

**BILLS PASSED**  
**BY THE**  
**HAWAII STATE LEGISLATURE**  
**REGULAR SESSION OF 2009**

SHOWING ACTIONS TAKEN AS OF

May 8, 2009

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 2009. 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 8, 2009, 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  
Director  
Legislative Reference Bureau

May 2009

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(Honolulu)***

SOURCE	CONTACT	HOURS	COST
All public libraries. See <a href="http://www.librarieshawaii.org">www.librarieshawaii.org</a> or listing in white pages: State Government, Dept. of Education	Reference Desk	Different for each library. Call to inquire.	Electronic access via the internet only. Library card required. Optional 15¢/page donation for printout.
Hawaii State Archives Iolani Palace Grounds 364 S. King Street Honolulu 96813 Phone: 586-0329	Reference Archivist	Monday - Friday 9:00 am - 4:00 pm	Copies of 2008 - 2009 bills, committee reports, resolutions, and concurrent resolutions will be available after December 2009. No charge for local govt. agencies. For private individuals – 25¢/page. Postage and handling charge for any mailings. Certified copies are \$2.25 per document.
Senate Document Center State Capitol Room 012A Honolulu 96813 Phone: 586-6755	Tia Lobendahn or Senate Clerk's office	Monday - Friday 8:00 am - 4:00 pm	Free for reasonable quantities. Will fax 10 pages or less and mail reasonable quantities.
House Printshop State Capitol Room 012B Honolulu 96813 Phone: 586-6591	Anyone or House Clerk's office	Monday - Friday 9:00 am - 3:00 pm	General public – free. Mail and fax requests received for reasonable quantities.
Lieutenant Governor State Capitol 5 <sup>th</sup> Floor Honolulu 96813 Phone: 586-0255	Dawn	Monday - Friday 7:45 am - 4:30 pm	10¢/page
Supreme Court Law Library 417 S. King Street, 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 or check website at <a href="http://library.law.hawaii.edu">http://library.law.hawaii.edu</a>	9¢/page (with UH debit card — \$1 fee for card) Acts only.

**WHERE TO OBTAIN COPIES OF BILLS OR ACTS**  
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SOURCE	CONTACT	HOURS	COST
<i>Hawaii</i>			
All public libraries. See <a href="http://www.librarieshawaii.org">www.librarieshawaii.org</a> or listing in white pages: State Government, Dept. of Education	Reference Desk	Different for each library. Call to inquire.	Electronic access via the internet only. Optional 15¢/page donation for printout.
Third Circuit Court Law Library - Hilo Hale Kaulike 777 Kilauea Avenue 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
Third Circuit Court Law Library - Kona Keakealani Building (Old Kona Hospital) 79-1020 Haukapila Street Kealahou 96750 Phone: 322-8729	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 <a href="http://www.librarieshawaii.org">www.librarieshawaii.org</a> or listing in white pages: State Government, Dept. of Education	Reference Desk	Different for each library. Call to inquire.	Electronic access via the internet only. Optional 15¢/page donation for printout.
Fifth Circuit Court Law Library - Kauai 3970 Kaana Street, Suite 100 Lihue 96766-1281 Phone: 482-2327	Rhonda	Monday - Friday 7:45 am - 4:15 pm Closed 12:00 - 1:00 pm	15¢/page (self service) or via usage of the internet
<i>Maui</i>			
All public libraries. See <a href="http://www.librarieshawaii.org">www.librarieshawaii.org</a> or listing in white pages: State Government, Dept. of Education	Reference Desk	Different for each library. Call to inquire.	Electronic access via the internet only. Optional 15¢/page donation for printout.
Second Circuit Court Law Library - Maui Judiciary Complex, Room 207 2145 Main Street 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

- SB0001 SD1 HD2 CD1 (CCR 81) RELATING TO OPIHI.  
Introduced by: Hee C  
Establishes provisions relating to opihi harvesting and possession, restricted. Prohibits any person at any time to take, harvest, or possess opihi from any coastal area or nearshore waters of off shore islets in the State, and of the islands of the State. Further prohibits any person at any time of the year to take, harvest, or possess opihi from below the waterline or possess opihi taken from below the waterline from any coastal area or nearshore waters of the islands of the state. Further prohibits a person to be in possession of equipment or any apparatus that would allow a person to see and remain underwater, an instrument that is commonly used as a tool to harvest or take opihi such as opihi knife, and live opihi. Further prohibits any person to take or harvest opihi from above the waterline of the coastal areas or nearshore waters of the State or be in possession of opihi within the State during the closed season of February 1st through May 31st and September 1st through November 30th. Sets limits of 1 quart of opihi with shells attached or 1/2 pint of opihi without shells attached per day during the open seasons. Requires the division of aquatic resources of the department of land and natural resources to submit an annual report to the legislature. -- Establishes provisions relating to opihi harvesting or taking, Oahu, prohibited. Prohibits any person at any time to take or harvest opihi from any coastal area or nearshore waters of the island of the Oahu. Act to be repealed on June 30, 2014 (sunset). -- SB0001 CD1  
Committee Reports: SSCR 32 (WTL) HSCR 1261 (WLO) HSCR 1622 (JUD) CCR 81  
Current Status: May=05 09 Passed Legislature  
Section Affected: 188- (1 SECTION), 188- (1 SECTION)
- SB0019 SD1 HD2 CD1 (CCR 80) RELATING TO PROCUREMENT.  
Introduced by: Taniguchi B  
Establishes provisions relating to public works construction; apprenticeship agreement. Requires a governmental body that enters into a public works contract having an estimated value of more than 250,000 dollars to decrease the bid amount by 5 per cent if the bidder has a written agreement with an apprenticeship program registered with the department of labor and industrial relations for each apprenticeable trade the bidder will employ to construct the public works. Requires that if awarded the contract, the bidder shall continue to certify monthly in writing that the bidder is a party to a registered apprenticeship agreement for each apprenticeable trade the bidder will employ to construct the public works for the entire duration of the contract. -- SB0019 CD1  
Committee Reports: SSCR 588 (JGO) HSCR 1206 (LAB) HSCR 1705 (FIN) CCR 80  
Current Status: May=05 09 Passed Legislature  
Section Affected: 103- (1 SECTION) PUBLIC WORKS CONSTRUCTION
- SB0021 SD1 HD1 CD1 (CCR 168) RELATING TO GOVERNMENT.  
Introduced by: Taniguchi B  
Exempts contracts for goods, services, construction, or health and human services using federal funds authorized by the American Recovery and Reinvestment Act of 2009, and matching state funds from the Hawaii public procurement code and the purchases of health and human services law. Appropriation out of the federal temporary assistance for needy families funds (TANF). -- Establishes a legislative federal economic stimulus program oversight commission. Act repealed on June 30, 2011 (sunset). (\$\$) -- SB0021 CD1  
Committee Reports: SSCR 601 (JGO/ LBR/ WAM/) HSCR 1611 (FIN) CCR 168  
Current Status: May-07 09 Passed Legislature
- SB0034 SD1 HD1 CD1 (CCR 66) RELATING TO THE MORTGAGE RESCUE FRAUD PREVENTION ACT.  
Introduced by: Baker R, Green J  
Amends provisions relating to revocation, suspension, and fine under real estate brokers and sales persons law. Allows the real estate commission to revoke or suspend a real estate licensee acquiring an ownership interest, directly or indirectly, or by means of a subsidiary or affiliate, in any distressed property that is listed with the licensee or within 365 days after the licensee's listing agreement for the distressed property has expired or is terminated. Redefines distressed property consultant to exclude a person currently licensed as an active real estate broker or real estate sales person in Hawaii when acting in the capacity of a real estate broker or real estate salesperson. -- SB0034 CD1  
Committee Reports: SSCR 181 (CPN) HSCR 1093 (CPC) HSCR 1597 (JUD) CCR 66  
Current Status: May-05 09 Passed Legislature  
Section Affected: 467-14, 480E-2
- SB0035 SD1 HD1 CD1 (CCR 65) RELATING TO MORTGAGES.

## SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Baker R  
Amends provisions relating to definition under the mortgage rescue fraud prevention act. Redefines distressed property consultants to exclude public accountants and certified public accountants. -- SB0035 CD1  
Committee Reports: SSCR 435 (CPN) HSCR 1094 (CPC) HSCR 1572 (JUD) CCR 65  
Current Status: May-05 09 Passed Legislature  
Section Affected: 480E-2

SB0039 RELATING TO REPORTS ON THE HAWAII CANCER RESEARCH SPECIAL FUND.  
Introduced by: Baker R, Green J  
Amends provisions relating to the Hawaii cancer research special fund. Requires the university of Hawaii to semi annually report to the legislature on the moneys in the fund. -- SB0039  
Committee Reports: SSCR 60 (HRE/ HTH/) SSCR 608 (WAM) HSCR 1127 (HED) HSCR 1629 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 28 2009)  
Section Affected: 304A-2168

SB0043 SD2 HD2 CD1 (CCR 149) RELATING TO PHYSICIAN WORKFORCE ASSESSMENT.  
Introduced by: Baker R, Ige D, Green J  
Establishes provisions relating to the John A. Burns school of medicine special fund. Requires the fund to be administered and expended by the university of Hawaii to support the school's activities related to physician workforce assessment and planning. -- Establishes provisions relating to physician workforce assessment fee; license; physician workforce information. Requires that whenever a license is renewed, a physician shall be assessed a fee of 60 dollars to be deposited into the fund. Requires the director of commerce and consumer affairs to disburse from the compliance resolution fund, funds collected from the fee, to the special fund. Repealed on June 30, 2012 (sunset). Requires the school of medicine to report to the legislature, the state health planning and development agency, and the Hawaii medical board, details of its assessment of the physician workforce. Appropriation out the compliance resolution fund to the fund. (\$\$) -- SB0043 CD1  
Committee Reports: SSCR 226 (HRE/ HTH/) SSCR 832 (WAM) HSCR 1045 (HLT) HSCR 1657 (FIN) CCR 149  
Current Status: May-07 09 Passed Legislature  
Section Affected: 304A- (1 SECTION), 453- (1 SECTION)

SB0050 SD1 HD2 CD1 (CCR 74) RELATING TO RENEWABLE ENERGY PRODUCERS.  
Introduced by: Hee C  
Establishes provisions relating to renewable energy producers; lease of public lands without public auction. Allows the board of land and natural resources to lease or renew a lease of public lands to renewable energy producers without public auction pursuant to a public process that includes public notice and providing other interested renewable energy producers to have the opportunity to participate in the process. Requires the renewable energy producers to submit as part of the proposal for the board's evaluation, a timeline of the completed project, a description of a financial plan for project financing, a description of the conceptual design of the project, a description of the business concept for the project and a description of landscape and acreage requirements including public and private lands. Requires that the board prepare a report outlining the reasons for the decision. Requires that the board conduct no less than 2 public hearings on the island where the public land to be leased for the project is located. - SB0050 CD1  
Committee Reports: SSCR 452 (WTL/ ENE/) HSCR 1274 (WLO/ EEP/) HSCR 1713 (FIN) CCR 74  
Current Status: May-05 09 Passed Legislature  
Section Affected: 171- (1 SECTION) RENEWABLE ENERGY PRODUCERS

SB0055 SD1 HD1 CD1 (CCR 73) RELATING TO PUBLIC ACCOUNTANCY.  
Introduced by: Baker R, Ihara L, Green J  
Amends provisions relating to permits to practice under public accountancy law. Repeals the requirements that accounting firms obtain a permit to practice. Repealed 180 days after the effective date (sunset). -- Requires the state board of public accountancy to adopt rules prescribing the methods and requirements for a firm to apply for and obtain a permit to engage in the practice of public accountancy. Requires the director of commerce and consumer affairs to report the progress and status of the

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adoption of rules and promptly notify the legislature in writing upon the adoption of administrative rules and to provide statewide public notice of the adoption of rules. -- SB0055 CD1

Committee Reports: SSCR 180 (CPN) HSCR 1567 (CPC) CCR 73  
Current Status: May-05 09 Passed Legislature  
Section Affected: 466-7, 466-8

SB0091 SD2 HD2 CD1 (CCR 83)

RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT.

Introduced by: Hanabusa C (BR)

Amends provisions relating to Hawaii community based economic development revolving fund. Provides that loans made to qualified applicants in the amount of the outstanding balance on all loans issued shall not exceed 250,000 dollars, and each loan will bear simple interest at a rate of not less than 3 and not more than 6 per cent a year, depending on the nature of the loan. -- SB0091 CD1

Committee Reports: SSCR 350 (EDT) SSCR 675 (WAM) HSCR 1155 (EBM) HSCR 1644 (FIN) CCR 83

Current Status: May=07 09 Passed Legislature

Section Affected: 210D-2, 210D-4, 210D-6, 210D-8, 210D-9, 210D-10, 210D-11

SB0092

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

Introduced by: Hanabusa 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. -- SB0092

Committee Reports: SSCR 49 (JGO) HSCR 1419 (JUD)

Current Status: Apr-06 09 Received by the Governor

Apr-21 09 Approved by Governor (Act 11 2009)

Section Affected: 11-228, 11-229, 237-31, 343-5, 431:6-322, 431:19-204, 431:19-209, 451J-7, 846-30.5, 846E-1, ACT 9 2008, 461-1, ACT 28 2008, 237-24.3, ACT 106 2008, 304A-2251, ACT 120 2008, 431:2-201.5, ACT 128 2008, 711-1109.1, 711-1109.2, 711-1110.5, ACT 154 2008, ACT 171 2008, 287-20, 291E-61, ACT 177 2008, 431:7-101, ACT 180 2008, 586-4, 586-11, ACT 212 2008, 461-14, ACT 226 2008, 437D-8.4, ACT 227 2008, 431:13-103, ACT 11 2008 1SP, 235D-1, 235D-2, 235D-3, 235D-4, 235D-5, 237-27.1, 92-28, 235-1, 246-31, 304A-1752, 304A-1753, 304A-1754, 304A-1755, 321-32, 321-313, 321-373, 321-374, 321-376, 325-101, 327C-1, 327E-2, 327G-2, 329-104, 329-121, 338-1, 346-67, 346C-8, 386-1, 386-27, 415A-2, 431:10A-120, 431:10C-308.7, 431M-1, 432:1-609, 432D-19, 432E-1.5, 435E-1, 436E-3.5, 440E-5, 440E-16, 451D-2, 457-2, 461-8, 461J-4, 466J-2, 560:5-601, 671-1, 671-5, 671-11, 671-15, 671D-4, 707-730, 707-731, 707-732

SB0108

RELATING TO FAMILY COURT.

Introduced by: Hanabusa C (BR)

Amends provisions relating to judicial appointment of guardian; conditions for appointment. Changes the duration of temporary guardianship to a maximum of 12 months. -- SB0108

Committee Reports: SSCR 520 (JGO) HSCR 1010 (HUS) HSCR 1421 (JUD)

Current Status: Apr-03 09 Received by the Governor

Apr-16 09 Approved by Governor (Act 6 2009)

Section Affected: 560:5-204

SB0109 SD2 HD3 CD1 (CCR 109)

RELATING TO THE INTERSTATE COMPACT FOR JUVENILES.

Introduced by: Hanabusa C (BR)

Repeals and replaces the interstate compact for juveniles law. Appropriation to the judiciary for administrative expenses. (\$\$) -- SB0109 CD1

Committee Reports: SSCR 62 (JGO) SSCR 803 (WAM) HSCR 1014 (HUS) HSCR 1293 (JUD) HSCR 1695 (FIN) CCR 109

Current Status: May-07 09 Passed Legislature

Section Affected: (1 SECTION) INTERSTATE COMPACT FOR JUVENILES,

## SENATE BILLS THAT PASSED THE LEGISLATURE

571-11, 571-32

- SB0113 HD1 CD1 (CCR 86) RELATING TO DENTISTS.  
Introduced by: Taniguchi B  
Amends provisions relating to fraudulent advertising. Establishes penalties. Authorizes the board of dental examiners to suspend, revoke and fine a licensee for any false or misleading advertising. -- SB0113 CD1  
Committee Reports: SSCR 444 (HTH/ CPN/) HSCR 1115 (HLT) HSCR 1492 (CPC/ JUD/) CCR 86  
Current Status: May-05 09 Passed Legislature  
Section Affected: 448-4, 448-17
- SB0119 RELATING TO THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.  
Introduced by: Taniguchi B  
Repeals and replaces the uniform foreign country money judgments recognition act. -- SB0119  
Committee Reports: SSCR 48 (JGO) HSCR 1250 (JUD) HSCR 1624 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 34 2009)  
Section Affected: (10 SECTIONS) UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT, 658C-1, 658C-2, 658C-3, 658C-4, 658C-5, 658C-6, 658C-7, 658C-8, 658C-9
- SB0160 SD2 (SSCR 722) RELATING TO SCHOOL MEALS.  
Introduced by: Sakamoto N  
Amends provisions relating to education. Replaces school lunch with school meals. Provides that the cost of school meals shall be at least 1/2 the cost of preparing the meals. -- SB0160 SD2  
Committee Reports: SSCR 7 (EDH) SSCR 722 (WAM) HSCR 1121 (EDN) HSCR 1630 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 26 2009)  
Section Affected: 302A-101, 302A-404, 302A-405
- SB0161 HD1 (HSCR 1647) RELATING TO EDUCATION.  
Introduced by: Sakamoto N  
Repeals provisions relating to salary ranges for teachers. -- SB0161 HD1  
Committee Reports: SSCR 126 (EDH/ LBR/) SSCR 610 (WAM) HSCR 1144 (EDN/ LAB/) HSCR 1647 (FIN)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 51 2009)  
Section Affected: 302A-622
- SB0162 RELATING TO EDUCATION.  
Introduced by: Sakamoto N  
Amends provisions relating to performance standards. Repeals the performance standards review commission. -- SB0162  
Committee Reports: SSCR 474 (EDH) HSCR 1122 (EDN) HSCR 1631 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 33 2009)  
Section Affected: 302A-201
- SB0163 RELATING TO EDUCATION.  
Introduced by: Sakamoto N  
Repeals provisions relating to district business and fiscal officers. -- SB0163  
Committee Reports: SSCR 9 (EDH) SSCR 611 (WAM) HSCR 1145 (EDN/ LAB/) HSCR 1632 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 31 2009)  
Section Affected: 302A-604.5
- SB0164 RELATING TO THE FEDERAL GRANTS SEARCH, DEVELOPMENT, AND APPLICATION REVOLVING FUND.  
Introduced by: Sakamoto N  
Amends provisions relating to Federal grants search, development, and application



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revolving fund by repealing search, development, and application. Requires the department of education to monitor federal grant execution, ensure compliance with grant requirements, and audit grant expenditures. -- SB0164

Committee Reports: SSCR 10 (EDH) SSCR 612 (WAM) HSCR 1123 (EDN) HSCR 1633 (FIN)

Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 35 2009)

Section Affected: 302A-1405

SB0166 SD1 HD1 CD1 (CCR 139)

RELATING TO INSURANCE.

Introduced by: Green J, Baker R

Amends the accident and sickness insurance contracts law, benefits societies law, and the health maintenance organizations act (HMOs) by requiring that health insurance policies that include coverage or benefits for cancer treatment provide payment or reimbursement for all chemotherapy that is considered medically necessary, including orally administered chemotherapy, at the same copayment percentage or relative coinsurance amount as is applied to intravenously administered chemotherapy. -- SB0166 CD1

Committee Reports: SSCR 573 (HTH/ CPN/) HSCR 1153 (HLT) HSCR 1636 (FIN) CCR 139

Current Status: May=05 09 Passed Legislature

Section Affected: 431:10A- (1 SECTION), 432:1- (1 SECTION), 432D-23

SB0190 SD1 HD2 (HSCR 1676)

RELATING TO COMMUNITY CARE FOSTER FAMILY HOME.

Introduced by: Chun Oakland S

Allows the department of human services to implement a 2 year demonstration project to allow 2 private pay individuals to be cared for in the same community care foster family home and to monitor and evaluate the project for its impact on availability of space for medicaid clients. Report to the legislature. Act to be repealed 2 years from its effective date (sunset). -- SB0190 HD2

Committee Reports: SSCR 440 (HMS) HSCR 1038 (HUS) HSCR 1676 (FIN)

Current Status: Apr-21 09 Received by the Governor

Apr-22 09 Approved by Governor (Act 13 2009)

SB0199 SD1 HD1 CD2 (CCR 132)

RELATING TO TAXATION.

Introduced by: Hooser G

Establishes provisions relating to credits against income; claim limitation. Provides that beginning after January 1, 2009, and ending before January 1, 2011, no claim for business credit under income tax, use tax, taxation of banks and other financial corporations, and insurance shall exceed 80 per cent of a taxpayer's tax liability. -- Amends provisions relating to the operation of certain Internal Revenue Code provisions; sections 641 to 7518. Repeals exception of allocations of the high technology business investment tax. -- Amends provisions relating to capital goods excise tax credit. Reduces the rate to 0 per cent for calendar year beginning December 31, 2008, and increases it to 4 per cent for calendar year beginning December 31, 2009. -- Amends provisions relating to the high technology business investment tax credit. Provides that for investments made on or after May 1, 2009, no allocations of credits may exceed the amount of the investment made by the taxpayer ultimately claiming this credit and investment tax credit allocation ratios greater than 1.0 of credit for every dollar invested shall not be allowed. -- SB0199 CD2

Committee Reports: SSCR 595 (WAM) HSCR 1608 (FIN) CCR 51 CCR 132

Current Status: May=07 09 Passed Legislature

Section Affected: 235- (1 SECTION), 235-2.45, 235-110.7, 235-110.9, 241-4.5, 241-4.8, 431:7-209

SB0203 SD2 HD1 CD1 (CCR 64)

RELATING TO CONTRACTORS.

Introduced by: Takamine D

Amends provisions relating to violations; penalties under contractors law. Increases penalties. -- SB0203 CD1

Committee Reports: SSCR 94 (CPN) SSCR 779 (JGO) HSCR 1097 (CPC) HSCR 1425 (JUD) CCR 64

Current Status: May-05 09 Passed Legislature

Section Affected: 444-23

SB0266 SD2 HD2 CD1 (CCR 104)

RELATING TO GLOBAL WARMING.

Introduced by: Nishihara C

## SENATE BILLS THAT PASSED THE LEGISLATURE

Establishes a climate change task force within the office of planning to assess the current and potential impacts of global warming and climate change trends on the people, natural resources, and the economy of the State; impact of rising ocean levels; estimate costs of the adverse effects of climate change and rising sea levels; and make recommendation to the legislature and governor. Reports to the legislature. Appropriation out of the tourism special fund. Task force shall cease to exist on June 30, 2011 (sunset). (\$\$) -- SB0266 CD1

Committee Reports: SSCR 261 (ENE/ TSM/) SSCR 643 (WAM) HSCR 1285 (EEP)  
HSCR 1722 (FIN) CCR 104

Current Status: May-07 09 Passed Legislature

SB0281 HD1 CD1 (CCR 55)

RELATING TO THE STATEWIDE TRAFFIC CODE.

Introduced by: Nishihara C

Amends provisions relating to electric personal assistive mobility devices; restrictions. Allows counties to prohibit or regulate electric personal assistive mobility devices on sidewalks. -- SB0281 CD1

Committee Reports: SSCR 20 (TIA) HSCR 1109 (TRN) HSCR 1571 (JUD) CCR 55

Current Status: May-05 09 Passed Legislature

Section Affected: 291C-134.5, 291C-163

SB0292 SD1 HD1 CD1 (CCR 142)

RELATING TO FUNDS.

Introduced by: Kim D

Amends provisions relating to the Hawaii tobacco settlement special fund. Decreases the allocation amounts and requires that 25 1/2 per cent be deposited to the state general fund. Act to be repealed on June 30, 2015 (sunset). -- SB0292 CD1

Committee Reports: SSCR 596 (WAM) HSCR 1599 (FIN) CCR 142

Current Status: May=07 09 Passed Legislature

Section Affected: 328L-2, 328L-3, 328L-4

SB0298 SD1 (SSCR 466)

RELATING TO CONDOMINIUMS.

Introduced by: Baker R (BR)

Amends provisions relating to association fiscal matters; lien for assessments. Increases the maximum amount that condominium associations may recover in maintenance fees from the foreclosure of a condominium apartment. -- SB0298 SD1

Committee Reports: SSCR 466 (CPN) HSCR 1417 (CPC)

Current Status: Apr-06 09 Received by the Governor

Apr-20 09 Approved by Governor (Act 10 2009)

Section Affected: 514A-90, 514B-146

SB0300 SD2 HD2 CD1 (CCR 70)

RELATING TO INTOXICATING LIQUOR.

Introduced by: Baker R

Amends provisions relating to licenses, classes under intoxicating liquor law. Requires an applicant for a class 2, class 4, class 5, class 6, class 11, class 12, class 13, class 14, or class 15 licensees to maintain a liquor liability insurance coverage at all times in an amount of 1 million dollars. Prohibits the liquor commission or board to grant an applicable class of license, if the applicant fails to present proof of the liquor liability insurance. -- SB0300 CD1

Committee Reports: SSCR 320 (TIA) SSCR 743 (CPN) HSCR 1179 (EBM) HSCR  
1591 (CPC/ JUD/) CCR 70

Current Status: May-05 09 Passed Legislature

Section Affected: 281-31, 281-45, 281-61

SB0301 SD2 HD1 (HSCR 1691)

RELATING TO THE HAWAII REGISTERED AGENTS ACT.

Introduced by: Baker R

Establishes the Hawaii registered agents act. Allows any individual or a domestic or foreign entity to become listed as a commercial registered agent by filing with the department of commerce and consumer affairs. -- SB0301 HD1

Committee Reports: SSCR 242 (CPN) SSCR 640 (WAM) HSCR 1037 (CPC/ JUD/)  
HSCR 1691 (FIN)

Current Status: Apr-22 09 Received by the Governor

May-07 09 Approved by Governor (Act 55 2009)

Section Affected: (13 SECTIONS) THE HAWAII REGISTERED AGENTS ACT,  
414-4, 414-13, 414-32, 414-61, 414-62, 414-63, 414-371,  
414-387, 414-401, 414-412, 414-433, 414-437, 414-438,  
414-439, 414-472, 414D-5, 414D-32, 414D-103, 414D-109,  
414D-247, 414D-248, 414D-273, 414D-277, 414D-278,

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414D-279, 414D-283, 414D-304, 414D-308, 425-1, 425-12, 425-18, 425-19, 425-20, 425-153, 425-158, 425-163, 425-164, 425-168, 425E-114, 425E-115, 425E-116, 425E-201, 425E-208, 425E-210, 425E-304, 425E-407, 425E-807, 425E-902, 425E-906, 425E-1109, 428-107, 428-108, 428-109, 428-203, 428-210, 428-906, 428-1002, 428-1301

SB0309 HD1 (HSCR 1671)

RELATING TO WORKERS' COMPENSATION.

Introduced by: Chun Oakland S

Amends provisions relating to workers' compensation law. Requires sheriffs' chaplain of the department of public safety to be entitled to all compensations. -- SB0309 HD1

Committee Reports: SSCR 481 (LBR) HSCR 1138 (PBS/ LAB/) HSCR 1671 (FIN)

Current Status: May=05 09 Passed Legislature

Section Affected: 386-181

SB0387 SD1 HD1 CD2 (SENATE  
FLOOR AMENDMENT 18 OR  
HOUSE FLOOR AMENDMENT 13)

RELATING TO THE STATE BUDGET.

Introduced by: Tsutsui S

Establishes provisions relating to reporting requirements. Requires the governor or the director of finance to report restrictions of appropriations to the legislature. -- Transfers the tourism liaison position from the department of business, economic development, and tourism to the office of the governor and establishes the position of special advisor for tourism. -- Transfers the small business regulatory review board from the department of business, economic development, and tourism to the department of commerce and consumer affairs. -- Transfers the natural energy laboratory of Hawaii authority from the department of business, economic development, and tourism to the department of accounting and general services. -- Transfers the arts and culture development branch of the department of business, economic development, and tourism to the department of accounting and general services. -- Transfers the film industry branch of the department of business, economic development, and tourism to the Hawaii tourism authority. -- Requires the legislative reference bureau to review this act and report to the legislature. -- Establishes the position of energy program administrator within the department of business, economic development, and tourism. -- SB0387 CD2

Committee Reports: SSCR 556 (WAM) HSCR 1600 (FIN) CCR 136 - filed SENATE FLOOR AMENDMENT 18 HOUSE FLOOR AMENDMENT 13

Current Status: May-07 09 Passed Legislature

Section Affected: 37- (1 SECTION), 27- (1 SECTION) TOURISM, 201M-5, 227D-2, 201B- (4 SECTIONS) HAWAII TELEVISION AND FILM DEVELOPMENT, 201-111, 201-112, 201-113, 201-114, 26-18, 201-2, 201-3

SB0389 SD1 HD2 CD1 (CCR 69)

RELATING TO CAPITAL IMPROVEMENT PROJECTS.

Introduced by: Tsutsui S

Requires the legislative reference bureau to review the memorandum of understanding between the department of education and the department of budget and finance for the allotment of capital improvement projects, for the purpose of replicating the processes of the memorandum of understanding for use by other state agencies. Requires the bureau to consult with, at minimum, the department of budget and finance, the department of education, and other government agencies as deemed appropriate. Report to the legislature. -- SB0389 CD1

Committee Reports: SSCR 555 (WAM) HSCR 1048 (EDN) HSCR 1306 (LMG) HSCR 1692 (FIN) CCR 69

Current Status: May=07 09 Passed Legislature

SB0412

RELATING TO THE ENVIRONMENT.

Introduced by: Bunda R, Hee C

Changes Ocean Day to World Ocean Day. -- SB0412

Committee Reports: SSCR 21 (WTL/ ENE/) HSCR 1004 (WLO)

Current Status: Mar-20 09 Received by the Governor

Apr-01 09 Approved by Governor (Act 2 2009)

Section Affected: 8-12

SB0415 SD2 HD1 CD1 (CCR 145)

RELATING TO HOME CARE AGENCIES.

Introduced by: Ige D, Green J, Tokuda J, Chun Oakland S, Baker R, Fukunaga C, Ihara L, Sakamoto N, English J

Establishes provisions relating to home care agencies; licensing. Requires that all home care agencies be licensed to ensure the health, safety, and welfare of clients. Requires

## SENATE BILLS THAT PASSED THE LEGISLATURE

the director of health to adopt rules regarding home care agencies to protect the health, safety, and civil rights of clients of home care agencies; and provide for the licensing of home care agencies. Amends provisions relating to subjects of health rules, generally. Adds home care agencies. Amends provisions relating to establishment of fees. Adds home care agencies. Amends provisions relating to criminal history record checks. Adds home care agency. Requires the department of health to report to the legislature any recommended proposals to ensure the prevention of financial exploitation of home care agency clients and to improve the home care licensing program. Act to be repealed on June 30, 2014 (sunset). -- SB0415 CD1

Committee Reports: SSCR 408 (HTH/ CPN/) SSCR 659 (WAM) HSCR 1162 (HUS/ HLT/) HSCR 1677 (FIN) CCR 145

Current Status: May=07 09 Passed Legislature

Section Affected: 321- (1 SECTION), 321-11, 321-11.5, 321-15.2

SB0420 SD2 HD2 (HSCR 1593)

RELATING TO NATUROPATHIC MEDICINE.

Introduced by: Ige D, Ihara L, Baker R, Chun Oakland S

Establishes provisions relating to controlled substances; authorization. Allows a naturopathic physician to obtain a current Federal Drug Enforcement Administration registration. Provides that if a public health emergency or disaster condition is declared by the governor, the board to allow naturopathic physicians licensed in another state to provide temporary and limited naturopathic medicine in Hawaii. Amends provisions relating to State board of examiners in naturopathy by replacing examiners in naturopathy to naturopathic medicine. Requires rules be approved by the governor and the director of commerce and consumer affairs. Requires the board to annually establish and publish a naturopathic formulary that has been approved by the board for prescription, administration, or dispensing by naturopathic physicians. -- SB0420 HD2

Committee Reports: SSCR 290 (HTH) SSCR 748 (CPN) HSCR 1074 (HLT) HSCR 1593 (CPC)

Current Status: May=05 09 Passed Legislature

Section Affected: 455- (2 SECTIONS), 455-1, 455-2, 455-3, 455-4, 455-6, 455-8, 455-9, 455-11

SB0423 SD1 HD2 CD1 (CCR 134)

RELATING TO HEALTH.

Introduced by: Ige D, Tokuda J, Chun Oakland S, Baker R, Fukunaga C, Ihara L, Sakamoto N, English J

Appropriation to the department of human services to match the federal disproportionate share hospital allowance allocated to the State. (\$\$) -- SB0423 CD1

Committee Reports: SSCR 131 (HMS/ HTH/) SSCR 658 (WAM) HSCR 1254 (HLT) HSCR 1658 (FIN) CCR 134

Current Status: May-07 09 Passed Legislature

SB0426 HD2 (HSCR 1576)

RELATING TO DENTISTRY.

Introduced by: Ige D, Baker R, Fukunaga C, Ihara L, Chun Oakland S

Amends provisions relating to temporary license under dentistry law. Allows the board of dental examiners to issue a temporary license without examination to any person who is enrolled in a post doctoral residency program that is accredited and recognized by the American Dental Association Commission on Dental Accreditation (CODA). -- SB0426 HD2

Committee Reports: SSCR 179 (CPN) HSCR 1114 (HLT) HSCR 1576 (CPC)

Current Status: Apr-16 09 Received by the Governor

Apr-30 09 Approved by Governor (Act 37 2009)

Section Affected: 448-12

SB0427 HD1 CD1 (CCR 137)

RELATING TO GENERAL EXCISE TAXATION.

Introduced by: Ige D, Green J, Chun Oakland S, Baker R, Ihara L

Provides a general excise tax exemption for amounts received by a managed care support contractor of the TRICARE program (health care services for retired members of the military) for the actual cost or advancement to 3rd party health care providers pursuant to contract with the US. Act to be repealed on December 31, 2013 (sunset). -- SB0427 CD1

Committee Reports: SSCR 307 (HTH) SSCR 759 (WAM) HSCR 1035 (HLT) HSCR 1279 (EBM) HSCR 1659 (FIN) CCR 137

Current Status: May=07 09 Passed Legislature

Section Affected: 237-24

SB0438

RELATING TO BOARD OF EDUCATION MEETINGS.

## SENATE BILLS THAT PASSED THE LEGISLATURE

- Introduced by: Sakamoto N, Chun Oakland S  
Amends provisions relating to organization; quorum; meetings. Provides that during legislative sessions the board of education may file any notice that specifies only legislation or legislation related agenda items no fewer than 2 calendar days before the meeting. -- SB0438  
Committee Reports: SSCR 5 (EDH) SSCR 526 (JGO) HSCR 1119 (EDN)  
Current Status: Apr-14 09 Received by the Governor  
Apr-29 09 Became Law Without Governor's Signature (Act 24 2009)  
Section Affected: 302A-1106
- SB0440 SD2 HD1 CD1 (CCR 68) RELATING TO COUNTIES.  
Introduced by: Sakamoto N, Chun Oakland S  
Establishes provisions relating to infrastructure dedication; affordable housing. Requires a county to accept or reject within 90 days a request for dedication of infrastructure for affordable housing provided that the applicable meter and connection fees and utility costs are paid, the dedicated infrastructure conforms to county building codes, and the completion of the improvements comprising a dedicated infrastructure is granted approval by the county. -- SB0440 CD1  
Committee Reports: SSCR 114 (EDH) SSCR 507 (TIA) HSCR 1157 (HSG/ WLO/ CCR 68)  
Current Status: May-05 09 Passed Legislature  
Section Affected: 46- (1 SECTION) INFRASTRUCTURE DEDICATION
- SB0464 SD2 HD2 CD2 (SENATE FLOOR AMENDMENT 14 OR HOUSE FLOOR AMENDMENT 11) RELATING TO TAXATION.  
Introduced by: Gabbard M, Green J  
Amends provisions relating to renewable energy technologies income tax credit. Changes the credit to be for solar energy systems and wind powered energy systems with a cap amounts. -- SB0464 CD2  
Committee Reports: SSCR 254 (ENE) SSCR 850 (WAM) HSCR 1286 (EEP) HSCR 1723 (FIN) CCR 98 - filed SENATE FLOOR AMENDMENT 14 HOUSE FLOOR AMENDMENT 11  
Current Status: May-07 09 Passed Legislature  
Section Affected: 235-12.5
- SB0470 HD1 CD1 (CCR 63) RELATING TO LIQUOR.  
Introduced by: Takamine D  
Amends provisions relating to tax clearance before procuring liquor licenses; and intoxicating liquor laws. -- SB0470 CD1  
Committee Reports: SSCR 75 (TIA) SSCR 755 (CPN) HSCR 1233 (CPC/ JUD/ HSCR 1652 (FIN) CCR 63  
Current Status: May-05 09 Passed Legislature  
Section Affected: 231-28, 281-1, 281-3, 281-17, 281-22, 281-31, 281-41, 281-45, 281-57, 281-59, 281-85
- SB0496 SD2 HD2 CD1 (CCR 146) RELATING TO CHARTER SCHOOLS.  
Introduced by: Sakamoto N  
Amends provisions relating to charter schools. Allows the board of education to terminate a member of the charter school review panel for cause. Empowers the panel to review, modify, and approve charter schools' all means of finance budget and survey charter schools to determine recommendations to allocate non per pupil facilities funds. Provides that the executive director of the charter school administrative office under the direction of the panel shall be responsible for the preparing and executing capital improvement project requests. Provides that non facility per pupil funding request for charter school students shall not be less that the per pupil amount to the department of education in the most approved executive budget recommendations. Authorizes the legislature to make appropriations for other requested amounts that benefit charter schools. Requires the panel to conduct a review of each charter school on its 4th anniversary year and every 5 years. Authorizes the board to direct the panel to take appropriate actions to address serious health and safety issues. -- Requires the panel to establish criteria and an approval process for the development and submission of capital improvement projects budget for charter school facilities and recommendations to allocate non per pupil facilities funds. Report to the legislature. -- SB0496 CD1  
Committee Reports: SSCR 316 (EDH) SSCR 848 (WAM) HSCR 1305 (EDN) HSCR 1693 (FIN) CCR 146  
Current Status: May=07 09 Passed Legislature

## SENATE BILLS THAT PASSED THE LEGISLATURE

- Section Affected: 302B-1, 302B-3, 302B-8, 302B-12, 302B-14
- SB0501 HD1 (HSCR 1649) RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE.  
Introduced by: Tokuda J  
Amends provisions relating to teacher education coordinating committee. Changes membership by replacing teacher training institution in Hawaii with Hawaii state approved education unit. -- SB0501 HD1  
Committee Reports: SSCR 519 (HRE/ EDH/) HSCR 1146 (EDN/ LAB/) HSCR 1649 (FIN)  
Current Status: Apr-20 09 Received by the Governor  
May-05 09 Approved by Governor (Act 41 2009)  
Section Affected: 304A-1202
- SB0521 SD2 HD1 (HSCR 1263) RELATING TO REAL PROPERTY.  
Introduced by: Baker R (BR)  
Amends provisions relating to copies of instruments, certificates. Requires that, within 10 days after the end of each week, the registrar of the bureau of conveyances provide without charge, an image and index of all instruments and documents that have been recorded in the registrar's office during the week relating to land in all the counties, to the county designated to act as a central clearinghouse in a memorandum of understanding agreed upon by the counties. Requires the central clearinghouse to deliver the images and index to the other counties without charge. -- SB0521 HD1  
Committee Reports: SSCR 268 (CPN/ JGO/) SSCR 707 (WAM) HSCR 1263 (WLO) HSCR 1683 (FIN)  
Current Status: Apr-22 09 Received by the Governor  
May-07 09 Became Law Without Governor's Signature (Act 57 2009)  
Section Affected: 502-26
- SB0522 SD2 HD1 (HSCR 1264) RELATING TO LAND COURT.  
Introduced by: Baker R (BR)  
Amends provisions relating to entry record; duplicates and certified copies. Requires that the assistant registrar of the land court provide, within 10 days after the end of each week, to deliver or forward by mail or electronic transmission, and without charge an image and index of all deeds and other voluntary instruments, writs, or other process that have been filed or recorded with the assistant registrar during each week relating to registered land in all the counties, to the county designated as a central clearinghouse in a memorandum of understanding agreed upon by the counties. Requires that the central clearinghouse deliver the images and index to other counties without charge. -- SB0522 HD1  
Committee Reports: SSCR 214 (JGO/ CPN/) SSCR 844 (WAM) HSCR 1264 (WLO) HSCR 1684 (FIN)  
Current Status: May=07 09 Passed Legislature  
Section Affected: 501-107
- SB0523 SD2 HD2 (HSCR 1645) RELATING TO HIGH TECHNOLOGY.  
Introduced by: Baker R, Fukunaga C  
Amends provisions relating to high technology research and development loans and grants. Allows the high technology development corporation to provide grants to any business in Hawaii that receives a federal small business technology transfer program award or contract from any participating federal agency or applies for a small business innovation research federal grant or small business technology transfer program federal grant, in an amount not to exceed 3,000 dollars. -- SB0523 HD2  
Committee Reports: SSCR 91 (EDT) SSCR 800 (WAM) HSCR 1196 (EBM) HSCR 1645 (FIN)  
Current Status: May=07 09 Passed Legislature  
Section Affected: 206M-15
- SB0528 SD1 (SSCR 225) RELATING TO TOBACCO.  
Introduced by: Taniguchi B  
Amends Act 131, session laws of 2005, relating to retail tobacco permit by repealing the sunset date. -- SB0528 SD1  
Committee Reports: SSCR 225 (HTH) SSCR 760 (WAM) HSCR 1143 (HLT) HSCR 1635 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 30 2009)

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Section Affected: ACT 131 2005, 245-1, 245-2

SB0536 SD1 HD1 CD1 (CCR 84)

RELATING TO STARLIGHT RESERVE.

Introduced by: Espero W

Requires the department of business, economic development, and tourism to develop a statewide starlight reserve strategy to preserve the quality of the night sky and its associated cultural, scientific, astronomical, natural, and landscape related values. Establishes a temporary advisory committee within the department to assist. Report to the legislature. Committee terminated on June 30, 2011 (sunset). -- SB0536 CD1

Committee Reports: SSCR 551 (EDT) HSCR 1289 (EEP/ WLO/) HSCR 1728 (FIN) CCR 84

Current Status: May=05 09 Passed Legislature

SB0537 SD2 HD2 (HSCR 1646)

RELATING TO AEROSPACE.

Introduced by: Espero W

Establishes provisions relating to aerospace advisory committee. Establishes an aerospace advisory committee within the office of aerospace development of the department of business, economic development and tourism. Requires the committee to assist the legislature and state agencies in monitoring, assessing, and promoting the development of the aerospace industry. -- SB0537 HD2

Committee Reports: SSCR 217 (PSM) SSCR 704 (WAM) HSCR 1197 (EBM) HSCR 1646 (FIN)

Current Status: Apr-21 09 Received by the Governor

May-06 09 Approved by Governor (Act 52 2009)

Section Affected: 201- (1 SECTION) AEROSPACE ADVISORY COMMITTEE

SB0539 SD1 HD1 CD1 (CCR 96)

RELATING TO CORRECTIONS.

Introduced by: Espero W

Amends provisions relating to intake service center by changing it to reentry intake service centers. Establishes a reentry intake service center within the department of public safety in each county to provide for the successful reentry of persons back into the community. Requires the director of the center to carry out the duties of the centers to ensure that the present and future reentry needs of person committed to correctional facilities are being evaluated and met in an effective and appropriate manner; provide additional reentry services to include working closely and collaborating with the furlough programs in each county that are currently managed by the department institutions division; work closely and collaborate with the Hawaii paroling authority; and work closely and collaborate with the corrections program services division. Amends provisions relating to legislative oversight committee; established. Legislative oversight committee shall cease to exist on July 1, 2009 (sunset). Establishes a reentry commission within the department of public safety to work with the department in monitoring and reviewing the comprehensive offender reentry program. Reentry commission shall cease to exist on July 1, 2014 (sunset). -- SB0539 CD1

Committee Reports: SSCR 569 (PSM) HSCR 1132 (PBS) HSCR 1672 (FIN) CCR 96

Current Status: May=05 09 Passed Legislature

Section Affected: 353-10, 353H-21

SB0564 SD2 HD1 CD1 (CCR 60)

RELATING TO FIRE PROTECTION.

Introduced by: Espero W

Amends provisions relating to right of entry for inspection; unlawful to obstruct. Authorizes the county fire chiefs or their designees to make fire inspections of all buildings and premises except state owned airport facilities and requires inspections to be made at least once every 5 years to provide fire prevention and pre fire planning. -- SB0564 CD1

Committee Reports: SSCR 274 (PSM) SSCR 506 (TIA) HSCR 1135 (PBS) HSCR 1674 (FIN) CCR 60

Current Status: May-05 09 Passed Legislature

Section Affected: 132-5, 132-6

SB0574 SD1 (SSCR 469)

RELATING TO CONDOMINIUMS.

Introduced by: Espero W, Fukunaga C

Amends Act 244, session laws of 2007, relating to condominiums by changing the sunset date to June 30, 2011. Amends Act 205, session laws of 2007, relating to condominiums by changing the sunset date to June 30, 2011. -- SB0574 SD1

Committee Reports: SSCR 469 (CPN) HSCR 1418 (CPC)

Current Status: Apr-06 09 Received by the Governor

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- Section Affected: Apr-20 09 Approved by Governor (Act 9 2009)  
ACT 244 2007, 514A-121.5, ACT 205 2008
- SB0585 SD2 HD1 CD1 (CCR 170) RELATING TO REMOTE DISPENSING.  
Introduced by: English J, Ige D  
Amends provisions relating to remote dispensing pharmacy; operations. Prohibits remote dispensing pharmacies to provide medications to patients with health insurance except patients covered by QUEST; patients served at a facility operated by a health maintenance organization (HMOs); and patients residing on an island without a pharmacy or in remote areas without an existing pharmacy within a 5 mile radius. Amends Act 212, session laws of 2008, by extending the sunset date to January 2, 2014 (sunset). -- SB0585 CD1  
Committee Reports: SSCR 293 (HTH) SSCR 738 (CPN) HSCR 1044 (HLT) HSCR 1229 (CPC) HSCR 1638 (FIN) CCR 170  
Current Status: May-05 09 Passed Legislature  
Section Affected: 461-10.5, ACT 212 2008
- SB0603 SD1 HD1 CD1 (CCR 53) RELATING TO PUBLIC UTILITIES.  
Introduced by: Fukunaga C, Espero W, Baker R  
Establishes provisions relating to local exchange intrastate services; fully competitive. Requires the public utilities commission to treat the State's local exchange intrastate services, under the commission's classification of services relating to costs, rates, and pricing, as fully competitive and apply all commission rules in accordance with that designation. -- SB0603 CD1  
Committee Reports: SSCR 512 (CPN) HSCR 1588 (CPC) CCR 53  
Current Status: Apr-27 09 Received by the Governor  
Section Affected: 269- (1 SECTION) LOCAL EXCHANGE INTRASTATE SERVICES
- SB0605 SD1 HD3 CD1 (CCR 71) RELATING TO NOISE.  
Introduced by: Fukunaga C, Galuteria B  
Requires the county liquor commissions, with the assistance of the department of health and the department of labor and industrial relations to develop recommendations for a permanent maximum sound level, in decibels, for liquor establishment. Establishes provisions relating to noise measurement; rules. Requires the department of health to adopt rules and to use both the dBC and the dBA sound level measurements systems for purposes of community noise control. Allows the department and the county liquor commissions to enforce nighttime noise levels in any urban land use district measured from over 50 to 60 decibels, measured using the dBC weighting system, in certain areas it deems appropriate and not adversely affecting public health and safety. Provides that where the complainant's site is within or in close proximity to an area zoned mixed use or residential, the maximum permissible sound at nighttime shall be 50 decibels dBC in any urban land use district. -- SB0605 CD1  
Committee Reports: SSCR 564 (ENE) HSCR 1080 (EEP) HSCR 1232 (CPC/ JUD/) HSCR 1697 (FIN) CCR 71  
Current Status: May=05 09 Passed Legislature  
Section Affected: 342F- (1 SECTION), 342F-1
- SB0659 HD1 CD1 (CCR 57) RELATING TO STATE FUNDS.  
Introduced by: Ihara L  
Amends provisions relating to full disclosure of entities receiving state awards. Provides that the department of accounting and general services in collaboration with the department of budget and finance is responsible for collecting and posting on the website the information that is required for full disclosure. -- SB0659 CD1  
Committee Reports: SSCR 604 (WAM) HSCR 1601 (FIN) CCR 57  
Current Status: May=07 09 Passed Legislature  
Section Affected: 36-2.5
- SB0695 SD1 HD1 CD1 (CCR 99) RELATING TO WORKERS' COMPENSATION.  
Introduced by: Takamine D, Chun Oakland S  
Amends provisions relating to medical care, services and supplies under workers' compensation law. Provides that when a dispute exists between an injured employee and the employer or employer's insurer regarding the proposed treatment plan or whether medical services should be continued, the injured employee shall continue to receive essential medical services prescribed by the treating physician necessary to prevent deterioration of the injured employee's condition or further injury until the director



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issues a decision on whether the employee's medical treatment should be continued within 30 days of the filing of a dispute. Provides that the employer or the employer's insurer may recover from the employee's personal health care provider or from any other appropriate occupation or non occupational insurer, all the sums paid for medical services rendered after the date designated by the director. Prohibits employee be charged for the disallowed services. Allows that the attending physician, employee, employer, or insurance carrier to request in writing that the director review the denial of the treatment plan or the continuation of medical services. -- SB0695 CD1

Committee Reports: SSCR 438 (LBR) HSCR 978 (LAB) HSCR 1727 (FIN) CCR 99  
Current Status: May=05 09 Passed Legislature  
Section Affected: 386-21

SB0711 SD1 HD2 CD1 (CCR 56)

RELATING TO TRANSPORTATION.

Introduced by: English J, Gabbard M

Amends provisions relating to size of vehicles; width, height, and length. Prohibits the length of an articulated bus for public transit purposes to exceed 82 feet in length and to consist of more than 3 units. -- SB0711 CD1

Committee Reports: SSCR 25 (TIA) HSCR 1200 (TRN) HSCR 1573 (JUD) CCR 56  
Current Status: May-05 09 Passed Legislature  
Section Affected: 291-34

SB0714 SD1 HD2 CD1 (CCR 59)

RELATING TO HIGH OCCUPANCY VEHICLE LANES.

Introduced by: English J, Green J, Chun Oakland S, Espero W, Gabbard M

Establishes provisions relating to high occupancy vehicle lanes; emergencies. Allows any motor vehicle, regardless of the number of passengers, to use the high occupancy vehicle lane (HOV) or zipper lane when 1 or more lanes are shut down by police or emergency services, provided that at least 1 other lane of traffic moving in the same direction as the traffic incident or accident is closed due to the traffic incident or accident. Authorizes the director of transportation to declare an emergency to open the use of the HOV lanes and zipper lanes to all motor vehicles regardless of the number of passengers carried. -- SB0714 CD1

Committee Reports: SSCR 182 (TIA) HSCR 1149 (TRN) HSCR 1687 (JUD) CCR 59  
Current Status: May-05 09 Passed Legislature  
Section Affected: 291C- (1 SECTION) HIGH OCCUPANCY VEHICLE LANES

SB0715 HD1 (HSCR 1112)

RELATING TO TRANSPORTATION.

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

Amends provisions relating to statewide transportation plan. Requires the department of transportation to comply with county transportation related plans, county general plans, and all community, development, or community development plans adopted to the county general plan, to the extent that compliance does not affect the availability of federal funds. -- SB0715 HD1

Committee Reports: SSCR 24 (TIA) HSCR 1112 (TRN) HSCR 1424 (WLO)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 27 2009)  
Section Affected: 279A-2

SB0718 SD1 HD1 (HSCR 1666)

RELATING TO TRANSPORTATION.

Introduced by: English J

Establishes provisions relating to complete streets. Requires the department of transportation and the county transportation departments to adopt a complete street policy that seeks to reasonably accommodate convenient access and mobility for all users of the public highways. -- Establishes a temporary task force to review existing state and county highway design standards and guidelines. Reports to the legislature. Task force shall cease to exist upon filing of its final report (sunset). -- SB0718 HD1

Committee Reports: SSCR 26 (TIA) HSCR 1276 (TRN) HSCR 1666 (FIN)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 54 2009)  
Section Affected: 286- (1 SECTION) COMPLETE STREETS

SB0764 SD2 HD2 CD1 (CCR 91)

RELATING TO REAL PROPERTY.

Introduced by: Chun Oakland S, Sakamoto N, Green J

Establishes provisions relating to leases of commercial and industrial property. Subjects any lease of commercial or industrial leasehold property to certain terms and conditions. Defines commercial or industrial leasehold property as any ground lease of real property situated in the State, zoned for commercial, industrial or mixed use that is subject to a

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lease with a term of 10 years or more and an unexpired term of 5 years or more and the lessor is the owner of 50,000 square feet or more of the commercial or industrial leasehold property in the State. Act to be repealed on June 30, 2010 (sunset). -- SB0764 CD1

Committee Reports: SSCR 267 (CPN) SSCR 782 (JGO) HSCR 1225 (EBM) HSCR 1594 (JUD) CCR 91

Current Status: May=05 09 Passed Legislature

Section Affected: 519- (1 SECTION) LEASES OF COMMERCIAL AND INDUSTRIAL PROPERTY

SB0777 SD1 HD1 (HSCR 1007)

RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION.

Introduced by: Chun Oakland S, Baker R, Tokuda J, Fukunaga C, Kidani M

Establishes provisions relating to medically accurate sexuality health education. Requires any recipient of state funding that provides sexual health education to provide medically accurate, factual information that is age appropriate and that includes education on both abstinence and contraception, and methods of disease prevention to prevent unintended pregnancy and sexually transmitted diseases, including HIV (human immunodeficiency, AIDS). -- SB0777 HD1

Committee Reports: SSCR 436 (HTH) HSCR 1007 (HLT) HSCR 1192 (EDN) HSCR 1639 (FIN)

Current Status: May=05 09 Passed Legislature

Section Affected: 321- (1 SECTION) MEDICALLY ACCURATE SEXUALITY HEALTH EDUCATION

SB0851 SD1 HD3 CD1 (CCR 97)

RELATING TO CHILD SUPPORT ENFORCEMENT.

Introduced by: Hanabusa C (BR)

Amends provisions relating to automatic assignment by court or administrative order of future income for payment of child support. Requires that employers who receive a withholding order for child support shall send the amounts withheld to the child support enforcement agency. Allows the child support enforcement agency to disburse support by electronic benefits transfer system or direct deposit. Allows liens to be enforceable by another agency administering the program. Allows electronic copy or facsimile of signature provided by US postal service to constitute valid proof of service. -- SB0851 CD1

Committee Reports: SSCR 89 (HMS) SSCR 531 (JGO) HSCR 1015 (HUS) HSCR 1294 (JUD) HSCR 1678 (FIN) CCR 97

Current Status: May-05 09 Passed Legislature

Section Affected: 571-52.2, 576D-10, 576D-10.5, 576D-15, 576E-12, 576E-16, 584-8

SB0856

RELATING TO IDENTIFICATION.

Introduced by: Hanabusa C (BR)

Amends provisions relating to expiration date. Requires that the expiration date for a certificate of identification (state identification card), issued on or after July 1, 2009 shall be on the person's birthday 8 years after the date of issuance. -- SB0856

Committee Reports: SSCR 478 (JGO) HSCR 1586 (JUD)

Current Status: Apr-14 09 Received by the Governor

Apr-27 09 Approved by Governor (Act 19 2009)

Section Affected: 846-30.5

SB0862 SD2 (SSCR 665)

RELATING TO HOUSING.

Introduced by: Hanabusa C (BR)

Amends provisions relating to real property; restrictions on transfer; waiver of restrictions. Allows purchaser to refinance provided that if any restriction or transfer remains applicable, that the purchaser obtains the consent of the Hawaii housing finance and development corporation. Requires that the corporation's share of appreciation on real property applies when the sale price of the real property that is developed and initially sold is less than the then current, unencumbered, fair market value of the real property as determined by a real property appraisal obtained prior to the closing of the sale, is a restriction that runs with the land until it is paid in full and released by the corporation, or extinguished, and may be paid at any time after recordation of the sale. Requires that restrictions be automatically extinguished when a mortgage hold or other party becomes the owner of the real property provided that the mortgage is the initial purchase money mortgage, or that the corporation consented to, and agreed to subordinate the restrictions on the mortgage when originated if the mortgage is not the initial purchase money mortgage. Requires a mortgage to notify the

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corporation 45 days prior to commencing mortgage foreclosure proceedings. Requires that in any sale in which the corporation's share of appreciation in real property shall be a restriction, the terms of the shared appreciation equity program shall be clearly stated and included as an exhibit in any deed, lease, agreement of sale, or any other instrument of conveyance. -- SB0862 SD2

Committee Reports: SSCR 113 (EDH) SSCR 665 (WAM) HSCR 1139 (HSG) HSCR 1625 (FIN)

Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 38 2009)

Section Affected: 201H-47, 201H-50

SB0868 SD2 HD2 CD1 (CCR 62)

RELATING TO ENERGY RESOURCES.

Introduced by: Hanabusa C (BR)

Amends provisions relating to energy resources. Redefines energy resources to mean fuels, whether liquid, solid or gaseous, commercially usable for energy needs, power generation, and fuels manufacture, that may be manufactured, grown, produced or imported into the State or that may be exported there from, including petroleum and petroleum products and gases, and all fossil fuel based gases, coal tar, vegetable ferments, biomass, municipal solid waste, biofuels, hydrogen, agricultural products used as fuels and as feedstock to produce fuels, and all fuel alcohols. Provides that energy resources also includes all electrical energy produced by combustion of any fuel or generated or produced using wind, the sun, geothermal, ocean water, falling water, currents and waves. Requires that the energy resources coordinator develop and maintain a comprehensive and systematic quantitative and qualitative capacity to analyze the status of energy resources, systems, and markets, both in state and those to which Hawaii is directly tied, particularly in relation to the State's economy, and to recommend, develop proposals for and assess the effectiveness of policy and regulatory decisions, and conduct energy planning. -- SB0868 CD1

Committee Reports: SSCR 255 (ENE) SSCR 745 (CPN) HSCR 1078 (EEP) HSCR 1185 (CPC) HSCR 1698 (FIN) CCR 62

Current Status: May-05 09 Passed Legislature

Section Affected: 196-1, 196-2, 196-4, 196-6

SB0876 SD2 HD2 (HSCR 1706)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Hanabusa C (BR)

Amends provisions relating to ordinary disability retirement. Requires that retirement be effective on the 1st day of a month, except for the month of December when retirement on the 1st or last day of the month shall be allowed. -- Amends provisions relating to appeal of decision of medical board by changing it to petition for contested case hearing regarding disability retirement or accidental death benefits; attorney's fees and costs. -- Amends provisions relating to return to service of a retirant, ordinary disability retirement, conversion of previous credited service and lump sum payment, and ordinary disability retirement. -- SB0876 HD2

Committee Reports: SSCR 123 (LBR) SSCR 678 (WAM) HSCR 1239 (LAB) HSCR 1706 (FIN)

Current Status: May=07 09 Passed Legislature

Section Affected: 88-75, 88-82, 88-98, 88-273, 88-284, 88-322, 88-334

SB0878 SD1 (SSCR 434)

RELATING TO PUBLICATION OF HEARING NOTICES.

Introduced by: Hanabusa C (BR)

Amends provisions relating to notices under public utilities. Requires that any public hearing held for rate, fare, charge, classification, schedule, rule or practice by any public utility be a noticed public hearing or hearings on the island or islands or county or counties on which the utility provides utility services. -- SB0878 SD1

Committee Reports: SSCR 434 (CPN) HSCR 1091 (CPC) HSCR 1626 (FIN)

Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 29 2009)

Section Affected: 269-12

SB0880

RELATING TO GAS PIPELINE SYSTEMS.

Introduced by: Hanabusa C (BR)

Repeals provisions relating to gas pipeline system under public utilities commission law. -- SB0880

Committee Reports: SSCR 518 (CPN) HSCR 1092 (CPC) HSCR 1627 (FIN)

Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 25 2009)

## SENATE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 269-81, 269-82, 269-83, 269-84

SB0884 SD2 HD1 CD1 (CCR 171)

RELATING TO NON-GENERAL FUNDS.

Introduced by: Hanabusa C (BR)

Amends the provisions relating to wireless enhanced 911 fund. Requires that any funds that accumulate in the wireless enhanced 911 fund be retained unless determined by the legislature to be in excess. -- Amends provisions in the deposit into deposit beverage container deposit special fund; use of funds. Requires that any funds that accumulate in the deposit beverage container deposit special fund be retained in the fund unless determined by the legislature instead of the auditor to be in excess. -- Authorizes the director of finance to transfer to the general fund 16 million dollars from the wireless enhanced 911 fund, 500,000 dollars from the agricultural loan reserve fund, 1 million dollars from the agricultural loan revolving fund, 5 million dollars from the state risk management revolving fund, 1.5 million dollars from the stadium special fund, 1.5 million dollars from the medicaid investigations recovery fund, 700,000 dollars from the state identification revolving fund, 2 million dollars from the hydrogen investment capital special fund, 20 million dollars from the housing finance revolving fund, 3.3 million dollars from the compliance resolution fund, 1 million dollars from the drug demand reduction assessments special fund, 20 million dollars from the Hawaii tobacco settlement special fund, 750,000 dollars from the neurotrauma special fund, 4 million dollars from the emergency medical services special fund, 2 million dollars from the environmental management special fund, 1 million dollars from the judiciary computer system special fund, 7 million dollars from the special fund for disability benefits, 1 million dollars from the special land and development fund, 600,000 dollars from the dwelling unit revolving fund, and 5.1 million dollars from the university of Hawaii research and training revolving fund. -- Amends provisions relating to transfers from special funds for central service expenses. Repeals the exemption for special funds the neurotrauma special fund, deposit beverage container deposit special fund, solicitation of funds for charitable purposes special fund, land conservation fund, court interpreting services revolving fund, and trauma system special fund. -- Amends provisions relating to special fund reimbursements for departmental expenses. Deletes the requirement that the neurotrauma special fund and the trauma system special fund are responsible for its pro rata share of the administrative expenses. -- Establishes provisions relating to the temporary transfer into the general fund of interest earned on short term investment of deposit moneys of certain special funds, revolving funds, and special accounts from July 1, 2009 to June 30, 2015 (sunset). Requires the chief justice to transfer interest earned on judiciary special and revolving funds from July 1, 2009 to June 30, 2011. -- Establishes provisions relating to short term investment of state moneys. Allows the director of finance to invest moneys in excess of amounts necessary for meeting the immediate requirements of the State, except as provided by Act \_\_\_\_, session laws of 2009. -- SB0884 CD1

Committee Reports: SSCR 419 (HTH/ CPN/) SSCR 825 (WAM) HSCR 1615 (FIN) CCR 171

Current Status: May-07 09 Passed Legislature

Section Affected: 138-3, 342G-104, 21D-5, 36-27, 36-30, 201-85, 304A-3005, 342D-82, 261D-3, 36-21

SB0886 SD1 HD1 (HSCR 1187)

RELATING TO BUSINESS REGISTRATION.

Introduced by: Hanabusa C (BR)

Amends provisions relating to corporations and partnerships. Replaces involuntarily dissolved with administratively dissolved corporations. Allows a corporation to give members notices by electronic transmission with consent and consent to be deemed revoke if the corporation is unable to deliver by electronic transmission, the inability to deliver becomes known to the secretary or an assistant secretary of the corporation, to the transfer agent, or other person responsible for giving notice. Requires reinstatement to be allowed only upon the registration of a new name by the administratively dissolved corporation. Removes foreign corporation from articles of conversion to be delivered to the director. Amends provisions relating to cancellation of registration. Allows the director to commence a proceeding to cancel the registration of a domestic or foreign general partnership if the partnership fails. Allows the director to reinstate a domestic general partnership within 2 years after the administrative cancellation. -- SB0886 HD1

Committee Reports: SSCR 549 (CPN) HSCR 1187 (CPC) HSCR 1568 (JUD)

Current Status: Apr-14 09 Received by the Governor

Apr-29 09 Approved by Governor (Act 23 2009)

Section Affected: 414-402, 414-403, 414D-14, 414D-15, 414D-249, 414D-250, 415A-16.6, 415A-18, 425-14, 425-164, 425-193, 425E-1103,

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428-902.6

SB0892 SD1 HD2 CD2 (SENATE  
FLOOR AMENDMENT 12 OR  
HOUSE FLOOR AMENDMENT 9)

### RELATING TO INSURANCE.

Introduced by: Hanabusa C (BR)

Amends provisions relating to the department of commerce and consumer affairs. Requires annual audits to be prepared in accordance with the National Association of Insurance Commissioners accounting practices and procedures manual and rules adopted by the commissioner. Exempts the drivers education fund underwriters fee; motorcycle and motor scooter operators education fund from the deposit into the compliance resolution fund. -- Amends provisions relating to investments. Limits investments by an insurer in non dividend paying stocks and in common trust funds, mutual funds, and exchange traded funds to 25 per cent of its asset or 100 per cent of its surplus. -- Amends provisions relating to domestic company credit for retaliatory taxes paid to other states, by adding filing deadlines. -- Repeals workers' compensation claims adjusters with claims adjusters. Adds crop insurance claims. Requires ethics training. -- Amends provisions relating to assigned claims under motor vehicle insurance. Allows motor vehicle insurance benefits through the joint underwriting plan whenever no insurance benefits under motor vehicle insurance policies are applicable to the accidental harm. -- Amends provisions relating to rate filings under rate regulation law. Requires an insurer to submit an electronic or printed version of the filing and accompanied by a 50 dollar fee payable to the insurance commissioner to be deposited in the commissioner's education and training fund. Amends provisions relating to administration of insurance laws. Requires the insurance commissioner to require applicants to provide fingerprints and pay a fee to allow the commissioner to make a determination of license eligibility after obtaining state and national criminal history record checks for the Hawaii criminal justice data center and the Federal Bureau of Investigations (FBI). -- SB0892 CD2

Committee Reports: SSCR 579 (CPN) HSCR 1235 (CPC/ JUD/) HSCR 1654 (FIN)  
CCR 75 - filed SENATE FLOOR AMENDMENT 12 HOUSE  
FLOOR AMENDMENT 9

Current Status: May-07 09 Passed Legislature

Section Affected: 26-9, 431:2-215, 431:3-302.5, 431:6-317, 431:6-322, 431:7-206,  
431:8-310, 431:9-222.5, 431:9A-124, 431:14-104, 431:14-105,  
431:2-201, 431:2-209, 431:7-101, 431:9-204, 431:9A-106,  
846-2.7

SB0896 SD1 HD2 (HSCR 1237)

### RELATING TO CIVIL SERVICE LAW.

Introduced by: Hanabusa C (BR)

Amends provisions in the civil service and exemptions. Exempts positions in the Hawaii national guard adult education program from civil service requirements. -- SB0896 HD2

Committee Reports: SSCR 220 (PSM) SSCR 536 (LBR) HSCR 1060 (EBM) HSCR  
1237 (LAB) HSCR 1641 (FIN)

Current Status: Apr-21 09 Received by the Governor

May-06 09 Approved by Governor (Act 43 2009)

Section Affected: 76-16

SB0912 SD2 HD2 CD1 (CCR 141)

### RELATING TO PERMANENCY HEARINGS.

Introduced by: Hanabusa C (BR)

Amends provisions relating to definitions under the child protective act. Defines entry into foster care date. Amends provisions relating to permanent plan by requiring consideration of both in state and out of state placement options by the appropriate authorized agency when preparing a plan and including services needed to assist the child to make the transition from foster care to independent living when the child has reached the age of 16. Amends provisions relating to review hearings. Requires that family court order a service plan no later than 30 days after any finding of aggravating circumstances and conduct review hearings at 6 month intervals. Requires that the court consider age appropriate consultations with the child at each review hearing. -- SB0912 CD1

Committee Reports: SSCR 405 (HMS) SSCR 771 (JGO) HSCR 1013 (HUS) HSCR  
1295 (JUD) HSCR 1679 (FIN) CCR 141

Current Status: May-05 09 Passed Legislature

Section Affected: 587-2, 587-27, 587-71, 587-72

SB0914 SD2 HD2 CD1 (CCR 67)

### RELATING TO PUBLIC ASSISTANCE.

Introduced by: Hanabusa C (BR)

Amends provisions relating to department of human services law. Repeals the definition

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of exempt household. Adds that the assistance allowance provided to be based on a percentage of the standard need for other work eligible households and non work eligible households. Prohibits work eligible household which includes an adult who has received 60 cumulative months of temporary assistance to needy families (TANF) with minor dependents, to be eligible for an assistance allowance, unless authorized by federal regulations. -- SB0914 CD1

Committee Reports: SSCR 87 (HMS) SSCR 679 (WAM) HSCR 1101 (HUS) HSCR 1680 (FIN) CCR 67

Current Status: May=07 09 Passed Legislature

Section Affected: 346-1, 346-53

SB0917 SD2 HD1 CD1 (CCR 133)

RELATING TO THIRD PARTY LIABILITY FOR MEDICAID.

Introduced by: Hanabusa C (BR)

Establishes provisions relating to insurer requirement under Medicaid related mandates. Requires health insurers upon request from the State and with respect to individuals who are eligible or are provided medical assistance under the Social Security Act to provide any information to determine whether an individual or the individual's spouse or their dependents may be or may have been covered by a health insurer and the nature of the coverage; accept the State's rights of recovery payments; respond to any inquiry by the State regarding a claim for payment; agree not to deny a claim submitted by the State; a claim submitted by the state within the 3 year period beginning on the date item or service was rendered; and any action by the State to enforce its rights to claim within 6 years of the State's submission of a claim. Amends provisions relating to insurers prohibited from taking Medicaid status into account. Includes a managed care organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service. Amends provisions relating to State's right to 3rd party payments. Adds that under the state plan for medical assistance for health care items or services furnished to an individual in any case where another party has legal liability to make payment for such assistance. -- SB0917 CD1

Committee Reports: SSCR 82 (HMS/HTH/) SSCR 751 (CPN) HSCR 1602 (FIN) CCR 133

Current Status: May-05 09 Passed Legislature

Section Affected: 431L- (1 SECTION), 431L-1, 431L-2

SB0931 SD1 HD1 CD1 (CCR 87)

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

Introduced by: Hanabusa C (BR)

Amends provisions relating to epidemiologic investigations. Provides when in the opinion of the director of health or the directors authorized representative, reasonable cause exists for the investigation of a disease or series of injuries deemed to threaten the public health or safety may demand entry on to any premises, public or private for the purpose of conducting an administrative investigation to secure or collect samples or specimens. Provides that if consent to entry is denied, the department representative may apply to the district court for an administrative investigation warrant to enter the premises and if a suitable person is not available to be served after reasonable efforts to locate such a person, allows the administrative investigation warrant to be left at the principal entry of the investigated premises. -- SB0931 CD1

Committee Reports: SSCR 300 (HTH) SSCR 729 (JGO) HSCR 1253 (HLT) HSCR 1623 (JUD) CCR 87

Current Status: May=05 09 Passed Legislature

Section Affected: 321-29

SB0932 SD2 HD2 CD1 (CCR 88)

RELATING TO INFECTIOUS DISEASE TESTING.

Introduced by: Hanabusa C (BR)

Amends provisions relating to informed consent for testing or disclosure. Allows a health care provider to subject a person to a test for the presence of human immunodeficiency virus (HIV) infection after orally explaining to the person that certain personalized test results are maintained by the department of health; orally advising the person that free and anonymous human immunodeficiency virus testing is available through the department and certain community agencies; providing the person reasonable opportunity to decline the test; and receiving the person's express oral consent to the test. Allows a health care provider for the purpose of obtaining consent to the test and in lieu of the oral consent procedure. Repeals the requirement that a health care provider receive specific written informed consent from a patient prior to testing for human immunodeficiency virus infection. Requires the health care provider to offer post test counseling to those individuals with positive and indeterminate test

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results. -- SB0932 CD1  
Committee Reports: SSCR 298 (HTH) SSCR 631 (JGO) HSCR 1303 (HLT) HSCR  
1574 (JUD) CCR 88  
Current Status: May-05 09 Passed Legislature  
Section Affected: 325-16, 325-16.5

SB0933 SD2 HD2 (HSCR 1577) RELATING TO TEMPORARY LICENSURE OF DENTISTS.  
Introduced by: Hanabusa C (BR)  
Amends provisions relating to temporary license under dentistry law. Allows the board of dental examiners to issue a temporary license without examination to any person while in the employment of or under contract with the department of health to conduct dental education and training. -- SB0933 HD2  
Committee Reports: SSCR 417 (HTH) SSCR 740 (CPN) HSCR 1222 (HLT) HSCR  
1577 (CPC)  
Current Status: Apr-17 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 36 2009)  
Section Affected: 448-9.6, 448-12

SB0936 RELATING TO DEPARTMENT OF HEALTH CERTIFICATES.  
Introduced by: Hanabusa C (BR)  
Amends provisions relating to certificates under county licenses law. Repeals that no person to operate a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, until the person secures from the department of health a certificate setting forth that an agent of the department has examined the building and are in good sanitary condition. -- SB0936  
Committee Reports: SSCR 305 (HTH) SSCR 541 (TIA) HSCR 1113 (HLT) HSCR  
1454 (CPC)  
Current Status: Apr-06 09 Received by the Governor  
Apr-20 09 Approved by Governor (Act 8 2009)  
Section Affected: 445-94

SB0937 HD1 (HSCR 1595) RELATING TO MENTAL HEALTH.  
Introduced by: Hanabusa C (BR)  
Amends provisions relating to committed person; application for conditional release or discharge; by the director of health; by the person. Requires that the court complete the hearing process and render a decision within 60 days of the application by either the director of health or the person committed. Authorizes the court to extend the 60 day time line for good cause upon the request of the director of health or the person. -- SB0937 HD1  
Committee Reports: SSCR 304 (HTH) SSCR 533 (JGO) HSCR 1116 (HLT) HSCR  
1595 (JUD)  
Current Status: May=05 09 Passed Legislature  
Section Affected: 704-411, 704-412

SB0942 SD1 (SSCR 495) RELATING TO UNDERGROUND STORAGE TANKS.  
Introduced by: Hanabusa C (BR)  
Establishes provisions relating to deliver, deposit, and acceptance prohibition under underground storage tanks law. Prohibits a person to deliver to, deposit into, or accept a regulated substance into an underground storage tank at a facility that has been identified by the department of health to be ineligible for such delivery, deposit, or acceptance. -- SB0942 SD1  
Committee Reports: SSCR 495 (ENE) HSCR 1018 (EEP) HSCR 1422 (JUD)  
Current Status: Apr-03 09 Received by the Governor  
Apr-17 09 Approved by Governor (Act 7 2009)  
Section Affected: 342L-(1 SECTION) DELIVERY, DEPOSIT, AND ACCEPTANCE PROHIBITION

SB0947 SD1 (SSCR 154) RELATING TO UNEMPLOYMENT CONTRIBUTION RATES.  
Introduced by: Hanabusa C (BR)  
Amends provisions relating to Hawaii employment security law. Replaces calendar quarter with calendar year regarding assignment of rates and transfers of experience for a organization, trade, or business. -- SB0947 SD1  
Committee Reports: SSCR 154 (LBR) SSCR 614 (WAM) HSCR 1170 (LAB) HSCR  
1628 (FIN)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Approved by Governor (Act 32 2009)

## SENATE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 383-66

SB0967 SD2 HD3 (HSCR 1675)

RELATING TO CONTROLLED SUBSTANCES.

Introduced by: Hanabusa C (BR)

Amends provisions relating to uniform controlled substances act. Amends schedule II to include dihydroetorphine; oripavine; and tincher of opium to the controlled substances list. Amends stimulants by adding lisdexamfetamine, its salts, isomers, and salts of its isomers to the controlled substances list. Amends schedule III any anabolic steroid by adding lisdexamfetamine, its salts, isomers, and salts of its isomers to the controlled substances list. Amends schedule III any anabolic steroid by adding 3[beta], 17-dihydroxy-5a-androstane; 3[alpha], 17[beta]-dihydroxy-5a-androstane; 5[alpha]-androst-3, 17-dione; 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene); 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene); 4-androstenediol (3[beta], 17[beta]-dihydroxy-androst-4-ene); 5-androstenediol (3[beta], 17[beta]-dihydroxy-androst-5-ene); 1-androstenedione ([5[alpha]]-androst-1-en-3, 17-dione); 4-androstenedione (androst-4-en-3, 17-dione); 5-androstenedione (androst-5-en-3, 17-dione); Bolasterone (7[alpha], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one); Calusterone (7[beta], 17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one); [Delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one); Furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan); 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one; 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one); 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one); Mesterolone (1[alpha]-methyl-17[beta]-hydroxy-[5[alpha]]-androst-3-one); Methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one); Methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene); Methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one); 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane; 17[alpha]-methyl-3[alpha], 17[beta]-dihydroxy-5a-androstane; 17[alpha]-methyl-3[beta], 17[beta]-dihydroxyandrost-4-ene; 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one); Methylidienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one); Methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4, 9-11-trien-3-one); 17[alpha]-methyl-[Delta]1-dihydrotestosterone (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-1-testosterone'); 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene); 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene); 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene); 19-nor-4-androstenedione (estr-4-en-3, 17-dione); 19-nor-5-androstenedione (estr-5-en-3, 17-dione); Norbolethone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one); Norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one); Normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one); Stenbolone (17[beta]-hydroxy-2-methyl-[5[alpha]]-androst-1-en-3-one); and Tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one). Allows the department to consider surrender of the applicant's federal registration to manufacture, distribute, prescribe, or dispense controlled substances by the drug enforcement administration. Allows pharmacies electronically sharing a real time online database to transfer up to the maximum refills permitted by law and the prescriber's authorization and reduce to writing the dates and location of previous refills; and the pharmacy's name, address, and drug enforcement administration registration number, along with the prescription number from which the prescription was originally filled. Requires a practitioner or pharmacist when dispensing a controlled substance directly to an individual to 1st obtain and document, in a log book or an electronic database, the full name, identification number, identification type, and signature, whether by actual signature or by electronic signature capture device of the individual obtaining the controlled substance. Further requires the practitioner or pharmacist for mail order prescriptions prior to the controlled substance being dispensed, to obtain all identification information, including the full name, identification number, identification type, and signature, and a photocopy of a form of proper identification of the individual obtaining the controlled substance. Amends provisions relating to administrative inspections and warrants by repealing warrant. Allows the administrator or any of the administrator's agents to make administrative inspection of controlled premises.



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- Prohibits inspection of records to extend to financial data, data relating to pricing of items, other than shipment and sale amounts. -- SB0967 HD3  
Committee Reports: SSCR 297 (HTH) SSCR 633 (JGO) HSCR 1057 (PBS) HSCR 1228 (CPC/ JUD/) HSCR 1675 (FIN)  
Current Status: May=05 09 Passed Legislature  
Section Affected: 329-16, 329-18, 329-33, 329-38, 329-41, 329-52
- SB0971 SD2 HD1 CD1 (CCR 58) RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE.  
Introduced by: Hanabusa C (BR)  
Amends income tax provisions to conform the Hawaii income tax law to the Federal Internal Revenue Code. -- SB0971 CD1  
Committee Reports: SSCR 441 (WAM) SSCR 835 (WAM) HSCR 1612 (FIN) CCR 58  
Current Status: May=07 09 Passed Legislature  
Section Affected: 235-2.3, 235-2.4, 235-2.45
- SB0972 SD2 HD1 CD1 (CCR 143) RELATING TO TAX ADMINISTRATION.  
Introduced by: Hanabusa C (BR)  
Establishes provisions relating to civil compliance; special enforcement section. Establishes the section within the department of taxation to carry out civil enforcement efforts. Authorizes the director of taxation to appoint, commission, or detail persons to the section. Establishes provisions relating to cash economy enforcement; citations. Authorizes the enforcement section to issue cease and desist citations. Allows civil actions against cash based businesses. Authorizes the department of taxation to establish 6 new full time equivalent (6.0 FTE) positions. Report to the legislature. Act to be repealed on June 30, 2014 (sunset). -- SB0972 CD1  
Committee Reports: SSCR 413 (EDT) SSCR 697 (WAM) HSCR 1609 (FIN) CCR 143  
Current Status: May=07 09 Passed Legislature  
Section Affected: 231- (16 SECTIONS) CIVIL COMPLIANCE; SPECIAL ENFORCEMENT SECTION, 237- (1 SECTION), 231-1, 235-20.5, 237-9, 237-12
- SB0979 SD2 HD1 (HSCR 1201) RELATING TO COMMERCIAL DRIVERS.  
Introduced by: Hanabusa C (BR)  
Amends provisions relating to operating a vehicle under the influence of an intoxicant. Provides that a person committing the offense shall have a restriction on the license that allows the person to drive for limited work related purposes, provided that the restricted license is for mopeds, motorcycles and motor scooters, passenger cars, buses, trucks, and vans less than 15,000 pounds. -- SB0979 HD1  
Committee Reports: SSCR 39 (TIA) SSCR 774 (JGO) HSCR 1201 (TRN) HSCR 1621 (JUD)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 45 2009)  
Section Affected: 291E-61, ACT 171 2008
- SB1005 SD2 HD2 CD1 (CCR 92) RELATING TO PUBLICITY RIGHTS.  
Introduced by: Hanabusa C (BR)  
Establishes the publicity rights law. Provides that a person has a property right in the use of his or her name, voice, signature, photograph, or likeness. -- SB1005 CD1  
Committee Reports: SSCR 397 (EDT) SSCR 770 (JGO) HSCR 1181 (EBM/ TCI/) HSCR 1688 (JUD) CCR 92  
Current Status: May=05 09 Passed Legislature  
Section Affected: (8 SECTIONS) PUBLICITY RIGHTS
- SB1008 SD1 HD2 (HSCR 1736) RELATING TO WATER QUALITY STANDARDS.  
Introduced by: Hanabusa C (BR)  
Adopts the Clean Water Act and the 2006 US Environmental Protection Agency national recommended water quality standards and shall apply to all state inland and marine waters. Exempts the 2006 national recommended water quality criteria for arsenic, cadmium, chromium, chromium III, chromium VI, copper, lead, mercury, nickel, selenium, silver, and zinc and the 2006 national recommended water quality criteria for non priority pollutants not currently listed. Further adopts provisions for coastal recreation waters. Act to be repealed on June 30, 2011 (sunset). -- SB1008 HD2  
Committee Reports: SSCR 576 (HTH/ ENE/) HSCR 1290 (EEP/ WLO/) HSCR 1736 (FIN)  
Current Status: May=05 09 Passed Legislature

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- SB1055 HD1 (HSCR 1151) RELATING TO HARBORS.  
Introduced by: English J  
Amends provisions relating to rules under harbors law. Allows the director of transportation to adopt rules, amend and repeal rules as necessary for the proper regulation and control of all shipping, traffic, and other related activities; the entry, departure, mooring, and berthing of vessels; and of all other matters and things connected with such activities. Requires the director to establish safety measures and security requirements in or about the commercial harbors, land, and facilities belonging to or controlled by the State. -- SB1055 HD1  
Committee Reports: SSCR 445 (TIA) HSCR 1151 (TRN) HSCR 1569 (WLO)  
Current Status: Apr-14 09 Received by the Governor  
Apr-23 09 Approved by Governor (Act 16 2009)  
Section Affected: 266-3
- SB1056 SD2 HD2 (HSCR 1689) RELATING TO COMMERCIAL DRIVERS.  
Introduced by: English J  
Amends provisions relating to commercial driver's license. Increases the fine limits on employers. Prohibits a person from driving a commercial motor vehicle in violation of an out of service order. Allows the examiner of drivers to cancel or disqualify any commercial driver's license with probable cause without a hearing. Increases fines on drivers. -- SB1056 HD2  
Committee Reports: SSCR 40 (TIA) SSCR 629 (JGO) HSCR 1110 (TRN) HSCR 1689 (JUD)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 46 2009)  
Section Affected: 286-234, 286-235, 286-241.4, 286-249
- SB1058 SD2 HD2 CD1 (CCR 131) RELATING TO CONTROLLED SUBSTANCES.  
Introduced by: Espero W, English J, Hooser G  
Establishes a medical cannabis task force within the department of public safety to review issues relating to the medical marijuana program. Requires the director of public safety to be responsible for administering the work of the medical cannabis task force. Requires the legislative reference bureau to complete and submit to the task force a report on the policies and procedures for access, distribution, security, and other relevant issues related to the medical use of cannabis for all the states that currently have a medical cannabis program. Requires the director to report to the legislature. Task force to cease to exist on June 30, 2010 (sunset). -- Establishes the salvia divinorum task force within the department of public safety to review the effects of salvia divinorum and its primary psychoactive constituent, salvinorin A. Report to the legislature. Task force to cease to exist on June 30, 2010 (sunset). -- SB1058 CD1  
Committee Reports: SSCR 341 (PSM) SSCR 634 (JGO) HSCR 1194 (JUD/ PBS/) HSCR 1711 (FIN) CCR 131  
Current Status: May-05 09 Passed Legislature
- SB1065 SD2 HD1 CD1 (CCR 54) RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.  
Introduced by: Gabbard M  
Establishes provisions relating to renewable energy sales; exemption. Exempts sales or provision of electricity generated using renewable energy in facilities located at the natural energy laboratory of Hawaii authority's research and technology park from regulation by the public utilities commission, provided that all sales or provisions of electricity are made directly to a user located adjacent to the research and technology park. -- SB1065 CD1  
Committee Reports: SSCR 209 (ENE/ EDT/) SSCR 750 (CPN) HSCR 1291 (EEP/ EBM/) HSCR 1455 (CPC) CCR 54  
Current Status: May-05 09 Passed Legislature  
Section Affected: 227D- (1 SECTION) RENEWABLE ENERGY SALES
- SB1066 SD2 HD1 CD1 (CCR 72) RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.  
Introduced by: Gabbard M, Green J  
Amends provisions relating to establishment of the natural energy laboratory of Hawaii authority; purpose. Increases the number of members of the board of directors from 11 to 13, adding 2 tenant members. -- SB1066 CD1  
Committee Reports: SSCR 207 (ENE/ EDT/) SSCR 794 (WAM) HSCR 1166 (EEP) HSCR 1575 (EBM) CCR 72  
Current Status: May=07 09 Passed Legislature  
Section Affected: 227D-2

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- SB1069 SD1 HD2 CD1 (CCR 76) RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.  
Introduced by: Galuteria B  
Establishes provisions relating to Kakaako makai; plan. Requires the Hawaii community development authority to collaborate with and consider recommendations of the Kakaako makai community planning advisory council in developing, accepting, or implementing plans for the development of Kakaako makai and for any transfer of property in the Kakaako makai community development district to any state or county agency. -- SB1069 CD1  
Committee Reports: SSCR 472 (WTL) HSCR 1161 (WLO) HSCR 1718 (FIN) CCR 76  
Current Status: May-05 09 Passed Legislature  
Section Affected: 206E- (1 SECTION) KAKAAKO MAKAI
- SB1073 SD1 HD2 CD1 (CCR 89) RELATING TO CORRECTIONAL FACILITIES.  
Introduced by: Green J  
Amends provisions relating to exemptions under smoking law. Authorizes smoking for employees and volunteers of a correctional facility in an area outside of a correctional facility restricted from access by inmates or detainees that has been designated by the warden of a correctional facility. -- SB1073 CD1  
Committee Reports: SSCR 587 (HTH/ PSM/) HSCR 1176 (HLT) HSCR 1570 (PBS) CCR 89  
Current Status: May=05 09 Passed Legislature  
Section Affected: 328J-7
- SB1107 SD2 HD2 CD1 (CCR 77) RELATING TO CONDOMINIUMS.  
Introduced by: Kokubun R  
Amends provisions relating to condominiums. Repeals the condominium management education fund and transfers funds to the condominium education trust fund. Requires that real estate commission annually submit a report to the legislature that includes a statement of which programs were directed specifically at the education of condominium owners and a line item in the budget that reflects the total amount collected from condominium associations. -- SB1107 CD1  
Committee Reports: SSCR 244 (CPN) SSCR 716 (WAM) HSCR 1186 (CPC) HSCR 1655 (FIN) CCR 77  
Current Status: May-07 09 Passed Legislature  
Section Affected: 26-9, 514A-40, 514A-46, 514A-47, 514A-48, 514A-49, 514A-95.1, 514A-131, 514A-132, 514A-133, 514A-134, 514A-135, 514B-72, 514B-73
- SB1108 RELATING TO NATIVE HAWAIIANS.  
Introduced by: Kokubun R  
Amends Act 212, session laws of 2007, relating to the 'aha kiole (aha kiole) advisory committee. Extends the sunset date to June 30, 2011. -- SB1108  
Committee Reports: SSCR 483 (WTL) HSCR 1068 (HAW)  
Current Status: Apr-16 09 Received by the Governor  
Apr-30 09 Became Law Without Governor's Signature (Act 39 2009)  
Section Affected: ACT 212 2007
- SB1111 SD1 HD1 CD1 (CCR 52) RELATING TO TAXATION.  
Introduced by: Nishihara C, Tsutsui S, Hooser G, Chun Oakland S  
Amends provisions relating to the transient accommodations tax. Increases the tax by 1 per cent beginning July 1, 2009, to June 30, 2010 and by 2 per cent for the period July 1, 2010, to June 30, 2015 (sunset). Provides that the revenues collected from the increase shall be deposited into the general fund. Act to be repealed on June 30, 2015 (sunset). -- SB1111 CD1  
Committee Reports: SSCR 598 (WAM) HSCR 1603 (FIN) CCR 52  
Current Status: May-07 09 Vetoed  
May=08 09 Veto Overridden - Senate  
May-08 09 Veto Overridden - House  
May-08 09 Became Law (Act 61 2009)  
Section Affected: 237D-2, 237D-6.5
- SB1113 SD1 (SSCR 563) RELATING TO GEOGRAPHIC LIMITATIONS ON TIME SHARES.  
Introduced by: Nishihara C  
Amends provisions relating to geographic limitations. Amends the exemption from the prohibition of time share units, time share plans, and transient accommodations rentals

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for a county with a population over 500,000, in an existing hotel which is a valid nonconforming use under county ordinance by repealing the provisions that requires the property to have at least 60 units and at least 40 per cent of the units, upon completion of sales of the time share intervals in the project, be made available for sale as residential apartments or rented as residential apartments. -- SB1113 SD1

Committee Reports: SSCR 563 (CPN) HSCR 1420 (WLO)

Current Status: Apr-06 09 Received by the Governor  
Apr-21 09 Approved by Governor (Act 12 2009)

Section Affected: 514E-5

SB1130 SD2 (SSCR 765)

RELATING TO THE BUREAU OF CONVEYANCES.

Introduced by: Taniguchi B

Amends provisions relating to pending judgments; recording of, notice; judgment, orders, decrees; lien when. Allows the party seeking registration of a judgment to redact the 1st 5 digits of any social security number by blocking out the numbers on the copy of the judgment to be filed or recorded. Allows the party seeking to record or register a judgment, order or decree to redact the 1st 5 digits of any social security number by blocking out the numbers on the copy of the judgment, order or decree to be recorded or registered. -- SB1130 SD2

Committee Reports: SSCR 266 (CPN) SSCR 765 (JGO) HSCR 1102 (WLO) HSCR 1423 (JUD)

Current Status: Apr-03 09 Received by the Governor  
Apr-16 09 Approved by Governor (Act 5 2009)

Section Affected: 501-151, 502-33, 636-3

SB1142 SD1 HD1 CD1 (CCR 144)

RELATING TO PHYSICIAN ASSISTANTS.

Introduced by: Green J (BR)

Establishes provisions relating to physician assistant; authority to sign documents. Allows a physician assistant who holds a current, valid, and permanent license to practice medicine and who is under the supervision of a license physician or osteopathic physician to have the authority to sign certification of psychiatric medical condition of the parents of a child applicant for aid from the temporary assistance for needy families (TANF); evaluation forms for Hansen's disease patients; order for physical therapy and plans of care; pharmacist orders to assist in monitoring and management of anticoagulation anemia and atrial fibrillation; orders for speech therapy and plans of care; applications for bracelets indicating compassionate care only; admissions applications for foster home; dietary consultations forms; and Medicaid application forms for nursing care facility admission. Amends provisions relating to withdrawal of candidates; disqualification; death; notice. Adds physician assistant. Amends provisions relating to license renewals; procedures and requirements. Adds physician assistant. Amends provisions relating to mandatory use of seat belts, when penalty. Adds physician assistant. Amends provisions relating to testing and implied consent. Adds physician assistant. Amends provisions relating to persons qualified to take blood specimen. Adds physician assistant. Amends provisions relating to education law. Adds physician assistant. Amends provisions relating to volunteer emergency medical disaster response personnel. Allows physician assistant provide medical care without physician supervision and no physician who supervises a physician assistant voluntarily and gratuitously providing emergency care to be liable for civil damages from any personal injuries which result from acts or omissions by the physician assistant providing emergency care. Amends provisions relating to performance of vaccination and immunization. Adds physician assistant. Amends provisions relating to preauthorization exemption for certain physicians by adding physician assistants. Amends provisions relating to administration and enforcement; rules under hospital and nursing facility tax. Adds physician assistant. Amends provisions relating to coverage for child health supervision services. Adds physician assistant. Amends provisions relating to duty of physician, osteopathic physician, surgeon, hospital, clinic, etc., to report wounds. Adds physician assistant. Amends provisions relating to persons exempted under radiologic technology. Includes a licensed physician assistant. Amends provisions relating to authorization for color photographs, x rays, and radiological or other diagnostic examination. Adds licensed physician assistant. Amends provisions relating to grounds of qualification and disqualification under jurors law. Adds physician assistant. Amends provisions relating to exception to liability under tort actions law. Adds physician assistant. Amends provisions relating to medical torts. Redefines health care providers by adding physician assistant. -- SB1142 CD1

Committee Reports: SSCR 389 (HTH/ CPN/) SSCR 534 (JGO) HSCR 1005 (HLT)  
HSCR 1231 (CPC/ JUD/) HSCR 1709 (FIN) CCR 144

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Current Status: May-05 09 Passed Legislature  
Section Affected: 453- (1 SECTION), 11-117, 286-107, 291-11.6, 291E-12, 291E-13, 302A-1155, 302A-1156, 302A-1164, 321-23.3, 325-33, 325-34, 327C-1, 334-59, 346-352, 347-13, 431:10A-115.5, 453-14, 466J-6, 587-23, 612-4, 663-1.5, 671-1

SB1160 SD2 HD2 CD1 (CCR 108)

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

Introduced by: Sakamoto N, Chun Oakland S

Establishes provisions relating to assessments for common expenses under Hawaii public housing authority law. Allows the authority to require at least 1 per cent of common expenses for a state public housing project to be assessed against all the units in the public housing project. Provides that if any common expense is caused by the misconduct of any unit resident the authority may assess that expense exclusively against the unit resident. Requires the authority to notify the unit residents of a public housing project in writing of common expense assessment increases at least 30 days prior to an increase. Amends provisions relating to termination and eviction. Requires a written notice in accordance with requirements imposed under federal law to inform the tenant of the delinquency payment. Amends provisions relating to hearings. Specifies that for federal low income housing, hearings shall be conducted by an eviction board appointed by the authority and for state low income housing, hearings shall be conducted by a hearings officer appointed by the authority. Requires a hearings officer in each county. Prohibits the authority to sell any land developed for any public housing project. -- SB1160 CD1

Committee Reports: SSCR 164 (EDH) SSCR 660 (WAM) HSCR 1140 (HSG) HSCR 1704 (FIN) CCR 108

Current Status: May=07 09 Passed Legislature

Section Affected: 356D- (1 SECTION), 356D-92, 356D-93, 356D-94, 356D-4

SB1164 SD2 HD2 CD1 (CCR 103)

RELATING TO INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

Introduced by: Sakamoto N, Espero W, Chun Oakland S, Kidani M, Green J

Establishes interstate compact on educational opportunity for military children law. Requires the compact commissioner to be recommended by the superintendent of education with the approval of the board of education. Commission to annually report to legislatures, governors, judiciary, and state councils of the member states. -- Establishes the state council on educational opportunity for military children within the board of education. Act repealed on July 1, 2011 (sunset). -- SB1164 CD1

Committee Reports: SSCR 166 (EDH/ PSM/) SSCR 792 (WAM) HSCR 1087 (EDN) HSCR 1650 (FIN) CCR 103

Current Status: May=07 09 Passed Legislature

Section Affected: (3 SECTIONS) INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

SB1183 SD2 HD2 CD1 (CCR 61)

RELATING TO DISCRIMINATORY PRACTICES.

Introduced by: Takamine D

Requires the Hawaii civil rights commission to adopt rules to define or amend, as applicable, the following terms; major life activities; being regarded as having such an impairment; disability; substantially limits; and other operative terms under employment practices law no later than December 31, 2010. -- SB1183 CD1

Committee Reports: SSCR 103 (HMS/ LBR/) SSCR 621 (JGO) HSCR 1205 (LAB) HSCR 1690 (JUD) CCR 61

Current Status: May-05 09 Passed Legislature

SB1195 SD1 HD2 CD1 (CCR 90)

RELATING TO THE ECONOMY.

Introduced by: Fukunaga C

Amends provisions relating to research and statistics for growth industries. Requires the department of business, economic development and tourism to submit annual reports to the legislature that provide an update on the criteria used to measure growth of these emerging growth industries. -- Amends provisions relating to the Hawaii State planning Act's objectives and policies for the economy -- in general. Requires that the state plan stimulate the development and expansion of economic activities capitalizing on defense, dual use, and science and technology assets, and encourage businesses, particularly emerging industries in science and technology. -- Amends provisions relating to objectives and policies for the economy -- agriculture. Requires that the state plan to include support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development

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of new products and agricultural by products. -- Amends provisions relating to objective and policies for the economy -- visitor industry. Requires the State to utilize Hawaii's strengths in science and technology to improve the quality of existing visitor destination areas. -- Amends provisions relating to objective and policies for the economy--federal expenditures. Requires the state to build upon dual use and defense applications to develop thriving ocean engineering, aerospace research and development, and related dual use technology sectors in Hawaii's economy. -- Amends provisions relating to objective and policies for the economy -- potential growth activities. Requires the state to facilitate growth by expanding and diversifying Hawaii's economy by including renewable energy development, creative media and science and technology based sectors. -- Amends provisions relating to objectives and policies for the economy -- information industry. Requires the state to plan the economy to position Hawaii as a leader in broadband communications and applications in the pacific region. -- SB1195 CD1

Committee Reports: SSCR 582 (EDT/ WTL/) HSCR 1226 (EBM) HSCR 1427 (WLO) CCR 90

Current Status: May-05 09 Passed Legislature

Section Affected: 201-19, 226-6, 226-7, 226-8, 226-9, 226-10, 226-10.5

SB1202 SD2 HD2 CD1 (CCR 140)

RELATING TO TRANSPORTATION ENERGY INITIATIVES.

Introduced by: English J, Tsutsui S, Espero W, Kidani M, Tokuda J

Amends provisions relating to the Hawaii state planning act. Includes fostering the research and development of non fossil fuel and energy efficient modes of transportation. -- Establishes provisions relating to designation of parking spaces for electric vehicles, charging units. Requires all parking lots that have at least 100 parking spaces to designate 1 per cent of the spaces for electric vehicles by December 31, 2011. Provides that at least 1 space be located near the entrance of building and be equipped with an electric vehicle charging unit. Further provides that the percentage of designated spaces shall increase 1 per cent for each 5,000 registered electric vehicles in the State up to a maximum of 10 per cent. -- Establishes provisions relating to parking spaces reserved for electric vehicles. Provides that a person who illegally parks in a electric vehicles parking shall warned and fined. -- Amends provisions relating to public utilities commission law. Redefines public utility to exclude plants or facilities used to charge or discharge a vehicle battery used for vehicle propulsion. -- Amends provisions relating to energy efficient vehicles under the Hawaii public procurement code by changing it to light duty motor vehicle requirements. -- Establishes provisions relating to the transportation energy transformation grant fund; electric vehicles. The moneys in the fund shall be used by the department to provide grants for acquisition of electric vehicles, for the installation of electric vehicle charging infrastructure, and for innovative programs that diversify transportation energy sources. Fund repealed on June 30, 2013 (sunset). Appropriation out of transportation energy transformation grant fund. -- Establishes 2 full time temporary positions exempt from civil service and collective bargaining laws within the department of business, economic development, and tourism for the grant fund. (\$\$) -- SB1202 CD1

Committee Reports: SSCR 282 (TIA/ ENE/) SSCR 838 (WAM) HSCR 1083 (EEP) HSCR 1700 (FIN) CCR 140

Current Status: May-07 09 Passed Legislature

Section Affected: 226-10, 226-18, 291-(2 SECTIONS), 269-1, 103D-412, 286-172, 201- (1 SECTION)

SB1206 SD1 HD1 CD1 (CCR 93)

RELATING TO COUNTIES.

Introduced by: Tsutsui S

Amends provisions relating to additional powers of counties. Authorizes all boards of a county of at least 500,000 people to issue revenue bonds in its own name if so authorized under the county charter. -- SB1206 CD1

Committee Reports: SSCR 72 (TIA) SSCR 649 (WAM) HSCR 1604 (FIN) CCR 93

Current Status: May-07 09 Passed Legislature

Section Affected: 49-3

SB1218 SD2 HD2 CD1 (CCR 102)

RELATING TO MORTGAGE LOAN ORIGINATORS.

Introduced by: Baker R (BR)

Establishes the secure and fair enforcement for mortgage licensing act. Prohibits a person to engage in the business of a mortgage loan originator without a license issued by the commissioner of financial institutions. Requires each licensed mortgage loan originator to register with and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System. -- Amends provisions relating to criminal history record

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check under criminal data center law. Requires the department of commerce and consumer affairs to conduct a criminal history record checks on the applicant, or any of its officers, directors, partners, members, managers, employees or agents, if it is an applicant for a mortgage broker or a loan originator. -- Requires the commissioner to report to the legislature on the implementation of this Act. Appropriation out of the compliance resolution fund. (\$\$) -- SB1218 CD1

Committee Reports: SSCR 264 (CPN) SSCR 721 (WAM) HSCR 1267 (CPC/ JUD/)  
HSCR 1656 (FIN) CCR 102

Current Status: May-07 09 Passed Legislature

Section Affected: (21 SECTIONS) SECURE AND FAIR ENFORCEMENT FOR  
MORTGAGE LICENSING ACT, 412:3-502, 454-2, 454-3,  
477E-2, 846-2.7

SB1222 SD1 HD1 CD2 (SENATE  
FLOOR AMENDMENT 13 OR  
HOUSE FLOOR AMENDMENT 10)

RELATING TO THE HUMANE TREATMENT OF PET ANIMALS.

Introduced by: Galuteria B

Amends provisions relating to cruelty to animals in the 2nd degree. Adds that a person commits the offense of cruelty to animals in the 2nd degree if the person intentionally, knowingly, or recklessly confines or causes to be confined in a kennel or cage, any pet animal in a cruel or inhumane manner; tethers, fastens, ties or restrains a dog to a dog house, tree, fence or any other stationary object by a choke collar, pinch collar, chain collar or prong collar. Allows the use of such restraints when walking a dog with a hand held leash or while a dog is engaged in a supervised activity. Amends provisions relating to animal hoarding. Reduces the number of dogs and cats from 20 to 15. Amends Act 128, session laws of 2008, relating to animal hoarding, by extending the sunset date to July 1, 2015. -- SB1222 CD2

Committee Reports: SSCR 590 (JGO) HSCR 1566 (JUD) CCR 85 - filed SENATE  
FLOOR AMENDMENT 13 HOUSE FLOOR AMENDMENT 10

Current Status: May-07 09 Passed Legislature

Section Affected: 711-1109, 711-1109.6, ACT 128 2008

SB1223 SD1 HD2 CD1 (CCR 95)

RELATING TO HAWAII MADE PRODUCTS.

Introduced by: Galuteria B, Tsutsui S, Kidani M, Baker R, English J, Gabbard M, Tokuda J, Hemmings F

Amends provisions relating to Hawaii made products by adding Hawaii processed products. Prohibits a person to use the phrase made in Hawaii as an advertising or media tool for any craft item that has not been manufactured, assembled, fabricated, or produced within the State or keep, offer, display, expose for sale, or solicit the sale of any perishable consumer commodity that is labeled made in Hawaii. Requires the chairperson of the department of agriculture to convene a working group to identify labeling issues relating to the Hawaii made products law and to propose workable solutions, including solutions for enforcement. Report to legislature. -- SB1223 CD1

Committee Reports: SSCR 580 (CPN) HSCR 1029 (AGR) HSCR 1241 (CPC) HSCR  
1694 (FIN) CCR 95

Current Status: May-05 09 Passed Legislature

Section Affected: 486-1, 486-119

SB1224 SD1 HD2 CD1 (CCR 105)

RELATING TO AIRPORT CONCESSIONS.

Introduced by: Galuteria B, Sakamoto N, Green J

Authorizes the governor or the director of transportation, with respect to airport concessions to have the discretion and authority to provide relief to airport concessionaires; to reach relief agreements to extend the term of lease or contract, grant or modify existing relief provisions and adjust rent; and to grant fair and reasonable relief to a concessionaire whose concession has suffered operating losses for any period starting on or after November 1, 2006. Act to be repealed on July 1, 2011 (sunset). -- SB1224 CD1

Committee Reports: SSCR 321 (TIA) SSCR 733 (WAM) HSCR 1277 (TRN) HSCR  
1667 (FIN) CCR 105

Current Status: May=07 09 Passed Legislature

SB1248 SD1 HD1 CD1 (CCR 147)

RELATING TO STATE ENTERPRISE ZONES.

Introduced by: Fukunaga C

Amends provisions relating to state enterprise zone. Defines eligible business activity as the manufacture of tangible personal property, the wholesale sale of tangible personal property; the production of agricultural products or the processing of agricultural products; research, development, sale or production of all types of genetically engineered medical, agricultural, or maritime biotechnology products; and

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production of electric power from wind energy for sale primarily to a public utility company for resale to the public. -- Amends the definitions of qualified business and service business to include limited liability companies. -- Amends provisions relating to enterprise zone designation. Repeals sections that relate only to Kauai and the Waialua district of Oahu. -- Amends provisions relating to the eligibility; qualified business; sale of property. Allows a business firm to be designated a qualified business if it is an eligible business activity. Allows for the receipts, sales, and employees of a business establishments in all enterprise zones located within the same county to count towards qualification in the enterprise program. -- Amends provisions relating to State business tax credit. Allows agricultural producers, manufacturers and wholesalers to renew their eligibility into the enterprise zone program for an additional 3 years. -- SB1248 CD1  
Committee Reports: SSCR 383 (EDT/ WTL/) SSCR 680 (WAM) HSCR 1071 (EBM/ AGR/) HSCR 1284 (EEP) HSCR 1730 (FIN) CCR 147  
Current Status: May=07 09 Passed Legislature  
Section Affected: 209E-2, 209E-4, 209E-9, 209E-10, 209E-11

SB1250 SD1 HD1 CD1 (CCR 101) RELATING TO EDUCATION.  
Introduced by: Sakamoto N  
Prohibits an individual to be employed by the department of education on an emergency basis for more than 4 years in the aggregate. -- SB1250 CD1  
Committee Reports: SSCR 279 (EDH) SSCR 756 (LBR) HSCR 1148 (EDN/ LAB/) HSCR 1634 (FIN) CCR 101  
Current Status: May-05 09 Passed Legislature  
Section Affected: 302A-804

SB1259 SD2 HD2 CD1 (CCR 78) RELATING TO ENVIRONMENTAL RESPONSE.  
Introduced by: Gabbard M, Green J  
Amends provisions relating to the environmental response law. Defines bona fide prospective purchaser as a person (or a tenant of a person) that acquires ownership of a facility after October 1, 2009 and establishes specified conditions. Exempts from liability bona fide prospective purchasers and owners of real property that is contiguous to or otherwise similarly situated with respect to and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not previously owned or owned by that person. -- SB1259 CD1  
Committee Reports: SSCR 400 (ENE) SSCR 632 (JGO) HSCR 1104 (EEP/ WLO/) HSCR 1596 (JUD) CCR 78  
Current Status: May-05 09 Passed Legislature  
Section Affected: 128D-1, 128D-6

SB1260 SD1 HD1 (HSCR 1702) RELATING TO AIR POLLUTION FEES.  
Introduced by: Gabbard M, Chun Oakland S, Hooser G  
Amends provisions relating to fees under air pollution control law. Repeals provision that a covered source not be assessed for emissions of a regulated air pollutant in excess of 4,000 tons per year. -- SB1260 HD1  
Committee Reports: SSCR 205 (ENE) SSCR 790 (WAM) HSCR 1075 (EEP) HSCR 1702 (FIN)  
Current Status: Apr-20 09 Received by the Governor  
May-05 09 Became Law Without Governor's Signature (Act 42 2009)  
Section Affected: 342B-29

SB1263 SD2 HD3 CD1 (CCR 138) RELATING TO TATTOO ARTISTS.  
Introduced by: Ige D, Green J  
Establishes provisions relating to permit; required for tattoo shop and temporary locations. Prohibits a person, partnership, firm, corporation, or other legal entity to operate a tattoo shop without registering the shop and obtaining a permit with the department of health. Authorizes the department to issue temporary licenses valid for a maximum of 7 consecutive days per calendar year for locations other than a permitted tattoo shop for the purpose of a trade show, product demonstrations, or educational demonstration. Requires the temporary permit application to be made in writing to the department at least 60 days prior to the scheduled event. Redefines tattoo artist to mean any person who creates indelible marks or decorative designs by introducing pigments beneath the surface of the skin, resulting in permanent or semi permanent makings with the aid of needles, electric machines, hand tools or other devices or means. Amends provisions relating to license required; exemptions. Prohibits a person to practice the occupation of tattoo artist in this State with or without compensation,



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consideration, or donation, or shall announce oneself either publicly or privately as prepared or qualified to practice that occupation without having a valid unrevoked license from the department to do so. Authorizes the department to issue temporary permit valid for a maximum period of 14 consecutive days per calendar year for educational, trade show, product demonstrations purposes or for the purpose of practicing the occupation of tattoo artist at a permitted tattoo location. Requires applications for temporary licenses to be made in writing to the department at least 60 days prior to the proposed event and accompanied by a non refundable application fee of 100 dollars and written proof satisfying the requirement. Amends provisions relating to suspension or revocation, or denial of renewal of license by adding permit. Allows the director to revoke or suspend the permit or license of any person permitted or licensed. Changes provisions relating to discipline; complaints; grounds; proceedings; hearings to enforcement; penalties. Provides that if the department determines that any person violated or is violating any provision of rule adopted or any term or condition of a permit or license issued, allow the department to take enforcement action and impose penalties not to exceed 10,000 dollars per offense. Repeals provisions relating to facial tattoos. Repeals provisions relating to denial of licensure; hearing. Repeals provisions relating to penalties. Repeals provisions relating to license without necessity of examination. -- SB1263 CD1

Committee Reports: SSCR 388 (HTH/ CPN/) SSCR 766 (JGO) HSCR 1041 (HLT) HSCR 1249 (CPC/ JUD/) HSCR 1662 (FIN) CCR 138  
Current Status: May-05 09 Passed Legislature  
Section Affected: 321- (1 SECTION), 321-372, 321-373, 321-374, 321-375, 321-377, 321-379, 321-376, 321-378, 321-380, 321-383

SB1268 SD2 HD1 CD1 (CCR 82)

RELATING TO AFFORDABLE HOUSING.

Introduced by: Hee C

Amends provisions relating to housing, county powers. Requires the counties to issue affordable housing credits to the department of Hawaiian home lands upon requests by the department. Allows the transfer or assignment of credits within the same county. -- SB1268 CD1

Committee Reports: SSCR 119 (WTL/ EDH/) SSCR 505 (TIA) HSCR 1302 (HAW/ HSG/) HSCR 1729 (FIN) CCR 82  
Current Status: May-05 09 Passed Legislature  
Section Affected: 46-15.1

SB1327 SD1 HD1 (HSCR 1605)

RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX.

Introduced by: Hanabusa C (BR)

Amends provisions relating to adjustments and refunds of taxes. Reduces the interest rate to 1/3 of 1 per cent. -- SB1327 HD1

Committee Reports: SSCR 559 (WAM) HSCR 1605 (FIN)  
Current Status: Apr-20 09 Received by the Governor  
May-05 09 Approved by Governor (Act 40 2009)  
Section Affected: 231-23

SB1329 SD2 HD2 CD1 (CCR 150)

RELATING TO EARLY LEARNING.

Introduced by: Chun Oakland S, Sakamoto N, Green J

Amends provisions relating to junior kindergartens and kindergarten programs. Prohibits schools to move students between junior kindergarten and kindergarten except in cases where the movement is based on assessments determined by a qualified teacher with early childhood education background and experience and the formative and summative assessment of a student's academic, physical, social, and emotional abilities. Requires the department of education to use assessment tools and protocols for determining a student's initial placement and for decision making about a student's movement between tiers and into grade 1. -- Amends provisions relating to the early learning system law. Requires the early learning council to develop a plan to ensure that the needs of junior kindergarteners are addressed and to allow representative's designees for center based program providers, family child care program providers, family child interaction learning program providers, philanthropic organizations that support early learning, and the Hawaii Council of Mayors. Adds a representative from a Head Start provider agency or the representative's designee. Changes the Keiki 1st steps trust fund to the early learning trust fund. -- SB1329 CD1

Committee Reports: SSCR 83 (HMS) SSCR 682 (WAM) HSCR 1247 (EDN) HSCR 1651 (FIN) CCR 150  
Current Status: May=07 09 Passed Legislature  
Section Affected: 302A-411, 302L-3, 302L-5

## SENATE BILLS THAT PASSED THE LEGISLATURE

- SB1338 SD2 HD2 CD1 (CCR 79) RELATING TO HOUSEHOLD ENERGY DEMAND.  
Introduced by: Kidani M, Baker R, Espero W  
Establishes provisions relating to placement of clotheslines. Adds that no person shall be prevented from installing a clothesline on any single family residential dwelling or townhouse that the person owns; provides that every private entity may adopt rules that reasonably restrict the placement and use of clotheslines for the purpose of drying clothes so long as the restrictions do not prohibit clotheslines altogether. Prohibits fees for the placement of any clothesline. -- SB1338 CD1  
Committee Reports: SSCR 50 (ENE) SSCR 744 (CPN) HSCR 1082 (EEP/ HSG/)  
HSCR 1725 (FIN) CCR 79  
Current Status: May=05 09 Passed Legislature  
Section Affected: 196- (1 SECTION) PLACEMENT OF CLOTHESLINES
- SB1345 SD1 HD1 CD1 (CCR 107) RELATING TO AGRICULTURE.  
Introduced by: Kokubun R, Takamine D, Hee C, Tokuda J  
Establishes provisions relating to withdrawal of leased land; fair compensation; lease extension. Provides that upon the withdrawal, or upon the taking which causes any portion of the land to become unusable for the specific use or uses for which it was intended pursuant to lease restrictions for intensive agricultural and pasture uses, the rent shall be reduced in proportion to the value of the land withdrawn or made unusable, and if any permanent improvement constructed upon the land by the lessee is destroyed or made unusable in the process of the withdrawal or taking, the proportionate value thereof shall be paid to the lessee based on the unexpired term of the lease. Prohibits withdrawal or taking of the land which are then under cultivation with crops until the crops are harvested or unless the board of land and natural resources pays the lessee the residual value of the crops. Further provides that any person with a long term lease shall be compensated for the present value of all permanent improvements. Entitles a lessee to compensation for costs attributable to the diminished use of the leased land. -- SB1345 CD1  
Committee Reports: SSCR 230 (WTL) SSCR 691 (WAM) HSCR 1270 (WLO/ AGR/)  
HSCR 1685 (FIN) CCR 107  
Current Status: May=07 09 Passed Legislature  
Section Affected: 171- (1 SECTION), 171-37, 171-38
- SB1350 SD2 HD1 CD1 (CCR 172) RELATING TO KAKAAKO.  
Introduced by: Taniguchi B  
Establishes provisions for reserved housing requirements for Kakaako mauka area. Requires, when the land area is 20,000 - 79,999 square feet, that at least 20 per cent of units be reserved housing units for low and moderate income families and when the land is 80,000 or more square feet that 30 per cent of units be reserved housing. Provides that if a developer receives and elects to take a transit oriented development bonus, 10 per cent of the reserved housing requirement shall be added to the housing requirement. Requires developer to divide the floor area required for reserved housing. Report to legislature. -- SB1350 CD1  
Committee Reports: SSCR 379 (EDH/ WTL/) SSCR 786 (JGO) HSCR 1598 (WLO/ HSG/) CCR 172  
Current Status: May=05 09 Passed Legislature  
Section Affected: 206E- (1 SECTION), 206E-4, 206E-15, 206E-33, 206E-101
- SB1352 SD2 HD2 CD1 (CCR 106) RELATING TO BUREAU OF CONVEYANCES.  
Introduced by: Tokuda J, Chun Oakland S  
Establishes provisions relating to deregistration of fee interests. Requires registrar or assistant registrar to note recordation and cancellation of the certificate of title in the registration book and in the records of the application for registration of the land that is the subject of the certificate of title. Allows a registered owner of fee interest in registered land to deregister the land upon submitting a written request that includes proof of title insurance in the amount of the value of the land to be deregistered and a written waiver of all claims against the state relating to the title to the land arising after the date of deregistration. -- Establishes a chain of title of deregistered land. Requires the department of land and natural resources to establish a transaction fee of 5 dollars each recording in the bureau of conveyance and in the office of the assistant registrar of the land court for services rendered by the bureau of conveyances. Authorizes the registrar and assistant registrar of the bureau of conveyances to accept an electronic instrument in lieu of an original instrument with original signatures subject to the requirements set forth in rules adopted by the department of land and natural resources. Requires fees collected to be deposited to the credit of the bureau of conveyances

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special fund and to be used to support purchases for hardware, system design and staff training related to automation of the bureau of conveyances. -- Requires the bureau of conveyances to implement an integrated electronic filing system for electronic recordation of fee time share interests as a 2 year pilot program. Requires that the bureau of conveyances create an employer employee working group to resolve any issues that may arise in the implementation of fee time share interests and make recommendations for the recovery of lost revenue due to deregistration of time shares. Report to the legislature. Working group repealed on January 31, 2010 (sunset). -- SB1352 CD1

Committee Reports: SSCR 420 (CPN/ EDT/) SSCR 503 (JGO) HSCR 1001 (WLO) HSCR 1296 (JUD) HSCR 1737 (FIN) CCR 106

Current Status: May-07 09 Passed Legislature

Section Affected: 501- (9 SECTIONS) DEREGISTRATION, 657- (1 SECTION), 501-20, 501-71, 501-86, 501-108, 501-116, 501-171, 502-7, 502-8, 502-31, 634-51, 636-3

SB1461 SD2 HD1 CD2 (SENATE FLOOR AMENDMENT 15 OR HOUSE FLOOR AMENDMENT 12)

RELATING TO TAXATION.

Introduced by: Hooser G

Amends provisions relating to payment of taxes by electronic funds transfer by adding filing. Authorizes the director of taxation to require any person required to electronically file a federal return or electronically remit any federal taxes to the federal government, to do the same with the State. Further authorizes the director to require any employer required to remit any withheld taxes to the federal government on a semi weekly schedule to remit the complete amount to the department of taxation on a semi weekly schedule. -- Amends provisions relating to general excise taxes by changing the day of payment from the last day of the calendar month to the 20th day of the calendar month. -- Amends Act 239, session laws of 2007, which provides that the general excise tax exemption includes amounts received by a submanager of an association of apartment owners of a condominium property regime or a nonprofit homeowners or community association in reimbursement for sums paid for common expenses and further provides a general excise tax exemption for amounts received by the operator of a hotel from the owner of the hotel to include amounts from a timeshare association and amounts received by the suboperator of a hotel from the owner of the hotel, from a timeshare association, or from the operator of the hotel, by extending the sunset date. -- SB1461 CD2

Committee Reports: SSCR 443 (WAM) SSCR 847 (WAM) HSCR 1607 (FIN) CCR 110 - filed SENATE FLOOR AMENDMENT 15 HOUSE FLOOR AMENDMENT 12

Current Status: May-07 09 Passed Legislature

Section Affected: 231-9.9, 235-62, 237-30, ACT 239 2007, 237-24.3, 237-24.7

SB1568 SD2 HD1 (HSCR 1669)

RELATING TO UNEMPLOYMENT INSURANCE.

Introduced by: Hooser G

Establishes provisions relating to part time work; benefits available under the Hawaii employment security law. Prohibits an individual to be denied regular unemployment benefits relating to availability for work, active search for work, or refusal to accept work, solely because the individual is seeking only part time work. Establishes provisions relating to separation for compelling family reason. Prohibits that individual be disqualified from regular compensation for separating from employment if that separation is for a compelling family reason. Defines compelling family reason to mean domestic violence that is verified; illness or disability of a member of the individual's immediate family; or need for the individual to accompany the individual's spouse, because of a change in the location of the spouse's employment. Allows the department to request as reasonable a confidential documentation of evidence attesting to the status as a victim of domestic or sexual violence and explaining how continued employment creates an unreasonable risk for further violence. -- SB1568 HD1

Committee Reports: SSCR 30 (LBR) SSCR 449 (LBR) HSCR 1063 (LAB) HSCR 1259 (HUS) HSCR 1669 (FIN)

Current Status: May=05 09 Passed Legislature

Section Affected: 383- (2 SECTIONS) PART-TIME WORK

SB1664 SD2 HD2 CD1 (CCR 100)

RELATING TO EMPLOYMENT SECURITY.

Introduced by: Takamine D, Espero W, Hooser G, Hanabusa C, Kokubun R, Ihara L, Kim D, Tsutsui S, Hee C, Ige D, English J, Fukunaga C, Kidani M, Galuteria B, Sakamoto N, Green J, Chun Oakland S, Tokuda J, Nishihara C, Baker R

Establishes provisions relating to partial unemployment; eligibility under Hawaii

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employment security law. Allows a new claim or an initial additional claim for partial unemployment benefits to be filed as the department prescribes for any week, if the individual is a full time worker; attached to the individual's regular employer; worked less than or did not work the normal, customary full time hours of that week; had no earnings or earned less than the individual's weekly benefit amount for that week and was unemployed due to a lack of full time work for that week. Allows a new claim to be taken within 28 days from the week ending date of the 1st week of partial unemployment for which the claim is filed. Establishes partial unemployment waivers and reporting requirements. Act to be repealed on July 1, 2012 (sunset). -- SB1664 CD1

Committee Reports: SSCR 147 (LBR) SSCR 810 (WAM) HSCR 1211 (LAB) HSCR 1733 (FIN) CCR 100

Current Status: May=07 09 Passed Legislature

Section Affected: 383- (4 SECTIONS), 383-1, 383-29

SB1665 SD2 HD1 CD1 (CCR 94)

RELATING TO HIGHER EDUCATION.

Introduced by: Tokuda J, Takamine D, Espero W, Kim D, Hooser G, Hanabusa C, Kokubun R, Ihara L, Tsutsui S, Ige D, English J, Fukunaga C, Kidani M, Galuteria B, Hee C, Green J, Nishihara C, Sakamoto N, Baker R, Chun Oakland S

Establishes under program ID UOH 800, university of Hawaii community colleges, a skilled worker and business development center to develop curriculum to assist businesses and nonprofit organizations retrain and cross train workers to adapt to the economic downturn and new technology to be modeled after the Pacific center for advanced technology training. Center to include a 2 fold counseling component to provide assistance to businesses and nonprofit organizations that face difficult economic times or changes in their industry; and occupational and career counseling for displaced workers or other individuals. Establishes an advisory board for the center. Report to the legislature. Appropriation out of the unemployment trust fund to the department of labor and industrial relations to assist in the establishment and startup of the center and programs. Requires funds to be expended in conjunction with the university of Hawaii through the rapid response fund. (\$\$) -- SB1665 CD1

Committee Reports: SSCR 283 (HRE/ LBR/) SSCR 692 (WAM) HSCR 1248 (HED/ LAB/) HSCR 1721 (FIN) CCR 94

Current Status: May-07 09 Passed Legislature

SB1673 SD2 HD2 CD1 (CCR 173)

RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION.

Introduced by: Hanabusa C, Ige D, Green J, Hooser G, Kokubun R, Ihara L, Kim D, Tsutsui S, Hee C, Tokuda J, English J, Fukunaga C, Kidani M, Galuteria B, Espero W, Sakamoto N, Chun Oakland S, Baker R, Nishihara C

Amends provisions relating to maintenance of services under the Hawaii health systems corporation. Prohibits a planned substantial reduction or elimination of direct patient care services at any facility to be undertaken unless an initial determination is made as to critical and emergency services which shall not be subject to reduction or elimination; the plan of the facility to substantially reduce or eliminate any direct patient care services shall 1st be presented to the regional system board for its approval; subsequent to the requisite regional system board approval, the facility shall present its plan to the community in which the facility is located, at a community informational meeting, in order to obtain community input on the plan; and provided that if the regional system board approves the plan, the plan as approved by the regional system board may be submitted to the corporation board for ratification. Prohibits a facility to proceed with the implementation of the plan without corporation board ratification. Requires the regional system board that approved the plan to give notice of implementation of the plan to the governor, senate president and the speaker of the house of representatives. -- Requires the department of health to assume the total amount of all liabilities and debts or other obligation of the Hawaii health systems corporation that had been accrued up to June 30, 1996, by the community hospitals while the community hospitals were operating within the division of community hospitals of the department of health. Report to the legislature. -- Amends provisions relating to contributions by certain state agencies. Adds the Hawaii health system corporation and the employees. -- Allows the Hawaii health systems corporation or any of the regional boards, as a sole employer negotiator, to negotiate with the exclusive representative of any appropriate bargaining unit and execute memorandums of understanding for employees under its control to alter any existing or new collective bargaining agreement on any item or items. -- Establishes provisions relating to criminal history record checks under Hawaii health systems corporation law. Requires the corporation to develop procedures for obtaining verifiable information regarding the criminal history of persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any

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of the corporation's health facilities. -- Establishes provisions relating to transition of Hawaii health systems regional system or health facility to a new entity. -- Authorizes any of the regional systems or individual facilities of the Hawaii health systems corporation to transition into a new legal entity including a nonprofit corporation, for profit corporation, municipal facility, public benefit corporation, or any 2 or more of the entities upon approval of the appropriate regional system board or the corporation board and regional system boards. Requires each regional system board and each community hospital under the jurisdiction of the corporation collaborate with community health centers within their respective geographic jurisdictions to maximize funding from the state and federal government. -- Amends provisions relating to corporation board. Decreases board of directors and provides them the powers, duties, and responsibilities that are specific to the regional system board. Allows the board to appoint by majority vote of its entire membership, a chief executive officer of the corporation whose salary shall be set by the board and who shall be exempt from civil service. Prohibits the sale, pledge, or mortgage of real property under the control of the corporation or a regional system board. -- Amends provisions relating to annual audit and report; disclosure of revenue projections by adding internal performance audit. Provides that there shall be an annual internal audit of the management and operations of the corporation and regions and requires the corporation, in cooperation with the regional system boards to submit a report to the legislature on the results of the annual internal audit. -- SB1673 CD1

Committee Reports: SSCR 423 (HTH) SSCR 845 (WAM) HSCR 1257 (HLT) HSCR 1710 (FIN) CCR 173

Current Status: May-07 09 Passed Legislature

Section Affected: 323F-31, 88-125, 89- (1 SECTION), 323F- (1 SECTION), 846-2.7, 323F- (2 SECTIONS), 323F-3, 323F-3.5, 323F-4, 323F-7, 323F-8, 323F-8.5, 323F-22

SB1674 SD2 HD2 CD1 (CCR 148)

RELATING TO THE UNIVERSITY OF HAWAII.

Introduced by: Tokuda J, Espero W, Hooser G, Hanabusa C, Ihara L, Kim D, Tsutsui S, Hee C, Sakamoto N, Chun Oakland S, English J, Fukunaga C, Kidani M, Galuteria B, Green J, Baker R, Gabbard M, Nishihara C, Ige D

Amends Act 161, session laws of 2007, relating to university of Hawaii projects and purposes, by increasing the amount that the authorization cannot exceed for the costs of construction of any university project, deleting reference to fiscal year 2007 - 2008, and adds appropriation out of revenue bond proceeds. Requires the university to notify the legislature upon issuance of additional revenue bonds. (\$\$) -- SB1674 CD1

Committee Reports: SSCR 8 (HRE) SSCR 664 (WAM) HSCR 1126 (HED) HSCR 1665 (FIN) CCR 148

Current Status: May-07 09 Passed Legislature

Section Affected: ACT 161 2007

SB1676 SD2 (SSCR 753)

RELATING TO HEALTH.

Introduced by: Baker R, Ige D, Hooser G, Hanabusa C, Kokubun R, Ihara L, Kim D, Tsutsui S, Tokuda J, Espero W, Chun Oakland S, Hee C, English J, Fukunaga C, Kidani M, Galuteria B, Sakamoto N, Green J, Nishihara C

Establishes provisions relating to practice of telemedicine. Allows license physicians to practice telemedicine which includes a documented patient evaluation, history and a discussion of physical symptoms adequate to establish a diagnosis and identify underlying conditions or contra indications to the treatment recommended or provided. Provides that treatment recommendations made via telemedicine to be held to the same standards of practice in traditional physician patient settings. Provides that once a provider patient relationship is established, allows a patient or physician licensed in this State to use telemedicine for any purpose, including consultation with a medical provider licensed in another state. -- SB1676 SD2

Committee Reports: SSCR 338 (HTH) SSCR 753 (CPN) HSCR 1040 (HLT) HSCR 1589 (CPC/ JUD/)

Current Status: Apr-09 09 Received by the Governor

Apr-28 09 Became Law Without Governor's Signature (Act 20 2009)

Section Affected: 453- (1 SECTION), 431:10A-116.3, 432:1-601.5, 432D-23.5

SB1677 SD1 HD2 CD1 (CCR 135)

RELATING TO LANDS CONTROLLED BY THE STATE.

Introduced by: Hanabusa C, Espero W, Hee C, Hooser G, Kokubun R, Ihara L, Kim D, Tsutsui S, Tokuda J, Gabbard M, Sakamoto N, English J, Fukunaga C, Nishihara C, Green J, Baker R, Ige D, Chun Oakland S

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Establishes provisions relating to sale or gift of state held lands. Requires the department or agency proposing to sell or give the land, to submit a resolution to the legislature for introduction and requires a copy of the resolution to be submitted to the office of Hawaiian affairs. Provides that the sale or gift of state held land to a person or entity other than the State, is not approved by the legislature by at least a 2/3 majority vote of both houses the transaction shall be abandoned. -- SB1677 CD1

Committee Reports: SSCR 140 (WTL/ JGO/) HSCR 976 (HAW) HSCR 1103 (WLO/ JUD/) HSCR 1456 (FIN) CCR 135

Current Status: May=05 09 Passed Legislature

Section Affected: 171- (1 SECTION) SALE OR GIFT OF LANDS, 171-50

SB1678 SD3 HD1 CD1 (CCR 169)

RELATING TO TAXATION.

Introduced by: Fukunaga C, Kim D, Hanabusa C, Hooser G, Kokubun R, Ihara L, Tsutsui S, Hee C, Nishihara C, Espero W, Tokuda J, English J, Galuteria B, Green J, Sakamoto N, Baker R, Chun Oakland S, Ige D

Establishes tax on wholesalers, service businesses, and contractors, tax on import of goods and services and contracting for resale, and insurance producer's tax. -- Establishes a committee to work with and oversee the department of taxation's implementation, administration, and compliance of the Streamlined Sales and Use tax Agreement. -- SB1678 CD1

Committee Reports: SSCR 210 (EDT) SSCR 667 (WAM) - filed FLOOR AMENDMENT 1 HSCR 1610 (FIN) CCR 169

Current Status: May=07 09 Passed Legislature

Section Affected: (19 SECTIONS) TAX ON WHOLESALERS, SERVICE BUSINESSES, AND CONTRACTORS, (6 SECTIONS) TAX ON IMPORT OF GOODS, SERVICES, AND CONTRACTING FOR RESALE, (4 SECTIONS) INSURANCE PRODUCER'S TAX, 46- (1 SECTION), 237- (6 SECTIONS), 237-1, 239- (1 SECTION), 255D- (9 SECTIONS), 237-3, 237-8.6, 237-9, 237-13, 237-13.8, 237-18, 237-21, 237-24, 237-24.3, 237-31, 237-34, 238-2, 238-2.3, 238-2.6, 237-4, 237-5, 237-13.3, 237-13.5, 237-15, 237-17, 237-29.55, 238-4

## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB0028 HD1 SD2 CD1 (CCR 24) RELATING TO DEAD HUMAN BODIES.  
Introduced by: Oshiro M  
Amends provisions relating to prohibitions; penalty under medical and research use of bodies law. Prohibits a person to provide a dead human body to any other person in consideration of any money or other things of value or any offer or promise of money or other things of value; or to publicly display a dead human body for commercial purpose for profit or gain. Exempts a display of a dead human body that has been dead for more than 80 years; consist solely of human teeth or hair; is part of the ordinary display or viewing of the deceased at a funeral establishment or part of a similar funeral or memorial service; is an object of religious veneration; is an object of research or educational display in the possession of any federal, state, or county agency, any public or private institution of higher learning accredited under federal or state law, or any private entity in receipt of a federal, state, or county grant for health related research; or is in the possession of a museum facility. Increases fines. -- HB0028 CD1  
Committee Reports: HSCR 1 (HLT) HSCR 374 (JUD) HSCR 790 (FIN) SSCR 1033 (HTH) SSCR 1282 (JGO) CCR 24  
Current Status: May-05 09 Passed Legislature  
Section Affected: 327-38
- HB0031 SD1 CD1 (CCR 31) RELATING TO EMPLOYMENT PRACTICES.  
Introduced by: Oshiro M  
Establishes provision relating to employer inquiries into and consideration of credit history or credit report. Allows an inquiry into and consideration of a prospective employee's credit history or credit report to take place only after the prospective employee has received a conditional offer of employment. Exempts the prohibition against an employer's refusal to hire or employ, barring or terminating from employment, or otherwise discriminating on the basis of credit history for employers who are expressly permitted or required to inquire into an individual's credit history for employment purposes, to managerial or supervisory employees; and employers that are financial institutions in which deposits are insured by a federal agency having jurisdiction over the financial institution. -- Amends provisions relating to discriminatory practices made unlawful offenses defined. Prohibits any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment of any individual because of the individual's credit history or credit report, unless the information directly relates to a bona fide occupational qualification. -- HB0031 CD1  
Committee Reports: HSCR 205 (LAB) SSCR 1223 (LBR) CCR 31  
Current Status: May-05 09 Passed Legislature  
Section Affected: 378-2, 378- (1 SECTION)
- HB0034 SD1 CD1 (CCR 156) RELATING TO STATE BONDS.  
Introduced by: Oshiro M  
Establishes debt limit on general obligation bonds. Authorizes the issuance of general obligation bonds. Authorizes the issuance of general obligation bonds to refund any general obligation bonds. (\$\$) -- HB0034 CD1  
Committee Reports: HSCR 730 (FIN) SSCR 1193 (WAM) CCR 156  
Current Status: May-07 09 Passed Legislature
- HB0035 HD1 SD1 CD1 (CCR 157) RELATING TO INCOME TAX CREDIT.  
Introduced by: Oshiro M  
Provides an income tax credit of 1 dollar which shall be multiplied by the number of qualified exemptions and deducted from income tax liability for taxable year 2009. Provision is made pursuant to requirement of Article VII, section 6, Hawaii State Constitution. -- HB0035 CD1  
Committee Reports: HSCR 725 (FIN) SSCR 1194 (WAM) CCR 157  
Current Status: May=07 09 Passed Legislature
- HB0036 HD1 SD2 CD1 (CCR 174) RELATING TO HEALTH.  
Introduced by: Oshiro M  
Amends provisions relating to environmental health education fund by changing it to the environmental health special fund. Allows the department to partially fund the operating costs of program activities and functions to enhance the capacity of sanitation and environmental health programs to improve public outreach efforts and consultations to regulated businesses and educate the public, staff, regulated businesses; and provide training opportunities to ensure the maintenance of professional competence among sanitation and environmental health staff and administrators; provided that for

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environmental health programs. Increases the limit in fund. Requires the department to annually submit a report to the legislature concerning the status of the sanitation and environmental health special fund. -- HB0036 CD1

Committee Reports: HSCR 3 (HLT) HSCR 473 (EEP) HSCR 904 (FIN) SSCR 1056 (ENE) SSCR 1266 (WAM) CCR 174

Current Status: May-07 09 Passed Legislature

Section Affected: 321-11.5, 321-15, 321-27

HB0111 SD2 CD1 (CCR 122)

RELATING TO STATE SALARIES.

Introduced by: Rhoads K

Amends provisions relating to salary withheld for indebtedness to the government. Provides that a recovery of over payment shall not commence after 2 years from the date of the indebtedness. Provides that the compensation used to calculate the average final compensation shall be the compensation the officer, agent, employee, or other person should have been paid during the period. -- HB0111 CD1

Committee Reports: HSCR 36 (LAB) HSCR 910 (FIN) SSCR 1011 (LBR) SSCR 1251 (WAM) CCR 122

Current Status: May=07 09 Passed Legislature

Section Affected: 78-12

HB0128 HD1 SD1 CD2 (SENATE FLOOR AMENDMENT 11 OR HOUSE FLOOR AMENDMENT 8)

RELATING TO ELECTIONS.

Introduced by: Oshiro B, Karamatsu J

Repeals and replaces provisions relating to election campaign contributions and expenditures. -- HB0128 CD2

Committee Reports: HSCR 675 (JUD) SSCR 1222 (JGO) CCR 46 - filed SENATE FLOOR AMENDMENT 11 HOUSE FLOOR AMENDMENT 8

Current Status: May-07 09 Passed Legislature

Section Affected: 11- (77 SECTIONS) CAMPAIGN FINANCE, 11-191, 11-192, 11-192.5, 11-193, 11-194, 11-195, 11-195.5, 11-196, 11-196.5, 11-197, 11-198, 11-199, 11-200, 11-201, 11-202, 11-203, 11-203.5, 11-204, 11-204.5, 11-205, 11-205.5, 11-205.6, 11-206, 11-207, 11-207.5, 11-207.6, 11-208, 11-209, 11-210, 11-211, 11-212, 11-213, 11-213.5, 11-214, 11-215, 11-216, 11-217, 11-217.5, 11-218, 11-219, 11-220, 11-221, 11-222, 11-223, 11-224, 11-225, 11-226, 11-227, 11-228, 11-229

HB0135

RELATING TO THE STATE INSECT.

Introduced by: Oshiro B

Establishes provisions relating to the state insect. Designates the pulelehua, Kamehameha butterfly, as the state insect. -- HB0135

Committee Reports: HSCR 661 (TCI) SSCR 1215 (EDT)

Current Status: Apr-15 09 Received by the Governor

Apr-23 09 Approved by Governor (Act 15 2009)

Section Affected: 5- (1 SECTION) STATE INSECT

HB0179 SD2 (SSCR 1252)

RELATING TO SCHOOL FACILITIES.

Introduced by: Takumi R

Amends provisions relating to facilities and equipment under the department of education. Repeals provision that allows the department of education to require that the approximate cost of electricity and maintenance for air conditioners not installed by the department of accounting and general services to be paid by a private entity until the department establishes temperature and noise standards and a policy relating to air conditioning. Further repeals the provisions that for equipment or fixtures that are to be installed in existing or new school facilities, the department of accounting and general services shall be responsible for the repair and maintenance of the donated fixtures. -- HB0179 SD2

Committee Reports: HSCR 116 (EDN) HSCR 828 (FIN) SSCR 987 (EDH) SSCR 1252 (WAM)

Current Status: May-01 09 Received by the Governor

Section Affected: 302A-1501, 302A-1503

HB0183 HD1 SD2 CD1 (CCR 163)

RELATING TO EDUCATION.

Introduced by: Takumi R

Amends provisions relating to the Hawaii teacher standards board. Increases the membership of the board. Authorizes the board to employ an executive director without exempt from civil service and collective bargaining laws and appointed by the board of



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education. Requires the committee to provide oversight of the board. Annual report to the board of education. -- Amends provisions relating to the powers and duties of the Hawaii teacher standards board. Authorizes the board to determine the manner by which fees are collected and to adopt, amend, repeal, or suspend the policies and standards of the board. Authorizes the board to grant additional teacher license extensions at its discretion through June 30, 2010. Provides that any previously approved extension shall be deemed valid as issued. -- Amends Act 263, session laws of 2007, by repealing the sunset date. -- Requires the Hawaii teacher standards board, the department of education, and the charter school administrative office to implement interim policies and procedures for the mutual sharing of data necessary for licensing and verifying the status of teachers. -- Requires the legislative reference bureau to review the findings of the Auditor's report No. 09-05, regarding the need for oversight of the standards board. Report to the legislature. -- Requires the dean of the university of Hawaii college of education to convene a working group to review and make recommendations to address teacher licensing. Report to the legislature. Working group to cease to exist on June 30, 2010 (sunset). -- Requires the standards board to review the findings of the Auditor's report No. 09-05. Report to the legislature. Act repealed on July 1, 2010 (sunset). -- HB0183 CD1

Committee Reports: HSCR 124 (EDN/ LAB/) HSCR 958 (FIN) SSCR 1041 (EDH) SSCR 1271 (WAM) CCR 163

Current Status: May=07 09 Passed Legislature

Section Affected: 302A-801, 302A-803, 302A-805, ACT 263 2007

HB0200 HD1 SD1 CD1 (CCR 167)

RELATING TO THE STATE BUDGET.

Introduced by: Say C (BR)

General Appropriations Act of 2009 (state budget). Appropriations for general operating and capital improvement funds for the support of state government operations over the 2009 - 2011 fiscal biennium. Authorizes the issuance of general obligation bonds. (\$\$)

-- HB0200 CD1

Committee Reports: HSCR 987 (FIN) SSCR 1224 (WAM) CCR 167

Current Status: May-07 09 Passed Legislature

Section Affected: ACT 213 2007, ACT 158 2008, ACT 218 1995, ACT 287 1996, ACT 218 1997, ACT 116 1998, ACT 91 1999, ACT 281 2000, ACT 259 2001, ACT 177 2002, ACT 200 2003, ACT 41 2004, ACT 178 2005, ACT 160 2006

HB0262 HD2 SD2 CD1 (CCR 26)

RELATING TO INSURANCE FRAUD.

Introduced by: Herkes R

Repeals and replaces insurance fraud provisions. Transfers the insurance fraud investigations unit to the insurance fraud investigations branch. -- HB0262 CD1

Committee Reports: HSCR 493 (CPC/ JUD/) HSCR 891 (FIN) SSCR 955 (CPN) SSCR 1338 (JGO) CCR 26

Current Status: May-05 09 Passed Legislature

Section Affected: 431:2- (10 SECTIONS) INSURANCE FRAUD, 431:2-203, 431:2-204, 432:2-102, 706-606.5, 706-643, 806-83, 431:10A-131, 431:10C-307.7, 431:10C-307.8, 432:1-106, 432D-18.5

HB0267 HD2 SD1 (SSCR 917)

RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY.

Introduced by: Herkes R

Amends provisions relating to interisland shipping of vehicles; proof required. Provides that lessees of rental motor vehicles need not present identification, certificate of registration, or proof of rental motor vehicle insurance if the rental vehicle is transported by any water carrier authorized by the public utilities commission, the water carrier has a written agreement with the owner of the rental motor vehicle, and the water carrier records and retains the information required. -- HB0267 SD1

Committee Reports: HSCR 394 (TRN) HSCR 716 (CPC) SSCR 917 (TIA) SSCR 1227 (CPN)

Current Status: Apr-21 09 Received by the Governor

May-06 09 Approved by Governor (Act 47 2009)

Section Affected: 286-271

HB0271 SD2 CD1 (CCR 35)

RELATING TO REAL PROPERTY.

Introduced by: Herkes R

Establishes provisions relating to uniform property electronic recording act. Allows the registrar of the bureau of conveyances to accept electronic documents with electronic

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signatures for recording. Allows the registrar to furnish copies of maps or plans in photographic, electronic or electrostatic form. Allows the registrar to issue nonattested documents in photographic, electronic or electrostatic form. Allows the registrar to convert into electronic form information or documents recorded before the registrar was given the authority to record electronic documents. -- HB0271 CD1

Committee Reports: HSCR 212 (WLO) HSCR 563 (JUD) HSCR 952 (FIN) SSCR 912 (CPN) SSCR 1243 (JGO) CCR 35

Current Status: May-05 09 Passed Legislature

Section Affected: 502- (5 SECTIONS) UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, 502-21, 502-22, 502-26, 502-41, 502-92

HB0274

RELATING TO PATRIOT DAY.

Introduced by: Mizuno J, Brower T

Establishes provisions relating to patriot day and month. Designates September 11th as patriot day and September as patriot month. -- HB0274

Committee Reports: HSCR 662 (PBS) SSCR 1216 (EDT)

Current Status: Apr-15 09 Received by the Governor

Apr-23 09 Approved by Governor (Act 14 2009)

Section Affected: 8- (1 SECTION) PATRIOT DAY

HB0293 HD1 (HSCR 156)

RELATING TO PROTECTIVE PROCEEDINGS.

Introduced by: Say C (BR)

Amends provisions relating to protective proceeding. Allows family court to appoint a limited conservatorship when a minor is unable to manage property or business affairs effectively or because of another physical, mental or health impairment. -- HB0293 HD1

Committee Reports: HSCR 156 (JUD) SSCR 1217 (JGO)

Current Status: Apr-15 09 Received by the Governor

Apr-29 09 Approved by Governor (Act 21 2009)

Section Affected: 560:5-401, 560:5-403

HB0294 HD1 (HSCR 672)

RELATING TO PERSONAL LIABILITY OF TRUSTEE TO THIRD PARTIES.

Introduced by: Say C (BR)

Amends provisions relating to personal liability of trustee to 3rd parties. Provides that a trustee is not personally liable on contracts entered into as part of the trustee's fiduciary capacity unless the trustee fails to disclose the trustee's representative capacity and identify the trust estate in the contract. Allows any judgment obtained against the trustee in the trustee's fiduciary capacity to be collected against the trust estate. -- HB0294 HD1

Committee Reports: HSCR 672 (JUD) SSCR 1218 (JGO)

Current Status: Apr-15 09 Received by the Governor

Apr-29 09 Approved by Governor (Act 22 2009)

Section Affected: 560:7-306

HB0300 HD1 SD2 CD1 (CCR 166)

RELATING TO THE JUDICIARY.

Introduced by: Say C (BR)

Judiciary appropriations Act of 2009 (judiciary budget). Appropriations to the judiciary for the 2009 - 2011 fiscal biennium. (\$\$) -- HB0300 CD1

Committee Reports: HSCR 567 (JUD) HSCR 986 (FIN) SSCR 1063 (JGO) SSCR 1315 (WAM) CCR 166

Current Status: May-07 09 Passed Legislature

Section Affected: ACT 169 2007, ACT 102 2008

HB0302 HD1 (HSCR 6)

MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN.

Introduced by: Oshiro M

Appropriation to the senate and the house of representatives for session and nonsession expenses up to and including June 30, 2010, including the 2009 regular session. 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 145 dollars a day. -- Appropriation to the auditor for the expenses of the office of the auditor. -- Appropriation to the office of the auditor to be deposited into the audit revolving fund. Appropriation out of the fund for the auditor to conduct or complete its

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audit functions. -- Appropriation to the legislative reference bureau for defraying expenses. -- Appropriation to the office of the ombudsman for defraying expenses. -- Appropriation to the senate and the house of representatives for defraying the expenses of the legislative information system. -- Appropriation to the legislature for the legislative broadcast program. (\$\$) -- HB0302 HD1

Committee Reports: HSCR 6 (FIN) SSCR 22 (WAM)

Current Status: Feb-12 09 Received by the Governor

Feb-18 09 Approved by Governor (Act 1 2009)

Section Affected: ACT 1 2008

HB0319 HD1 SD1 (SSCR 973)

RELATING TO FAMILY LEAVE.

Introduced by: Lee M, Thielen C, Belatti D, Mizuno J, Cabanilla R, Brower T, Nakashima M, Pine K, Hanohano F, Luke S, Awana K, Keith-Agaran G, Har S

Establishes provisions relating to posting of notices under family leave law. Requires employers to post and keep posted notices, informing employees of their rights in a form prescribed by the director of labor and industrial relations in conspicuous places in every establishment where any employee is employed so as to permit the employee to observe readily a copy on the way to or from the employee's place of employment. -- HB0319 SD1

Committee Reports: HSCR 142 (LAB) HSCR 718 (EBM) SSCR 973 (LBR)

Current Status: Apr-21 09 Received by the Governor

May-06 09 Approved by Governor (Act 48 2009)

Section Affected: 398- (1 SECTION) POSTING OF NOTICES

HB0343 HD1 SD2 CD1 (CCR 123)

RELATING TO RURAL PRIMARY HEALTH CARE TRAINING.

Introduced by: Chang J, Herkes R, Evans C, Magaoay M, Lee M, Chong P, Oshiro B, Sagum R, Hanohano F, Coffman D, Ito K, Bertram J, Carroll M, Tsuji C, Shimabukuro M, McKelvey A

Appropriation to the university of Hawaii John A. Burns school of medicine to support and expand the family medicine residency program of the department of family medicine and community health to provide rural primary healthcare services and to develop a statewide rural primary healthcare training program in each county, beginning in the county of Hawaii to provide family physicians to rural areas and to improve healthcare access. (\$\$) -- HB0343 CD1

Committee Reports: HSCR 52 (HLT) HSCR 792 (FIN) SSCR 967 (HTH/ HRE/) SSCR 1308 (WAM) CCR 123

Current Status: May-07 09 Passed Legislature

HB0358 HD1 SD1 CD1 (CCR 25)

RELATING TO DRUG TREATMENT.

Introduced by: Cabanilla R

Amends provisions relating to definitions of terms under the disposition of convicted defendants law. Authorizes placement of certain offenders in a secure drug treatment facility. Defines secure drug treatment facility as a facility employing security protocols modeled after a minimum security detention center including continuous direct supervision. -- HB0358 CD1

Committee Reports: HSCR 4 (PBS) HSCR 435 (JUD) HSCR 914 (FIN) SSCR 1017 (PSM) SSCR 1285 (JGO) CCR 25

Current Status: May-05 09 Passed Legislature

Section Affected: 706-600.5, 706-605.1, 706-622.5, 706-622.9

HB0366 HD2 SD2 CD1 (CCR 38)

RELATING TO MANTA RAYS.

Introduced by: Coffman D, Morita H, Hanohano F

Establishes provisions relating to manta rays, prohibitions; penalties and fines. Prohibits all persons from capturing or killing manta rays within state marine waters. Establishes fines and penalties. Allows special activity permits, provided that the permit issued does not allow a take that exceeds the potential biological removal level. Requires that the department of land and natural resources adopt rules to define take and determine when a take exceeds the potential biological removal level. -- HB0366 CD1

Committee Reports: HSCR 164 (WLO) HSCR 703 (JUD) SSCR 992 (WTL) SSCR 1286 (JGO) CCR 38

Current Status: May-05 09 Passed Legislature

Section Affected: 188- (1 SECTION), 188-70

HB0371 HD2 SD2 CD1 (CCR 127)

RELATING TO TAXATION.

Introduced by: Tokioka J, Morita H, Nakashima M, Evans C, Tsuji C, Hanohano F, McKelvey A, Carroll M, Herkes R

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Amends provisions relating to fuel tax. Increases the tax for each gallon of naphtha sold for use in a power generating facility to 2 cents. -- Amends Act 103, session laws of 2007, which adds a tax of 1 cent for each gallon of naphtha sold for use in a power generating facility, by extending the sunset date to December 31, 2012. -- HB0371 CD1  
Committee Reports: HSCR 66 (EEP) HSCR 280 (CPC) HSCR 848 (FIN) SSCR 947 (ENE) SSCR 1272 (WAM) CCR 127

Current Status: May=07 09 Passed Legislature  
Section Affected: ACT 103 2007, 243-1, 243-4

HB0381 HD2 SD1 CD1 (CCR 111)

RELATING TO THE STATE OF HAWAII ENDOWMENT FUND.

Introduced by: Oshiro M

Amends Act 97, session laws of 2006, as amended by Act 156, session laws of 2007, providing an appropriation to the endowment fund for the production of music by an Oahu based symphony orchestra, by providing that all pledges or portions of pledges not collected by February 28, 2013, shall cause any unexpended or unencumbered balance from the appropriation to revert to the general fund. (\$\$) -- HB0381 CD1

Committee Reports: HSCR 336 (TCI) HSCR 868 (FIN) SSCR 1060 (EDT) SSCR 1321 (WAM) CCR 111

Current Status: May-07 09 Passed Legislature  
Section Affected: ACT 97 2006, ACT 156 2007

HB0426 HD1 SD1 (SSCR 1291)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU.

Introduced by: Morita H, Thielen C, Chong P, Lee C, Coffman D

Authorizes the issuance of special purpose revenue bonds to assist Honolulu Seawater Air Conditioning LLC, a Hawaii company, in designing and constructing the district cooling project. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0426 SD1

Committee Reports: HSCR 517 (EEP) HSCR 849 (FIN) SSCR 945 (ENE) SSCR 1291 (WAM)

Current Status: May-07 09 Passed Legislature

HB0427 HD1 SD1 CD1 (CCR 151)

RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ONE PLANET PACIFIC ENERGY, LLC, A PROCESSING ENTERPRISE.

Introduced by: Morita H, Coffman D, Thielen C, Chong P, Lee C

Authorizes the issuance of special purpose revenue bonds to assist One Planet Pacific Energy, LLC with the planning, designing, construction, and equipping of, and the acquisition of lands for, a gasification facility adjoining the construction and demolition material solid waste landfill located in Nanakuli, Oahu, Hawaii. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0427 CD1

Committee Reports: HSCR 476 (EEP) HSCR 860 (FIN) SSCR 944 (ENE) SSCR 1273 (WAM) CCR 151

Current Status: May-07 09 Passed Legislature

HB0442

RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

Introduced by: Lee M, Yamashita K

Amends provisions relating to labor and industrial relations appeals board. Authorizes the appeals board to appoint, set the duties and compensation and provide for reimbursement of actual and necessary expenses incurred by the hearing officer. -- HB0442

Committee Reports: HSCR 152 (LAB) HSCR 911 (FIN) SSCR 972 (LBR)

Current Status: Mar-27 09 Received by the Governor  
Apr-09 09 Approved by Governor (Act 3 2009)

Section Affected: 371-4, 371-6

HB0520 HD1 SD1 (SSCR 907)

RELATING TO BUILDINGS.

Introduced by: Say C

Amends provisions relating to historic preservation. Repeals provision which required the taking of photographs of an actual or potential historic building before demolition, construction, or alteration of the building could occur. -- HB0520 SD1

Committee Reports: HSCR 665 (WLO) SSCR 907 (EDT)

Current Status: Apr-03 09 Received by the Governor  
Apr-14 09 Approved by Governor (Act 4 2009)

Section Affected: 6E-8, 6E-10, 46-3.5

## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB0541 HD1 SD1 CD1 (CCR 28) RELATING TO CIVIL SERVICE PERSONNEL.  
Introduced by: Takumi R  
Amends Act 221, session laws of 2005, which establishes provisions relating to civil service benefits for civil service employees of the department of education and 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, by extending the sunset date to June 30, 2011. Provides that if the department of education has not established a separate civil service system by June 30, 2010, the department shall report to the legislature. -- HB0541 CD1  
Committee Reports: HSCR 125 (EDN/ LAB/) HSCR 944 (FIN) SSCR 1028 (LBR/ EDH/) SSCR 1268 (WAM) CCR 28  
Current Status: May=07 09 Passed Legislature  
Section Affected: ACT 221 2005
- HB0586 HD1 SD1 CD1 (CCR 120) RELATING TO THE KANEOHE BAY REGIONAL COUNCIL.  
Introduced by: Ito K (BR)  
Repeals Kaneohe Bay regional council. Requires the department of land and natural resources to continue to exercise full force and effect with respect to all plans, programs, or other policies adopted by the Kaneohe bay regional council prior to the effective date of the Act. -- HB0586 CD1  
Committee Reports: HSCR 165 (WLO) HSCR 863 (FIN) SSCR 1014 (WTL) SSCR 1246 (WAM) CCR 120  
Current Status: May=07 09 Passed Legislature  
Section Affected: 200D-1, 200D-2, 200D-3, 200D-4, 200D-5
- HB0589 HD1 SD2 CD1 (CCR 14) RELATING TO RENEWABLE ENERGY FACILITIES.  
Introduced by: Ito K, Herkes R, Har S, Thielen C, Chang J  
Amends provisions relating to renewable energy facilities. Establishes provisions for the exemption of renewable energy facilities from subdivision requirements. Repealed on July 1, 2013 (sunset). -- HB0589 CD1  
Committee Reports: HSCR 683 (WLO/ EEP/) SSCR 957 (ENE/ TIA/) SSCR 1345 (WTL) CCR 14  
Current Status: May-05 09 Passed Legislature  
Section Affected: 201N- (1 SECTION), 201N- (1 SECTION), 201N-1
- HB0590 HD1 SD2 CD1 (CCR 11) RELATING TO RENEWABLE ENERGY FACILITIES.  
Introduced by: Ito K, Chang J, Herkes R, Har S, Thielen C, Ching C, Tokioka J  
Amends provisions relating to a permit plan for renewable energy facilities. Provides that if the coordinator has given at least a 30 day written notice stating that the permit plan application is subject to this section and that a permit is not approved or denied within 12 months after approval of a completed permit plan application, the permitting agency within 30 days following the end of the 12 month period, shall provide the energy resources coordinator with a report identifying diligent measures that are being taken by the agency to complete processing and take action as soon as practicable. Allows the coordinator to deem the permit approved if no further processing and action are reported by the permitting agency within 5 months following the end of the 30 day agency report period. -- HB0590 CD1  
Committee Reports: HSCR 684 (WLO/ EEP/) SSCR 956 (ENE/ TIA/) SSCR 1339 (JGO) CCR 11  
Current Status: May-05 09 Passed Legislature  
Section Affected: 201N-4
- HB0591 HD1 SD2 (SSCR 1184) RELATING TO PUBLIC UTILITIES.  
Introduced by: Ito K, Tsuji C, Har S, Sagum R, Tokioka J, Thielen C, Ching C, Chang J, Herkes R  
Establishes provisions relating to preferential renewable energy rates; agricultural activities. Allows the public utilities commission to establish preferential rates for the purchase of renewable energy produced in conjunction with agricultural activities. Requires a public utility to forward request for preferential rates to the commission for approval. -- HB0591 SD2  
Committee Reports: HSCR 478 (EEP/ AGR/) HSCR 715 (CPC) SSCR 941 (WTL/ ENE/) SSCR 1184 (CPN)  
Current Status: Apr-29 09 Received by the Governor  
Section Affected: 269- (1 SECTION) PREFERENTIAL RENEWABLE ENERGY RATES

## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB0610 HD2 SD2 CD1 (CCR 119) RELATING TO SCIENCE AND TECHNOLOGY.  
Introduced by: Yamashita K, Tsuji C, Keith-Agaran G, Yamane R, Oshiro B, Chong P, Awana K, Chang J, Ito K, Manahan J  
Requires Hawaii EPSCoR, with the assistance of the high technology development corporation, to develop a Hawaii state science and technology plan to incorporate Hawaii EPSCoR planning efforts, as well as all other prior reports relating to the university of Hawaii's and the State's efforts to grow and develop a high technology industry and promote technology based economic development in the state, and to reflect collaboration among the university of Hawaii and its research institutes, state and county high technology development boards, and entities conducting private, non profit technology based economic research activities. Requires Hawaii EPSCoR to provide administrative, professional, technical, and clerical staff support. Allows non general funds to be used to develop the plan. Reports to the legislature every 5 years. (\$\$) -- HB0610 CD1  
Committee Reports: HSCR 551 (EBM) HSCR 775 (FIN) SSCR 929 (EDT) SSCR 1292 (WAM) CCR 119  
Current Status: May=07 09 Passed Legislature
- HB0615 HD1 SD2 CD1 (CCR 10) RELATING TO HARASSMENT.  
Introduced by: Karamatsu J, Oshiro B, Tsuji C, Herkes R, McKelvey A, Ito K, Cabanilla R, Carroll M, Morita H  
Amends provisions relating to harassment. Establishes that the definition of harassment includes any form of electronic communication. -- Amends provisions relating to harassment by stalking by adding any form of electronic communication to the definition of nonconsensual contact. -- HB0615 CD1  
Committee Reports: HSCR 154 (JUD) SSCR 963 (EDT) SSCR 1242 (JGO) CCR 10  
Current Status: May-05 09 Passed Legislature  
Section Affected: 711-1106, 711-1106.5
- HB0618 SD2 CD1 (CCR 18) RELATING TO THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT.  
Introduced by: Karamatsu J  
Repeals the uniform management of institutional funds act and replaces it with the uniform prudent management of institutional funds act. -- HB0618 CD1  
Committee Reports: HSCR 8 (CPC) HSCR 829 (FIN) SSCR 916 (CPN) SSCR 1233 (JGO) CCR 18  
Current Status: May-05 09 Passed Legislature  
Section Affected: (9 SECTIONS) UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, 517D-1, 517D-2, 517D-3, 517D-4, 517D-5, 517D-6, 517D-7, 517D-8, 517D-9, 517D-10, 517D-11
- HB0632 HD1 SD1 CD1 (CCR 9) RELATING TO POLICY ADVISORY BOARD ON VETERANS' SERVICES.  
Introduced by: Evans C, McKelvey A  
Amends provisions relating to advisory board on veterans services; appointment and duties. Requires at least 3 members to be women. -- HB0632 CD1  
Committee Reports: HSCR 724 (EBM) SSCR 1091 (PSM) CCR 9  
Current Status: May-05 09 Passed Legislature  
Section Affected: 363-3.5
- HB0640 HD1 SD2 CD1 (CCR 44) RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.  
Introduced by: Magaoay M, Ito K, Chang J, Tokioka J, Awana K, Har S  
Establishes provisions relating to exception to applicability of chapter under environmental impact statements law. Provides that any primary action that requires a permit or approval that is not subject to the discretionary consent and that involves a secondary action that is ancillary and limited to installation, improvement, renovation, construction, or development of infrastructure within an existing public right of way or highway to be exempt from an environmental assessment. Act to be repealed on July 1, 2011 (sunset). -- HB0640 CD1  
Committee Reports: HSCR 691 (EEP/ WLO/) SSCR 986 (ENE/ TIA/) SSCR 1335 (JGO) CCR 44  
Current Status: May=05 09 Passed Legislature  
Section Affected: 343- (1 SECTION) EXCEPTION TO APPLICABILITY OF CHAPTER
- HB0643 HD2 SD2 CD1 (CCR 30) RELATING TO CONTRACTORS.

## HOUSE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Magaoay M, Ito K, Chang J, Awana K, Herkes R, Tokioka J, Har S, Karamatsu J

Amends provisions relating to revocation, suspension, and renewal of license under contractors law. Authorizes the Hawaii contractors license board to revoke any license or suspend the right of a licensee to use a license, or refuse to renew a license to a contractor who knowingly or intentionally employing a person to perform work under a contract who is not eligible to work in the US under federal law. -- HB0643 CD1

Committee Reports: HSCR 92 (LAB) HSCR 377 (JUD) HSCR 913 (FIN) SSCR 985 (CPN/ LBR/) SSCR 1238 (JGO) CCR 30

Current Status: May-05 09 Passed Legislature

Section Affected: 444-17

HB0690 HD2 SD2 CD1 (CCR 175)

RELATING TO INSURANCE.

Introduced by: Yamane R, Nishimoto S

Amends the accident and sickness insurance contracts law, benefit societies law, and the health maintenance organizations act (HMOs) that provides health care coverage for the regular employees of any group or association by requiring them to offer the same coverage to part time employees. Requires the insurance commissioner to prepare a report of cost and benefits of this Act. Report to the legislature. Act to be repealed July 1, 2014 (sunset). -- HB0690 CD1

Committee Reports: HSCR 58 (HLT) HSCR 292 (CPC) HSCR 940 (FIN) SSCR 1029 (HTH/ LBR/) SSCR 1332 (CPN) CCR 175

Current Status: May-07 09 Passed Legislature

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

HB0754 HD1 SD1 CD2 (SENATE  
FLOOR AMENDMENT 19 OR  
HOUSE FLOOR AMENDMENT 14)

RELATING TO THE HAWAII TOURISM AUTHORITY.

Introduced by: Manahan J, Say C, Evans C, Tsuji C, Keith-Agaran G, Mizuno J, Yamashita K

Establishes provisions relating to applicability of Hawaii public procurement code; convention center contractor. Subjects the private contractor that operates the convention center to the procurement code. Repeals exemption for concession or concession spaces at the convention center. -- Amends provisions relating to specific research and promotional functions of the department of business, economic development and tourism. Deletes the responsibility for tourism research and statistics. -- Amends provisions relating to the Hawaii tourism authority; establishment; board. Requires the board to appoint an individual to serve as president and chief executive officer, instead of executive director. -- Amends the provisions relating to the Hawaii tourism authority board. Removes the directors of the department of business, economic development and tourism, and the department of transportation, the chairperson of the board of land and natural resources, and executive director of the state foundation on culture and the arts from the Hawaii tourism authority board. -- Amends provisions relating to the exemption of Hawaii tourism authority from administrative supervision of boards and commissions. Requires the authority to develop measures of effectiveness. -- Amends provisions relating to tourism related activities. Transfers the research and statistics duties from the department of business, economic development, and tourism to the Hawaii tourism authority. Requires the authority to enter in to contracts and agreements to measure and analyze tourism trends, provide information and research to assist in the development and implementation of state tourism, and provide tourism information on visitor arrivals, visitor characteristics, and expenditures, the number of transient accommodation units available, occupancy rates, and room rates, airline related data, and the impact of ongoing marketing programs on the authority of Hawaii's tourism industry, employment in Hawaii, state taxes, and the State's lesser known and underutilized destinations. -- Amends provisions relating to tourism emergency. Redefines tourism emergency to include a national or a global economic crisis. -- Amends provisions relating to the assistance by state and county agencies by adding advisory group. Allows the authority to establish an advisory group which includes the director of business, economic development and tourism, the director of transportation, the chairperson of the board of land and natural resources, and the executive director of the state foundation on culture and the arts. -- Amends provisions relating to the transient accommodation tax. Requires the .25 per cent of the revenues deposited into the tourism special fund, and any excess revenues shall be deposited into the general fund. -- Amends Act 58, session laws of 2004, as amended by Act 22, session laws of 2005, as amended by Act 306, session laws of 2006. -- HB0754 CD2

Committee Reports: HSCR 339 (TCI) HSCR 865 (FIN) SSCR 1210 (TSM/ WAM/)

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- CCR 160 - filed SENATE FLOOR AMENDMENT 19 HOUSE FLOOR AMENDMENT 14  
Current Status: May-07 09 Passed Legislature  
Section Affected: 201B- (1 SECTION), 102-2, 201-3, 201B-2, 201B-3, 201B-6, 201B-7, 201B-9, 201B-11, 201B-13, ACT 58 2004, ACT 22 2005, ACT 306 2006, 40-1, 40-4, 40-6, 28-8.3
- HB0813 HD1 SD1 CD1 (CCR 40) RELATING TO LANGUAGE ACCESS.  
Introduced by: Keith-Agaran G, Pine K, Karamatsu J, Brower T, Mizuno J, Shimabukuro M, Magaoay M, Ito K  
Establishes provisions relating to a language access month. Designates the month of August as language access month to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawaii's diverse society, not a state holiday. -- HB0813 CD1  
Committee Reports: HSCR 664 (TCI) SSCR 1201 (HMS) CCR 40  
Current Status: May-05 09 Passed Legislature  
Section Affected: 8- (1 SECTION) LANGUAGE ACCESS MONTH
- HB0814 HD2 SD2 CD1 (CCR 23) RELATING TO NURSE AIDES.  
Introduced by: Mizuno J, Keith-Agaran G, Magaoay M, Brower T, Manahan J, Ching C, Karamatsu J, Pine K, Bertram J, Shimabukuro M  
Amends provisions relating to certified nurse aides; training programs and recertification. Requires recertification not less than every 2 years and provides that the number of continuing education hours required for recertification shall not exceed 24 hours per year. -- HB0814 CD1  
Committee Reports: HSCR 59 (HLT) HSCR 310 (CPC) HSCR 794 (FIN) SSCR 966 (HTH) SSCR 1229 (CPN) CCR 23  
Current Status: May-05 09 Passed Legislature  
Section Affected: 457A-2, 346-46
- HB0876 HD1 SD2 CD2 (SENATE FLOOR AMENDMENT 10 OR HOUSE FLOOR AMENDMENT 7) RELATING TO CONDOMINIUMS.  
Introduced by: Oshiro B  
Amends provisions relating to aging in place; limitation on liability by adding disabled unit owner. Provides that the unit owner association, its directors, unit owners, or residents, shall not have any legal responsibility or legal liability with respect to any actions and recommendations the board takes which relates to an elderly or disabled unit owner or resident who may require services and assistance to maintain independent living in the unit, so the elderly or disabled unit owner or resident will not pose any harm or health or safety hazards to self or others. Allows for functional assessment from mental health or medical practitioners, governmental agencies responsible for protective services, or non profit or for profit service entities. -- HB0876 CD2  
Committee Reports: HSCR 315 (HUS) HSCR 695 (CPC) SSCR 982 (HMS/ CPN/) SSCR 1283 (JGO) CCR 8 - filed SENATE FLOOR AMENDMENT 10 HOUSE FLOOR AMENDMENT 7  
Current Status: May-07 09 Passed Legislature  
Section Affected: 514B-142
- HB0895 HD2 SD2 CD1 (CCR 4) RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES.  
Introduced by: Yamane R  
Amends provisions relating to the cigarette tax and tobacco tax law. Redefines tobacco products to include little cigars, smokeless tobacco and pipe tobacco. Establishes a tax of 11 cents for each little cigar sold after October 31, 2009, increased to 13 cent after September 30, 2011 and a tax of 50 per cent of the wholesale price of each cigar with a ring gauge of 30 or more. Increases the excise tax on the wholesale price of each tobacco product sold by the wholesaler to 70 per cent after September 30, 2009. -- HB0895 CD1  
Committee Reports: HSCR 468 (HLT) HSCR 807 (FIN) SSCR 1035 (HTH) SSCR 1254 (WAM) CCR 4  
Current Status: May-07 09 Vetoed  
May=08 09 Veto Overridden - Senate  
May-08 09 Veto Overridden - House  
May-08 09 Became Law (Act 58 2009)  
Section Affected: 245-1, 245-3, 245-15
- HB0899 HD1 SD1 CD1 (CCR 161) RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.  
Introduced by: Say C (BR)



## HOUSE BILLS THAT PASSED THE LEGISLATURE

Amends provisions relating to the office of Hawaiian affairs. Authorizes the board of trustees of the office of Hawaiian affairs to issue bonds in such principal amounts as may be authorized by the legislature. -- HB0899 CD1

Committee Reports: HSCR 574 (HAW) HSCR 941 (FIN) SSCR 936 (WTL) SSCR 1247 (WAM) CCR 161

Current Status: May-07 09 Passed Legislature

Section Affected: 10- (1 SECTION), 10-21, 10-4, 10-22, 10-25, 10-28, 10-30, 10-31

HB0900 HD2 SD1 CD1 (CCR 165)

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

Introduced by: Say C (BR)

Office of Hawaiian Affairs Appropriations Act of 2009 (OHA budget). Appropriations to the office of Hawaiian affairs for the 2009 - 2011 fiscal biennium. (\$\$) -- HB0900 CD1

Committee Reports: HSCR 479 (HAW) HSCR 985 (FIN) SSCR 1013 (WTL) SSCR 1316 (WAM) CCR 165

Current Status: May-07 09 Passed Legislature

HB0952 HD1 SD2 CD1 (CCR 115)

RELATING TO LABOR.

Introduced by: Takumi R, Luke S, Belatti D, Brower T, Lee C, Nakashima M, Lee M, Morita H, Shimabukuro M, Mizuno J, Wakai G

Establishes provisions relating to streamlining union certification under the Hawaii employment relations act. Requires the Hawaii labor relations board to investigate the petition, when an employee, group of employees, or any individual or labor organization acting on their behalf, files a petition alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for those purposes. Requires the board to adopt rules governing the certification of an exclusive representative and to have the final determination on any controversy concerning the eligibility of an employee to sign an authorization card and the validity of an employee's signature on an authorization card. Establishes provision relating to facilitating initial collective bargaining agreements. Provides that no later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative, requires the parties to meet and commence to bargain collectively and to make every reasonable effort to conclude and sign a collective bargaining agreement. Provides for instances of dispute and request for conciliation and for arbitration panel. Provides that an employer or employee who wilfully or repeatedly commits unfair or prohibited practices that interfere with the statutory rights of an employer or employees or discriminate against employer or employees for the exercise of protected conduct to be subject to a civil penalty not to exceed 10,000 dollars for each violation. -- HB0952 CD1

Committee Reports: HSCR 143 (LAB) HSCR 972 (FIN) SSCR 1057 (LBR) SSCR 1340 (JGO) CCR 115

Current Status: May=05 09 Passed Legislature

Section Affected: 377- (2 SECTIONS), 377-9

HB0975 HD1 SD1 CD1 (CCR 16)

RELATING TO AGRICULTURAL WATER SYSTEMS.

Introduced by: Oshiro M

Establishes provisions relating to agricultural water systems; acquisition. Allows the agribusiness development corporation to acquire an agricultural water system to provide water for irrigation of agricultural lands. Requires the owner of the agricultural water system to be conveyed to provide a description of the system sufficient to identify the property being acquired, including a map of the land and description of the metes and bounds and other information required for recording. Exempts an agricultural water system from county subdivision requirements. -- Amends provisions relating to exemptions to the uniform land sales practices act to include real, personal, or mixed property comprising an agricultural water system providing water for irrigation of agricultural lands conveyed to the agribusiness development corporation. -- HB0975 CD1

Committee Reports: HSCR 385 (AGR/ WLO/) HSCR 903 (FIN) SSCR 1015 (WTL) SSCR 1306 (WAM) CCR 16

Current Status: May=07 09 Passed Legislature

Section Affected: 163D- (1 SECTION), 163D-4, 484-3

HB0981 HD2 SD2 CD1 (CCR 116)

RELATING TO HIGHWAY SAFETY.

Introduced by: Har S, Say C, Magaoay M, Oshiro M, Oshiro B, Chong P, Evans C, Brower T, Manahan J, Mizuno J, Yamane R, Nishimoto S, Takai K, Takumi R, Tsuji C, Tokioka J, Berg L, Chang J, Belatti D, McKelvey A, Lee M, Yamashita K, Keith-Agaran

## HOUSE BILLS THAT PASSED THE LEGISLATURE

G, Carroll M, Hanohano F, Luke S, Lee C, Coffman D, Nakashima M, Morita H, Rhoads K

Amends provisions relating to ignition interlock. Amends Act 171, session laws of 2008. Extends the Hawaii ignition interlock implementation task force to June 30, 2011 (sunset). -- HB0981 CD1

Committee Reports: HSCR 46 (TRN) HSCR 617 (JUD) HSCR 973 (FIN) SSCR 991 (TIA) SSCR 1341 (JGO) CCR 116

Current Status: May-05 09 Passed Legislature

Section Affected: 291E-15, 291E-5, 291E-6, 291E-41, 291E-61, 291E-65, 706-623, 804-7.1, ACT 171 2008, 287-20, 291E-16, 291E-44

HB0982 HD3 SD1 CD1 (CCR 36)

RELATING TO FAMILY LEAVE.

Introduced by: Lee M, Chong P, Oshiro B, Magaoay M, Evans C, Nishimoto S, Belatti D, Har S, Ito K, Mizuno J, Tsuji C, Nakashima M, Coffman D, Oshiro M, Hanohano F, Brower T, Wakai G, Shimabukuro M, Chang J, Bertram J, Yamane R, Morita H, Luke S, Karamatsu J

Establishes provisions relating to family leave data collection system; establishment. Establishes the system to ensure that all employees covered by the benefits are informed of their rights and their names are entered into the data base upon application for benefits; collect pertinent data on the use and potential demand for family leave benefits for both public and private sector employees; provide analysis of the data to assist in development and implementation of an efficient system of family leave; and provide analysis of data to assist in the future development of caregiver services for senior citizens in Hawaii. Requires the department of labor and industrial relations to work with the university of Hawaii center on aging to create a web based data system. Requires the auditor to be provided access to the data base and shall prepare annual reports to the legislature, the department, the university of Hawaii center on aging. Amends provisions relating to establishment of special fund for disability benefits. Requires the fund to be administered by the director for the establishment and maintenance of the family leave data collection system. Amends provisions relating to notice. Requires requests for family leave to include evidence that the employee has submitted the request and provided required data. Appropriation out of the disability benefits special fund to the university of Hawaii center on aging to cover the development of a web based data system; purchase of hardware, software, servers, and other necessary elements of the system; and costs of personnel required to maintain the system. (\$\$) -- HB0982 CD1

Committee Reports: HSCR 38 (LAB) HSCR 291 (HED/LMG/) HSCR 955 (FIN) SSCR 1027 (LBR) SSCR 1275 (WAM) CCR 36

Current Status: May-07 09 Passed Legislature

Section Affected: 398- (1 SECTION), 392-61, 398-5

HB0983 HD1 SD2 CD1 (CCR 39)

RELATING TO EDUCATION.

Introduced by: Lee M, Magaoay M, Oshiro B, Mizuno J, Chong P, Aquino H, Oshiro M, Say C, Wooley J, Keith-Agaran G, Takai K, Ito K, Nishimoto S, Evans C, Souki J, Hanohano F, Brower T, Cabanilla R, Har S, Belatti D, Bertram J, Tokioka J, Rhoads K, Wakai G, Nakashima M, Coffman D, Tsuji C, Carroll M, Yamashita K, Yamane R, Shimabukuro M, Morita H, Karamatsu J, Manahan J

Requires the director of transportation, through the Safe Routes to School coordinator in consultation with the department of education, department of health, and Hawaii Association of Independent Schools to provide Safe Routes to School Program funds for school based workshops and community based workshops, and infrastructure and non infrastructure projects that will reduce vehicular travel and congestion, encourage walking and bicycling, and promote health and safety. Establishes guidelines for grant proposals. Requires the director to develop a streamlined process for the grant program. Report to the legislature. -- HB0983 CD1

Committee Reports: HSCR 101 (TRN) HSCR 274 (EDN) HSCR 909 (FIN) SSCR 1061 (EDH/ TIA/) SSCR 1276 (WAM) CCR 39

Current Status: May=07 09 Passed Legislature

HB0986 HD1 SD1 CD1 (CCR 128)

RELATING TO PUBLIC SCHOOL FACILITIES.

Introduced by: Morita H, Magaoay M, Oshiro M, Chong P, Oshiro B, Evans C, Mizuno J, Herkes R, Karamatsu J, Hanohano F, Luke S, Bertram J, Lee M, Manahan J, Rhoads K, Har S, Tsuji C, McKelvey A, Awana K, Saiki S, Berg L, Yamashita K, Carroll M, Belatti D, Lee C, Nishimoto S, Takai K, Takumi R, Brower T, Coffman D, Nakashima M

Amends provisions relating to the state educational facilities repair and maintenance account. Allows criteria to establish repair and maintenance requirements to include

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energy efficiency and environmental standards required under the energy resources law to achieve high performance classrooms. -- Amends provisions relating to energy efficiency and environmental standards for state facilities, motor vehicles, and transportation fuel. Requires agencies to design and construct school facilities including renovation projects to meet Collaborative for High Performance Schools rating system and prioritize school facility projects to promote energy efficiency by requiring 40 per cent less energy demands compared to the International Energy Conservation Code; incorporate renewable energy resources; prioritize local and regional jobs; are deployable within 12 months of funding; improve science, technology, engineering, and math education, and provide increased hands on learning opportunities; and anticipate 25 per cent lower life cycle costs than traditional buildings. -- Amends provisions relating to the 6 year program and financial plan for school repair and maintenance and prioritization of repair and maintenance to include energy efficiency and environmental standards as required under the energy resources law. -- HB0986 CD1

Committee Reports: HSCR 68 (EEP) HSCR 275 (EDN) HSCR 861 (FIN) SSCR 996 (EDH/ ENE/) SSCR 1323 (WAM) CCR 128

Current Status: May=07 09 Passed Legislature

Section Affected: 36-35, 196-9, 302A-1312, 302A-1505

HB0989 HD1 SD2 CD1 (CCR 179)

RELATING TO CHILDREN'S HEALTH CARE.

Introduced by: Yamane R, Magaoay M, Chong P, Evans C, Oshiro B, Mizuno J, Hanohano F, Takai K, Luke S, Yamashita K, Berg L, Takumi R, Morita H, Brower T, Tsuji C, Nakashima M, Herkes R, McKelvey A, Lee C, Nishimoto S, Shimabukuro M, Awana K, Rhoads K, Oshiro M, Keith-Agaran G, Coffman D, Manahan J, Belatti D, Har S, Tokioka J

Amends Act 236, session laws of 2007, as amended by Act 239, session laws of 2008, which establishes the Hawaii children's health care program as a temporary pilot program to provide health care coverage to uninsured children who live in Hawaii by extending the sunset date. Provides that primary health care services for participants in the Hawaii children's health care program shall be provided by a federally qualified health center. Requires the managed care plan partner to establish payment plans with the State's federally qualified health center to cover the costs of the participants' primary health care service. Requires the department of human services and any participating managed care plan to report to the legislature. Program repealed on June 30, 2012 (sunset). Appropriation. (\$\$) -- HB0989 CD1

Committee Reports: HSCR 177 (HLT/ HUS/) HSCR 809 (FIN) SSCR 980 (HMS/ HTH/) SSCR 1295 (WAM) CCR 179

Current Status: May-07 09 Passed Legislature

Section Affected: ACT 236 2007, ACT 239 2008, 346-59.4

HB0994 HD1 SD2 CD1 (CCR 48)

RELATING TO TOURISM.

Introduced by: Wakai G, Ward G, Oshiro B, Marumoto B, Herkes R, Pine K

Appropriation out of the airport revenue fund to be transferred from the department of transportation to the department of business, economic development, and tourism and out of the tourism special fund to be transferred from the Hawaii tourism authority to the department of business, economic development, and tourism for the application for a spaceport license from the Federal Aviation Administration. (\$\$) -- HB0994 CD1

Committee Reports: HSCR 552 (EBM) HSCR 899 (FIN) SSCR 1025 (PSM/ TSM/) SSCR 1277 (WAM) CCR 48

Current Status: May-07 09 Passed Legislature

HB1016 HD2 SD1 CD2 (SENATE FLOOR AMENDMENT 16 OR HOUSE FLOOR AMENDMENT 6)

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

Introduced by: Say C (BR)

Appropriation to the department of the attorney general for the purpose of satisfying claims for legislative relief to persons, firms, corporations, and entities for claims against the State for the overpayment of taxes, refunds, reimbursements, payments of judgments or settlements, or other liabilities. -- Appropriation to the department of budget and finance to reimburse the compliance resolution fund of the department of commerce and consumer affairs. -- Appropriation to the department of transportation, highways division and harbors division, for the purpose of satisfying claims for legislative relief to persons, for claims against the State or its officers or employees for payments judgments or settlements, or other liabilities. (\$\$) -- HB1016 CD2

Committee Reports: HSCR 130 (JUD) HSCR 812 (FIN) SSCR 1064 (JGO) SSCR 1279 (WAM) CCR 113 - filed SENATE FLOOR AMENDMENT 16 HOUSE FLOOR AMENDMENT 6

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Current Status: May-07 09 Passed Legislature

HB1040 HD1 SD2 CD1 (CCR 37)

RELATING TO TORT LIABILITY.

Introduced by: Say C (BR)

Amends Act 170, session laws of 2002, as amended by Act 152, session laws of 2007, relating to state and county tort liability, by extending the sunset date to June 30, 2014.

-- Amends Act 82, session laws of 2003, as amended by Act 152, session laws of 2007, relating to state and county tort liability, by extending the sunset date to June 30, 2014.

-- HB1040 CD1

Committee Reports: HSCR 537 (WLO) HSCR 707 (JUD) SSCR 923 (TIA) SSCR 1235 (JGO) CCR 37

Current Status: May-05 09 Passed Legislature

Section Affected: ACT 170 2002, ACT 152 2007, ACT 82 2003

HB1045 HD1 SD2 CD1 (CCR 15)

RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

Introduced by: Say C (BR)

Establishes provisions relating to authority to modify and amend development agreements with eligible developers. Authorizes the Hawaii housing finance and development corporation to amend, delete, restate, and otherwise modify the terms, conditions, plans, specifications, and all other matters relating directly or indirectly to any housing project that was previously approved by the corporation, including the terms, covenants, and conditions of any development agreement for a housing project between the corporation and an eligible developer. Authorizes the corporation to establish and collect fees for administrative expenses incurred by the corporation to process applications for loans, grants, services, and real estate documents related to the corporation's functions. -- HB1045 CD1

Committee Reports: HSCR 544 (HSG) HSCR 892 (FIN) SSCR 997 (EDH) SSCR 1262 (WAM) CCR 15

Current Status: May=07 09 Passed Legislature

Section Affected: 201H- (1 SECTION), 201H-4, 201H-10

HB1057 HD1 SD2 CD1 (CCR 7)

RELATING TO THE STATE OF HAWAII COLLEGE SAVINGS PROGRAM.

Introduced by: Say C (BR)

Amends provisions relating to program requirements; college account. Allows anyone to make contributions to the account. -- HB1057 CD1

Committee Reports: HSCR 87 (HED) HSCR 797 (FIN) SSCR 1005 (HRE) SSCR 1296 (WAM) CCR 7

Current Status: May=07 09 Passed Legislature

Section Affected: 256-4

HB1059 HD2 SD1 (SSCR 960)

RELATING TO THE ONE CALL CENTER.

Introduced by: Say C (BR)

Amends provisions relating to definitions under 1 call center; advance warning to excavators law. Redefines excavation to exempt any pest control activity. Repealed on June 30, 2012 (sunset). -- Amends Act 141, session laws of 2004, as amended by Act 22, session laws of 2005, relating to the 1 call center, by repealing the sunset date. -- HB1059 SD1

Committee Reports: HSCR 170 (CPC) HSCR 835 (FIN) SSCR 960 (CPN) SSCR 1288 (WAM)

Current Status: Apr-24 09 Received by the Governor

Section Affected: 269E-2, ACT 141 2004, ACT 22 2005, 269-30, 269-33

HB1061 HD1 SD1 (SSCR 1090)

RELATING TO PUBLIC UTILITIES.

Introduced by: Say C (BR)

Establishes provisions relating to appointment of receiver for public utilities. Allows the public utilities commission to appoint a receiver to take temporary action when regulated private water utility or regulated private sewer utility is failing, or that there is an imminent threat of the utility failing, to provide adequate and reasonable service to its customers, and that such failure is a serious and imminent threat to the health, safety, and welfare of those customers of the utility. -- HB1061 SD1

Committee Reports: HSCR 387 (CPC/ JUD/) HSCR 831 (FIN) SSCR 1090 (CPN/ TIA/)

Current Status: Apr-29 09 Received by the Governor

Section Affected: 269- (1 SECTION) APPOINTMENT OF RECEIVER FOR PUBLIC UTILITIES

## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB1070 SD1 CD1 (CCR 22) RELATING TO THE CODE OF FINANCIAL INSTITUTIONS.  
Introduced by: Say C (BR)  
Amends provisions relating to closing branch or agency; temporary closures by adding and relocations. Allows a Hawaii financial institution to temporarily close or relocate a branch or agency in the event of an emergency or for other good cause. Requires the financial institution to provide the insurance commissioner with a written notice of a temporary closure or relocation and provide a notice to the institution's customers in the form of a sign posted in a safe, conspicuous location on or in proximity to the primary public entrance of the branch or agency that have been or will be temporarily close or relocated. Exempts a Hawaii financial institution to provide the commissioner a written notice of temporary closure and subsequent reopening of a branch within 2 business days. Allows a bank to invest its own assets in securities and obligation of the US; bonds, notes, mortgage backed securities and other debt obligation of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Federal Home Loan Banks. Provides securities and obligations of US government sponsored agencies that are not bond, notes, or mortgage backed securities, and other debt obligations requires that the total amount invested in obligations of any 1 issuer to not exceed 20 per cent of the bank's or savings bank's or saving and loan association's, or trust company's, or depository financial services loan company's, capital and surplus. Provides that the total amount invested in obligations of any 1 issuer to not exceed 20 per cent of the savings and loan association's capital and surplus; the trust company's capital and surplus; and the depository financial services loan company's capital and surplus. Provides that the total amount invested in obligations of any 1 issuer to not exceed 10 per cent of the credit union's capital. -- HB1070 CD1  
Committee Reports: HSCR 663 (CPC) SSCR 1188 (CPN) CCR 22  
Current Status: May-05 09 Passed Legislature  
Section Affected: 412:3-507, 412:5-305, 412:6-306, 412:7-306, 412:8-301, 412:9-409, 412:10-502
- HB1071 HD3 SD2 CD1 (CCR 12) RELATING TO MORTGAGE SERVICERS.  
Introduced by: Say C (BR)  
Establishes mortgage servicers law. Prohibits a person to engage in the business of mortgage servicing without a license from the commissioner of financial institutions. -- HB1071 CD1  
Committee Reports: HSCR 229 (HSG) HSCR 609 (CPC) HSCR 802 (FIN) SSCR 927 (CPN) SSCR 1329 (WAM) CCR 12  
Current Status: May=07 09 Passed Legislature  
Section Affected: (11 SECTIONS) MORTGAGE SERVICERS
- HB1075 SD1 (SSCR 1089) RELATING TO INSURANCE.  
Introduced by: Say C (BR)  
Amends provisions relating to required disclosure of rating practice to consumers. Requires an insurer to use the forms in Appendix B of the April, 2002 NAIC model long term care insurance model regulation and Appendix F of the December 2006, NAIC model long term care insurance model regulation to comply with requirements. Further requires an insurer to provide if applicable, the additional contingent benefits upon lapse provide to policies with fixed or limited premium paying periods. -- HB1075 SD1  
Committee Reports: HSCR 658 (CPC) SSCR 1089 (CPN)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 49 2009)  
Section Affected: 431:10H-217.5, 431:10H-226.5, 431:10H-229, 431:10H-233
- HB1101 HD1 SD1 (SSCR 983) RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES.  
Introduced by: Say C (BR)  
Amends provisions relating to investigators; authority and access to records. Requires the department of human services to investigate incidents at the Hawaii youth correctional facilities. -- HB1101 SD1  
Committee Reports: HSCR 334 (HUS) HSCR 697 (JUD) SSCR 983 (HMS) SSCR 1344 (JGO)  
Current Status: Apr-28 09 Received by the Governor  
Section Affected: 346-4.5
- HB1103 SD1 CD1 (CCR 21) RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND CENTERS.  
Introduced by: Say C (BR)  
Repeals provisions relating to statewide council on independent living. -- HB1103 CD1

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Committee Reports: HSCR 326 (HUS) HSCR 825 (FIN) SSCR 1046 (HMS) SSCR 1320 (WAM) CCR 21  
Current Status: May=07 09 Passed Legislature  
Section Affected: 348-9

HB1141 HD1 SD1 CD1 (CCR 41)

RELATING TO THRILL CRAFT OPERATION.

Introduced by: Say C (BR)

Amends provisions relating to operation of thrill craft; parasailing; water sledding; commercial high speed boating. Authorizes government personnel and film production permit holders conducting operations approved by the department of land and natural resources to operate a thrill craft. Requires the department and the Hawaii film office to submit an initial report, annual reports, and a final report to the legislature. Act to be repealed on June 30, 2014 (sunset). -- HB1141 CD1

Committee Reports: HSCR 680 (TCI/ EBM/) SSCR 1175 (WTL/ EDT/) CCR 41  
Current Status: May=05 09 Passed Legislature  
Section Affected: 200-37

HB1152 HD1 SD1 CD1 (CCR 17)

RELATING TO COMMITTED PERSONS' ACCOUNTS.

Introduced by: Say C (BR)

Amends provisions relating to custody of moneys; accounts for committed person, etc. Requires the department of public safety to deposit into 1 or more accounts with 1 or more financial institutions for the specific purpose of maintaining committed persons' fund and requires the department to maintain accounts for each committed person and to allow committed persons the use of their funds for approved expenses and purchases during incarceration. Allows the director to designate a percentage of all funds earned by the committed person while in custody that shall be deposited and held in a non spendable account for the purpose of providing funds for that same committed person upon release from custody. Prohibits accounts maintained by the department to bear interest, and no interest of any kind shall be paid to a committed person on any account maintained by the department. Requires the department to provide quarterly accounting statements to all committed persons held in custody for over 1 quarter of the year and conduct annual audits. -- HB1152 CD1

Committee Reports: HSCR 584 (PBS) HSCR 917 (FIN) SSCR 1023 (PSM) SSCR 1244 (WAM) CCR 17  
Current Status: May=07 09 Passed Legislature  
Section Affected: 353-20

HB1166 HD1 SD2 CD1 (CCR 117)

RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND.

Introduced by: Say C (BR)

Amends provisions relating to passenger facility charge special fund. Allows the director of transportation to use all moneys paid into the passenger facility charge special fund to be appropriated, applied, or expended by the department for airport capital improvement program projects approved by the legislature and as permitted under the Aviation Safety and Capacity Expansion Act. Provides that any resolution or certificate authorizing any issue of bonds relating to the use of the passenger facility charge for an airport capital improvement program project approved by the legislature; may establish other accounts within the fund and require the transfer of the passenger facility charge into other accounts to pay debt service on the related bonds. -- HB1166 CD1

Committee Reports: HSCR 558 (TRN) HSCR 888 (FIN) SSCR 925 (TIA) SSCR 1267 (WAM) CCR 117  
Current Status: May=07 09 Passed Legislature  
Section Affected: 261-5.5

HB1174 HD3 SD2 CD1 (CCR 49)

RELATING TO THE UNIVERSITY OF HAWAII.

Introduced by: Say C (BR)

Establishes provisions relating to Mauna Kea lands. Authorizes the board of regents of the university of Hawaii to charge fees for the use of facilities and programs related to the Mauna Kea lands. Further authorizes the board to enter into lease agreements for the Mauna Kea lands. Allows the board to regulate public and commercial activities on the lands and to set fines. Provides that if the board adopts rules to regulate, the board try to be consistent with the rules of the divisions of forestry and wildlife of the department of land and natural resources and that they consult with the office of Hawaiian affairs. Annual report to the legislature. -- Establishes the Mauna Kea management special fund into which shall be deposited moneys from the appropriation by the legislature and leases, licenses, and permits including fees and allows the board to use the funds to manage the Mauna kea lands and for enforcement of rules. Provides

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that expenditures from the fund shall be subject to legislative appropriation. Allows the university to establish separate accounts for major program activities. -- HB1174 CD1  
Committee Reports: HSCR 169 (HED) HSCR 437 (JUD) HSCR 966 (FIN) SSCR 1054 (HRE/ WTL/) SSCR 1331 (WAM) CCR 49  
Current Status: May=07 09 Passed Legislature  
Section Affected: 304A- (5 SECTIONS) MAUNA KEA LANDS, 304A- (1 SECTION)

HB1175 HD3 SD2 CD1 (CCR 3)

RELATING TO TAXATION.  
Introduced by: Say C (BR)  
Amends provisions relating to the cigarette tax and tobacco tax law. Increases the tax on cigarettes. Increases the tax for each cigarette sold, used, or possessed by a wholesaler or dealer to 13.00 cents after July 1, 2009, 14.00 cents after July 1, 2010, and 15.00 cents after July 1, 2011. -- HB1175 CD1  
Committee Reports: HSCR 644 (FIN) HSCR 747 (FIN) FLOOR AMENDMENT 3 SSCR 1036 (HTH) SSCR 1248 (WAM) CCR 3  
Current Status: Apr-22 09 Received by the Governor  
May-07 09 Approved by Governor (Act 56 2009)  
Section Affected: 245-3, 245-15

HB1186 HD1 (HSCR 668)

RELATING TO HOUSING DEVELOPMENT.  
Introduced by: Cabanilla R, Brower T, Chong P  
Amends provisions relating to powers; generally, of the Hawaii community development corporation. Prohibits the authority from permitting any person to make cash payments in lieu of providing reserved housing, except to account for any fractional unit that results after calculating the percentage requirement against residential floor space or total number of units developed. -- HB1186 HD1  
Committee Reports: HSCR 668 (HSG/ WLO/) SSCR 1123 (EDH/ WTL/)  
Current Status: Apr-06 09 Received by the Governor  
Apr-23 09 Became Law Without Governor's Signature (Act 18 2009)  
Section Affected: 206E-4

HB1270 HD1 SD2 (SSCR 1230)

RELATING TO RENEWABLE ENERGY.  
Introduced by: Morita H, Evans C, Thielen C, Tsuji C, Nishimoto S, Lee C, Coffman D  
Amends provisions relating to utilization of electricity generated from non fossil fuels under public utilities commission law. Repeals the authority to determine the just and reasonable rate for the nonfossil fuel generated electricity supplied to the public utility by the producer. Redefines cost effective to include or as the public utilities commission otherwise determines to be just and reasonable. -- HB1270 SD2  
Committee Reports: HSCR 299 (EEP) HSCR 696 (CPC) SSCR 954 (ENE) SSCR 1230 (CPN)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 50 2009)  
Section Affected: 269-27.2, 269-91

HB1271 HD3 SD2 CD1 (CCR 180)

RELATING TO GOVERNMENT.  
Introduced by: Morita H, Oshiro B, Thielen C, Nishimoto S  
Amends provisions relating to the environmental response revolving fund; uses. Provides that moneys for the fund shall come from the environmental response, energy, and food security tax. Repeals the ceiling for the fund and repeals the provisions that allows the fund to be used for deposit into the energy security special fund. -- Amends provisions relating to the energy security special fund; uses. Provides that moneys in the fund shall be subject to legislative appropriations. Further provides that the fund shall be used to support the Hawaii clean energy initiative program including the energy division of the department of business, economic development, and tourism and to fund the greenhouse gas emissions reduction task force, climate change task force, grants in aid to the economic development boards of each county, and grants in aid to economic development agencies of each county to meet the stated objectives of the Hawaii clean energy initiative program. Requires the department of business, economic development, and tourism to report to the legislature. Increases the tax to 1.05 dollars per barrel or part of a barrel of petroleum product sold. Provides that moneys from the tax shall go into the environmental response revolving fund, the energy security special fund, the energy systems development special fund, and the agricultural development and food security special fund. -- Establishes the Hawaii economic development task force within the department of business, economic development, and tourism to facilitate the accelerated adoption and completion of renewable energy projects, energy efficiency

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programs, agricultural infrastructure and development. Allows the department to contract with the university of Hawaii for any services to support the work of the task force. Reports to the legislature. Task force to cease to exist on June 30, 2011 (sunset). Appropriation out of the energy security special fund. -- Establishes the agriculture development and food security special fund to award grants to farmers for agricultural production or processing activities; acquisition or improvement of real property, irrigation systems, and transportation networks to promote agricultural production or processing; purchase of equipment for agricultural production or processing; conduct of research and testing of agricultural products and markets; and promotion and marketing of products grown or raised in the state. Requires the department of agriculture to report to the legislature. Appropriation out of the agricultural development and food security special fund for Varroa mite control and eradication efforts; the operation of pest inspection, quarantine, eradication, biosecurity, and monitoring programs, related facilities, and the execution of emergency remedial measures when pests are detected in the course of inspection and quarantine activities by the department of agriculture; the expansion of the food safety and security program administered by the department; the livestock revitalization and food security program; improvements to the Lower Hamakua Ditch in Hawaii County; the construction of an agricultural water main distribution pipeline in the Upcountry Maui Watershed; the construction of the Kealahou pipeline in the Upcountry Maui Watershed; and the planning phase of the state agricultural water use and development plan. -- Establishes the Hawaii clean energy initiative program within the department of business, economic development, and tourism to manage the State's transition to a clean energy economy. Requires the program to design, implement, and administer activities that includes strategic partnerships for the research, development, testing, deployment, and permitting of clean and renewable technologies; engineering and economic evaluations of Hawaii's potential for near term project opportunities for the State's renewable energy resources; electric grid reliability and security projects that will enable the integration of a substantial increase of electricity from renewable energy resources; a statewide clean energy public education and outreach plan to be developed in coordination with Hawaii's public education institutions; promotion of Hawaii's clean and renewable resources to potential partners and investors; a plan, for implementation during the years 2010 to 2030, to transition the State to a clean energy economy; and a plan to assist each county for the implementation during the years 2010 to 2030, to transition each county to a clean energy economy. Report to the legislature. Appropriation out of the energy security special fund. --Establishes a renewable energy branch within the department which includes renewable energy resource assessments, technical analyses, and resource development functions, including design, management, and completion of systematic analysis of existing and proposed energy resource programs; evaluation of analyses conducted by government agencies and other organizations; development and management of programs to encourage public and private exploration, research, and commercial development of renewable energy resources; project facilitation functions, including the development and implementation of programs to facilitate the efficient permitting of renewable energy projects; renewable energy partnership and outreach functions; renewable energy resource, technology, and project viability consultant functions; and research, reporting, implementation, and support of renewable and transportation energy related laws. -- Converts the position of renewable energy facilitator from temporary to permanent. -- Establishes the energy program administrator position exempt from civil service in the department. Also establishes 7 full time temporary positions exempt from civil service to support the planning and renewable energy provisions of the energy resources law, department of economic development law, and the Hawaii state planning act. -- Authorizes the governor to establish positions necessary to accomplish the management of those energy projects funded by federal grants. -- Appropriation out of the energy security special fund for the positions. -- Appropriation out of the energy security special fund for the greenhouse gas emissions reduction task force. (\$\$) -- HB1271 CD1  
Committee Reports: HSCR 104 (EEP) HSCR 545 (AGR) HSCR 931 (FIN) SSCR 1079 (WTL/ ENE/ EDT/) SSCR 1328 (WAM) CCR 180  
Current Status: May-07 09 Passed Legislature  
Section Affected: 128D-2, 201-12.8, 243-3.5, 304A-2169, 141- (1 SECTION), 196- (1 SECTION), 201- (1 SECTION), 201-12.5

HB1316 HD2 SD1 CD1 (CCR 34)

RELATING TO TORTS.

Introduced by: Karamatsu J

Establishes provisions relating to design professional liability; highways. Establishes that in any case involving tort claims relating to the design, construction, and



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maintenance of highways, where a design professional is determined to be a joint tortfeasor along with 1 or more other joint tortfeasors, and the degree of negligence of the design professional is 10 per cent or less, including vicarious liability of the design professional for the negligent acts or omissions of the officers and employees of the design professional, the liability of the design professional for more than the design professional's pro rata share of the negligence shall not exceed the available policy limits of the design professional's professional liability coverage provided that the contract amount relating to the tort claim is 500,000 dollars or less and the design professional is covered by professional liability insurance with limits of no less than 1 million dollars per occurrence and 1 million dollars in the aggregate or the contract amount relating to the tort claim is 1 million dollars or less and the design professional is covered by professional liability insurance with limits of no less than 1 million dollars per occurrence and 2 million dollars in the aggregate. -- HB1316 CD1

Committee Reports: HSCR 171 (CPC) HSCR 708 (JUD) SSCR 937 (CPN) SSCR 1342 (JGO) CCR 34

Current Status: May-05 09 Passed Legislature

Section Affected: 663- (1 SECTION) DESIGN PROFESSIONAL LIABILITY

HB1351 HD2 SD1 CD1 (CCR 13)

RELATING TO PRIVATE AGRICULTURAL PARKS.

Introduced by: Evans C

Establishes the private agricultural parks law. Authorizes the owners of 1 or more contiguous parcels including public lands within the agricultural district to establish a private agricultural park. Requires the owner to register the private agricultural park agreement with the department of agriculture. Allows 1 or more of the parties to generate electrical energy from fossil fuels or renewable energy sources provided that the electrical energy generated is used for agricultural purposes including the pumping of agricultural water, cooling, air conditioning, or agricultural processing; to collect, sell, and distribute cold water to any other party of the private agricultural park agreement to operate cooling and processing facilities for agricultural products or for air conditioning; to collect, store, sell, and distribute nonpotable water for irrigation purposes to any other party of the private agricultural park agreement; and to engage in any other lawful activity within the boundaries of the private agricultural park for the benefit of 1 or more of its parties. -- HB1351 CD1

Committee Reports: HSCR 346 (AGR) HSCR 702 (EEP/ WLO/) SSCR 1209 (WTL) CCR 13

Current Status: May-05 09 Passed Legislature

Section Affected: (3 SECTIONS) PRIVATE AGRICULTURAL PARKS

HB1362 HD1 SD2 (SSCR 1228)

RELATING TO GENETIC COUNSELORS.

Introduced by: Magaoay M

Establishes genetic counselors law. Defines genetic counseling practice to mean the rendering of professional counseling services based on specialized education and training that includes the communication process which deals with the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder. --

Establishes a genetic counseling licensure program within the department of health.

Establishes powers and duties of the director of health. Authorizes the director to examine and approve the qualifications of all applicants and issue a license to each successful applicant granting permission to use the title of licensed genetic counselor or genetic counselor in this State. Establishes prohibited acts; penalties. -- HB1362 SD2

Committee Reports: HSCR 186 (HLT) HSCR 523 (CPC) HSCR 896 (FIN) SSCR 1030 (HTH) SSCR 1228 (CPN)

Current Status: May-04 09 Received by the Governor

Section Affected: (16 SECTIONS) GENETIC COUNSELORS

HB1364 HD1 SD1 CD1 (CCR 162)

RELATING TO THE BUDGET.

Introduced by: Choy I, Wooley J, Keith-Agaran G, Lee C, Coffman D, Aquino H, Nakashima M

Amends Act 213, session laws of 2007, as amended by Act 158, session laws of 2008, by adding federal stimulus funds appropriations and amending the definition of means of financing by adding federal stimulus funds. Also adds appropriations for lower Hamakua ditch system, Hawaii; rental housing services, planning and development for Hawaiian homesteads; Kamehameha highway, south Punaluu bridge replacement; Honolulu international airport inline baggage system improvements; Kahului airport inline baggage system improvements; airfield paving; for the Hawaii health systems corporation for medical services, equipment, or supplies and for the Kauai veterans memorial hospital, Kona community hospital and Hilo medical center. Governor to

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report to the legislature. (\$\$) -- HB1364 CD1  
Committee Reports: HSCR 199 (LMG) HSCR 789 (FIN) SSCR 1211 (WAM) CCR 162  
Current Status: May-07 09 Passed Legislature  
Section Affected: ACT 213 2007, ACT 158 2008, (1 SECTION), ACT 200 2003,  
ACT 41 2004, (1 SECTION), ACT 178 2005, ACT 160 2006, (1  
SECTION), (1 SECTION)

HB1378 HD2 SD2 CD1 (CCR 129)

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.  
Introduced by: Lee M, Mizuno J, Cabanilla R, Evans C  
Amends the accident and sickness insurance contracts law, benefit societies law, and the health maintenance organizations act (HMOs) by requiring coverage for care provided by participating advanced practice registered nurses to the extent that the policy provides benefits for identical services rendered by another health care provider.  
-- Establishes provisions relating to global signature authority. Authorizes advanced practice registered nurses to sign, certify, or endorse all documents relating to health care for their patients, including workers' compensation verification documents, verification and evaluation forms from the department of human services and the department of education, verification and authorization forms from the department of health, and physical examination forms. Amends provisions relating to prescriptive authority for advanced practice registered nurses. Requires the board of nursing to determine the exclusionary formulary for qualified advanced practice registered nurses who are granted prescriptive authority. Provides that advanced practice registered nurses shall be considered qualified if they have met the advanced pharmacology requirements for initial prescriptive authority pursuant to rules adopted by the board. Provides that only qualified advanced practice registered nurses are authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources. Requires the insurance commissioner to perform a review on effects of the expanded scope of advance practice registered nurse. Report to the legislature. -- HB1378 CD1  
Committee Reports: HSCR 217 (HLT) HSCR 541 (CPC) HSCR 932 (FIN) SSCR 1031 (HTH) SSCR 1231 (CPN) CCR 129  
Current Status: May-05 09 Passed Legislature  
Section Affected: 431:10A- (1 SECTION), 432:1- (1 SECTION), 432:2- (1 SECTION), 457- (1 SECTION), 329-1, 329-121, 432D-23, 457-8.5, 457-8.6

HB1379 HD2 SD2 CD1 (CCR 42)

RELATING TO PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT.  
Introduced by: Lee M, Cabanilla R, Luke S, Morita H, Lee C, Karamatsu J, Rhoads K  
Establishes the physician orders for life sustaining treatment law. Allows a patient and a patient's surrogate to choose to execute or not execute life sustaining treatment. Requires a patient's physician or a health care provider to explain to the patient the nature and content of the form, including any medical intervention or procedures, and to also explain the difference between an advance health care directive and the form.  
-- HB1379 CD1  
Committee Reports: HSCR 569 (JUD) HSCR 814 (FIN) SSCR 1032 (HTH) SSCR 1284 (JGO) CCR 42  
Current Status: May-05 09 Passed Legislature  
Section Affected: (4 SECTIONS) PHYSICIAN ORDERS FOR LIFE-SUSTAINING TREATMENT

HB1405 HD2 SD2 CD1 (CCR 164)

RELATING TO THE GENERAL EXCISE TAX.  
Introduced by: Choy I  
Amends provisions relating to business, engaging in business, defined under general excise tax laws. Redefines engaging to include the sale of tangible personal property by a person soliciting business through an independent contractor if the person enters into an agreement with a resident for a commission or other consideration, directly or indirectly refers potential customers, and sales are in excess of 10,000 dollars. -- Establishes provisions relating to business domiciled out of state; nexus presumptions. Provides that a business is this State that has its commercial domicile in another state in doing business in the State will be taxable under State tax laws. -- HB1405 CD1  
Committee Reports: HSCR 412 (EBM) HSCR 779 (FIN) SSCR 1040 (EDT) SSCR 1278 (WAM) CCR 164  
Current Status: May-07 09 Passed Legislature  
Section Affected: 237-2, 231- (1 SECTION)

HB1414 HD1 SD1 (SSCR 1240)

RELATING TO METAL.

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Introduced by: Oshiro B, Karamatsu J  
Amends Act 197, session laws of 2007, as amended by Act 16, session laws of 2008, relating to theft of copper by repealing the sunset date. -- Amends Act 53, session laws of 2008, relating to theft of beer kegs by repealing the sunset date. -- HB1414 SD1  
Committee Reports: HSCR 105 (CPC) HSCR 705 (JUD) SSCR 913 (CPN) SSCR 1240 (JGO)  
Current Status: Apr-23 09 Received by the Governor  
May-06 09 Approved by Governor (Act 44 2009)  
Section Affected: ACT 197 2007, ACT 16 2008, 445-231, 445-233, 445-235, ACT 53 2008

HB1415 HD1 SD2 CD1 (CCR 27)

RELATING TO SERVICE OF PROCESS.  
Introduced by: Oshiro B, Karamatsu J  
Establishes provisions relating to service of process under planned community associations law. Requires that each board of directors of an association of condominiums or planned community to establish a policy to provide reasonable access to persons authorized to serve civil process. Establishes provisions relating to service of process under horizontal property regimes. Requires the board of directors of condominium property regime to establish a policy to provide reasonable access to persons authorized to serve civil process. Establishes provisions relating to service of process within a condominium, cooperative housing, or planned community. Requires that each board of directors of an association of apartment owners of a condominium, cooperative housing corporation, or a planned community association to establish a policy to provide reasonable access to the building or community to persons authorized to serve civil process. Act to be repealed on July 1, 2012 (sunset). -- HB1415 CD1  
Committee Reports: HSCR 690 (JUD/ CPC/) SSCR 938 (CPN) SSCR 1337 (JGO) CCR 27  
Current Status: May-05 09 Passed Legislature  
Section Affected: 421I- (1 SECTION), 421J- (1 SECTION), 514A- (1 SECTION), 514B- (1 SECTION), 634- (1 SECTION)

HB1422 HD1 SD1 CD1 (CCR 6)

RELATING TO ABANDONED VEHICLES.  
Introduced by: Nishimoto S (BR)  
Amends provisions relating to disposition by counties of certain abandoned vehicles. Adds that a vehicle is abandoned if it is left unattended for a continuous period of more than 24 hours and it is unlawfully parked on private road or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a private highway. Provides that a vehicle on a private road shall be considered unlawfully parked if it is not operable and the owner or at least 1 of the co owners of the private road requests in writing to the appropriate county authority for the removal of the vehicle. Requires that the owner of the private road requesting removal of an abandoned vehicle pay the county for the removal of the vehicle and is deemed to agree to indemnify and hold the county harmless for any claims against the county for the removal and disposal of the vehicle. Act to be repealed on January 1, 2010 (sunset). -- HB1422 CD1  
Committee Reports: HSCR 560 (TRN) HSCR 720 (JUD) SSCR 921 (TIA) SSCR 1239 (JGO) CCR 6  
Current Status: May-05 09 Passed Legislature  
Section Affected: 290-1

HB1436 HD1 SD1 (SSCR 943)

RELATING TO AGRICULTURE.  
Introduced by: Ito K, Magaoay M, Karamatsu J, Chang J  
Amends provisions relating to permissible uses within the agricultural districts with soil classifications of A or B to include educational appurtenances of a farming operation. Allows agricultural education program conducted on a farm operation for the education and participation of the general public, provided that the agricultural education programs are accessory and secondary to the principal agricultural use of the parcels or lots on which the agricultural education programs are to occur and do not interfere with the surrounding farm operations. -- HB1436 SD1  
Committee Reports: HSCR 428 (WLO/ AGR/) SSCR 943 (EDH) SSCR 1185 (WTL)  
Current Status: Apr-21 09 Received by the Governor  
May-06 09 Approved by Governor (Act 53 2009)  
Section Affected: 205-4.5

HB1464 HD3 SD2 CD1 (CCR 176)

RELATING TO ENERGY RESOURCES.  
Introduced by: Morita H, Marumoto B, Shimabukuro M, Nishimoto S, Cabanilla R, Mizuno J, Oshiro B, Lee C, Belatti D, Say C, Awana K, Chang J, Manahan J, Evans C,

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Thielen C, Pine K

Amends provisions relating to public utilities commission law. Provides that beginning January 1, 2015, electrical energy savings shall not include customer sited grid connected renewable energy systems. Redefines renewable energy to include ocean thermal energy conversion and other solid waste. Requires electric utility company that sells electricity for consumption to establish a renewable portfolio standard of 25 percent of its net electricity sales by December 31, 2020, and 40 per cent of its net electricity sales by December 31, 2030. Requires that prior to January 1, 2015, at least 50 per cent of renewable portfolio standards be met and after December 31, 2014, the entire renewable portfolio standards be met by electrical generation from renewable energy sources and beginning January 1, 2015, electrical energy savings shall not count toward renewable energy portfolio standards. Requires the commission to evaluate the renewable portfolio standards every 5 years, revise the standard, and determine if the standards established remain effective and achievable. Report to the legislature every 5 years. -- Subject to approval from the governor, requires the energy resources coordinator to assist public and private agencies in implementing energy conservation and efficiency programs, the development of indigenous energy resources; coordinate the State's energy programs with those of the federal government; develop programs to encourage private and public exploration, research, and development of indigenous energy resources; serve as consultant to the governor, public agencies and private industry on energy related matters; review proposed state actions that the coordinator finds to have significant effect on the State's energy objectives and report to the governor their effect on the energy program; formulate a systematic process; develop and recommend incentives, plans, and programs; assist public and private agencies in identifying utility transmission projects or infrastructure required to accommodate and facilitate the development of renewable energy resources; assist the public and private agencies, in coordination with the department of budget and finance in accessing the use of revenue bonds; develop the criteria or requirements for identifying and qualifying specific transmission projects and infrastructure that are critical to the development of renewable energy resources; and develop and maintain a comprehensive and systematic quantitative and qualitative capacity to analyze the status of energy resources, systems, and markets. -- Amends provisions relating to renewable energy facilitator; establishment; duties. Requires the renewable energy facilitator to facilitate the efficient permitting of renewable energy project, which include land parcel on which the facility is situated, any renewable energy production structure or equipment, any energy transmission lines from the facility to a public utility's electricity system, and any on site infrastructure for the production of electricity or biofuel from the renewable energy site. Redefines renewable energy facility or facility to include electricity production facilities with capacities between 5 and 199 megawatts of electricity and a biofuel production facility with a capacity to produce 1 million gallons or more annually may apply to the coordinator for designation as renewable energy facility. Amends provisions relating to permit plan application; coordinator; fee; pre application conference. Provides that if the coordinator has given at least 30 written notice stating that the permit plan application process is not approved or denied within 12 months, if no further processing and action are reported by the permitting agency within 5 months following the end of the 30 day agency report period, the coordinator may deem the permit approved. Requires the permitting agency to report identifying diligent measures. Appropriation to the renewable energy facility siting special fund. -- Requires the public utilities commission to establish energy efficiency portfolio standards designed to achieve 4,300 gigawatts hours of electricity use reductions statewide by 2030 and to consider the impact of renewable energy substitutions. Requires the commission to establish incentives and penalties based on performance in achieving the energy efficiency portfolio standards. Report to the legislature every 5 years. -- Establishes provisions relating to public buildings; benchmarks; retro commissioning guidelines; energy savings performance contracts. Requires state department with responsibilities for the design and construction of public buildings and facilities to benchmark every existing public building that is either larger than 5000 square feet or uses more than 8000 kilowatt hours of electricity or energy per year and to use the benchmark as a basis in determining the State's investment in improving the efficiency of its own building stock. Requires public building to be retro commissioned not less than every 5 years and requires the energy resources coordinator to establish retro commissioning guidelines by January 1, 2010. Allows the department to enter into energy savings performance contracts with a 3rd party to cover the capital costs of energy efficiency measures and distributed generation. -- Establishes provisions relating to energy efficiency consumer information in sale or lease of real property. Provides that prior to the sale or leasing of property, requires property owners and lessors to provide utility

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bills for the most recent 3 month period in which the property was occupied. -- Establishes provisions relating to building energy efficiency revolving loan fund administered by the department of business, economic development and tourism to provide low or no interest loans or other authorized financial assistance to eligible public, private, and nonprofit borrowers for making energy efficiency improvements in buildings; and to cover administrative and legal cost of fund management and management associated with individual loans. Allows the department to contract with other public or private entities for the provisions of all or a portion of the services necessary for the administration and implementation of the loan fund program and set fees or charges for fund management and technical site assistance or establish subaccounts within the fund. -- Amends provisions relating to solar water heater system required for new single family residence. Prohibits a building permit to be issued for a new single family dwelling that does not include a solar water heater system that meets standards and a variance application to only be accepted if submitted by an architect or mechanical engineer licensed. Requires the energy resources coordinator to publicize all applications for a variance within 7 days after receipt of the application and the disposition of all variance applications for a variance within 7 days of the determination. -- Amends provisions relating to renewable energy technologies; income tax credit. Changes the credit to be for solar energy systems and wind powered energy systems with a cap amount. -- Amends provisions relating to public benefits fee administrator. Provides that all money transferred to the 3rd party administrator to be comprised solely of public benefit fees collected or from funds provided by the federal government or by private funding sources. -- Amends provisions relating to objectives and policies for facility systems energy. Provides that planning for the Stat's facility systems to include diversification and short and long term provision of adequate, reasonable priced, and dependable energy services to accommodate demand; and promote transportation energy efficiency. -- HB1464 CD1

Committee Reports: HSCR 71 (EEP/HSG/) HSCR 311 (CPC) HSCR 961 (FIN) SSCR 1053 (ENE) SSCR 1327 (WAM) CCR 176

Current Status: May-07 09 Passed Legislature

Section Affected: 269-91, 269-92, 269-95, 196-4, 201-12.5, 201N-1, 201N-4, (3 SECTIONS), 201- (1 SECTION), 196-6.5, 235-12.5, 269-122, 226-18

HB1470 HD1 SD1 CD1 (CCR 45)

RELATING TO HAWAII PUBLIC PROCUREMENT CODE.

Introduced by: Manahan J, McKelvey A, Keith-Agaran G, Mizuno J

Amends provisions relating to competitive sealed bidding. Exempts a bidder or offeror who is a US general services approved sole source vendor from competitive sealed bidding competitive sealed proposal and procurement of professional services requirements in and procurement funded by state and federal matching funds if the bidder or offeror was responsible for obtaining and was the recipient of the federal funds.

-- Provides that procurements of less than 100,000 dollars for goods or services or 250,000 dollars for construction shall be made in accordance with procedures set forth in rules adopted by the policy board. Provides that procurements greater than 50,000 dollars for construction shall require security by a performance bond of 100 per cent of the contract or shall be secured by a performance bond in a manner satisfactory to the purchasing agency. -- Establishes provisions relating to agricultural products. Provides that fresh meats and produce and animals and plants shall be subject to the procurement code. -- Establishes that if the administrator or procurement officer who has awarded any contract, finds that in the performance of the contract there has been a failure to comply with the provisions, the contract shall be voidable and the offeror shall be referred for debarment or suspension proceedings. Defines Hawaii input as the part of the cost of a product that is attributable to production, manufacturing, or other expenses arising within the state. Amends the definition of Hawaii products by redefining product classes 1 and 2. Allows self certification as part of the offer that the Hawaii products qualify for preference. Allows any person not on the Hawaii products list, desiring a preference, to certify the Hawaii product when submitting a response to a solicitation, provided that the person certifies under penalty or sanctions that the product meets the requirements for preference. Allows the procurement officer to request additional information deemed necessary to qualify the product and provides that the procurement officer shall have sole discretion in determining qualification for the preference. Amends process for appeal and administrative proceedings. -- Establishes provisions relating to procurement statistics. Requires that the state procurement office keep statistics on solicitations and awards protested for the purpose of improving procurement procedures. -- Amends provisions relating to administrative proceedings. -- HB1470 CD1

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Committee Reports: HSCR 407 (EBM) HSCR 967 (FIN) SSCR 1207 (JGO) CCR 45  
Current Status: May=05 09 Passed Legislature  
Section Affected: 103D-102, 103D-305, 103D-(1 SECTION), 103D-(1 SECTION),  
103D-1001, 103D-1002, 103D-(1 SECTION), 103-32.1,  
103D-709, 103D-710

HB1471 HD2 SD1 CD1 (CCR 50)

RELATING TO FARMS.

Introduced by: Manahan J, Yamane R, Magaoay M, Say C, Tsuji C  
Establishes a safe food certification pilot program in the department of agriculture to benefit farmers throughout the state. Requires the program to be managed by the department and requires the department of health to provide assistance. Requires farmers to form agricultural cooperatives; coordinate purchasing agreements between the agricultural cooperatives and hotels, restaurants, and other buyers in the visitor and hospitality industries; and develop and implement safe food certification for products to promote fresh, high quality, locally grown produce grown by Hawaii farmers. Appropriation out of the tourism special fund to be transferred to the department of agriculture. Appropriation from the interdepartmental appropriation transferred from the tourism authority to the department of agriculture. Act to be repealed on June 30, 2010 (sunset). (\$\$) -- HB1471 CD1

Committee Reports: HSCR 525 (TCI/ AGR/) HSCR 872 (FIN) SSCR 934 (WTL)  
SSCR 1303 (WAM) CCR 50

Current Status: May-07 09 Passed Legislature

HB1479 HD2 SD1 CD1 (CCR 19)

RELATING TO LABOR.

Introduced by: Nakashima M, Hanohano F, Magaoay M, Chang J, Manahan J  
Amends provisions relating to payrolls and payroll records. Requires that a certified copy of all fringe benefits be reported on a form supplied by the department of labor and industrial relations or any certified form that contains all of the required fringe benefit information. Requires that the fringe benefit reporting form itemize the cost of fringe benefits paid by the general contractor or subcontractor for health and welfare benefits, pension and annuity benefits, vacation benefits, continuing education and training benefits and other fringe benefits paid by the general contractor or subcontractor. Requires that an itemized fringe benefit reporting form shall be included in employee payroll records -- HB1479 CD1

Committee Reports: HSCR 362 (LAB) HSCR 945 (FIN) SSCR 971 (LBR) SSCR 1343  
(JGO) CCR 19

Current Status: May-05 09 Passed Legislature

Section Affected: 104-3

HB1483 HD1 SD1 CD1 (CCR 154)

RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR BETTER PLACE HAWAII, INC.

Introduced by: Coffman D, Morita H

Authorizes the issuance of special purpose revenue bonds to assist Better Place Hawaii, Inc., a Delaware corporation, for the planning, designing, constructing, and development of transportation infrastructure, equipment, and apparatus to support electric vehicles in Hawaii. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1483 CD1

Committee Reports: HSCR 307 (EEP) HSCR 852 (FIN) SSCR 911 (ENE) SSCR 1269  
(WAM) CCR 154

Current Status: May-07 09 Passed Legislature

HB1495 HD1 SD1 CD1 (CCR 158)

RELATING TO STATE INCOME TAX.

Introduced by: Chong P, Oshiro B

Amends the standard deduction for income tax purposes as provided by section 165 (with respect to losses) of the Federal Internal Revenue Code by adding that section 165 (d) (with respect to wagering losses) shall not be operative. -- HB1495 CD1

Committee Reports: HSCR 749 (FIN) SSCR 1196 (WAM) CCR 158

Current Status: May=07 09 Passed Legislature

Section Affected: 235-2.4

HB1504 HD1 SD2 CD1 (CCR 130)

RELATING TO HEALTH.

Introduced by: Oshiro M, Lee M, Mizuno J, Yamane R

Establishes the Hawaii health authority law. Establishes the Hawaii health authority within the department of budget and finance to be an autonomous public body corporate and politic and an instrumentality of the State; to be responsible for overall health planning for the State and determine future capacity needs of health providers, facilities,

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equipment, and support services providers. Requires the authority to submit a comprehensive health plan for all individuals in the State. Report to the legislature. Appropriation out of the state health planning and development special fund to the department of budget and finance for operating the Hawaii health authority. (\$\$) -- HB1504 CD1

Committee Reports: HSCR 758 (FIN) SSCR 1007 (HTH/ CPN/) SSCR 1309 (WAM) CCR 130

Current Status: May-07 09 Passed Legislature

Section Affected: (2 SECTIONS) HAWAII HEALTH AUTHORITY

HB1512 HD1 SD1 CD1 (CCR 43)

RELATING TO TEMPORARY RESTRAINING ORDERS.

Introduced by: Karamatsu J

Amends provisions relating to temporary restraining order. Allows an ex parte temporary restraining order to enjoin or restrain both parties from taking, concealing, removing, threatening, physically abusing or otherwise disposing of any animal identified to the court as belonging to a household. -- HB1512 CD1

Committee Reports: HSCR 674 (JUD) SSCR 1208 (JGO) CCR 43

Current Status: May-05 09 Passed Legislature

Section Affected: 586-4

HB1525 HD1 SD2 CD1 (CCR 121)

RELATING TO MEDICAID.

Introduced by: Mizuno J, Brower T

Establishes provisions relating to procurement of medicaid contracts; nonprofits and for profits; reporting requirements. Requires the department of human services to solicit proposals for medicaid health care insurance contracts to nonprofit or for profit entities that comply with specified annual reporting requirements. Requires that all nonprofit or for profit medicaid health insurance contractors, within 180 days of the close of each fiscal year, submit an annual report to the department of human services, the insurance division of the department of commerce and consumer affairs and the legislature. Establishes requirements for reporting including accounting of expenditures, employment information, descriptions of any on going state or federal sanction proceedings, descriptions of contributions to the community and a list of any management and administrative service contracts. Requires that the department of human services provide a written analysis and a comparative report to the legislature within 90 days of receipt of the report. -- HB1525 CD1

Committee Reports: HSCR 149 (HUS/ HLT/) HSCR 826 (FIN) SSCR 1052 (HMS/ JGO/) SSCR 1304 (WAM) CCR 121

Current Status: May=07 09 Passed Legislature

Section Affected: 103F- (1 SECTION) MEDICAID CONTRACTS

HB1536 HD2 SD1 CD1 (CCR 112)

RELATING TO SALARIES.

Introduced by: Aquino H, Lee C, Nakashima M, Choy I, Coffman D, Keith-Agaran G, Wooley J

Requires the annual salaries for the governor, lieutenant governor, justices and judges of all state courts, the administrative director of the State or an equivalent position, and the department heads or executive officers and the deputies or assistants to the department heads or executive officers of certain departments, and members of the legislature, to be reduced by 5 per cent until June 30, 2011 (sunset) and provides that the leaves of absence for vacation and sick leave shall be the same as collective bargaining unit 13. -- HB1536 CD1

Committee Reports: HSCR 364 (LAB) HSCR 950 (FIN) SSCR 1221 (JGO/ WAM/) CCR 112

Current Status: May=07 09 Passed Legislature

HB1537 HD1 (HSCR 706)

RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

Introduced by: Brower T, Morita H, Berg L, Hanohano F, Lee C, Shimabukuro M, Pine K, Oshiro B, Karamatsu J, Takai K, Mizuno J, Lee M, Coffman D, Wakai G, Ward G, Manahan J, Nishimoto S, Nakashima M, Yamane R, Cabanilla R, Thielen C, Takumi R, Chang J, Finnegan L, Marumoto B, Herkes R, Tokioka J, Ito K, Ching C

Amends provisions relating to exception to liability. Exempts any person who provides for an automated external defibrillator program. -- HB1537 HD1

Committee Reports: HSCR 503 (HLT) HSCR 706 (JUD) SSCR 962 (HTH) SSCR 1287 (JGO)

Current Status: Apr-15 09 Received by the Governor

Apr-23 09 Approved by Governor (Act 17 2009)

Section Affected: 663-1.5

## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB1538 HD1 SD1 (SSCR 1189) RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.  
Introduced by: Nishimoto S, Morita H, Brower T, Belatti D, Luke S, Saiki S, Lee C, Hanohano F, Takai K, Wakai G, Pine K, Ito K, Rhoads K, Tsuji C, Shimabukuro M, Magaoay M, Souki J, Mizuno J, Oshiro B, Yamane R, McKelvey A, Carroll M, Manahan J, Karamatsu J, Wooley J, Oshiro M  
Establishes provisions relating to environmentally sensitive cleaning and maintenance products for use in public schools. Requires the department of education to require that school facilities give 1st preference to the purchase and use of environmentally sensitive cleaning and maintenance products that have been approved by the green seal program. -- Establishes provisions relating to environmentally sensitive cleaning and maintenance products for use in public schools; approved list of products. Requires the department of health to maintain a list of products that have been approved by the green seal program. Requires the department to review and evaluate existing research regarding environmentally sensitive cleaning and maintenance products, including any research and guidance issued by the US environmental protection agency (EPA). --  
HB1538 SD1  
Committee Reports: HSCR 458 (HLT/ EDN/) HSCR 964 (FIN) SSCR 1189 (HTH/ EDH/)  
Current Status: May-04 09 Received by the Governor  
Section Affected: 302A- (1 SECTION), 321- (1 SECTION)
- HB1544 HD1 SD1 CD1 (CCR 159) RELATING TO TAX EXEMPTIONS.  
Introduced by: Chong P  
Changes personal income tax exemptions to provide that the phaseout under section 151(d)(3) of the Internal Revenue Code, shall apply. Act to be repealed on June 30, 2015 (sunset). -- HB1544 CD1  
Committee Reports: HSCR 750 (FIN) SSCR 1197 (WAM) CCR 159  
Current Status: May=07 09 Passed Legislature  
Section Affected: 235-54
- HB1550 HD2 SD1 CD1 (CCR 114) RELATING TO TAXATION.  
Introduced by: Chong P, Yamashita K, Say C  
Amends the standard deduction for income tax purposes. Provides that in administering section 403 (with respect to taxation of employee annuities) of the Internal Revenue Code, any funds that represent pre tax employee deferrals or contributions that are distributed from the annuity and used solely to obtain retirement credits under the state employee retirement system shall not be treated as a rollover for purposes of section 403(b)(8)(A) of the Internal Revenue Code, and such funds shall be subject to income tax. Further provides that in administering section 457 (with respect to compensation plans of state and local governments and tax-exempt organizations) of the Internal Revenue Code, any funds that represent pre tax employee deferrals or contributions that are distributed from the deferred compensation plan and used solely to obtain retirement credits under the state employee retirement system shall not be treated as a rollover for purposes of section 457(e)(16)(A) of the Internal Revenue Code and such funds shall be subject to income tax . -- HB1550 CD1  
Committee Reports: HSCR 359 (LAB) HSCR 921 (FIN) SSCR 1198 (WAM) CCR 114  
Current Status: May=07 09 Passed Legislature  
Section Affected: 235-2.4
- HB1552 HD2 SD2 CD1 (CCR 118) RELATING TO PUBLIC LANDS.  
Introduced by: Wooley J  
Establishes a 2 year moratorium on the eviction of persons who reside in Kahana valley state park, have participated in interpretive programs for the valley and have continuously lived there since 1987 or hold or have held a long term lease or permit to reside there. -- Authorizes the department of land and natural resources to negotiate and enter into long term residential leases for sites in state parks with acreage greater than 5,000 acres but less than 6,000 acres with persons who reside in a state living park and are contributing at least 25 hours of service each month to benefit the park and other qualified persons identified by the living park master plan approved by the board of land and natural resources. Requires that for each park there be established a living park planning council within the department to develop the a master plan. Reports to the legislature. -- HB1552 CD1  
Committee Reports: HSCR 423 (WLO) HSCR 934 (FIN) SSCR 1055 (WTL) SSCR 1326 (WAM) CCR 118  
Current Status: May=07 09 Passed Legislature



## HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB1611 HD2 SD2 CD1 (CCR 32) RELATING TO LABELING OF MEAT AND FISH PRODUCTS.  
Introduced by: Say C (BR)  
Establishes provisions relating to fish products; labeling. Requires that fish products that have been gas treated to approximate the appearance of freshness to bear a label indicating the type of gas that was used and a statement that the gas was used to approximate the appearance of freshness. Redefines misbranded to include if the meat or meat products that have been gas treated to approximate the appearance of freshness, but do not bear a label indicating the type of gas that was used and a statement that the gas treatment was used approximate the appearance of freshness. Increases fines. Requires the department of agriculture to display on the department's official website notice of the labeling requirements for gas treated meat or meat products and fish products. -- HB1611 CD1  
Committee Reports: HSCR 448 (HLT) HSCR 710 (CPC/ JUD/) SSCR 1076 (WTL) SSCR 1280 (CPN) CCR 32  
Current Status: May-05 09 Passed Legislature  
Section Affected: 328- (1 SECTION), 159-3, 328-29
- HB1627 HD2 SD2 CD1 (CCR 152) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS.  
Introduced by: Evans C, Hanohano F, Herkes R  
Authorizes the issuance of special purpose revenue bonds to assist Carbon Diversion Incorporated, or a partnership in which it is a general partner, for the establishment of a cogeneration and related energy production facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1627 CD1  
Committee Reports: HSCR 366 (EEP) HSCR 854 (FIN) SSCR 950 (ENE) SSCR 1256 (WAM) CCR 152  
Current Status: May-07 09 Passed Legislature
- HB1628 HD1 SD2 CD1 (CCR 153) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.  
Introduced by: Evans C, Hanohano F  
Authorizes the issuance of special purpose revenue bonds to assist BioEnergy Hawaii, LLC, a Hawaii limited liability company, or a partnership in which it is a general partner, for the establishment of a cogeneration facility and related energy production facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1628 CD1  
Committee Reports: HSCR 308 (EEP) HSCR 855 (FIN) SSCR 951 (ENE) SSCR 1263 (WAM) CCR 153  
Current Status: May-07 09 Passed Legislature
- HB1676 HD1 SD2 CD1 (CCR 20) RELATING TO PUBLIC WORKS.  
Introduced by: Oshiro B  
Amends provisions relating to applicability; wages, hours, and other requirements. Adds the requirement that the collective bargaining agreement has been properly submitted to the director of labor and industrial relations. -- HB1676 CD1  
Committee Reports: HSCR 360 (LAB) HSCR 922 (FIN) SSCR 970 (LBR) SSCR 1258 (WAM) CCR 20  
Current Status: May=07 09 Passed Legislature  
Section Affected: 104-2
- HB1678 HD1 SD2 CD1 (CCR 155) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS.  
Introduced by: Oshiro B, Chong P, Yamashita K, Morita H, Say C  
Authorizes the issuance of special purpose revenue bonds to assist LifeGrid Solutions, LLC, or a partnership in which it is a general partner, with the planning, design, and constructing of a biofuel refinery and research facility on the island of Oahu with primary production volumes of 40 million gallons per year of biodiesel and future capability of 100 million gallons per year of ethanol. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1678 CD1  
Committee Reports: HSCR 309 (EEP) HSCR 856 (FIN) SSCR 952 (ENE) SSCR 1264 (WAM) CCR 155  
Current Status: May-07 09 Passed Legislature
- HB1692 HD2 SD2 CD1 (CCR 124) RELATING TO HOUSING.  
Introduced by: Cabanilla R  
Requires the Hawaii public housing authority to establish a pilot project in a state low

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income housing project that prohibits a tenant in occupancy in the designated project as of July 1, 2009, to rent, lease, or occupy any dwelling unit for more than 5 consecutive years from July 1, 2009 or for more than 7 consecutive years from the date of the new tenant's initial occupancy of the unit. Exempts persons 55 years of age or older, persons with a mental or physical disability, or persons retired for medical reasons. Requires the executive director of the authority to establish and convene a working group to determine a housing project to serve as the site of the pilot project; submit its determination to the board of directors of the authority; and assist the authority in developing recommendations for a transition plan to assist tenants. Reports to the legislature. -- HB1692 CD1

Committee Reports: HSCR 43 (HSG) HSCR 951 (FIN) SSCR 932 (EDH) SSCR 1265 (WAM) CCR 124

Current Status: May=07 09 Passed Legislature

HB1696 HD2 SD1 CD1 (CCR 29)

RELATING TO MOTOR VEHICLE RENTAL INDUSTRY.

Introduced by: Souki J

Amends provisions relating to motor vehicle rental industry. Changes collision damage to damage waiver. Requires lessors to maintain records of the sale of damage waivers for a period of 3 years and make the records available to the department of commerce and consumer affairs upon request. Allows lessor to place pamphlets in a wall holder and sign or signs in a conspicuous place in the main rental area of all rental locations. Repeals provision relating to requirements and penalties of Hawaii's seat belt laws and child passenger restraint laws. Prohibits unfair trade practice for costs of the parts and labor necessary to repair a damaged vehicle in accordance with standard practice in the motor vehicle repair industry in the community. Provides that to the extent the lessor obtains recovery from a 3rd party, prohibits the lessor to recover any amount from the lessee. -- HB1696 CD1

Committee Reports: HSCR 534 (TRN) HSCR 712 (CPC/ JUD/) SSCR 908 (TIA) SSCR 1232 (CPN) CCR 29

Current Status: May-05 09 Passed Legislature

Section Affected: 437D-3, 437D-4, 437D-5, 437D-5.5, 437D-7, 437D-8, 437D-8.5, 437D-9, 437D-10, 437D-13, 437D-15, 437D-8.6

HB1713 HD2 SD2 CD1 (CCR 47)

RELATING TO HAZARDS.

Introduced by: Wooley J

Establishes provisions relating to civil defense powers; mitigation of hazardous situations. Allows the governor to authorize designated state employees to enter onto private property even in the absence of a civil defense activity or other emergency to mitigate a situation deemed by the governor to be hazardous to the health and safety of the public and limited to cutting, trimming or removing dangerous trees or branches that pose a falling hazard to other properties, stabilizing or removing unstable rock and soil hazards, and cleaning streams and waterways to mitigate or prevent flooding and other disasters, with 10 day notice to the landowner and to the occupier of the private property. Requires that the landowner be given reasonable opportunity to mitigate the hazardous situation without assistance from the state before the designated state employees may enter the property. Authorizes the district court to issue warrants directing a police officer to assist the governor in gaining entry. Authorizes the governor to recover the costs of mitigation. -- Amends Act 78, session laws of 2007, making an appropriation for earthquake disaster recovery effort by extending the appropriation. -- HB1713 CD1

Committee Reports: HSCR 373 (JUD) HSCR 815 (FIN) SSCR 1018 (PSM) SSCR 1334 (JGO/ WAM/) CCR 47

Current Status: May=07 09 Passed Legislature

Section Affected: 128- (1 SECTION), 127-10, ACT 78 2007

HB1739 HD1 SD1 CD1 (CCR 5)

RELATING TO TAXATION.

Introduced by: Say C, Yamashita K

Establishes provisions relating to understatement of taxpayer's liability by tax return preparer to allow a civil action to enjoin the preparer for understatements (tax administration enforcement). Establishes provisions relating to promoting abusive income tax shelters to allow a civil action to enjoin a person for promoting abusive tax shelters. Establishes provisions relating to erroneous claim for refund or credit; substantial understatements or misstatements of amounts; and statute of limitations for extension for substantial omissions; expedited appeals and dispute resolution programs; rules or administrative guidance; disclosure of letter rulings; closing audit letters; signature presumed authentic (tax fraud proceedings); temporary rulemaking authority

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for regulation of tax matters; and willful failure to collect and pay over tax (criminal tax enforcement). -- HB1739 CD1

Committee Reports: HSCR 754 (FIN) SSCR 1212 (WAM) CCR 5

Current Status: Apr-27 09 Received by the Governor

Section Affected: 231- (1 SECTION), 231- (1 SECTION), 231- (1 SECTION), 231- (1 SECTION), 231- (1 SECTION), 235-111, 237-40, 237D-9, 238-7, 243-14, 247-6.5, 251-8, 346E-6, 431:7-204.6, 231- (1 SECTION), 231- (5 SECTIONS), 231-7, 232-7, 232-16, 232-18, 231- (1 SECTION), 231-40, 231-41

HB1741 HD1 SD1 CD1 (CCR 1)

RELATING TO THE CONVEYANCE TAX.

Introduced by: Say C

Amends provisions relating to land conservation fund. Repeals the provisions that 10 per cent of the conveyance taxes collected be deposited into the fund and provides that the percentage deposited into the fund is under the disposition of conveyance taxes. -- Amends provisions relating to conveyance taxes. Changes the tax for properties with a value of at least 1 million dollars to include properties less than 2 million dollars and creates tax brackets for properties with a value of 2 million to 4 million dollars, 4 million to 6 million dollars, 6 million to 10 million dollars, and over 10 million dollars. Increases the tax for condominiums or single family residences with a value of at least 1 million to 2 million dollars and creates tax brackets for condominiums or single family residences with a value of 2 million to 4 million dollars, 4 million to 6 million dollars, 6 million to 10 million dollars, and over 10 million dollars. Reduces the distribution to the to the rental housing trust fund and to the natural area reserve fund from July 1, 2009 to June 30, 2012 (sunset). -- HB1741 CD1

Committee Reports: HSCR 741 (FIN) SSCR 1213 (WAM) CCR 1

Current Status: May-07 09 Vetoed

May=08 09 Veto Overridden - Senate

May-08 09 Veto Overridden - House

May-08 09 Became Law (Act 59 2009)

Section Affected: 173A-5, 247-2, 247-7

HB1747 HD1 SD1 CD1 (CCR 2)

RELATING TO TAXATION.

Introduced by: Say C

Amends the standard deduction for income tax purposes as provided by section 63 (with respect to taxable income defined) of the Federal Internal Revenue Code by increasing the amounts. -- Amends provisions relating to income tax rates by changing the tax brackets beginning after December 31, 2008. Establishes tax brackets for taxable income over 300,000 dollars through over 400,000 dollars. -- Increases personal income tax exemptions. -- Provides that no penalty or interest shall be imposed because of underpayment of tax attributable to the increase in the tax rates by a taxpayer or employer until 90 days after this Act becomes law or the taxpayer's estimated payment due immediately after this Act becomes law. Act to be repealed on December 31, 2015 (sunset). -- HB1747 CD1

Committee Reports: HSCR 765 (FIN) SSCR 1200 (WAM) CCR 2

Current Status: May-07 09 Vetoed

May=08 09 Veto Overridden - Senate

May-08 09 Veto Overridden - House

May-08 09 Became Law (Act 60 2009)

Section Affected: 235-2.4, 235-51, 235-54

HB1776 HD1 SD1 CD1 (CCR 33)

RELATING TO PUBLIC ASSISTANCE.

Introduced by: Awana K, Takai K, Cabanilla R, Nishimoto S, Hanohano F, Chong P, Mizuno J, Lee M

Establishes provisions relating to public assistance; inmates; monthly reports to department of human services. Requires the director of the department of public safety to prepare and transmit to the department of human services monthly reports listing all inmates newly admitted during the previous month to any correctional facility within the State. Amends provisions relating to applications for public assistance; manner, form, conditions. Requires the department of human services to examine each list of inmates within, or newly admitted to, a correctional facility in the state that is submitted to the department by the director of public safety, regardless of the nature of the offense for which an inmate is incarcerated or the duration of incarceration, to determine whether an inmate is eligible for public assistance. -- HB1776 CD1

Committee Reports: HSCR 218 (PBS) HSCR 611 (HUS) HSCR 881 (FIN) SSCR 1066 (PSM/ HMS/) SSCR 1319 (WAM) CCR 33

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Current Status: May=07 09 Passed Legislature  
Section Affected: 353- (1 SECTION), 346-29

HB1807 HD1 SD2 CD1 (CCR 126)

RELATING TO WATER QUALITY.

Introduced by: Morita H

Establishes provisions relating to use of American Recovery and Reinvestment act of 2009 funds and other federal moneys. Allow the director of health to provide financial assistance to public water systems for the construction of necessary drinking water infrastructure projects, through the drinking water fund, using moneys from the American Recovery and Reinvestment Act of 2009 and other applicable federal acts. Allows the director to provide financial assistance for publicly owned wastewater treatment works for the construction of necessary wastewater infrastructure projects, through the revolving fund, using money from the American Recovery and Reinvestment Act of 2009 and other applicable federal acts. -- Establishes provisions relating to total maximum load coordinator under water pollution law. Allows the department of health to establish not more than 2 exempt entitled total maximum load coordinator positions to assist the department to meet federal requirements for establishing total maximum daily loads in Hawaii. Requires the director to appoint positions and that they be funded by federal grants to the State under the federal Water Pollution Control Act. -- HB1807 CD1

Committee Reports: HSCR 264 (EEP) HSCR 520 (EEP/ WLO/) HSCR 862 (FIN)  
SSCR 1001 (ENE/ TIA/) SSCR 1250 (WAM) CCR 126

Current Status: May-07 09 Passed Legislature

Section Affected: 340E- (1 SECTION), 342D- (1 SECTION), 340E-31, 342D-80

HB1809 HD2 SD1 CD1 (CCR 125)

RELATING TO RECYCLING.

Introduced by: Morita H, Lee C, Coffman D, Ching C, Evans C, Shimabukuro M, Carroll M, Thielen C, Nishimoto S, Brower T, Mizuno J, Herkes R

Amends the electronic waste recycling act to the electronic waste and television recycling and recovery act. Prohibits a television manufacturer to sell a television unless it is labeled with a brand and the brand is included in a registration filed with the department of health. Prohibits a retailer to sell any television unless a visible permanent label identifying the manufacturer has been registered with the State. Requires the department of health to a develop consumer education program. Changes provisions relating to manufacturer responsibility to electronic device manufacturer responsibility. Allows the department to conduct audits to determine compliance against any electronic device or television manufacturer or retailer. Requires manufacturer to recycle or arrange for recycling of televisions. Establishes provisions relating to manufacturer and agent responsibilities; regulatory compliance. Requires electronic device manufacturer and television manufacturer be responsible for its agents to follow all federal, state, and local regulation when collecting, transporting, and recycling cover electronic devices or covered televisions. Establishes penalties. Amends provisions relating to administrative penalties by adding fees. Prohibits the department to have the authority to assess fees. Amends provisions relating to financial and proprietary information by adding report. Annual report to the legislature. -- HB1809 CD1

Committee Reports: HSCR 103 (EEP/ EBM/) HSCR 970 (FIN) SSCR 1206 (ENE/ CPN/ JGO/) CCR 125

Current Status: May=05 09 Passed Legislature

Section Affected: 339D- (7 SECTIONS) TELEVISION RECOVERY SYSTEM,  
339D- (1 SECTION), 339D-1, 339D-2, 339D-3, 339D-4, 339D-8,  
339D-9, 339D-11, 339D-12