling and subsequent inspection of its premises if the product has been determined to be misbranded or adulterated. -- HB1154 SD2

Committee Reports: HSCR 480 (AGR) HSCR 820 (CPC) SSCR 1062 (WLA) SSCR 1391 (CPH)

Current Status: Apr-29 05 Received by the Governor

Section Affected: 328- (2 SECTIONS) HOME-BASED AGRICULTURALLY PRODUCED HONEY

HB1201 HD2 SD2 CD1 (CCR 77)

RELATING TO AGRICULTURAL THEFT.

Introduced by: Abinsay F, Wakai G, Halford C, Herkes R

Amends provisions relating to theft in the 2nd degree. Adds that a person commits the offense of theft in the 2nd degree if the person commits theft of agricultural commodities or products that exceed 25 pounds. Provides that possession of agricultural products without ownership and movement certificates is prima facie evidence that the products are or have been stolen. -- Amends provisions relating to theft of livestock. Provides that possession of livestock without a livestock ownership and movement certificate is prima facie evidence that the livestock is or has been stolen. Provides that theft of livestock is a class C felony. -- HB1201 CD1

Committee Reports: HSCR 380 (AGR) HSCR 834 (JUD) SSCR 1163 (WLA) SSCR 1359 (JHW) CCR 77

Current Status: May=03 05 Passed Legislature

Section Affected: 708-800, 708-831, 708-835.5

HB1202 HD2 SD2 CD1 (CCR 78)

RELATING TO AGRICULTURAL TRESPASSING.

Introduced by: Abinsay F, Chang J, Karamatsu J, Magaoay M, Tsuji C, Herkes R

Amends provisions relating to criminal trespass in the 2nd degree. Adds that a person commits criminal trespass in the 2nd degree if the person enters or remains on agricultural lands without the permission of the owner of the land, the owner's agent, or the person in lawful possession of the land, and the agricultural lands are fenced, enclosed, or secured in a manner designed to exclude intruders; have a sign or signs prominently displayed on the unenclosed cultivated or uncultivated agricultural land providing sufficient notice and reading as follows: private property, providing the sign or signs containing letters not less than 2 inches in height shall be placed along the boundary line of the land and at roads and trails entering the land in a manner and position as to be clearly noticeable from outside the boundary line; or have a visible presence of a crop under cultivation, in the process of being harvested, or that has been harvested. -- HB1202 CD1

Committee Reports: HSCR 484 (AGR) HSCR 835 (JUD) SSCR 1164 (WLA) SSCR 1360 (JHW) CCR 78

Current Status: May=03 05 Passed Legislature

Section Affected: 708-814

HB1221

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.

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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. -- HB1221

Committee Reports: HSCR 133 (JUD) SSCR 1302 (JHW)

Current Status: Apr-01 05 Received by the Governor

Apr-20 05 Approved by Governor (Act 22 2005)

Section Affected: 26-6, 26-9, 76-16, 201B-5, 243-4, 245-23, 249-31, 255D-4, 269-1, 269-2, 269-17.5, 271-4, 302A-433, 302A-1185, 327G-3, 327G-9, 327G-14, 333F-1, 333F-11, 346-312.5, 353-25, 353-26, 353-66, 414D-233, 431:10-202, 431:10C-109, 431:10C-307.8, 431:19-102.2, 431P-3, 432E-4, 453D-12, 461-11.5, 478-8, 486-36, 507-46, 551A-2, 560:5-409, 560:5-601, 560:6-101, 571-2, 578-8, 607-4, 672E-5, 302A-1502.5, ACT 53 2003, 514A-90, ACT 10 2004, 201B-2, ACT 29 2004, 163D-3, ACT 51 2004, 302A-101, ACT 57 2004, 28-8.3, ACT 58 2004, 40-1, 40-4, 40-6, 201B-11, ACT 141 2004, 269-30, 269-33, ACT 165 2004, 461-1, ACT 239 2004

HB1222 HD1 (HSCR 756)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Say C, Caldwell K

Amends provisions relating to merit appeals board; duties, and jurisdiction. Provides the board with authority to hear appeals relating to denial or loss of promotional opportunity or demotion due to reclassification of positions in a reorganization. Allows the board the authority to hear and decide appeals pending before the state civil service commission as of June 30, 2002. -- HB1222 HD1

Committee Reports: HSCR 756 (LAB) SSCR 1405 (LBR)

Current Status: Apr-13 05 Received by the Governor

Apr-28 05 Approved by Governor (Act 34 2005)

Section Affected: 76-14

HB1224 SD1 CD1 (CCR 149)

RELATING TO TAXATION.

Introduced by: Say C (BR)

Establishes provisions relating to streamlined sales and use tax agreement compliance. Provides a seller that registers to pay or collect and remit sales or use tax in accordance with the terms of the agreement with methods of remittance or other methods allowed by law to remit the taxes collected. Amends provisions relating to authority to participate in multistate negotiations. Repeals the advisory council. Requires the department of taxation together with designees selected by the president of the senate and speaker of the house of representatives to identify issues that need to be resolved to effectuate the orderly enactment and operation of a streamlined sales and use tax. Report to the legislature. Appropriation to the office of the auditor. (\$\$) -- HB1224 CD1

Committee Reports: HSCR 778 (FIN) SSCR 1477 (WAM) CCR 149

Current Status: May-03 05 Passed Legislature

Section Affected: 231- (1 SECTION), 255D-3, 255D-4

HB1235 HD1 SD1 CD1 (CCR 84)

RELATING TO TRAVEL ALLOWANCES.

Introduced by: Say C, Halford C

Amends provisions relating to allowance for legislative travel allowances. Requires that the legislator allowance be set at a single rate that will not exceed the greater of the maximum allowance for such expenses payable to any public officer or employee of the federal government or the State, be reasonably calculated to cover expenses, and be determined jointly by the president of the senate and the speaker of the house of representatives for the legislature as a whole. -- HB1235 CD1

Committee Reports: HSCR 810 (FIN) SSCR 1478 (WAM) CCR 84

Current Status: May=03 05 Passed Legislature

Section Affected: 24-2, 24-3, 24-4, 24-5

HB1236 SD1 CD1 (CCR 85)

RELATING TO THE LEGISLATURE.

Introduced by: Say C, Fox G, Marumoto B

Amends provisions relating to allowances for legislators. Increases the annual allowance for each member of the legislature to 7,500 dollars for incidental expenses connected with legislative duties. Provides that when the legislative salary is increased, the legislative allowance shall be increased by the same percentage. -- HB1236 CD1

Committee Reports: HSCR 803 (FIN) SSCR 1479 (WAM) CCR 85

Current Status: May=03 05 Passed Legislature

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Section Affected: 24-1

- HB1238 HD1 SD2 CD1 (CCR 60) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU.
Introduced by: Morita H
Authorizes the issuance of special purpose revenue bonds to assist Honolulu Seawater Air Conditioning LLC (or a partnership in which it is a general partner, or the successor in interest or assignee of Honolulu Seawater Air Conditioning LLC), with 1 or more of the following: establishment of a chilled water distribution system and balance of system components and structures; and / or the financing, refinancing, or both, of the costs related to the planning, design, and construction of the chilled water distribution system and balance of system components and structures for the seawater air conditioning district cooling system in downtown Honolulu, including costs of construction, renovation, equipping, and purchasing tangible assets (including land and easements for the chilled water distribution system, and other improvements) for the chilled water distribution system. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1238 CD1
Committee Reports: HSCR 86 (EEP) HSCR 348 (CPC) HSCR 881 (FIN) SSCR 1166 (WLA/ EIA/) SSCR 1578 (WAM) CCR 60
Current Status: May=03 05 Passed Legislature
- HB1276 HD3 SD1 CD1 (CCR 92) RELATING TO PUBLIC ACCESS.
Introduced by: Oshiro M
Amends provisions relating to agreements to defend and indemnify. Provides that affiliates, respective heirs, executors, administrators, representatives, successors, trustees, guardians, assigns, lessees, officers, directors, stockholders, employees and partners will receive the same rights to defense and indemnity from the State as owners of public or private lands who enter into agreements with the department of land and natural resources provided that the attorney general may review any claim, the attorney general may refer a claim associated with property loss to the chairperson of the board of land and natural resources for informal resolution subject to the terms of the agreement, all claims of property loss shall be reviewed in the first instance by the chairperson for resolution as provided for in the agreement, upon referral by the chairperson, the attorney general shall make determination of whether a claim for property loss would or would not be subject to the terms of the agreement, and claims greater than 10,000 dollars per fiscal year shall be subject to appropriation and allotment. -- HB1276 CD1
Committee Reports: HSCR 91 (WLO) HSCR 668 (JUD) HSCR 856 (FIN) SSCR 1260 (WLA/ JHW/) SSCR 1579 (WAM) CCR 92
Current Status: May=03 05 Passed Legislature
Section Affected: 198D-7.5
- HB1295 HD2 SD2 CD1 (CCR 69) RELATING TO SCHOOLS.
Introduced by: Chong P, Ito K
Requires the department of education to ensure that asbestos testing is conducted prior to any exterior or interior renovations or painting of school facilities at all schools, except charter schools. -- HB1295 CD1
Committee Reports: HSCR 385 (EDN) HSCR 938 (FIN) SSCR 1253 (EDM) SSCR 1507 (WAM) CCR 69
Current Status: May=03 05 Passed Legislature
- HB1300 HD2 SD2 CD1 (CCR 167) RELATING TO EARLY CHILDHOOD EDUCATION.
Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Takamine D, Arakaki D, Tsuji C, Kanoho E, Hale H, Lee M, Magaoay M, Schatz B, Kawakami B, Herkes R, Caldwell K, Chong P, Takumi R, Berg L, Nishimoto S, Evans C, Chang J, Wakai G, Abinsay F, Yamane R, Karamatsu J, Yamashita K, Morita H, Sonson A, Hiraki K, Waters T, Ito K, Green J, Kahikina M
Establishes the early childhood education task force in the university of Hawaii. Requires the Hawaii educational policy center to be responsible for administering the work of the temporary task force. Provides that the temporary task force shall be to propose an overall plan to increase access to early childhood education opportunities for families; develop plans and identify resources needed to improve the quality and services of early childhood learning programs; design proposals to support the professional development of early childhood education staff; create an implementation plan to motivate and promote the value of participation in early childhood learning opportunities for parents and the general public, including the business community; and

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recommend to the legislature a conceptual framework, along with proposals for policies and legislation necessary to facilitate and monitor the implementation of such framework. Report to the legislature. Appropriation to support the operations of the temporary early childhood education task force. -- Establishes provisions relating to early childhood education facilities; identifying sites. Provides that the department of education shall identify unused public school facilities for use by early childhood education programs. Report to the legislature, department of human services, and the early childhood education task force. Act to be repealed on June 30, 2006 (sunset). (\$\$)
-- HB1300 CD1

Committee Reports: HSCR 383 (EDN/ HUS/) HSCR 939 (FIN) SSCR 1255 (EDM/ HMS/) SSCR 1508 (WAM) CCR 167

Current Status: May-03 05 Passed Legislature

Section Affected: 302A- (1 SECTION) EARLY CHILDHOOD EDUCATION FACILITIES

HB1301 HD1 SD2 CD1 (CCR 93)

RELATING TO INVASIVE SPECIES.

Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Morita H, Tsuji C, Hale H, Kanoho E, Lee M, Chong P, Evans C, Shimabukuro M, Chang J, Hiraki K, Kahikina M, Magaoay M, Arakaki D, Cabanilla R, Karamatsu J, Wakai G, Schatz B, Nishimoto S, Kawakami B, Herkes R, Yamane R, Berg L, Abinsay F, Ito K, Waters T, Caldwell K

Appropriation to each county for response and control efforts for programs and initiatives that are found to be most effective in the control or eradication of the coqui frog, to work in collaboration with each county's invasive species committee or other invasive species working groups. (\$\$) -- HB1301 CD1

Committee Reports: HSCR 419 (EEP/ AGR/) HSCR 784 (FIN) SSCR 1243 (EIA) SSCR 1515 (WAM) CCR 93

Current Status: May=03 05 Passed Legislature

HB1304 HD1 SD2 CD1 (CCR 168)

RELATING TO HEALTH.

Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Sonson A, Arakaki D, Green J, Magaoay M, Evans C, Abinsay F, Berg L, Takumi R, Karamatsu J, Tsuji C, Cabanilla R, Chang J, Shimabukuro M, Kahikina M, Hale H, Caldwell K, Herkes R, Kawakami B, Schatz B, Nishimoto S, Yamane R, Yamashita K, Wakai G, Chong P, Morita H, Waters T, Hiraki K, Kanoho E

Establishes a temporary health care task force within the insurance division of the department of commerce and consumer affairs to develop a plan to implement healthcare for all Hawaii residents. Requires the task force to develop a plan for implementing health care to all residents of Hawaii, and contract with the Hawaii Uninsured Project to serve as a facilitator. Report to the legislature. Allows task force to request assistance from the department of health, the insurance division, the department of human services, and other state agencies. Task force to cease to operate after June 30, 2006 (sunset). Appropriation. -- Amends provisions relating to marriage license; agent to grant; fee. Provides that the agent shall collect from the applicant for the license a surcharge of 5 dollars, of which the agent shall retain the full amount for the agent's additional benefit and compensation. (\$\$) -- HB1304 CD1

Committee Reports: HSCR 151 (HLT/ HUS/) HSCR 408 (CPC) HSCR 974 (FIN) SSCR 1192 (HTH/ CPH/) SSCR 1520 (WAM) CCR 168

Current Status: May-03 05 Passed Legislature

Section Affected: 572-5

HB1305 HD1 (HSCR 705)

RELATING TO EQUAL PAY.

Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Sonson A, Tsuji C, Chang J, Herkes R, Schatz B, Nishimoto S, Yamane R, Shimabukuro M, Kahikina M, Caldwell K, Cabanilla R, Waters T, Magaoay M, Evans C, Lee M, Abinsay F, Berg L, Arakaki D, Green J, Takumi R, Karamatsu J, Saiki S, Kawakami B, Luke S, Chong P, Yamashita K, Wakai G, Hale H, Morita H, Hiraki K, Kanoho E

Establishes provisions relating to equal pay; sex discrimination. Prohibits an employer to discriminate between employees because of sex, by paying wages to employees in the establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex in the establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions. Establishes a 5 year pay equity task force to be conducted under the office of the governor. Requires the task force to review relevant information and develop recommendations to the legislature on funding or specific actions to correct any gender based pay inequities that are discovered. Annual report to the legislature. Act to be repealed on June 30, 2011 (sunset). -- HB1305 HD1

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Committee Reports: HSCR 705 (JUD) SSCR 1119 (LBR) SSCR 1420 (JHW/ WAM/)
Current Status: Apr-13 05 Received by the Governor
Apr-28 05 Became Law Without Governor's Signature (Act 35
2005)
Section Affected: 378- (1 SECTION) EQUAL PAY

HB1308 HD1 SD2 CD1 (CCR 146)

RELATING TO LAND CONSERVATION.

Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Takamine D, Wakai G, Kawakami B, Waters T, Evans C, Kanoho E, Lee M, Berg L, Green J, Arakaki D, Takumi R, Karamatsu J, Shimabukuro M, Magaoay M, Kahikina M, Caldwell K, Cabanilla R, Herkes R, Luke S, Nishimoto S, Schatz B, Yamane R, Tsuji C, Chong P, Yamashita K, Chang J, Hale H, Morita H, Hiraki K, Abinsay F, Sonson A

Changes the fund for the environment to the land conservation fund. Provides that the land conservation fund is exempt from the 5 per cent deduction of all receipts from all special funds. Requires that 10 per cent of all revenues from the conveyance tax be credited to the fund. Requires the department of land and natural resources to administer and manage the fund. Requires the fund to be used for the preservation of watershed protection, coastal areas and access, habitat protection, cultural and historical sites, recreational and public hunting areas, parks, natural areas, agricultural protection, and open spaces and scenic resources. Requires the department to recommend to the board of land and natural resources specific parcels of land to be acquired, restricted with conservation easements, or preserved. Requires the board to review and select the lands to be acquired and to publish an annual report, including a financial report, to the legislature, governor and public. Allows the board to make grants to state agencies and nonprofit land conservation organizations and for nonprofit organizations to sell, lease or otherwise dispose of acquired land with the prior written approval of the board. Provides that any land acquired by any nonprofit land conservation organization may be sold, leased, or otherwise disposed of with the prior written approval of the board and any permanent easement established that includes partnership with a federal land conservation program may be transferred only as provided by rules of the federal program. -- Amends provisions relating to conveyance tax. Provides that the tax shall be 10 cents per 100 dollars for properties with a value of less than 600,000 dollars, 20 cents per 100 dollars for properties with value greater than 600,000 dollars and less than 1 million dollars, and 30 cents per 100 dollars for properties with a value of 1 million dollars and over. Provides that for the sale of condominiums or a single family residence for which the purchaser is ineligible for a county homeowner's exemption on property the tax shall be 15 cents per 100 dollars for properties with a value of less than 600,000 dollars, 25 cents per 100 dollars for properties with value greater than 600,000 dollars and less than 1 million dollars, and 35 cents per 100 dollars for properties with a value of 1 million dollars and over. Provides that 10 per cent shall be paid into the land conservation fund, 30 per cent shall be paid into the rental housing trust fund, 25 per cent shall be paid into the natural area reserve fund, and that disbursement of funds in the natural area reserve fund shall include management of the natural area reserves system. Appropriation. -- HB1308 CD1

Committee Reports: HSCR 473 (WLO) HSCR 879 (FIN) SSCR 1261 (WLA) SSCR
1591 (WAM) CCR 146

Current Status: May-03 05 Passed Legislature

Section Affected: 36-27, 173A-2, 173A-5, 173A-9, 173A-10, 247-2, 247-7

HB1309 HD2 SD2 CD1 (CCR 186)

RELATING TO TAXATION.

Introduced by: Say C, Takai K, Oshiro M, Oshiro B, Takamine D, Magaoay M, Evans C, Lee M, Abinsay F, Berg L, Arakaki D, Green J, Takumi R, Karamatsu J, Chong P, Chang J, Hiraki K, Kanoho E, Shimabukuro M, Kahikina M, Hale H, Caldwell K, Cabanilla R, Herkes R, Morita H, Kawakami B, Schatz B, Yamane R, Tsuji C, Yamashita K

Establishes provisions relating to county surcharge on state tax. Allows the counties to establish a surcharge up to 1/2 per cent on general excise tax and use tax by ordinance. Provides that the funds from the surcharges shall be used by any county with a population greater than 500,000 for operating or capital costs of a locally preferred alternative for mass transit and for complying with the Americans with Disabilities Act and by any county with a population less than 500,000 for operating or capital costs of public transportation systems within the county, including public roadways or highways, public buses, trains, ferries, pedestrian paths or sidewalks, or bicycle paths, and for complying with the Americans with Disabilities Act. -- Amends provisions relating to motor vehicle rental industry license and registrations fees. Allows a lessor to visibly pass on to a lessee the county surcharge provided that the lessor itemizes the tax for

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the lessee. -- Repeals the transit capital development fund. Provides that if none of the counties adopted a county surcharge by December 31, 2005, this Act shall be repealed (sunset). Further provides that if an ordinance is adopted it shall be repealed on December 31, 2022 and this Act shall be repealed on December 31, 2022. -- HB1309 CD1

Committee Reports: HSCR 162 (TRN) HSCR 953 (FIN) SSCR 1096 (TGO/ IGA/ SSCR 1569 (WAM) CCR 186

Current Status: May-03 05 Passed Legislature

Section Affected: 46- (1 SECTION), 237- (1 SECTION), 238- (1 SECTION), 248- (1 SECTION), 437D-8.4, 51D-1, 51D-2, 51D-3, 51D-4, 51D-5, 51D-6, 51D-7, 51D-8

HB1317 HD1 SD1 CD1 (CCR 97)

RELATING TO MEDICAID.

Introduced by: Hiraki K

Requires the department of human services to report to the legislature on the impact of carving out pharmaceutical benefits management from managed care plans. -- HB1317 CD1

Committee Reports: HSCR 71 (HUS/ HLT/) HSCR 409 (CPC) HSCR 908 (FIN) SSCR 1275 (HMS/ HTH/) SSCR 1524 (WAM) CCR 97

Current Status: May=03 05 Passed Legislature

HB1318 HD1 SD1 (SSCR 1118)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Abinsay F, Magaoay M, Wakai G, Lee M, Tanaka K, Arakaki D, Ito K
Establishes provisions relating to leave of absence to serve as bone marrow donor and organ donor. Provides that any officer or employee in the service of the State or counties shall be entitled to 7 days paid leave each calendar year to serve as a bone marrow donor and 30 days paid leave each calendar year to serve as an organ donor. -- HB1318 SD1

Committee Reports: HSCR 344 (LAB/ HLT/) HSCR 946 (FIN) SSCR 1118 (LBR) SSCR 1553 (WAM)

Current Status: Apr-29 05 Received by the Governor

Section Affected: 78- (1 SECTION) LEAVE OF ABSENCE TO SERVE AS BONE MARROW DONOR OR ORGAN DONOR

HB1320 HD1 SD1 CD1 (CCR 52)

RELATING TO EMERGENCY 911.

Introduced by: Evans C

Establishes provisions relating to retention of emergency 911 recordings. Requires each county safety answering point to retain the recordings of all emergency 911 telephone calls and radio dispatches for not less than 1 year. -- HB1320 CD1

Committee Reports: HSCR 171 (PSM) HSCR 546 (JUD) HSCR 898 (FIN) SSCR 1194 (IGA/ JHW/) SSCR 1525 (WAM) CCR 52

Current Status: May-03 05 Passed Legislature

Section Affected: 46- (1 SECTION) RETENTION OF EMERGENCY 911 RECORDINGS

HB1378 HD1 SD2 CD1 (CCR 183)

RELATING TO THE JUDICIARY.

Introduced by: Saiki S, Luke S

Amends provisions relating to temporary restraining order relating to abuse. Adds that if a divorce or a child custody proceeding is pending, a petition for a temporary restraining order may be filed in the same proceeding. Adds that any decree or order issued in a divorce or child custody proceeding subsequent to the petition being filed or an order being issued, in the discretion of the court hearing the divorce or child custody proceeding, may supersede in whole or part the orders issued pursuant to these provisions. Provides that findings and rulings made in connection with the granting or denying of a temporary restraining order may not have binding effect in any other family court proceeding, including child custody determinations, and the court in such proceedings may give de novo consideration to the facts and circumstances alleged in making later determinations affecting the parties, including determination of custody and visitation. -- HB1378 CD1

Committee Reports: HSCR 543 (JUD) HSCR 970 (FIN) SSCR 1229 (JHW) SSCR 1617 (WAM) CCR 183

Current Status: May-03 05 Passed Legislature

Section Affected: 586-4

HB1393 HD2 SD1 CD1 (CCR 163)

RELATING TO THE COMMISSION ON THE STATUS OF WOMEN.

Introduced by: Lee M, Morita H, Oshiro M, Kawakami B, Caldwell K, Karamatsu J,

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Takumi R, Hiraki K, Evans C, Berg L, Shimabukuro M
Amends provisions relating to the Hawaii state commission on the status of women. Places the commission within the department of human services instead of the office of the lieutenant governor. -- HB1393 CD1
Committee Reports: HSCR 544 (JUD) HSCR 942 (FIN) SSCR 1217 (JHW) SSCR 1532 (WAM) CCR 163
Current Status: May-03 05 Passed Legislature
Section Affected: 26-1, 26-14, 367-2

HB1413 HD1 SD1 (SSCR 1332) RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.
Introduced by: Kahikina M, Kawakami B, Morita H, Kanoho E
Amends provisions relating to the Hawaiian homes commission act. Provides that loans may be made by acceptable private mortgage insurers. -- HB1413 SD1
Committee Reports: HSCR 472 (HAW/ HSG/) HSCR 849 (FIN) SSCR 1332 (JHW)
Current Status: Apr-29 05 Received by the Governor
Section Affected: HAWAIIAN HOMES COMMISSION ACT 1920 208

HB1430 HD2 SD2 CD1 (CCR 75) RELATING TO SOLID WASTE CONTROL.
Introduced by: Morita H
Establishes provisions relating to petty misdemeanor disposal of solid waste. Provides that a person commits the offense of petty misdemeanor disposal of solid waste if the person knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than 1 cubic yard in volume and less than 10 cubic yards in volume anywhere other than a permitted solid waste management system without the approval of the director of health. Establishes penalties. Exempts disposal of green waste which includes leaves, grass clippings, garden and yard wastes, tree trunks, holiday trees, tree trimmings, and prunings, or any combination thereof. -- HB1430 CD1
Committee Reports: HSCR 417 (EEP) HSCR 838 (JUD) SSCR 1244 (EIA) SSCR 1361 (JHW) CCR 75
Current Status: May=03 05 Passed Legislature
Section Affected: 342H- (1 SECTION), 342H-30, 342H-37

HB1450 HD2 SD1 (SSCR 1333) RELATING TO CIVIL RIGHTS.
Introduced by: Oshiro B, Luke S, Oshiro M, Schatz B
Amends provisions relating to employment practices. Defines gender identity or expression to mean a person's actual or perceived gender regardless of whether that gender is different from that traditionally associated with the person's sex at birth. Provides that it shall be an unlawful discriminating practice for an employer to refuse to hire or employ a person because of gender identity or expression. -- Amends provisions relating to the civil rights commission to include gender identity or expression. -- HB1450 SD1
Committee Reports: HSCR 565 (LAB) HSCR 832 (JUD) SSCR 1333 (JHW)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 378-1, 368-1, 378-2

HB1453 HD1 SD1 (SSCR 1334) RELATING TO ANIMALS.
Introduced by: Oshiro B, Lee M
Establishes provisions relating to trusts for domestic or pet animals. Provides that a trust for the care of 1 or more designated domestic or pet animals is valid. Provides that the trust terminates when no living animal is covered by the trust. Provides that a governing instrument shall be liberally construed to bring the transfer to presume against a merely precatory or honorary nature of its disposition and to carry out the general intent of the transferor. Amends provisions relating to time of taking effect; provisions for transition. -- HB1453 SD1
Committee Reports: HSCR 706 (JUD) SSCR 1334 (JHW)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 560: - (1 SECTION), 560:8-101

HB1462 SD1 CD1 (CCR 148) RELATING TO THE STATE OF HAWAII.
Introduced by: Takamine D
Amends provisions relating to criminal and juvenile justice resource coordination; administration and staff. Requires the department of the attorney general to administer programs for the prevention of sexual violence and the protection and treatment of victims of sexual violence. -- Amends provisions relating to the Hawaii environmental response law. Adds that in the case of a requesting party that is a public or nonprofit

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agency, the director of health may reduce or waive fees if the director deems it to be in the public interest. Amends provisions relating to exemption from liability. Adds that the department of health reserves the right to take action if a prospective purchaser fails to comply with the terms and conditions specified in the letter of completion. -- HB1462 CD1

Committee Reports: HSCR 805 (FIN) SSCR 1481 (WAM) CCR 148

Current Status: May-03 05 Passed Legislature

Section Affected: 28-10.5, 128D-32, 128D-34, 128D-36, 128D-37, 128D-38, 128D-39, 128D-40

HB1476 HD1 SD1 CD1 (CCR 88)

RELATING TO NORTH KOHALA.

Introduced by: Berg L, Herkes R

Requires the department of land and natural resources to determine whether or not the 162 acres that may be acquired by Kamehameha schools are adequate to provide a buffer and public access to the Mo'okini (Mookini) heiau and Kamehameha birthsite, if this acreage is found insufficient the department shall renew its effort to acquire the remaining 88 acres through land exchange, and consult with Mo'okini Luakini, Inc. and Kamehameha schools before making its determination. -- HB1476 CD1

Committee Reports: HSCR 495 (WLO) HSCR 880 (FIN) SSCR 1065 (MAT/ WLA/)
SSCR 1566 (WAM) CCR 88

Current Status: May=03 05 Passed Legislature

HB1528 HD2 SD2 CD1 (CCR 139)

RELATING TO PUBLIC EMPLOYEES.

Introduced by: Say C, Oshiro M

Amends provisions relating to the salaries and wages of the auditor, the director of the legislative reference bureau, the ombudsman, their respective 1st assistants, and the executive director of the ethics commission. Appropriation. (\$\$) -- HB1528 CD1

Committee Reports: HSCR 340 (LAB) HSCR 1003 (FIN) SSCR 1081 (LBR/ TGO/)
SSCR 1554 (WAM) CCR 139

Current Status: May-03 05 Passed Legislature

Section Affected: 23-3, 23-8, 23G-1, 23G-2, 84-35, 96-2, 96-3

HB1548 HD1 SD1 CD1 (CCR 174)

RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.

Introduced by: Say C (BR)

Amends provisions relating to the composition of the board of trustees of the employer union health benefits trust fund. Provides that 3 trustees shall be appointed from a list of 2 nominees per trustee selected by each of the 3 exclusive representative organizations that have the largest number of employee beneficiaries, 1 trustee shall be appointed from a list of 2 nominees selected by mutual agreement of the remaining exclusive employee representative organization, and 1 trustee representing retirees shall be appointed from a list of 2 nominees selected by mutual agreement of all eligible exclusive representatives. Provides that a vacancy on the board shall be filled in the same manner as the trustee who vacated that position was appointed or selected, further provided that vacancies on the board for each trustee position representing retirees and employee beneficiaries shall be filled by appointment of the governor. -- HB1548 CD1

Committee Reports: HSCR 493 (LAB) HSCR 947 (FIN) SSCR 1121 (LBR) SSCR
1555 (WAM) CCR 174

Current Status: May-03 05 Passed Legislature

Section Affected: 87A-5, 87A-6

HB1550 HD1 SD1 CD1 (CCR 58)

RELATING TO STUDENTS.

Introduced by: Say C

Amends provisions relating to self administration of medication by student permitted by adding an emergency administration. Requires the department of education to permit department employees and agents to volunteer to administer glucagon in an emergency situation to students with diabetes. Requires written certification from the student's physician. Requires instruction by a qualified health care professional. -- HB1550 CD1

Committee Reports: HSCR 321 (EDN) HSCR 842 (JUD) SSCR 1201 (EDM/ HTH/)
SSCR 1450 (JHW) CCR 58

Current Status: May=03 05 Passed Legislature

Section Affected: 302A-1164

HB1554 HD2 SD2 CD1 (CCR 147)

RELATING TO LEASEHOLD CONVERSION.

Introduced by: Hiraki K

Provides an income tax deduction of 50 per cent of the income derived by a fee owner

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from the sale of a leased fee interest in a multi family residential leasehold property to the lessee of the multi family residential leasehold unit or in a residential leasehold house lot to the lessee of the residential leasehold house lot. Act to be repealed on January 1, 2007 (sunset). -- HB1554 CD1

Committee Reports: HSCR 169 (WLO/ HSG/) HSCR 415 (CPC) HSCR 791 (FIN) SSCR 1105 (CPH) SSCR 1618 (WAM) CCR 147

Current Status: May-03 05 Passed Legislature

Section Affected: 235-7

HB1555 HD1 SD1 CD1 (CCR 56)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HUALALAI ACADEMY.

Introduced by: Green J

Authorizes the issuance of special purpose revenue bonds to assist Hualalai Academy, a Hawaii corporation, to finance 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. (\$\$) -- HB1555 CD1

Committee Reports: HSCR 347 (EDN/ HED/) HSCR 859 (FIN) SSCR 1133 (EDM) SSCR 1509 (WAM) CCR 56

Current Status: May=03 05 Passed Legislature

HB1556 HD1 SD1 CD1 (CCR 137)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES.

Introduced by: Evans C, Green J

Authorizes the issuance of special purpose revenue bonds to assist PLK Air Services Group LLC, with the planning, design, and construction of, and obtaining equipment, furnishings and apparatus for, a Kona coffee and macadamia manufacturing facility and air cargo logistics and fulfillment center at Kona international airport. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1556 CD1

Committee Reports: HSCR 466 (TRN/ AGR/) HSCR 867 (FIN) SSCR 1057 (TGO/ WLA/) SSCR 1570 (WAM) CCR 137

Current Status: May=03 05 Passed Legislature

HB1597 SD1 CD1 (CCR 143)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Caldwell K

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 9 (registered professional nurses) and for state officers and employees excluded from collective bargaining, and for state employees in unit 9 assigned to the Hawaii health systems corporation. (\$\$) -- HB1597 CD1

Committee Reports: HSCR 695 (FIN) SSCR 1085 (LBR) SSCR 1559 (WAM) CCR 143

Current Status: May-03 05 Passed Legislature

HB1599 SD1 CD1 (CCR 144)

MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Caldwell K

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 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), unit 9 (registered professional nurses), and unit 13 (other professional and scientific employees), and for state officers and employees excluded from collective bargaining. (\$\$) -- HB1599 CD1

Committee Reports: HSCR 697 (FIN) SSCR 1087 (LBR) SSCR 1561 (WAM) CCR 144

Current Status: May-03 05 Passed Legislature

HB1608 HD1 SD2 CD1 (CCR 140)

RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS.

Introduced by: Takumi R, Halford C, Lee M, Magaoay M, Waters T, Karamatsu J, Evans C, Morita H, Sonson A, Tsuji C, Yamane R, Oshiro B, Marumoto B, Thielen C, Green J, Kahikina M, Nishimoto S, Ching C, Moses M, Pine K, Stonebraker W, Takai K, Berg L, Shimabukuro M, Chang J, Kawakami B, Hiraki K, Ito K, Abinsay F, Kanoho E, Herkes R

Establishes the voluntary employees' beneficiary association (VEBA) trusts law.

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Provides criteria for employee organizations establishing voluntary employees' beneficiary association trusts. Establishes provisions relating to state and county contributions to the trust, active employees. Provides that upon the establishment of the trust, the State, through the department of budget and finance, the counties, through their departments of finance, or the university of Hawaii, shall pay to the trust a monthly contribution equal to the amount specified in the applicable public sector collective bargaining agreement. Establishes provisions relating to state and county contributions to the trust, retired employees. Provides that any retiree, prior to the trust being established, who is a member of that employee organization, and who was previously covered by a collective bargaining agreement, shall be given a 1 time option to transfer participation from the Hawaii employer union health benefit trust to the corresponding employee organization VEBA trust once established. Provides that the State, through the department of budget and finance, the counties, through their departments of finance, or the university of Hawaii, shall pay to the trust for each retiree who participates, a monthly contribution equal to the contribution paid on behalf of a similarly situated retiree. Establishes provisions relating to termination of the trust. Provides that should an employee organization or a collective bargaining agreement which establishes a trust terminate or cease to provide health benefits, the participants in such trust shall be given the opportunity to return to the Hawaii employer union health benefits trust upon the date that health benefits cease to be provided. Provides that for purposes of negotiating contributions by the State and the counties to a voluntary employees' beneficiary association trust as part of a collective bargaining agreement, all prospective retirees who retire on or after July 1, 2005, shall be considered members of the bargaining unit to which they belonged prior to their retirement from the State of Hawaii or the counties. Act to be repealed on July 1, 2008 (sunset). -- HB1608 CD1

Committee Reports: HSCR 247 (EDN/ LAB/) HSCR 675 (FIN) SSCR 1208 (LBR) SSCR 1619 (WAM) CCR 140

Current Status: May-03 05 Passed Legislature

Section Affected: (12 SECTIONS) VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS, 89-2, 89-3, 89-6, 89-9

HB1614 HD1 SD2 CD1 (CCR 134)

RELATING TO CIVIL SERVICE PERSONNEL.

Introduced by: Takumi R

Establishes provisions relating to civil service benefits for civil service employees of the department of education. Requires that as of July 1, 2005 personnel of the department of education shall have the benefits relating to transfer, reduction in force, medical placement, and seniority as members of the executive civil service system or as provided in collective bargaining agreements. -- HB1614 CD1

Committee Reports: HSCR 343 (LAB/ EDN/) HSCR 948 (FIN) SSCR 1235 (LBR/ EDM/) SSCR 1562 (WAM) CCR 134

Current Status: May=03 05 Passed Legislature

Section Affected: 76- (1 SECTION) CIVIL SERVICE BENEFITS FOR CIVIL SERVICE EMPLOYEES OF THE DEPARTMENT OF EDUCATION

HB1640 HD3 SD2 CD1 (CCR 175)

RELATING TO IMPORTANT AGRICULTURAL LANDS.

Introduced by: Abinsay F

Establishes provisions relating to important agricultural lands. Defines important agricultural lands as lands that are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology, contribute to the State's economic base and produce agricultural commodities for export or local consumption or are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production. Requires that such lands are identified and plan for maintenance of strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities. Establishes important agricultural lands; policies. Establishes standards and criteria for the identification of important agricultural lands. Allows farmer or landowner to petition the land use commission to designate and map the lands as important agricultural lands. Establishes incentives for important agricultural lands. Requires each county to identify and map important agricultural lands and transmit the adopted maps to the commission. Requires the department of agriculture and office of planning to review the county report and recommendations and provide comments to commission. Requires the commission to designate important agricultural lands. Establishes standards and criteria for the reclassification or rezoning of important agricultural lands. Requires that the maps be reviewed at least once every 10 years and no more than once every 5 years. -- Amends provisions relating to amendments to

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district boundaries. Provides that lands in the conservation district or delineated as important agricultural land shall be processed by the land use commission. -- Amends provisions relating to special permit. Requires that copies of the special permit petition be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment. Appropriation for a grant in aid to each county. Annual reports to the legislature by the land use commission. -- Amends provisions relating to the land use commission decision making criteria. Requires that the commission specifically consider the standards and criteria for the reclassification or rezoning of important agricultural lands. -- Requires the department of agriculture, with the assistance of the department of taxation, to contract appropriate meeting facilitation and cost benefit analysis services to develop and recommend a package of proposals for agricultural incentives and other measures that promote agricultural viability, sustained growth of the agriculture industry, and the long term use and protection of important agricultural lands. Report to the legislature. Appropriation. (\$\$) -- HB1640 CD1

Committee Reports: HSCR 194 (WLO/ AGR/) HSCR 531 (EDB) HSCR 968 (FIN)
SSCR 1281 (WLA) SSCR 1592 (WAM) CCR 175

Current Status: May-03 05 Passed Legislature

Section Affected: 205- (12 SECTIONS) IMPORTANT AGRICULTURAL LANDS,
205-3.1, 205-4, 205-6, 205-17

HB1641 HD1 SD2 CD1 (CCR 133)

RELATING TO NON-AGRICULTURAL PARK LANDS.

Introduced by: Abinsay F, Kanoho E

Establishes provisions relating to nonagricultural park lands special fund. Establishes the nonagricultural park lands special fund administered by the department of agriculture. Provides that legislative appropriations and all lease, rent, fees, penalties, and any other revenue or funds collected from nonagricultural park lands that are transferred, or in the process of being transferred shall be deposited into the fund. Provides that moneys in the special fund shall be used to pay for costs incurred in managing, administering, and overseeing nonagricultural park lands. -- HB1641 CD1

Committee Reports: HSCR 190 (AGR/ WLO/) HSCR 295 (EDB) HSCR 927 (FIN)
SSCR 1171 (WLA) SSCR 1581 (WAM) CCR 133

Current Status: May=03 05 Passed Legislature

Section Affected: 166E- (1 SECTION) NON-AGRICULTURAL PARK LANDS
SPECIAL FUND

HB1657 HD1 SD1 CD1 (CCR 63)

RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST HOKU SCIENTIFIC.

Introduced by: Karamatsu J

Authorizes the issuance of special purpose revenue bonds to assist Hoku Scientific, a Hawaii company, with planning, designing, constructing, and equipping facilities for the production of the company's core products. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1657 CD1

Committee Reports: HSCR 115 (EDB) HSCR 912 (FIN) SSCR 1051 (MAT) SSCR
1567 (WAM) CCR 63

Current Status: May=03 05 Passed Legislature

HB1659 HD1 SD1 CD1 (CCR 74)

RELATING TO NONCOMMERCIAL PIERS.

Introduced by: Ito K, Meyer C, Thielen C, Kanoho E, Chong P

Amends Act 261, session laws of 2000, as amended by Act 68, session laws of 2002, as amended by Act 103, session laws of 2002, allowing the department of land and natural resources to lease lands for private noncommercial piers in Kane'ohe (Kaneohe) bay, by extending the sunset date to June 30, 2007. Urges the department of land and natural resources to commence using prevailing real property tax assessment value of the fast lands in determining lease rent of the state submerged land beneath tidal water entered into after July 1, 2006. -- HB1659 CD1

Committee Reports: HSCR 747 (WLO) SSCR 1406 (WLA) CCR 74

Current Status: May=03 05 Passed Legislature

Section Affected: ACT 261 2000, ACT 68 2002, ACT 103 2002, 171-53, 171-36

HB1666 HD1 SD1 (SSCR 1483)

RELATING TO STATE FUNDS.

Introduced by: Takamine D

Transfers the functions and authority relating to uniformed security employees and security contracts at the health facilities under the operation, management and control of the Hawaii health systems corporation to the Hawaii health systems corporation from

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the department of public safety. -- HB1666 SD1
Committee Reports: HSCR 812 (FIN) SSCR 1483 (WAM)
Current Status: Apr-27 05 Received by the Governor
Section Affected: 26-14.6

HB1668 SD1 CD1 (CCR 98)

RELATING TO STATE BONDS.
Introduced by: Takamine D
Establishes debt limit on general obligation bonds. Authorizes the issuance of general obligation bonds for appropriation to finance projects authorized in House Bill No. 100, H.D. 1, S.D. 1, C.D. 1 (HB0100 HD1 SD1 CD1) (the General Appropriations Act of 2005) and House Bill No. 500, H.D. 2, S.D. 2, C.D. 1 (HB0500 HD2 SD2 CD1) (the Judiciary Appropriations Act of 2005), 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. (\$\$) -- HB1668 CD1
Committee Reports: HSCR 782 (FIN) SSCR 1484 (WAM) CCR 98
Current Status: May=03 05 Passed Legislature

HB1672 SD1 CD1 (CCR 150)

RELATING TO THE BUDGET.
Introduced by: Takamine D, Morita H, Lee M, Kawakami B, Karamatsu J, Arakaki D, Abinsay F
Establishes provisions relating to grants; release by the governor. Provides that if a grant awarded by the legislature is not allocated or released by the governor within 90 days of the effective date of the legislation awarding the grant, the governor shall notify the recipient of the unreleased grant on the status of whether the grant is still pending or will not be released. Requires the governor to provide notice once every quarterly allotment period of the legislation awarding the grant and until a final determination is made on the status of the grant. -- HB1672 CD1
Committee Reports: HSCR 809 (FIN) SSCR 1485 (WAM) CCR 150
Current Status: May-03 05 Passed Legislature
Section Affected: 42F- (1 SECTION) GRANTS

HB1709 SD1 CD1 (CCR 67)

RELATING TO CRIMINAL PROPERTY DAMAGE.
Introduced by: Oshiro B, Takai K, Finnegan L, Karamatsu J
Establishes provisions relating to aggravated criminal property damage. Provides that a person commits the offense of aggravated criminal property damage if the person intentionally damages the property of another without the other's consent and has been convicted 2 or more times in the 5 years preceding the offense of an offense under criminal property damage in the 3rd and 4th degrees. Provides that criminal property damage is a misdemeanor. -- HB1709 CD1
Committee Reports: HSCR 774 (JUD) SSCR 1362 (JHW) CCR 67
Current Status: May=03 05 Passed Legislature
Section Affected: 708- (1 SECTION) AGGRAVATED CRIMINAL PROPERTY DAMAGE

HB1712 HD1 SD1 (SSCR 1324)

RELATING TO ELECTIONS.
Introduced by: Oshiro B, Luke S, Oshiro M, Takai K
Amends provisions relating to elections. Provides that any nonprofit organization for the provision and compensation of precinct officials and other election related personnel, services, and activities, shall not be a political action committee or organized for a political purpose. -- Provides that unless authorized it shall be unlawful for any person to use, print, publish, or distribute any voter registration information acquired directly or indirectly from the voter registration affidavits or any list prepared therefrom. -- Provides that each political party may appoint no more than 1 watcher who may be present at any time in each precinct and absentee polling place. Allows watchers to review the polling book. -- HB1712 SD1
Committee Reports: HSCR 701 (JUD) SSCR 1324 (JHW)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 11-5, 11-14, 11-72, 11-77

HB1715 HD1 SD1 (SSCR 1325)

RELATING TO CIVIL RIGHTS.
Introduced by: Oshiro B, Luke S
Amends provisions relating to discrimination in real property transactions. Defines gender identity or expression as a person's actual or perceived gender regardless of whether it is different from that traditionally associated with the person's sex at birth. Defines sexual orientation to mean having a preference for heterosexuality,

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homosexuality, or bisexuality, having a history of any 1 or more of these preferences, or being identified with any 1 or more of these preferences. Provides that these provisions do not apply to the housing accommodations located on property used for church purposes. -- Amends provisions relating to discriminatory practices in real property transactions to include sexual orientation, gender identity or expression. Amends provisions relating to blockbusting to include sexual orientation and familial status. -- HB1715 SD1

Committee Reports: HSCR 771 (JUD) SSCR 1325 (JHW)
Current Status: Apr-21 05 Received by the Governor
Section Affected: 515-2, 515-3, 515-4, 515-5, 515-6, 515-7

HB1733 HD2 SD2 CD1 (CCR 184)

RELATING TO BIOLOGICAL EVIDENCE.

Introduced by: Luke S, Oshiro B, Thielen C, Kanoho E, Takumi R, Herkes R, Sonson A, Morita H, Berg L, Oshiro M, Saiki S, Shimabukuro M, Caldwell K, Marumoto B, Ito K, Evans C, Kahikina M, Magaoay M

Establishes forensic identification law. Requires the police department of the city and county of Honolulu to be responsible for the management and administration of the State's DNA (deoxyribonucleic acid) database and databank identification program and for liaison with the FBI (Federal Bureau of Investigation) and other relevant agencies regarding the State's participation in a national DNA database that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories nationwide. -- Amends provisions relating to time limitations of the Hawaii penal code. Adds that a prosecution may be commenced for any felony offense involving evidence containing DNA, if a test confirming the presence of DNA is performed prior to expiration of the period of limitation but these provisions shall not extend the period of limitation by more than 10 years from the expiration of the period of limitation. -- Repeals provisions relating to mental and medical examination; deoxyribonucleic acid collection. Establishes DNA analysis monetary assessment; DNA registry special fund. -- HB1733 CD1

Committee Reports: HSCR 648 (JUD) HSCR 956 (FIN) SSCR 1273 (JHW) SSCR 1534 (WAM) CCR 184

Current Status: May-03 05 Passed Legislature
Section Affected: (58 SECTIONS) FORENSIC IDENTIFICATION, 701-108, 701-118, 706-603

HB1740 HD1 SD2 (SSCR 1535)

RELATING TO ELECTRONIC VOTING.

Introduced by: Luke S, Oshiro B, Thielen C, Berg L, Ito K, Morita H, Sonson A, Evans C, Oshiro M, Tsuji C, Hale H, Abinsay F, Magaoay M, Karamatsu J, Shimabukuro M, Waters T, Caldwell K, Saiki S, Marumoto B

Amends provisions relating to electronic voting requirements. Prohibits an electronic voting system to be used in any election unless it generates a paper ballot that may be inspected and corrected by the voter before the vote is cast, and every paper ballot is retained as the definitive record of the vote cast. Provides that the chief election officer may rely on electronic tallies created directly by electronic voting systems if the electronic voting system is subject to inspection, audit, and experimental testing before and after the election, no upgrades, patches, fixes, or alterations shall be applied to the system through 30 days following the election, the chief election officer conducts a post election pre certification audit of a random sample of not less than 10 per cent of the precincts employing the electronic voting system, and that if discrepancies appear in the pre certification audit, the chief election officer shall immediately conduct an expanded audit to determine the extent of misreporting in the system. -- Amends provisions relating to election frauds to include those people who, directly or indirectly, personally or through another, willfully designs, alters, accesses, or programs any electronic voting system to inaccurately record, tally, or report votes cast on the system. -- HB1740 SD2

Committee Reports: HSCR 545 (JUD) HSCR 790 (FIN) SSCR 1219 (JHW) SSCR 1535 (WAM)

Current Status: May-05 05 Passed Legislature
Section Affected: 16-42, 19-3

HB1745 HD1 SD2 CD1 (CCR 165)

RELATING TO REPORTS TO THE LEGISLATURE.

Introduced by: Luke S, Oshiro B

Exempts the judiciary from reporting to the legislature before establishing a new account or fund. Repeals requirement that the judiciary report on delinquent fines and restitution to the legislature. -- Amends provisions relating to expenditures. Repeals the requirement that the commissioners of the State council for interstate adult offender supervision report to the legislature. -- Amends provisions relating to parental

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preferences in government contracts, programs, and services. Repeals the Judiciary's report to the legislature. -- Amends provisions relating 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. Repeals the judiciary's annual financial report to the legislature. -- Amends Act 100, session laws of 1999, and Act 90, session laws of 2001, by repealing the judiciary's reporting requirement. Amends Act 203, session laws of 1996, by repealing the judiciary's and the department of commerce and consumer affairs' joint report to the legislature. -- HB1745 CD1

Committee Reports: HSCR 127 (JUD) HSCR 314 (LMG) HSCR 984 (FIN) SSCR 1158 (JHW) SSCR 1536 (WAM) CCR 165

Current Status: May-03 05 Passed Legislature

Section Affected: 37-52.5, 40-82, 353B-4, ACT 100 1999, ACT 90 2001, ACT 203 1996

HB1747 HD1 SD1 CD1 (CCR 185)

RELATING TO CAMPAIGNS.

Introduced by: Luke S, Oshiro B

Establishes prohibition of fundraising on state or county property. Provides that it shall be unlawful for any person to solicit a donation of money or other thing of value in connection with an election campaign in a room, building, or other facility used in the discharge of official duties by an officer or employee of the state or county. Excludes any government facility, which is available for use as a rental or with a reservation to nongovernmental organizations or receive any political contribution from any person in any state or county room or building occupied in the discharge or official duties. -- Establishes provisions relating to limit on contributions from nonresident individuals and persons. Provides that contributions from individuals who are not a resident of the state at the time of the contribution are made or any person who is not a member of the candidate's immediate family, including a noncandidate committee, resident in another state, or whose participants are not residents at the time the contribution is made, shall not exceed 20 per cent of the total contributions received by a candidate or candidate's committee for each reporting period. -- Repeals the power of the campaign spending commission to censure any candidate who fails to comply with the code of fair campaign practices. -- Amends provisions relating to registration. Requires that each candidate who files nomination papers for office with the chief election officer or county clerk to file an organizational report within 10 days of filing the nomination papers for office or the date the candidate or candidate's committee receives contributions or makes expenditures that amount to more than 100 dollars during the applicable election period. Exempts an elected official who is seeking re election to the same office in successive elections from filing organizational reports. Requires noncandidate committees to file organizational reports within 10 days of receiving contributions or making expenditures in excess of 1,000 dollars in aggregate in a 2 year election period. -- Requires all reports filed with the county clerk's office to be preserved by that office for 4 years from the date of receipt. Requires a candidate or the committee of a candidate who is seeking election to the office of governor, office of lieutenant governor, office of mayor, office of prosecuting attorney, city council, senate, house of representatives, or office of Hawaiian affairs to file by electronic means. Provides that a candidate or committee without access to a computer or the internet may request a waiver of electronic filing from the commission. -- Provides that any excess contribution may be returned to the original donor within 30 days from receipt. Provides that any excess contribution not returned shall escheat to the Hawaii election campaign fund. -- Amends provisions relating to campaign contributions by state and contractors by including county contractors. Provides that it shall be unlawful for the person who enters into any contract with the State, any of its counties, or any department or agency thereof either for the rendition of personal services, the buying of property, or furnishing any material, supplies, or equipment of the State, any of its counties, department or agency thereof, or for selling any land or building to the State, any of its counties, or any department of agency thereof to directly or indirectly make any contribution or to promise expressly or impliedly to make any contribution to any political party, committee, or candidate or any person for any political purpose or use or to knowingly solicit any contribution from any person for any purpose during any period. -- Prohibits contributions from campaign funds made from the date the candidate files nomination papers to the date of the general election. -- Amends provisions relating to electioneering communications. -- Amends provisions relating to preliminary reports and final and supplemental reports. Provides that contributions with information that is not on file shall be returned to the donor within 30 days of deposit. Requires that candidate and noncandidate committees itemize disbursements to consultants, advertising agencies and similar firms, credit card payments, salaries, and candidate reimbursements to permit a reasonable person to

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determine the ultimate intended recipient of expenditure and its purpose. -- Amends the dispositions of funds. Provides that candidates, committees, and individuals that receive contributions but fail to file a nomination for an election shall return all contributions to the donors no later than 90 days after the final date to file for a nomination for that election. Further provides that candidates or committees directly associated with candidates who are elected to office may expend surplus funds within 4 years from the date of the election for which the contributions are received and for candidates who fail to be nominated or elected to office may expend surplus funds within 1 year from the date of election for which the contributions are received. Requires funds not returned to the donors to escheat to the Hawaii election campaign fund. -- Amends provisions relating to candidate funding; amounts available. Provides that for the office of Hawaiian affairs the maximum amount of public funds available to a candidate shall not exceed 1,500 dollars in any election year. -- Amends provisions relating to eligibility for payments. Provides that candidates qualified to be on the election ballot for a special election shall not be eligible to receive payments from the Hawaii election campaign fund. -- Amends provisions relating to entitlement to payments. Provides that any candidate who makes the minimum amount of qualifying contributions 1 time for an election period is entitled to receive for each election that the candidate's name appears on the ballot the minimum payment in an amount equal to the qualifying campaign contributions and payments of 1 dollar for each 1 dollar of qualifying contributions in excess of the minimum amount of qualifying contributions, except that the candidate shall not receive more than the maximum amount of public funds for a primary election. -- Amends provisions relating to public funds, report required, return of funds. Provides that any person who knowingly or intentionally falsifies any report required with the intent to circumvent the law or deceive the commission shall be guilty of a class C felony. -- HB1747 CD1

Committee Reports: HSCR 772 (JUD) SSCR 1459 (JHW) CCR 185

Current Status: May-03 05 Passed Legislature

Section Affected: 11- (2 SECTIONS), 11-191, 11-193, 11-194, 11-195, 11-200, 11-204, 11-205.5, 11-205.6, 11-206, 11-207, 11-207.6, 11-209, 11-212, 11-213, 11-214, 11-218, 11-219, 11-220, 11-221, 11-222, 11-223, 11-224, 11-229, 853-4

HB1749 HD2 SD2 (SSCR 1415)

RELATING TO CRIMINAL OFFENSES.

Introduced by: Luke S, Oshiro B

Requires the legislative reference bureau to continue the review process commenced under House Concurrent Resolution No. 261, H.D. 1, S.D. 1, 2004 (HCR261 HD1 SD1), by periodically identifying, reviewing, and analyzing, to the extent possible, all state statutes (other than the Hawaii Penal Code) and rules that establish criminal offenses specifically denominated as misdemeanors or petty misdemeanors or criminal offenses that authorize imprisonment or fines in excess of 1,000 dollars, or both, but that involve conduct for which, typically only a fine is imposed. Requires the bureau to provide the judiciary with a list of offenses and for the judiciary to identify any offenses that involve conduct for which, typically, only a fine is imposed and those that most frequently appear before the courts. Requires the bureau to contact the departments with jurisdiction over the offenses to help determine whether the offenses may be decriminalized. Report to the legislature. -- HB1749 SD2

Committee Reports: HSCR 149 (HED) HSCR 549 (JUD) HSCR 731 (FIN) SSCR 1185 (HRE) SSCR 1415 (JHW)

Current Status: May-04 05 Received by the Governor

HB1750 SD2 CD1 (CCR 90)

MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY.

Introduced by: Luke S

Appropriation to the department of public safety to support community based reintegration programs for female offenders transitioning from prison back into the community. (\$\$) -- HB1750 CD1

Committee Reports: HSCR 518 (PSM) HSCR 899 (FIN) SSCR 1220 (JHW) SSCR 1537 (WAM) CCR 90

Current Status: May=03 05 Passed Legislature

HB1758 HD1 SD1 CD1 (CCR 94)

RELATING TO UNEMPLOYMENT BENEFITS.

Introduced by: Luke S, Oshiro B, Caldwell K, Takumi R, Herkes R, Morita H, Berg L, Oshiro M, Ito K, Hale H, Abinsay F, Kahikina M, Magaoay M, Karamatsu J, Shimabukuro M, Saiki S

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Amends provisions relating to retirement payments. Provides that payments may be reduced for claims filled on or after July 1, 2005, for any week to which an individual is receiving pension under a plan maintained or contributed to by a base period or chargeable employer. Provides that the weekly benefit amount payable to the individual for the week shall be reduced not below 0 by an amount equal to the amount of the pension which is reasonably attributed to that week. Provides that the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act of 1974 shall not result in a reduction of benefits under this section. -- HB1758 CD1

Committee Reports: HSCR 341 (LAB) HSCR 734 (FIN) SSCR 1124 (LBR) SSCR 1563 (WAM) CCR 94

Current Status: May=03 05 Passed Legislature

Section Affected: 383-23.5

HB1763 HD2 SD2 CD1 (CCR 164)

RELATING TO THE PENAL CODE.

Introduced by: Luke S

Requires the judicial council of Hawaii to conduct a comprehensive review of the Hawaii penal code to recommend to the legislature such amendments to the code as it may conclude are necessary so that the amendments to the penal code are consistent with and conform to the principles and philosophy of the code, the code is in harmony with the entire criminal justice system, and the continued force and effectiveness of the code is ensured. Requires the council to appoint a committee to assist with the study in an advisory capacity. Appropriation. (\$\$) -- HB1763 CD1

Committee Reports: HSCR 672 (JUD) HSCR 957 (FIN) SSCR 1159 (JHW) SSCR 1620 (WAM) CCR 164

Current Status: May-03 05 Passed Legislature