

BILLS PASSED

BY THE

HAWAII STATE LEGISLATURE

REGULAR SESSION OF 2011

SHOWING ACTIONS TAKEN AS OF

May 5, 2011

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 2011. We have included such data as the bill number, title, introducer, description, committee reports, current status, and sections of the Hawaii Revised Statutes affected by the bill. This publication reflects data recorded up to and including May 5, 2011, 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.

Charlotte A. Carter-Yamauchi
Acting Director
Legislative Reference Bureau

May 2011

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

SOURCE	CONTACT	HOURS	COST
All public libraries. See www.librarieshawaii.org or listing in white pages: State Government, Dept. of Education, Public Library System	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 2010 - 2011 bills, committee reports, resolutions, and concurrent resolutions will be available after December 2011. 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 (586-6720)	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	Printshop staff or House Clerk's office (586-6400)	Monday - Friday 9:00 am - 3:00 pm	General public – free. Mail and fax requests received for reasonable quantities.
Lieutenant Governor State Capitol 5 th Floor Honolulu 96813 Phone: 586-0255	Dawn	Monday - Friday 7:45 am - 4:30 pm	10¢/page
Supreme Court Law Library 417 S. King 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 or for neighbor island requesters via email for 15¢/page plus \$2 handling charge (and postage for mail-outs), prepayment with business or 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 http://library.law.hawaii.edu	9¢/page (with UH debit card — \$1 fee for card) Acts only.

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

SOURCE	CONTACT	HOURS	COST
<i>Hawaii</i>			
All public libraries. See www.librarieshawaii.org or listing in white pages: State Government, Dept. of Education, Public Library System	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 www.librarieshawaii.org or listing in white pages: State Government, Dept. of Education, Public Library System	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 www.librarieshawaii.org or listing in white pages: State Government, Dept. of Education, Public Library System	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

- SB0002 SD2 HD1 CD1 (CCR 44) RELATING TO THE PUBLIC LAND.
Introduced by: Solomon M, English J
Requires the department of land and natural resources to initiate and coordinate all efforts to establish a public land trust information system. Reports to the legislature. Appropriation out of the land conservation fund. (\$\$) -- SB0002 CD1
Committee Reports: SSCR 402 (WLH) SSCR 713 (WAM) HSCR 1204 (HAW) HSCR 1593 (FIN) CCR 44
Current Status: May-03 11 Passed Legislature
- SB0008 SD1 HD2 (HSCR 420) RELATING TO EDUCATION.
Introduced by: Tokuda J, Tsutsui S, Ihara L, Galuteria B, Chun Oakland S, Kim D, Espero W, Dela Cruz D, Ige D, Kidani M, Slom S, Baker R, Fukunaga C, Kahele G, English J, Nishihara C, Wakai G, Kouchi R, Green J
Repeals and replaces the board of education. Provides that the board shall consist of 9 members who shall be appointed by the governor with the advice and consent of the senate, plus 1 non voting member who shall be a public high school student. Requires the board to invite the senior military commander in Hawaii to appoint a nonvoting military representative. Repeals the election of the board of education. -- SB0008 HD2
Committee Reports: SSCR 1 (EDU) SSCR 3 (WAM) HSCR 231 (EDN) HSCR 420 (FIN)
Current Status: Mar-03 11 Received by the Governor
Mar-14 11 Approved by Governor (Act 5 2011)
Section Affected: 302A- (7 SECTIONS), 11-157, 11-331, 11-423, 11-425, 12-5, 26-35.5, 76-16, 84-17, 84-41, 88-21, 302A-447, 302A-1101, 302A-1106.5, 302A-1110, 17-6, 302A-1105, 302A-1106, 13-1, 13-1.1, 13-2, 13-3, 13-4, 13-5
- SB0011 SD2 HD2 (HSCR 1499) RELATING TO THE DEPARTMENT OF THE SHERIFF.
Introduced by: Chun Oakland S, Espero W
Establishes a task force to determine whether the department of public safety is capable of supporting and maintaining the duties and functions of the sheriff division; determine whether it is feasible and essential to create a department of the sheriff; and if feasible, create a plan to establish a new department of the sheriff with functions presently existing under the department of public safety. Report to the legislature. Task force to cease on May 1, 2012 (sunset). -- SB0011 HD2
Committee Reports: SSCR 346 (PGM) SSCR 685 (WAM) HSCR 1097 (PBM) HSCR 1499 (FIN)
Current Status: May=03 11 Passed Legislature
- SB0014 SD2 HD1 CD1 (CCR 18) RELATING TO AGRICULTURAL DEVELOPMENT.
Introduced by: Dela Cruz D
Amends provisions relating to the agricultural development and food security special fund; establishment. Allows the special fund to be expended for the improvement of dams, and reservoirs, including investigative studies to identify and assess necessary improvements to dams, reservoirs, irrigation systems, and transportation networks, and for water quality testing and improvement. -- SB0014 CD1
Committee Reports: SSCR 103 (AGL) SSCR 634 (WAM) HSCR 1132 (AGR/ WLO/) HSCR 1558 (FIN) CCR 18
Current Status: May-03 11 Passed Legislature
Section Affected: 141-10
- SB0023 SD1 HD2 CD1 (CCR 45) RELATING TO NATIVE HAWAIIANS.
Introduced by: Galuteria B (BR)
Establishes the 'aha kiole (aha kiole) advisory council within the department of land and natural resources to provide advisory input based upon the indigenous resource management practices of each moku to state and county agencies; aid in the implementation of a comprehensive set of best practices for natural resource management; foster the understanding and practical use of knowledge, including native Hawaiian methodology and expertise; ensure the future sustainable use of the State's marine, land, cultural, agricultural, and natural resources; enhance community education and cultural awareness; participate in the protection and preservation of the State's natural resources; engage in discussion with and participate in meetings and events held by the various moku statewide; establish an administrative structure that oversees the æaha moku (aha moku) system. Annual report in English and Hawaiian to board of land and natural resources and to the legislature. Appropriation (\$\$). -- SB0023 CD1
Committee Reports: SSCR 486 (WLH/ HWN/) HSCR 1179 (HAW/ WLO/) HSCR 1592

SENATE BILLS THAT PASSED THE LEGISLATURE

- (FIN) CCR 45
Current Status: May-03 11 Passed Legislature
- SB0027 SD1 (SSCR 467) RELATING TO LONG-TERM CARE INSURANCE.
Introduced by: Baker R
Amends the accident and sickness insurance contracts law. Repeals long term care from accident and health insurance, or sickness insurance in a limited benefit health insurance policy. -- SB0027 SD1
Committee Reports: SSCR 467 (CPN) HSCR 1421 (CPC)
Current Status: Apr-07 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 12 2011)
Section Affected: 431:10A-102.5
- SB0034 SD1 HD1 CD1 (CCR 50) RELATING TO TAX APPEALS.
Introduced by: Baker R (BR)
Amends provisions relating to small claims. Provides that the tax appeals court shall not allow pretrial discovery without the prior written approval of the court and that the costs and fees awarded to the prevailing party shall be limited to fees paid directly to the court in the course of conducting the tax appeal at issue. Requires that in the case of an appeal from a decision involving a county as a party, notice of the appeal shall be served on the real property assessment division of the county involved. -- SB0034 CD1
Committee Reports: SSCR 370 (JDL) SSCR 687 (WAM) HSCR 1055 (JUD) CCR 50
Current Status: May-03 11 Passed Legislature
Section Affected: 232-5
- SB0035 RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT.
Introduced by: Baker R
Amends provisions relating to procedures, protections, rights, and remedies made available to licensees under the motor vehicle industry licensing act. Repeals the definition of good faith. -- SB0035
Committee Reports: SSCR 53 (TIA) SSCR 517 (CPN) HSCR 1010 (TRN) HSCR 1439 (CPC)
Current Status: Apr-12 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 13 2011)
Section Affected: 437-28.5
- SB0040 SD2 HD2 CD1 (CCR 25) RELATING TO PSEUDOEPHEDRINE.
Introduced by: Baker R, Green J, Chun Oakland S, Fukunaga C
Amends provisions relating to sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers to include ephedrine. Prohibits a pharmacy or retailer to sell or distribute to a person without a prescription products containing more than 3.6 grams per day or more than 9 grams per 30 day period of pseudoephedrine or ephedrine base. Repeals provisions of any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, optical isomers, or salts of optical isomers as the only active ingredient or in combination with other active ingredients. Requires pharmacy or retailer to comply with conditions that any person purchasing or otherwise acquiring any product, mixture, or preparation to produce a valid, government issued identification and maintain a record of required information for each sale of nonprescription product containing pseudoephedrine or ephedrine and requires every purchaser to sign a written or electronic log attesting to the validity of the information. Requires a pharmacy or retailer before completing a sale to electronically submit the required sales tracking information to the Exchange administer by NADDI (National Association of Drug Diversion Investigators). Requires the NADDI to forward Hawaii transaction records to the department of public safety weekly and provide real time access to the information through the national Precursor Log Exchange online portal to law enforcement in the State as authorized by the narcotics enforcement division. Requires the narcotics enforcement division to execute a memorandum of understanding with the national association of drug diversion Investigators governing access to the information. Requires the system to be capable of generating a stop sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits. Requires the system to contain an override function that may be used by the seller of pseudoephedrine or ephedrine who has a reasonable fear that imminent bodily harm will result if they do not complete the sale. -- SB0040 CD1
Committee Reports: SSCR 381 (HTH/ CPN/) SSCR 573 (JDL) HSCR 1173 (HLT) HSCR 1430 (CPC/ JUD/) CCR 25

SENATE BILLS THAT PASSED THE LEGISLATURE

Current Status: May-03 11 Passed Legislature
Section Affected: 329-75

SB0044 SD1 HD1 CD1 (CCR 14)

RELATING TO PUBLIC SAFETY.

Introduced by: Espero W

Establishes provisions relating to annual corrections and program report. Requires the department of public safety to submit an annual corrections and program report, among other reports that may be required from time to time, that consolidates into 1 report the reports that are required relating to mental health services at certain correctional facilities; relating to mental health services for committed persons; relating to gender responsive community based programs for women; relating to cognitive restructuring; relating to children of incarcerated persons; and relating to key performance indicators. Requires the department to post the annual report electronically on its website in a timely manner. Requires the department to develop key performance measures that accurately reflect progress toward specific goals, including reducing the rate of recidivism; decreasing prisoner assaults on correctional staff; reducing correctional staff turnover; and improving departmental efficiencies in staffing, budgeting, and data management and analysis. Annual report to the legislature and post the reports electronically on the department's internet website in a timely manner. -- SB0044 CD1
Committee Reports: SSCR 482 (PGM) HSCR 1088 (PBM) HSCR 1502 (FIN) CCR 14
Current Status: May-03 11 Passed Legislature
Section Affected: 353- (1 SECTION), 353H- (1 SECTION)

SB0045 HD1 CD1 (CCR 4)

RELATING TO PUBLIC SAFETY.

Introduced by: Espero W

Amends provisions relating to civil service and exemptions. Repeals the exemption for 1st deputy sheriff, and 2nd deputy sheriff. -- SB0045 CD1
Committee Reports: SSCR 25 (PGM) HSCR 1123 (PBM/ LAB/) HSCR 1500 (FIN) CCR 4
Current Status: May-03 11 Passed Legislature
Section Affected: 76-16

SB0049 SD1 HD2 CD1 (CCR 27)

RELATING TO CORRECTIONAL FACILITIES.

Introduced by: Espero W

Establishes provisions relating to correctional facility and community correctional center deaths; reporting. Requires that within 48 hours the director of public safety shall report to the governor and the governor shall report to the legislature, the death of correctional facility or community correctional center employees who die on the grounds of a correctional facility or center where Hawaii inmates reside or who sustain an injury that causes the death of the employee; and any Hawaii inmate who is incarcerated in a correctional facility or community correctional center. Provides that when the official cause of death has been officially determined, requires the director to immediately report the official cause of death to the governor, and the governor to immediately report the official cause of death to the legislature. Provides that the director shall have the discretion to withhold disclosure of the decedent's name pending notification of the death to the next of kin or if the decedent's identity is protected from disclosure by state or federal laws. -- SB0049 CD1
Committee Reports: SSCR 484 (PGM) HSCR 1090 (PBM) HSCR 1419 (LMG) CCR 27
Current Status: May-03 11 Passed Legislature
Section Affected: 353C- (1 SECTION) CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL CENTER DEATHS

SB0052 SD1 HD1 CD1 (CCR 105)

RELATING TO REGISTRATION OF SEX OFFENDERS.

Introduced by: Espero W

Amends provisions relating to definitions under the Hawaii criminal justice data center of civil identification law. Redefines sex offense to include an offense that is a violation of promoting prostitution in the 1st degree and privacy. -- SB0052 CD1
Committee Reports: SSCR 616 (JDL) HSCR 1047 (JUD) HSCR 1576 (FIN) CCR 105
Current Status: May-03 11 Passed Legislature
Section Affected: 846E-1, 846E-10

SB0081 HD2 (HSCR 1474)

RELATING TO STARLIGHT RESERVE.

Introduced by: Espero W

Amends Act 161, session laws of 2009, relating to the development of a statewide starlight reserve strategy by extending the advisory committee to June 30, 2013

SENATE BILLS THAT PASSED THE LEGISLATURE

(sunset). -- SB0081 HD2

Committee Reports: SSCR 510 (EDT) HSCR 1072 (ERB) HSCR 1474 (FIN)

Current Status: Apr-18 11 Received by the Governor

May-04 11 Approved by Governor (Act 39 2011)

Section Affected: ACT 161 2009

SB0098 SD2 HD1 CD1 (CCR 1)

RELATING TO WATER CARRIERS.

Introduced by: Baker R, Tsutsui S, Kouchi R, Green J, Chun Oakland S, Espero W
Establishes provisions relating to notice of hearing required under the Hawaii water carrier act. Requires the public utilities commission to provide reasonable notice whenever the commission conducts a public hearing on an application for a certificate of public convenience and necessity. -- Requires notice to be provided at least 30 before the date fixed by the commission for the public hearing. Prohibits the commission to approve an application or otherwise grant authorization to an application to operate as a water carrier until the commission has given notice and held public hearings. Further prohibits the commission to make finding of public convenience and necessity or issue an authorization, whether interim, permanent, or otherwise, to operate as a water carrier without specific findings supported by evidence in the record. Further prohibits the commission to make a finding of public convenience and necessity nor issue a certificate if the evidence in the record indicates that the issuance of the certificate would diminish an existing water carrier's ability to realize its allowed rate of return or if the certificate would allow an applicant to serve only high margin or high profit ports or lines of service that are currently served by an existing carrier. Further prohibits the commission to issue any certificate that is designated as interim or temporary or does not conform to the requirements except in response to an emergency situation. Requires the commission to post a link on the front page of the commission's website to a publicly accessible electronic version of each application for a certificate and to each order of the commission regarding posted applications, including the final decision and order and remain active for at least 30 days from the filing of the application or the issuance of the order or decision and order. -- SB0098 CD1

Committee Reports: SSCR 237 (TIA) SSCR 692 (CPN) HSCR 1030 (TRN/ CPC/)
HSCR 1560 (FIN) CCR 1

Current Status: Apr-25 11 Received by the Governor

Section Affected: 271G- (1 SECTION), 271G-10

SB0101 SD1 HD2 CD1 (CCR 10)

RELATING TO HEALTH.

Introduced by: Shimabukuro M, Kidani M, Tsutsui S
Establishes provisions relating to producers of hand pounded poi; exemption. Exempts a producer of hand pounded poi to be required to process poi in a certified food processing establishment or to be required to obtain a permit from the department of health if the producer sells hand pounded poi directly to consumers; prepares hand pounded poi adjacent to permanent or temporary hand washing facilities; and complies with rules adopted by the department to protect the health and safety of the public. Requires the department to adopt rules no later than December 31, 2011. -- SB0101 CD1

Committee Reports: SSCR 43 (HTH) HSCR 994 (HAW) HSCR 1429 (CPC) CCR 10

Current Status: May-03 11 Passed Legislature

Section Affected: 321- (1 SECTION) PRODUCERS OF HAND-POUNDED POI

SB0105 SD2 HD1 CD1 (CCR 11)

RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH.

Introduced by: Shimabukuro M, Kidani M, Tsutsui S
Establishes provisions relating to uniform real property transfer on death act. Establishes that an individual may transfer property to 1 or more beneficiaries effective at the transferor's death by a transfer on death deed. Allows transfer on death deed to be revocable even if the deed or another instrument contains a contrary provision and it is nontestamentary. -- Amends provisions relating to exemptions under the conveyance tax law. Provides an exemption for any document or instrument that conforms to the transfer on death deed that conforms to the act. -- SB0105 CD1

Committee Reports: SSCR 140 (CPN) SSCR 662 (WAM) HSCR 1301 (JUD) CCR 11

Current Status: May-03 11 Passed Legislature

Section Affected: (17 SECTIONS) UNIFORM REAL PROPERTY TRANSFER ON
DEATH ACT, 247-3, 526-12, 526-15

SB0120 SD1 HD1 CD2 (SENATE
FLOOR AMENDMENT 8 OR
HOUSE FLOOR AMENDMENT 8)

RELATING TO STATE FUNDS.

Introduced by: Solomon M

Requires all moneys in the travel agency recovery fund and the travel agency education

SENATE BILLS THAT PASSED THE LEGISLATURE

fund to be transferred to the general fund of the State of Hawaii and for the funds to cease to exist on July 1, 2011 (sunset). -- Changes the child care programs revolving fund, discoveries and inventions revolving fund, university of Hawaii alumni revolving fund, university of Hawaii at Manoa intercollegiate athletics revolving fund and university of Hawaii at Hilo intercollegiate athletics revolving fund, animal research farm, Waialeale, Oahu revolving fund, and university of Hawaii Hilo theatre revolving fund to special funds. -- Repeals the western governors university special fund, university of Hawaii housing assistance revolving fund, conference center revolving fund, international exchange healthcare tourism revolving fund, education laboratory school summer programs revolving fund, and the community college and university of Hawaii at Hilo bookstore revolving fund. Requires all fund balances remaining in the university of Hawaii at Manoa conference center revolving fund to be transferred to the general fund. Requires all fund balances remaining in the university of Hawaii housing assistance revolving fund to be transferred to the credit of the Manoa faculty housing program under the university of Hawaii auxiliary enterprises special fund. -- Provides that the legislature determines that there are excess funds in the state risk management revolving fund, the medicaid investigations recovery fund, the compliance resolution fund, the mental health and substance abuse special fund, the drug demand reduction assessments special fund, the neurotrauma special fund, the environmental management special fund, the deposit beverage container deposit special fund, the employment and training fund, the Waialua loan subsidy program balance, the UH (university of Hawaii) faculty housing project series 1995 bond proceed special fund, the stadium special fund, the Kikala Keokea housing revolving fund, the community use of school facilities special fund, the federal grants search, development, and application revolving fund, the trauma system special fund, captive insurance administrative fund, and the health care revolving fund and transfers amounts to the general fund. -- Repeals the interagency federal revenue maximization revolving fund, irrigation water development special fund, irrigation repair and maintenance special fund, the Rx Plus Program special fund, the State Pharmacy Assistance Program special fund, long term care benefits fund, and loss mitigation grant fund. Repeals the Rx Plus Program and the State Pharmacy Assistance Program. Requires the director of finance to transfer funds in the repealed special funds to the general fund. -- Amends provisions relating to the Hawaii tobacco settlement special fund. Provides that for fiscal years 2012 and 2013 the 15 per cent appropriated into the emergency and budget reserve fund shall be deposited into the general fund and for fiscal years 2012 and 2013 the 6 1/2 per cent appropriated into the Hawaii tobacco prevention and control trust fund shall be deposited into the general fund. -- Requires the director of health with the assistance of the director of finance to conduct a study of the Hawaii tobacco prevention and control trust fund to determine whether the moneys that have actually been disbursed from the fund were used in the manner intended and disbursed in sufficient amounts and if the current level of moneys deposited into the fund are sufficient to fulfill the purposes of the fund. Report to the legislature. -- HB0120 CD2 Committee Reports: SSCR 615 (WAM) HSCR 1455 (FIN) CCR 144 - filed SENATE FLOOR AMENDMENT 8 HOUSE FLOOR AMENDMENT 8

Current Status: May-05 11 Passed Legislature

Section Affected: 304A-116, 304A-2252, 304A-2253, 304A-2254, 304A-2259, 304A-2261, 304A-2262, 304A-2271, 304A-2158, 304A-2258, 304A-2264, 304A-2265, 304A-2266, 304A-2269, 28-8.3, 167-19, 167-22, 321-355, 321-356, 346-311, 346-344, 431:22-103, 431P-16, 431P-16.5, 29-24, 167-22.5, 167-24, 346-318, 346-345, 346C-5, 431:22-102, 346-311.5, 346-312, 346-312.5, 346-313, 346-314, 346-315, 346-316, 346-317, 346-319, 346-341, 346-342, 346-343, 346-346, 346-347, 328L-2

SB0123 SD1 (SSCR 468)

RELATING TO INSURANCE RECORDS.

Introduced by: Baker R

Amends provisions relating to records of insurance producer. Exempts motor vehicle or homeowners insurance to apply if the records required of the insurance are maintained electronically, accessible by the producer, and available within 1 business day. -- SB0123 SD1

Committee Reports: SSCR 468 (CPN) HSCR 1017 (CPC)

Current Status: Mar-23 11 Received by the Governor

Apr-08 11 Approved by Governor (Act 7 2011)

Section Affected: 431:9A-123

SB0124 SD1 (SSCR 469)

RELATING TO INSURANCE.

Introduced by: Baker R

SENATE BILLS THAT PASSED THE LEGISLATURE

Establishes provisions relating to replacing motor vehicle insurance policy through an insurers affiliate or subsidiary. Requires an insurer to be exempt from provisions governing policy cancellations or nonrenewal of policies, if the insurer offers to replace the insured's policy through the insurer's affiliate or subsidiary; the replacement policy is effective upon the expiration of the existing policy; the replacement policy provides the same or better coverage, terms, and conditions as the existing policy at a lower premium than the existing policy; the insurer provides at least 30 days written notice of the prospective replacement to the insured; and the insured accepts the replacement policy.

-- SB0124 SD1

Committee Reports: SSCR 469 (CPN) HSCR 1033 (TRN) HSCR 1423 (CPC)

Current Status: Apr-06 11 Received by the Governor

Apr-25 11 Approved by Governor (Act 11 2011)

Section Affected: 431:10C- (1 SECTION) REPLACING MOTOR VEHICLE INSURANCE POLICY THROUGH AN INSURER'S AFFILIATE OR SUBSIDIARY

SB0142 SD1 HD1 CD1 (CCR 17)

RELATING TO DAMS AND RESERVOIRS.

Introduced by: Dela Cruz D, Kidani M, Kouchi R, Nishihara C

Amends provisions relating to general powers and duties of the board of land and natural resources. Requires the board to consider dams and reservoirs as important water resources for the State that provide significant benefits to the general public, including irrigation for agriculture and other important uses, and acknowledge the need for dams and reservoirs to be consistently maintained and operated in a safe and feasible manner that sustains their roles as important water resources; provided that public safety concerns are addressed. -- SB0142 CD1

Committee Reports: SSCR 317 (WLH) SSCR 791 (WAM) HSCR 1034 (WLO/ AGR/) HSCR 1479 (FIN) CCR 17

Current Status: May-03 11 Passed Legislature

Section Affected: 179D-6

SB0146 SD1 HD2 CD1 (CCR 135)

RELATING TO BIOFUEL.

Introduced by: Dela Cruz D, Kouchi R, Fukunaga C, Wakai G, Nishihara C, Tsutsui S, Galuteria B

Requires the energy resources coordinator to conduct a study and issue a report on the potential for biofuel production in Hawaii to displace a significant amount of petroleum based liquid fuel. Report to the legislature. -- SB0146 CD1

Committee Reports: SSCR 551 (ENE/ TIA/ WAM/) HSCR 1154 (EEP) HSCR 1538 (FIN) CCR 135

Current Status: May-03 11 Passed Legislature

SB0163 SD1 HD1 CD1 (CCR 104)

RELATING TO STATE BONDS.

Introduced by: Ige D

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. (\$\$) -- SB0163 CD1

Committee Reports: SSCR 112 (WAM) HSCR 1444 (FIN) CCR 104

Current Status: May-03 11 Passed Legislature

SB0172 SD2 HD2 CD1 (CCR 2)

RELATING TO FIREWORKS.

Introduced by: Espero W, Gabbard M

Establishes provisions relating to labeling of display fireworks. Requires that each shell, mine, comet, and multiple tube device, such as finale or barrage boxes, roman candle batteries, or cakes, to bear a permanent label, listing the licensee's name, address, and contact information to include telephone number or electronic mail address. --

Establishes provisions relating to display site inspection. Authorizes fire chief to conduct an inspection of the display personnel and site within the fire chief's county. --

Establishes provisions relating to display stop order. Authorizes the fire chief to immediately revoke or suspend any permit for display of aerial devices, display fireworks, or articles pyrotechnics for adverse climatic or atmospheric conditions; issuance of red flag warnings; or any other conditions determined to be potentially hazardous to persons or property. -- Amends provisions relating to permissible uses of display fireworks, articles pyrotechnic, and aerial devices. Allows display fireworks, articles pyrotechnic, and aerial devices to be set off, ignited, discharged, or otherwise caused to explode within the State from 9:00 a.m. to 9:00 p.m., and allows the fire chief to extend the time period for special events. -- Exempts filming of motion picture or television program production that has been issued a film permit by the department of

SENATE BILLS THAT PASSED THE LEGISLATURE

business, economic development, and tourism from time restriction. -- Amends provisions relating to application for license. Requires written documentation of the proposed display event and related contact information when applying for a license to import aerial devices, display fireworks, or articles pyrotechnic. -- Requires the licensee prior to booking shipment to include written documentation of the proposed display event or events and related contact information to the fire chief to validate the importation of a 3 month or 6 month inventory. Requires licensee to also provide an inventory breakdown for each proposed display. -- SB0172 CD1

Committee Reports: SSCR 83 (PGM) SSCR 575 (JDL) HSCR 1092 (PBM) HSCR 1460 (JUD) CCR 2

Current Status: May-03 11 Passed Legislature

Section Affected: 132D- (3 SECTIONS), 132D-2, 132D-4, 132D-8, 132D-8.6

SB0173 SD2 HD2 (HSCR 1462)

RELATING TO FIRE PROTECTION.

Introduced by: Espero W

Establishes provisions relating to novelty lighters, prohibited, penalties. Prohibits the sale and distribution of novelty lighters in the state. Establishes penalty of imprisonment or fines, or both. -- SB0173 HD2

Committee Reports: SSCR 84 (PGM) SSCR 580 (JDL) HSCR 1096 (PBM) HSCR 1462 (JUD)

Current Status: May=03 11 Passed Legislature

Section Affected: 132- (1 SECTION) NOVELTY LIGHTERS

SB0181 SD1 HD1 CD1 (CCR 26)

RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES.

Introduced by: Gabbard M, Chun Oakland S

Establishes a working group within the department of business, economic development, and tourism to study the feasibility of requiring all new single family residential construction to be photovoltaic ready at the time of initial construction. Requires the working group to consider strategies for facilitating the widespread adoption of photovoltaic systems and to identify areas in the State where the use of photovoltaic systems would be impractical or where other renewable energy resources are more readily available. Report to the legislature. Requires the working group to cease to exist on June 30, 2012 (sunset). -- SB0181 CD1

Committee Reports: SSCR 490 (ENE/ WLH/ PGM/) HSCR 1043 (EEP/ HSG/ WLO/) HSCR 1492 (CPC) CCR 26

Current Status: May-03 11 Passed Legislature

SB0217 SD2 HD2 CD1 (CCR 30)

RELATING TO LIMITATION OF ACTIONS.

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

Establishes provisions relating to civil action arising from sexual offenses; application; certificate of merit. Provides that an action for recovery of damages based on physical, psychological, or other injury or condition suffered by a minor arising from the sexual abuse of the minor by an adult may be commenced against the natural person who committed the act of sexual abuse at any time following the commission of the act or acts that constituted the sexual abuse. Provides that a claim may also be commenced at any time following the commission of the act or acts that constituted the sexual abuse against a legal entity, including the State, if the person committing the act of sexual abuse against the minor was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim, or the accused and the minor were engaged in an activity over which the legal entity had some degree of responsibility or control. -- Provides that any cause of action that is barred as of the effective date of this section because the applicable period of limitation has expired is revived and a civil action may be commenced within 2 years. -- Also provides that if the person committing the act of sexual abuse against the minor was employed by an institution, agency, firm, business, corporation, or other public or private legal entity, including the State, that owed a duty of care to the victim or the accused and the minor were engaged in an activity over which the legal entity had some degree of responsibility or control, damages against the legal entity shall be awarded if there is a finding of gross negligence on the part of the legal entity. -- Provides that a person against whom a suit is filed may recover attorney's fees if the court determines that a false accusation was made with no basis in fact and with malicious intent. -- Provides that in a civil action, a certificate of merit shall be filed by the attorney for each plaintiff at the time the action is commenced. -- SB0217 CD1

Committee Reports: SSCR 217 (HMS) SSCR 765 (JDL) HSCR 1083 (HUS) HSCR 1464 (JUD) CCR 30

Current Status: May-03 11 Passed Legislature

SENATE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 657- (1 SECTION) CIVIL ACTION ARISING FROM SEXUAL OFFENSES

SB0219 SD1 HD1 (HSCR 1432)

RELATING TO CORRECTIONS.

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

Establishes provisions relating to pregnant offenders; restraints. Prohibits restraints of any kind to be used while transporting any committed person during the 3rd trimester of her pregnancy, during postpartum recovery, or during any portion of her pregnancy, if her physician so orders; except in extraordinary circumstances. -- Establishes provisions relating to enforcement. Requires the director of public safety to provide information relating to the requirements to all medical and nonmedical staff, correction personnel who are involved in the transportation or supervision of female offenders who are pregnant or in postpartum recovery and other staff as the director deems appropriate. -- SB0219 HD1

Committee Reports: SSCR 280 (HTH/ PGM/) HSCR 1432 (PBM/ HLT/)

Current Status: May=05 11 Passed Legislature

Section Affected: 353- (3 SECTIONS) PREGNANT OFFENDERS; RESTRAINTS

SB0229 SD1 HD2 CD1 (CCR 31)

RELATING TO EMPLOYMENT RELATIONS.

Introduced by: Baker R, Chun Oakland S, Tokuda J

Amends provisions relating to discriminatory practices made unlawful; offenses defined. Adds that it shall be unlawful discriminatory practice because of domestic or sexual violence victim status if the victim provides notice to the victim's employer of such status or the employer has actual knowledge of such status. Allows an employer to verify that the employee is a victim of domestic or sexual violence by requesting that the employee provide a signed written statement from whom the employee or the employee's minor child has sought assistance related to the domestic or sexual violence from an employee, agent, or volunteer of a victim services organization; the employee's attorney or advocate; a minor child's attorney or advocate; a medical or other professional; or a member of the clergy or a police or court record related to the domestic or sexual violence. Establishes provisions relating to victims protections. Prohibits an employer to verify an employee's status not more than once every 6 months. Amends provisions relating to victims leave by changing it to victim protections. Requires that the employer provide reasonable accommodations in the workplace for an employee who is a victim of domestic or sexual violence. Provides that an employer shall not be required to make the reasonable accommodations if they cause undue hardship on the work operations of the employer. Establishes provisions relating to civil actions. Allows any employee denied reasonable accommodations by an employer to file a civil action against the employer to enforce and recover costs, including reasonable attorney's fees, incurred in the civil action. -- SB0229 CD1

Committee Reports: SSCR 561 (JDL) HSCR 1214 (LAB/ HUS/) HSCR 1496 (JUD) CCR 31

Current Status: May-03 11 Passed Legislature

Section Affected: 378-1, 378-2, 378- (2 SECTIONS) REASONABLE ACCOMMODATIONS IN THE WORKPLACE

SB0232 SD1 HD1 (HSCR 156)

RELATING TO CIVIL UNIONS.

Introduced by: Galuteria B

Establishes the civil union law. Provides that a person shall be eligible to enter into a civil union if they are not a partner in another civil union, a spouse in a marriage, or a party to a reciprocal beneficiary relationship; at least 18 years of age; and not related to the other partner. Provides that partners in a civil union shall have the same rights, benefits, protections, and responsibilities as are granted to those who contract, obtain a license, and are solemnized pursuant to the marriage law. Provides that a party to a civil union shall be included in any definition or use of the term spouse, family, immediate family, dependent, next of kin, and any other term that denote the spousal relationship. -- Establishes provisions relating to the effect of civil union. Requires that all provisions of the Internal Revenue Code referred to in this chapter that apply to a husband and wife, spouses, or person in a legal marital relationship is deemed to apply in this law to partners in a civil union with the same force and effect as if they were "husband and wife", "spouses", or other terms that describe persons in a legal marital relationship. -- Amends provisions relating to jurisdiction; hearing. Requires the family court of each circuit to have jurisdiction over all proceedings relating to the annulment, divorce, and separation of civil unions entered into in this State in the same manner as marriages. -- SB0232 HD1

Committee Reports: SSCR 2 (JDL) HSCR 156 (JUD)

SENATE BILLS THAT PASSED THE LEGISLATURE

Current Status: Feb-16 11 Received by the Governor
Feb-23 11 Approved by Governor (Act 1 2011)
Section Affected: (11 SECTIONS) CIVIL UNIONS, 231- (1 SECTION), 235- (1 SECTION), 236D- (1 SECTION), 580-1, 572-1.6

SB0281 SD2 HD2 CD1 (CCR 7)

RELATING TO ANIMAL INDUSTRY.

Introduced by: Kahele G, Chun Oakland S

Establishes provisions relating to the animal industry special fund. Establishes the fund to be administered by the board of agriculture to receive moneys for the use or rental of the division of animal industry's properties or facilities, including the animal quarantine property; state appropriations; or other moneys made available. Provides that funds shall be used to cover the costs of the animal industry, including the costs of salaries, fringe benefits, operating expenses, equipment, motor vehicles, contract with any qualified person or entity for livestock handling services, and operating and maintenance of the animal industry facilities, provided that moneys in the special fund may also be used to fund the department's resource management and planning programs. Authorizes the board of agriculture to contract with 3rd parties for the use or rental of the division of animal industry's property or facilities. -- Amends provisions relating to the animal quarantine special fund. Identifies moneys to be deposited into the fund. -- SB0281 CD1

Committee Reports: SSCR 28 (AGL) SSCR 775 (WAM) HSCR 1078 (AGR) HSCR 1553 (FIN) CCR 7

Current Status: May-03 11 Passed Legislature

Section Affected: 142- (1 SECTION), 142-3.5, 142-28.5

SB0283 SD1 HD1 CD1 (CCR 5)

RELATING TO SUSTAINABILITY.

Introduced by: Kahele G, English J, Chun Oakland S, Shimabukuro M, Kidani M

Establishes provisions relating to sustainability under the Hawaii state planning act. Requires the university of Hawaii public policy center, in consultation with the office of planning, shall submit a status and progress report to the legislature that identifies progress made in implementing the sustainability guidelines and principles and recommendations for legislation or other actions to facilitate the full implementation of the sustainability guidelines and principles. -- SB0283 CD1

Committee Reports: SSCR 567 (WLH) HSCR 1142 (ERB/ HAW/) HSCR 1490 (FIN) CCR 5

Current Status: May-03 11 Passed Legislature

Section Affected: 226- (1 SECTION), 226-2, 226-102

SB0285 SD2 HD2 CD1 (CCR 34)

RELATING TO HEALTH.

Introduced by: Kahele G, English J, Green J, Chun Oakland S, Shimabukuro M, Kidani M

Establishes provisions relating to telehealth services; Medicaid and QUEST. Requires the department of human services to implement a mobile medical van telehealth pilot program to be staffed by a primary care provider, including but not limited to an advanced practice registered nurse and be equipped with telehealth capabilities to consult with other health care providers, as determined to be medically necessary. Provides that the department is not required to cover patient self referrals to providers outside of the mobile medical van program or to cover any new service and only apply to a mobile medical van program operating in a county of with a population of less than 250,000 and include a program operated by Kona community hospital through a partnership with a non profit mutual benefit society operating in the State that provides health care coverage to at least 600,000 members. Requires at least 6 months but no later than 12 months after the mobile medical van telehealth pilot program begins operation, that the department of human services assess the implementation of the pilot program. Requires the department to determine whether to continue, expand, or end the mobile medical van telehealth pilot program based on the results of the department's assessment. -- SB0285 CD1

Committee Reports: SSCR 405 (HMS) SSCR 541 (WAM) HSCR 1052 (HLT/ HUS/) HSCR 1515 (FIN) CCR 34

Current Status: May-03 11 Passed Legislature

Section Affected: 346- (1 SECTION) TELEHEALTH SERVICES

SB0298 SD3 HD3 CD1 (CCR 20)

RELATING TO BUSINESS REGULATION.

Introduced by: Galuteria B

Establishes the sustainable business corporations law. Authorizes a designation and code of conduct for a business corporation to offer entrepreneurs and investors the

SENATE BILLS THAT PASSED THE LEGISLATURE

option to build and invest in businesses that operate in a socially and environmentally sustainable manner. -- SB0298 CD1

Committee Reports: SSCR 161 (CPN) SSCR 441 (CPN) SSCR 794 (JDL) HSCR 992 (ERB) HSCR 1126 (CPC) HSCR 1523 (FIN) CCR 20

Current Status: May-03 11 Passed Legislature

Section Affected: (13 SECTIONS) SUSTAINABLE BUSINESS CORPORATIONS

SB0570 SD2 HD1 CD1 (CCR 137)

RELATING TO TAXATION.

Introduced by: Galuteria B

Amends income tax deduction to reduce deductions under 164 (a)(3) and 164 (b)(5). -- Establishes provisions relating to itemized deductions; limitation. Establishes limits on itemized tax deductions. Repealed on January 1, 2016 (sunset). -- Amends Act 60, session laws of 2009, relating to income tax. Amends provisions relating to income tax deductions and personal exemptions by changing the effective date to after December 31, 2012, and by repealing the sunset date on amendments to tax deduction amounts. -- SB0570 CD1

Committee Reports: SSCR 446 (WAM) SSCR 614 (WAM) HSCR 1450 (FIN) CCR 137

Current Status: May-03 11 Passed Legislature

Section Affected: 235-2.4, 235- (1 SECTION), ACT 60 2009, 235-51, 235-54

SB0590 SD1 HD2 (HSCR 1475)

RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION.

Introduced by: Tsutsui S

Amends Act 150, session laws of 2009, establishing the legislative federal economic stimulus program oversight commission by extending the commission to December 31, 2011 (sunset). -- SB0590 HD2

Committee Reports: SSCR 163 (PGM) SSCR 640 (WAM) HSCR 987 (ERB) HSCR 1475 (FIN)

Current Status: Apr-21 11 Received by the Governor

Section Affected: ACT 150 2009

SB0631 SD1 HD2 CD1 (CCR 9)

RELATING TO RENEWABLE ENERGY.

Introduced by: Solomon M

Amends provisions relating to districting and classification of lands. Provides that agricultural districts shall include solar energy facilities within land with soil classified as overall productivity rating class B or C provided that the solar energy facilities shall not occupy more than 10 per cent of the acreage of the parcel, or 20 acres of land, whichever is lesser. -- Amends provisions relating to permissible uses within the agricultural districts. Allows solar energy facilities that do not occupy more than 10 per cent of the acreage of the parcel, or 20 acres of land, whichever is lesser; provided that this use shall not be permitted on lands with soil classified by the land study bureau's detailed land classification as overall productivity rating class A. -- SB0631 CD1

Committee Reports: SSCR 489 (ENE/ AGL/ WLH/) HSCR 1152 (EEP/ WLO/) HSCR 1426 (AGR) CCR 9

Current Status: May-03 11 Passed Legislature

Section Affected: 205-2, 205-4.5

SB0651 SD2 HD2 CD1 (CCR 133)

RELATING TO MORTGAGE FORECLOSURES.

Introduced by: Baker R, Green J, Galuteria B, Ihara L, Chun Oakland S, Tsutsui S, Kidani M, Shimabukuro M, English J

Establishes provisions relating to mortgage foreclosure dispute resolution. Provides that it applies to non judicial foreclosures by power of sale. Establishes the mortgage foreclosure dispute resolution program in the department of commerce and consumer affairs to provide an owner occupant to negotiate an agreement that avoids foreclosures or mitigates damages in cases where foreclosure is unavoidable. Requires the judiciary center for alternative dispute resolution to provide assistance. Requires the department and the Judiciary to execute a memorandum of understanding that establishes their rights and responsibilities relating to the program. Authorizes the department to contract for the performance of any of the functions of dispute resolution. Requires the mortgagee to pay a foreclosure notice filing fee of 250 dollars to the department which shall be deposited into the mortgage foreclosure dispute resolution special fund. Provides that if the owner occupant elects to participate in the program, the department shall open a dispute resolution case. Requires the neutral to file a closing report within 10 days from the conclusion of the dispute resolution. Provides that if the parties are not able to come to agreement, the neutral shall file a closing report with the department

SENATE BILLS THAT PASSED THE LEGISLATURE

that the parties have met the program requirements and the foreclosure process shall resume along the timeline as it existed on the date before the mortgagor elected dispute resolution. Establishes the foreclosure dispute resolution special fund to be administered by the department to implement and operate the mandatory dispute resolution program. Program and special fund repealed September 30, 2014 (sunset). -- Establishes provisions relating to unlicensed foreclosure actions voided. Voids action taken in connection with a mortgage foreclosure by a nonexempt person who engages in the business of mortgage servicing without a license. Establishes provisions for recordation of foreclosure notice and location of public sale following power of sale foreclosure. Establishes provisions for foreclosure notice; planned communities; condominiums; cooperative housing projects and foreclosure of association lien; cure of default. -- Allows an owner occupant of a residential property that is being foreclosed non judicially to convert the action to a judicial foreclosure under specified conditions. -- Prohibits a person to be engaged in the business of mortgage servicing unless the person providing services has a physical presence in the State. Provides for voluntary surrender of license. Requires a yearly renewal statement. Increases penalties. -- Amends provisions relating to condominium property regimes and condominiums by increasing maximum special assessments. Repealed September 30, 2014 (sunset). -- Repeals provisions relating to foreclosure sale; conclusive presumptions and appeal to circuit court. -- Provides for a phase in period ending August 15, 2011. -- Appropriation out of the compliance resolution fund to the special fund. Appropriation out of the mortgage foreclosure dispute resolution special fund for the program. -- Establishes a moratorium on all new non judicial foreclosure actions to the end of July 1, 2012. -- Requires the department of commerce and consumer affairs to report to the legislature on the program. (\$\$) -- SB0651 CD1

Committee Reports: SSCR 79 (CPN) SSCR 776 (WAM) HSCR 1207 (CPC/ JUD/)
HSCR 1510 (FIN) CCR 133

Current Status: May-04 11 Received by the Governor

Section Affected: 667- (16 SECTIONS) MORTGAGE FORECLOSURE DISPUTE
RESOLUTION, 454M- (1 SECTION), 667- (2 SECTIONS), 667-
(2 SECTIONS), 667- (3 SECTIONS), 667- (6 SECTIONS), 26-9,
454M-2, 454M-4, 454M-5, 454M-10, 501-151, 514A-90,
514B-146, 607-5, 667-3, 667-5, 667-5.5, 667-10, 667-21, 667-22,
667-23, 667-24, 667-25, 667-26, 667-27, 667-28, 667-29,
667-31, 667-32, 667-37, 667-39, 667-41, 667-34, 667-35, 667-42

SB0675 SD1 (SSCR 508)

RELATING TO STUDENT LOAN FUNDS.

Introduced by: Taniguchi B

Repeals provisions relating to the authorization of a corporation to acquire educational loan notes. -- SB0675 SD1

Committee Reports: SSCR 508 (EDU/ CPN/) HSCR 1063 (HED) HSCR 1483 (FIN)

Current Status: Apr-14 11 Received by the Governor

Apr-27 11 Approved by Governor (Act 20 2011)

Section Affected: 309-1.5

SB0698 SD2 HD1 (HSCR 1121)

RELATING TO ROADWAY MATERIALS.

Introduced by: Dela Cruz D

Amends provisions relating to construction projects, roadway materials; recycled glass content requirements. Allows, rather than requires, state agencies to purchase roadway materials with a minimum recycled glass content. -- SB0698 HD1

Committee Reports: SSCR 252 (TIA) SSCR 530 (WAM) HSCR 1121 (EEP/ TRN/)
HSCR 1581 (FIN)

Current Status: Apr-18 11 Received by the Governor

Apr-27 11 Approved by Governor (Act 22 2011)

Section Affected: 103D-407

SB0704 SD2 (SSCR 521)

RELATING TO RENEWABLE ENERGY.

Introduced by: Gabbard M

Amends provisions relating to definitions under public utilities commission law. Redefines public utility to include the transmission of intelligence by electricity within the State or between point within the State by land, water, or air. Prohibits the term to include any person who owns, controls, operates, or manages a renewable energy system that is located on a customer's property, and provides, sell, or transmits the power generated from that renewable energy system to an electric utility or to the customer on whose property the renewable energy system is located. -- SB0704 SD2

Committee Reports: SSCR 119 (ENE) SSCR 521 (CPN) HSCR 1001 (EEP) HSCR

SENATE BILLS THAT PASSED THE LEGISLATURE

- 1424 (CPC)
Current Status: Apr-06 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 9 2011)
Section Affected: 269-1
- SB0742 SD2 HD1 CD1 (CCR 42) RELATING TO THE STATE FIRE COUNCIL.
Introduced by: Espero W
Establishes provisions relating to administrative staffing for state fire council. Allows the state fire council to employ on a full time basis an administrator and administrative assistant. Exempts civil service and collective bargaining laws. -- SB0742 CD1
Committee Reports: SSCR 88 (PGM) SSCR 677 (WAM) HSCR 1122 (PBM/ LAB/)
HSCR 1501 (FIN) CCR 42
Current Status: May-03 11 Passed Legislature
Section Affected: 132- (1 SECTION) ADMINISTRATIVE STAFFING FOR THE STATE FIRE COUNCIL
- SB0754 SD1 HD1 CD1 (CCR 138) RELATING TO TAXATION.
Introduced by: Fukunaga C, Chun Oakland S, Baker R
Establishes provisions relating to the temporary suspension of general excise tax exemptions and use tax exemptions of certain amounts and levies a tax of 4 per cent on those amounts from July 1, 2011, to June 30, 2013. Act to be repealed on June 30, 2013 (sunset). -- SB0754 CD1
Committee Reports: SSCR 492 (WAM) HSCR 1456 (FIN) CCR 138
Current Status: May=03 11 Passed Legislature
Section Affected: 237- (2 SECTIONS), 238- (2 SECTIONS)
- SB0758 SD1 HD2 CD1 (CCR 15) RELATING TO SMALL BUSINESS.
Introduced by: Fukunaga C, Chun Oakland S, Baker R, Tokuda J
Amends provisions relating to responsibility of offerors. Requires contracts awarded pursuant to small purchases; prohibition against parceling provision to comply with all laws governing entities doing business in the State. -- Requires procuring officer to verify compliance for all contracts of 2,500 dollars or greater awarded pursuant to small purchases. -- SB0758 CD1
Committee Reports: SSCR 493 (EDT) HSCR 1071 (ERB) HSCR 1476 (FIN) CCR 15
Current Status: May-03 11 Passed Legislature
Section Affected: 103D-310
- SB0782 SD2 HD1 (HSCR 1463) RELATING TO DANGEROUS WEAPONS.
Introduced by: Ige D
Establishes provisions relating to explosive devices. Prohibits any person to possess, construct, set off, ignite, discharge, or otherwise cause to explode any homemade explosive device. Makes it a class C felony. -- SB0782 HD1
Committee Reports: SSCR 85 (PGM) SSCR 581 (JDL) HSCR 1095 (PBM) HSCR 1463 (JUD)
Current Status: Apr-21 11 Received by the Governor
Section Affected: 134- (1 SECTION) EXPLOSIVE DEVICES
- SB0806 SD1 HD2 CD1 (CCR 36) RELATING TO TEACHERS.
Introduced by: Tokuda J
Amends provisions relating to the Hawaii teacher standards board. Provides that teacher and educational officer members of the board who retire during the term may serve the remainder of their term and up to 3 consecutive 3 year terms. Requires the board to develop criteria for a full career and technical education license, limited to career and technical education teaching assignments, allowing qualified individuals with at least an associate's degree, pedagogy coursework, industry experience, and content expertise to teach. Further requires the board to establish policies and procedures for approving alternative pathways to teaching. Provides that advanced licenses shall be for 10 years. Requires payment of license fees in a timely manner. -- SB0806 CD1
Committee Reports: SSCR 80 (EDU) SSCR 552 (CPN) HSCR 1025 (EDN) HSCR 1591 (FIN) CCR 36
Current Status: May-03 11 Passed Legislature
Section Affected: 302A-801, 302A-803, 302A-805, 302A-807
- SB0823 SD1 HD1 (HSCR 1161) RELATING TO PROCUREMENT.
Introduced by: English J, Tsutsui S
Amends provisions relating to chief procurement officers. Makes the director of a semi

SENATE BILLS THAT PASSED THE LEGISLATURE

autonomous county public transit agency a chief procurement officer of the county. --
SB0823 HD1
Committee Reports: SSCR 47 (PGM/ TIA/) SSCR 647 (WAM) HSCR 1161 (TRN/
ERB/) HSCR 1565 (FIN)
Current Status: Apr-21 11 Received by the Governor
Section Affected: 103D-203

SB0883 SD2 HD1 (HSCR 1086) RELATING TO SPECIAL NUMBER PLATES.
Introduced by: Espero W
Amends provisions relating to special number plates (license plates); military service. Allows specific proof that the applicant would qualify for a gold star lapel button and provides that the applicant shall not be disqualified for the plates because the applicant is the grandparent of the deceased member of the US armed forces. -- SB0883 HD1
Committee Reports: SSCR 91 (PGM) SSCR 604 (WAM) HSCR 1086 (PBM) HSCR 1588 (FIN)
Current Status: Apr-21 11 Received by the Governor
Section Affected: 249-9.2

SB0892 SD2 HD2 (HSCR 1497) RELATING TO SERVICE ANIMALS.
Introduced by: Chun Oakland S, Tokuda J
Establishes provisions relating to service dog, defined. Defines service dog to mean any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, intellectual, or other mental disability. Provides that any person with a disability who uses the services of a service dog shall be permitted to reside on site for the duration of quarantine, if housing is available. -- Amends provisions relating to the issuance of dog license and tags. Repeals the designation of service dog on license. -- Amends provisions relating to blind, visually handicapped, disabled physically handicapped by replacing this with persons who are blind, visually impaired, and other disabled persons. Changes partially blind to visually handicapped, and physically handicapped to physically disabled. -- Amends provisions relating to discriminatory practices related to real estate transactions by persons with disabilities, by including a provision that when making a reasonable accommodation for the use of an animal reasonable restrictions may be imposed. -- Amends provision relating to causing injury or death and provisions relating to intentional interference by replacing guide dog, signal dog or service animal with service dog. --
SB0892 HD2
Committee Reports: SSCR 326 (PGM) SSCR 582 (JDL) HSCR 1192 (HLT) HSCR 1497 (JUD)
Current Status: Apr-21 11 Received by the Governor
Section Affected: 347- (1 SECTION), 142-5.5, 143-4, 347-13, 347-19, 515-3, 711-1109.4, 711-1109.5

SB0903 SD1 HD1 CD1 (CCR 46) RELATING TO HOUSING.
Introduced by: Chun Oakland S, Fukunaga C
Establishes provisions relating to the affordable rental housing development program. Establishes the program under the Hawaii housing finance and development corporation to preserve affordable rental housing units. Includes rehabilitation, acquisition, or preservation of multifamily rental housing units for persons and families with incomes at or below 80 per cent of the median family income. -- Requires the Hawaii housing finance and development corporation to submit a report to the legislature that includes the names and addresses of any rental housing projects in Hawaii that have a rental subsidy contract with the US Department of Housing and Urban Development or the US Department of Agriculture; the date on which the rental housing projects' federal rental subsidy contracts are set to expire; and the names and addresses of any rental housing projects obtained by nonprofit organizations that have since been renewed or preserved as affordable rental housing. Requires that if any public housing project that is managed with public funds is redeveloped or reconstructed to provide for new units, different target income groups, or mixed use development, the number of affordable units shall increase or remain the same. Requires that the affordable units be held to the same maintenance requirements as those of different target income groups or mixed use development and shall not be the subject to deferred maintenance. -- SB0903 CD1
Committee Reports: SSCR 191 (WLH) SSCR 646 (WAM) HSCR 1014 (HSG) HSCR 1571 (FIN) CCR 46
Current Status: May-03 11 Passed Legislature
Section Affected: 201H- (1 SECTION) AFFORDABLE RENTAL HOUSING DEVELOPMENT PROGRAM

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB0921 SD2 HD3 (HSCR 1534) RELATING TO MINORS.
Introduced by: Chun Oakland S, Galuteria B, Fukunaga C, Kidani M, Ige D, Dela Cruz D, Shimabukuro M
Establishes provisions relating to consent to no cost emergency shelter and related services. Allows a provider to provide no cost emergency shelter and related services to a consenting minor if the minor understands the significant benefits, responsibilities, risk, and limits of the shelter and services and can communicate an informed consent; the minor understands the requirements and rules of the shelter and services; and the shelter and services are necessary to ensure the minor's safety and well being. Requires the provider to conduct an assessment and determine that the minor does not pose a danger to the minor's self or to other persons at the same location. Requires the provider who renders emergency shelter and related services to a minor to document in writing the efforts made to contact the minor's parent, legal guardian, or legal custodian. Requires the provider to report any suspected child abuse or neglect to the department of human services or the police department. -- SB0921 HD3
Committee Reports: SSCR 216 (HMS) SSCR 583 (JDL) HSCR 971 (HUS) HSCR 1157 (JUD) HSCR 1534 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 346- (1 SECTION) CONSENT TO NO COST EMERGENCY SHELTER AND RELATED SERVICES
- SB0923 RELATING TO THE COMMISSION ON FATHERHOOD.
Introduced by: Chun Oakland S, Galuteria B, Fukunaga C, Ige D, Dela Cruz D, Kidani M, Ryan P
Amends provisions relating to findings and purpose. Prohibits a member to serve on the commission on fatherhood for more than 2 terms; provided that if a member fills a vacancy and serves for the remainder of an unexpired term that member shall be considered to have served 1 term. -- SB0923
Committee Reports: SSCR 513 (HMS) HSCR 1605 (HUS)
Current Status: Apr-18 11 Received by the Governor
May-04 11 Approved by Governor (Act 38 2011)
Section Affected: 577E-3
- SB0946 SD1 HD1 (HSCR 1435) RELATING TO THE JUDICIARY.
Introduced by: Chun Oakland S
Establishes provisions relating to anonymous filings. Provides that upon petition to a court, the court may allow a petition, complaint, motion, or other document to be filed by a party identifying the parties as jane doe or john doe. -- Amends provisions relating to power enjoin and temporarily restrain harassment. Provides that upon petition to a district court , the court may allow a petition, complaint, motion, or other document to be filed identifying the petitioner as jane doe or john doe if court finds that the jane doe or john doe filing is reasonably necessary to protect the privacy of the petitioner and will not unduly prejudice the prosecution or the defense of the action. -- SB0946 HD1
Committee Reports: SSCR 372 (JDL) SSCR 622 (WAM) HSCR 1435 (JUD)
Current Status: May=05 11 Passed Legislature
Section Affected: 634- (1 SECTION) ANONYMOUS FILINGS, 604-10.5
- SB0975 SD1 HD2 CD1 (CCR 12) RELATING TO APPRAISALS.
Introduced by: Chun Oakland S
Establishes provisions relating to appraisers in arbitration proceedings. Requires a licensed real estate appraiser in an arbitration proceeding to determine the fair market value, fair market rental value, or reasonable rental of real property where the arbitrator is a licensed real estate appraiser. Further requires a real estate appraiser who are licensed or certified to practice in this state to comply with the current Uniform Standards of Professional Appraisal Practice or to certify compliance with the current Uniform Standards of Professional Appraisal practice in connection with any arbitration proceeding to determine the fair market value, fair market rental value, or fair and reasonable rent of real estate. -- SB0975 CD1
Committee Reports: SSCR 495 (CPN) HSCR 1145 (ERB) HSCR 1495 (GPC/ JUD/ CCR 12)
Current Status: May-03 11 Passed Legislature
Section Affected: 466K- (2 SECTIONS), 466K-4
- SB0986 SD2 HD3 CD1 (CCR 24) RELATING TO THE CRIMINAL JUSTICE SYSTEM.
Introduced by: Tsutsui S (BR)
Establishes a task force within the office of Hawaiian affairs to formulate policies and

SENATE BILLS THAT PASSED THE LEGISLATURE

procedures to eliminate the disproportionate impact of Hawaii's criminal justice system on all individuals, with particular focus on native Hawaiians. Requires the task force to recommend cost effective mechanisms, legislation, and policies to reduce or avoid unnecessary involvement of these individuals with the criminal justice system. Report to the legislature. Task force to cease to exist on August 1, 2013 (sunset). -- SB0986 CD1

Committee Reports: SSCR 210 (HWN) SSCR 641 (WAM) HSCR 999 (HAW/ PBM/ HSCR 1197 (JUD) HSCR 1596 (FIN) CCR 24

Current Status: May-03 11 Passed Legislature

SB1025 SD1 HD1 CD1 (CCR 32)

RELATING TO THE PENAL CODE.

Introduced by: Tsutsui S (BR)

Amends provisions relating to assault in the 2nd degree. Provides that a person commits assault in the 2nd degree if the person intentionally or knowingly causes bodily injury to any firefighter or water safety officer who is engaged in the performance of duty.

-- Establishes provisions relating to unauthorized entry in a dwelling in the 1st degree.

Provides that a person commits the offense of unauthorized entry in a dwelling in the 1st degree if the person intentionally or knowingly enters unlawfully into a dwelling and another person was, at the time of entry, lawfully present in the dwelling who was 62 years of age or older, was an incapacitated person, had a developmental disability.

Makes it a class B felony. -- Amends provisions relating to unauthorized entry in a dwelling by adding, in the 2nd degree. Provides that a person commits the offense of unauthorized entry in a dwelling in the 2nd degree if the person intentionally or knowingly enters unlawfully into a dwelling and another person was lawfully present in the dwelling. Makes it a class C felony. -- SB1025 CD1

Committee Reports: SSCR 475 (JDL) HSCR 1085 (PBM) HSCR 1461 (JUD) CCR 32

Current Status: May-03 11 Passed Legislature

Section Affected: 707-711, 708- (1 SECTION), 708-812.6

SB1040 SD1 HD2 (HSCR 1467)

RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW.

Introduced by: Hee C

Amends provisions relating to violations and penalties. Increases the penalties under the occupational safety and health law. -- SB1040 HD2

Committee Reports: SSCR 366 (JDL) SSCR 554 (WAM) HSCR 1074 (LAB) HSCR 1467 (JUD)

Current Status: May=03 11 Passed Legislature

Section Affected: 396-10

SB1067 SD1 HD2 CD1 (CCR 33)

RELATING TO PROBATION.

Introduced by: Hee C

Amends provisions relating to duties and powers of probation officers; adult probation records. Provides that alcohol and drug abuse patient records and information that has therapeutic or rehabilitative benefit shall be given upon the screening for admission, acceptance, or admittance of the defendant into a program. Act to be repealed on July 1, 2016 (sunset). -- SB1067 CD1

Committee Reports: SSCR 503 (JDL) HSCR 1089 (PBM) HSCR 1302 (JUD) CCR 33

Current Status: May-03 11 Passed Legislature

Section Affected: 806-73

SB1068 SD1 HD1 CD1 (CCR 29)

RELATING TO ANIMAL CRUELTY.

Introduced by: Hee C

Amends provisions relating to cruelty to animals in the 1st degree. Provides that a person commits the offense of cruelty to animals in the 1st degree if the person intentionally or knowingly kills or attempts to kill any pet animal belonging to another person, without 1st obtaining legal authority or consent of the pet animal's owner.

Exempts humane euthanasia of any animal by an animal control officer, duly incorporated humane society, duly incorporated society for the prevention of cruelty to animals, or duly authorized government agency in accordance with American Veterinary Medical Association accepted standards, or exempts conduct which the actor believes to be necessary to avoid an imminent harm or evil to the actor, another person, or an animal. -- SB1068 CD1

Committee Reports: SSCR 559 (JDL) HSCR 1434 (JUD) CCR 29

Current Status: May-03 11 Passed Legislature

Section Affected: 711-1108.5

SB1069 SD1 HD1 (HSCR 1098)

RELATING TO CRUELTY TO ANIMALS.

SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Hee C
Establishes provisions relating to cruelty to animals by fighting dogs in the 2nd degree. Establishes that a person commits the offense of cruelty to animals by fighting dogs in the 2nd degree if the person knowingly wagers on a dog fight; attends or pays to attend a dogfight; or knowingly possesses any device intended to enhance the dog's fighting ability with the intent that the device be used to train or prepare the dog for a dogfight. Defines bait dog to mean a live animal used to train or prepare dogs for a dogfight. Defines device to mean both animate and inanimate objects and includes live animals used as bait animals. Defines wager to mean staking or risking something of value on the outcome of a dogfight. Establishes this crime to be a class C felony. Allows the court to order the surrender or forfeiture of the dog.-- Amends provisions relating to cruelty to animals by fighting dogs to be an offense in the 1st degree. Provides that a person commits the offense of cruelty to animals by fighting dogs in the 1st degree if the person knowingly causes, sponsors, arranges or holds a dogfight for entertainment or financial gain; or owning, training, transporting, possessing, selling, transferring, or equipping a dog with the intent that the dog will be engaged in a fight; or allowing a dog fight to occur on any property owned or controlled by the person, or recklessly allowing any dog intended by the person to be used for a fight to be kept, trained on, or transported in, any property owned or controlled by the person. -- Defines dogfight to mean a dog or dogs pitted against another dog or dogs with the intent that the encounter will result in injury to 1 or more of the dogs. Makes it a class B felony. -- Amends Act 128, session laws of 2008. -- SB1069 HD1
Committee Reports: SSCR 562 (JDL) HSCR 1098 (JUD)
Current Status: May=03 11 Passed Legislature
Section Affected: 711- (1 SECTION), 711-1109.1, 711-1109.2, 711-1109.3, 711-1110.5, ACT 128 2008, ACT 160 2009

SB1073 SD2 HD2 CD1 (CCR 131)

RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES.

Introduced by: Hee C
Amends provisions relating to a surcharge for indigent legal services. Increases the surcharge fee for civil actions in circuit court by increasing the initial filing fee from 25 dollars to 50 dollars effective January 1, 2012, and to 65 dollars effective January 1, 2014. Also increases the additional surcharge fee for civil actions in the district court from 10 dollars to 25 dollars effective January 1, 2012, and to 35 dollars effective January 1, 2014. Changes civil action in the supreme court to the courts of appeal and increases the surcharge from 25 dollars to 50 dollars effective January 1, 2012, and to 65 dollars effective January 1, 2014. Provides that initial filings for which surcharges shall be assessed include complaints, petitions, interventions, applications for special proceedings, and answers containing 1 or more cross claims or counter claims; and 3rd party complaints, but not post judgment civil process. Requires the administrative director of the courts, or the contractor administering the fund to review on a biennial basis, the indigent legal assistance fund to determine whether it is meeting the civil legal needs of indigent persons and report to the legislature each even numbered year. -- SB1073 CD1
Committee Reports: SSCR 364 (JDL) SSCR 703 (WAM) HSCR 1048 (JUD) HSCR 1575 (FIN) CCR 131
Current Status: May-03 11 Passed Legislature
Section Affected: 607-5.7

SB1076 SD1 HD3 (HSCR 1551)

RELATING TO EMPLOYMENT PRACTICES.

Introduced by: Hee C
Amends provisions relating to unlawful suspension, barring, discharge, withholding pay, demoting, or discrimination under employment practices law. Provides that it shall be unlawful practice for any employer who has a collective bargaining agreement with their employees and 100 or more employees or a labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee uses accrued and available sick leave. Provides that after an employee uses 3 or more consecutive days of sick leave allows an employer or labor organization to require the employee to provide a written verification from a physician indicating that the employee was ill when the sick leave was used. -- SB1076 HD3
Committee Reports: SSCR 563 (JDL) HSCR 966 (LAB/ ERB/) HSCR 1200 (JUD) HSCR 1551 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 378-32

SB1088 SD1 HD1 (HSCR 1216)

RELATING TO UNEMPLOYMENT INSURANCE BENEFITS.

SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Hee C
Establishes provisions relating to good cause for separating from part time employment under employment security law. Allows an individual who has established eligibility based on full time employment to be found to have good cause for voluntarily separating from subsequent part time employment. Amends provisions relating to definitions under employment security law. Redefines attached to a regular employer by repealing within 8 weeks, if no work is being offered. Repeals provisions that require continued claim certifications for partial benefits to be filed if after a week of partial unemployment, 8 or fewer consecutive weeks of total unemployment follow the week of partial unemployment and repeals provisions that require the department to extend partial unemployment beyond 8 consecutive weeks of total unemployment. Requires rather than allows the registration for work requirement to be waived for individuals who are partially unemployed. Exempts an employee from work search and registration for work requirements by the department, if the individual is waived from the registration. Amends Act 170 session laws of 2009, as amended by Act 76, session laws of 2010 by repealing the sunset date. -- SB1088 HD1

Committee Reports: SSCR 406 (JDL) SSCR 773 (WAM) HSCR 1216 (LAB/ ERB/)
HSCR 1547 (FIN)

Current Status: May=05 11 Passed Legislature

Section Affected: 383- (1 SECTION), 383-1, 383-29.7, 383-29.8, ACT 170 2009,
ACT 76 2010, 383-29

SB1089 SD1 HD2 CD1 (CCR 101)

RELATING TO DISLOCATED WORKERS.

Introduced by: Hee C

Amends provisions relating to labor law enforcement; injunction. Requires the department of labor and industrial relations to enforce the provisions regarding dislocated workers. -- Amends provisions relating to notification; penalty. Requires the department of labor and industrial relations to enforce and have the powers and duties conferred and imposed upon it pursuant to the provisions relating to labor law enforcement; injunction. -- SB1089 CD1

Committee Reports: SSCR 281 (JDL) HSCR 951 (LAB/ ERB/)
HSCR 1155 (JUD)
HSCR 1552 (FIN) CCR 101

Current Status: May-03 11 Passed Legislature

Section Affected: 371-12, 394B-9

SB1153 SD1 HD2 (HSCR 1557)

RELATING TO AGRICULTURAL LOANS.

Introduced by: Kahele G, Nishihara C, Chun Oakland S

Amends provisions relating to agricultural loans. Redefines new farmer program to mean a new farm enterprise for qualified new farmers who by reason of ability, experience, and training are likely to successfully operate a farm and who otherwise meet the eligibility requirements. Provides that loans require 2 credit denials except for the new farmer program which requires 1 credit denial. Requires that the interest on class F loans be at a rate of 1 1/2 per cent below the prime rate or at a rate of 6 per cent a year, whichever is less. Requires that loans for the new farmer program provide for costs of a new farm enterprise for qualified new farmers in an amount not to exceed 250,000 dollars. -- SB1153 HD2

Committee Reports: SSCR 107 (AGL) SSCR 750 (WAM) HSCR 1079 (AGR) HSCR
1557 (FIN)

Current Status: May=03 11 Passed Legislature

Section Affected: 155-1, 155-3, 155-8, 155-9

SB1154 SD2 HD1 CD1 (CCR 47)

RELATING TO HISTORIC PRESERVATION.

Introduced by: Kahele G

Establishes the South Kona wilderness area to be administered by the department of land and natural resources for the preservation of the visual, cultural, and historical aspects of the lands including preserving the extensive archaeological sites in the area, preserving and protecting native Hawaiian plants and animals currently in the area, providing for a wilderness area with minimal man made structures, permitting limited access for recreational purposes, such as fishing, swimming, and exploration, and preventing additional development in the area. -- SB1154 CD1

Committee Reports: SSCR 430 (WLH/ HWN/) SSCR 783 (WAM) HSCR 1113 (WLO)
HSCR 1587 (FIN) CCR 47

Current Status: May-03 11 Passed Legislature

Section Affected: 6E- (3 SECTIONS) SOUTH KONA WILDERNESS AREA

SB1171

RELATING TO EDUCATION.

SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Tokuda J, Kidani M, Nishihara C, Chun Oakland S
Amends Act 51, session laws of 2004, relating to education. Provides that the single school calendar shall not apply to other schools designated by the board of education in furtherance of a plan to improve educational outcome in students. -- SB1171
Committee Reports: SSCR 62 (EDU) HSCR 1016 (EDN) HSCR 1468 (FIN)
Current Status: Apr-14 11 Received by the Governor
Apr-27 11 Approved by Governor (Act 24 2011)
Section Affected: ACT 51 2004

SB1174 SD2 HD1 CD1 (CCR 109)

RELATING TO CHARTER SCHOOLS.
Introduced by: Tokuda J, Kidani M, Nishihara C, Chun Oakland S
Amends provisions relating to special and revolving funds; annual report; expenditures in excess of appropriations. Requires the charter school system budget request to include a needs based facilities funding and to be accompanied by a detailed explanation as to the formula used and funding request breakdown by school. -- Amends provisions relating to charter schools. Allows charter schools that are denied reauthorization or have their charter revoked to appeal to the board of education for a final decision. Requires charter school review panels to ensure that local school boards are fulfilling their oversight responsibilities. Requires charter school local school boards to have oversight over the financial and academic viability of the charter school. Requires local school boards to make available the notices and agendas of public meetings on the charter school administrative office's internet website and to maintain a list of the current names and contact information of the local school board's members and officers and make it available on the office's website. Requires charter schools and their local school boards to develop internal policies and procedures consistent with ethical standards of conduct. Changes the period that the charter school review panel conduct a multi year evaluation of each charter school to every 6 years after its 4th anniversary. -- Establishes a task force on charter school governance accountability and authority within the department of education to provide clarity to the relationships, responsibilities, and lines of accountability and authority among stakeholders of the charter school system. Report to the legislature. -- SB1174 CD1
Committee Reports: SSCR 333 (EDU) SSCR 700 (WAM) HSCR 1107 (EDN) HSCR 1469 (FIN) CCR 109
Current Status: May-03 11 Passed Legislature
Section Affected: 302B-8, 302B-3, 302B-3.5, 302B-7, 302B-14

SB1186 SD2 HD1 CD1 (CCR 139)

RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.
Introduced by: Kim D, Dela Cruz D, Shimabukuro M, Kidani M, Chun Oakland S, Tokuda J
Amends provisions relating to the transient accommodations tax. Imposes a daily tax of 10 dollars for every transient accommodation that is furnished on a complimentary or gratuitous basis, or otherwise at no charge, including transient accommodations furnished as a part of a package. Provides that a maximum of 69 million dollars per fiscal year shall be deposited into the tourism special fund for any period beginning on July 1, 2011, and ending on June 30, 2015 (sunset). -- Provides that a maximum amount of 93 million dollars per fiscal year shall be distributed to the counties for any period beginning on July 1, 2011, and ending on June 30, 2015. Repealed on June 30, 2015 (sunset). -- SB1186 CD1
Committee Reports: SSCR 307 (TSM) SSCR 699 (WAM) HSCR 1453 (FIN) CCR 139
Current Status: May-03 11 Passed Legislature
Section Affected: 237D-2, 237D-6.5

SB1213 SD1 HD1 CD1 (CCR 19)

RELATING TO PERMITTING.
Introduced by: Solomon M, Dela Cruz D
Requires the comptroller, with the assistance of the director of the department of planning and permitting of the city and county of Honolulu, to convene a temporary task force to review and identify state and county rules affecting businesses, particularly with regard to county building permits, with a view toward streamlining the approval process for businesses through the amending or repealing the rules that impose burdensome or unnecessary costs for businesses of all sizes but especially for smaller businesses. Report to the legislature. -- SB1213 CD1
Committee Reports: SSCR 156 (PGM/ WLH/) HSCR 989 (ERB) HSCR 1529 (FIN) CCR 19
Current Status: May-03 11 Passed Legislature

SB1221 SD2 HD1 CD1 (CCR 107)

RELATING TO PROCUREMENT.

SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Tsutsui S

Amends provisions relating to requirements of contractor. Allows a contractor to withdraw a bid prior to the award of a contract if the contractor finds that it is unable to comply with this law. -- Requires that certification of compliance with this law be made under oath by an officer of the general contractor and subcontractor to the procurement officer with the notice of completion of the contract. Provides that a general contractor is not to be sanctioned for noncompliance with this section by a subcontractor of that general contractor on the same contract. -- SB1221 CD1

Committee Reports: SSCR 435 (PGM) SSCR 577 (JDL) HSCR 1215 (LAB/ ERB/)
HSCR 1548 (FIN) CCR 107

Current Status: May-03 11 Passed Legislature

Section Affected: 103B-3

SB1233 SD2 HD2 (HSCR 1505)

RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC.

Introduced by: Tsutsui S (BR)

Establishes provisions relating to service of process; substituted service. Requires a charitable organization, professional solicitor, or professional fundraising counsel that is required to be registered and that either has its principal place of business outside of the State or is organized under the laws of another state, and does not have a registered agent with the department of commerce and consumer affairs, is considered to have irrevocably appointed the department as its agent for the service of a summons, subpoena, or other process directed to the charitable organization, professional fundraising counsel, or professional solicitor, or to a director, officer, partner, or principal of the charitable organization, professional fundraising counsel, or professional solicitor in an investigation, action, or other proceeding. Amends provisions relating to administrative enforcement; cease and desist orders. Provides that whenever the attorney general finds that a charitable organization is soliciting contributions in violation, allows the attorney general in addition to the remedies prescribes, issue a cease and desist order to any such charitable organization. Allows any person aggrieved by an action of the attorney general to request a hearing to review that action 10 days after the attorney general has served that person with notice of the action. Amends provisions relating to annual financial reports; fiscal records and fees. Provides that if the charitable organization files an IRS Form 990 or 990EZ with the Internal Revenue Service, the annual report shall be the IRS Form 990 or 990EZ. In the case of a charitable organization that is not required to file an IRS Form 990 or 990EZ, the annual report shall contain information such information as the department shall prescribe. Allows a charitable organization that has obtained an extension of time to file the IRS Form 990 or 990EZ from the IRS to obtain an extension to file the report with the department by filing with the department a copy of the IRS's approved extension of time to file. Requires each charitable organization filing a report to pay a filing fee to the department based on the total amount of its gross revenues at the close of the calendar or fiscal year adopted by the charitable organization. Amends provisions relating to investigations; subpoenas; court orders. Provides that in any case where the attorney general has authority to institute a civil action or proceeding, allows the attorney general to instead accept an assurance of discontinuance of any act or practice that violates the law from any person engaged in or who has engaged in the act or practice. Allows the attorney general to refuse to register, revoke or suspend the registration of any charitable organization, professional fundraising counsel. or professional solicitor, or issue a cease and desist order. Provides that charitable organizations exempted from registration and financial disclosure requirements include educational institutions accredited by the Hawaii association of independent schools; the Hawaii council of private schools; the western association of schools and colleges; middle states association of schools and colleges; new England association of schools and colleges; north central association of schools and colleges; northwest association of schools and colleges and southern association of schools and colleges or the National Association for the Education of Young children or any organization exempt from taxation. Further exempts any corporation established by an act of the US congress that is required by federal law to submit to congress annual reports, fully audited by the US Department of Defense, of its activities including itemized accounts of all receipts and expenditures; any agency of this State, another state, or the federal government; and any charitable organization that normally receives less than 25,000 dollars in contributions annually, if the organization does not employ or compensate a professional solicitor or professional fundraising counsel. -- SB1233 HD2

Committee Reports: SSCR 96 (CPN/ JDL/) SSCR 627 (WAM) HSCR 1128 (CPC/ JUD/) HSCR 1505 (FIN)

Current Status: Apr-18 11 Received by the Governor

SENATE BILLS THAT PASSED THE LEGISLATURE

- Section Affected: May-04 11 Approved by Governor (Act 40 2011)
467B- (2 SECTIONS), 467B-6.5, 467B-9.3, 467B-9.7, 467B-11.5
- SB1241 SD1 HD1 (HSCR 1480) RELATING TO CONVEYANCE TAX.
Introduced by: Tsutsui S (BR)
Amends provisions relating to exemptions under the conveyance tax law. Repeals the exemption conveying real property to any nonprofit or for profit organization that has been certified by the Hawaii housing finance and development corporation for low income housing development. -- SB1241 HD1
Committee Reports: SSCR 403 (WLH) SSCR 635 (WAM) HSCR 1149 (WLO/ HSG/ HSCR 1480 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 247-3
- SB1244 SD2 HD1 CD1 (CCR 136) RELATING TO BIOFUELS.
Introduced by: Tsutsui S (BR)
Amends provisions relating to definitions under the renewable energy facility siting process law. Redefines renewable energy to mean a new facility or distribution infrastructure with a capacity to produce or distribute 100,000 gallons, instead of 1 million gallons, or more annually. -- SB1244 CD1
Committee Reports: SSCR 127 (ENE) SSCR 526 (CPN) HSCR 1002 (EEP) HSCR 1540 (FIN) CCR 136
Current Status: May-03 11 Passed Legislature
Section Affected: 201N-1
- SB1260 SD1 (SSCR 113) RELATING TO PUBLIC FINANCE.
Introduced by: Tsutsui S (BR)
Establishes the allocation of state bond ceiling law. Requires the department of budget and finance with the approval of the governor to allocate all or part of the state ceiling to any issuer authorized to issue bonds under the laws of the State. -- SB1260 SD1
Committee Reports: SSCR 113 (WAM) HSCR 1442 (FIN)
Current Status: Apr-14 11 Received by the Governor
Apr-29 11 Approved by Governor (Act 33 2011)
Section Affected: (4 SECTIONS) ALLOCATION OF STATE BOND CEILING
- SB1270 SD2 HD1 CD1 (CCR 132) RELATING TO THE HAWAII HURRICANE RELIEF FUND.
Introduced by: Tsutsui S (BR)
Appropriation out of the Hawaii hurricane reserve trust fund for deposit into the general fund to balance the State's budget and maintain the levels of programs determined to be essential for education, public health, and public welfare. -- Authorizes the governor by June 30, 2011, to transfer all or a portion of the remaining balance of the fund for deposit into the general fund if the governor finds that the transfer is necessary to balance the State's budget in fiscal year 2010 - 2011. Report to the legislature on the programs and projects that received funds. -- Amends provisions relating to general excise remittances. Provides for the deposit of revenues into the Hawaii hurricane reserve trust fund. -- Authorizes issuance of revenue bonds to the Hawaii hurricane relief fund to maintain a balance of 75 million dollars in the fund. (\$\$) -- SB1270 CD1
Committee Reports: SSCR 243 (CPN) SSCR 626 (WAM) HSCR 1005 (CPC) HSCR 1580 (FIN) CCR 132
Current Status: May-03 11 Passed Legislature
Section Affected: 237-31
- SB1273 SD1 (SSCR 471) RELATING TO HEALTH INSURANCE.
Introduced by: Tsutsui S (BR)
Amends the accident and sickness insurance contracts law, benefit societies law, and the health maintenance organizations act (HMOs) by requiring an insurer to comply with applicable federal law. Requires the insurance commissioner to enforce the consumer protections and market reforms relating to insurance in the federal Patient Protection and Affordable Care Act. -- SB1273 SD1
Committee Reports: SSCR 471 (CPN) HSCR 1169 (HLT) HSCR 1433 (CPC)
Current Status: Apr-07 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 15 2011)
Section Affected: 431:10A- (1 SECTION), 432:1- (1 SECTION), 432:2- (1 SECTION), 432D- (1 SECTION)
- SB1274 SD2 HD3 CD1 (CCR 106) RELATING TO HEALTH INSURANCE.

SENATE BILLS THAT PASSED THE LEGISLATURE

Introduced by: Tsutsui S (BR)

Establishes provisions relating to external review of health insurance determinations under patients' bill of rights and responsibilities act. Allows a health carrier enrollee or the enrollees authorized representative to file a request for an external review with the insurance commissioner within 130 days of receipt of notice of an adverse action that involves a denial of coverage based on a determination or final adverse determination. Requires the commissioner to randomly assign an independent review organizations qualified to conduct external reviews based on the nature of the health care service that is the subject of the adverse action and other factors determined by the commissioner. Prohibits an independent review organization or clinical reviewer working on behalf of an independent review organization or an employee, agent, or contactor to be liable in damages to any person for any opinions rendered or acts or omissions performed within the scope of the organization's or person's duties under the law during or upon completion of an external review conducted, unless the opinion was rendered or the act or omission was performed in bad faith or involved gross negligence. Requires the health carrier against which a request for a standard external review or an expedited external review is filed to pay the cost of the independent review organization for conducting the external review. Repeals provisions relating to external review procedure. Report to the legislature. Requires the insurance commission to assist the department of human services and the Hawaii employer union health benefits trust fund in compiling data relating to each entity's own administrative review process and report to the legislature. -- SB1274 CD1

Committee Reports: SSCR 423 (CPN/ HTH/) SSCR 757 (WAM) HSCR 983 (HLT) HSCR 1209 (CPC/ JUD/) HSCR 1545 (FIN) CCR 106

Current Status: May-03 11 Passed Legislature

Section Affected: 432E- (14 SECTIONS) EXTERNAL REVIEW OF HEALTH INSURANCE DETERMINATIONS, 432E-1, 432E-5, 432E-6.5, 432E-6

SB1277 SD2 HD2 CD1 (CCR 16)

RELATING TO CONSUMER PROTECTION.

Introduced by: Tsutsui S (BR)

Establishes provisions relating to access to records under the prepaid legal services law. Requires every plan and its owners, operators, officers, employees, and representatives be subject to investigation or examination by the insurance commissioner, to produce and make freely accessible to the commissioner of the accounts, records, documents, and files in the person's possession or control relating to the subject of the investigation or examination, and to otherwise cooperate the investigation or examination. Allows the commissioner to employ experts to rewrite, post, or balance the accounts at the expense of the plan being examined if the commissioner finds the accounts or records to be inadequate, improperly kept, or improperly posted and if the plan has failed to correct the accounting records after the commissioner has given the plan written notice and a reasonable opportunity to do so. Requires the plan administrator to provide a written response within 7 days to any written inquiry made by the commissioner. Requires the response to adequately address the concerns stated in the communication. -- Establishes provisions related to records and reports. Requires the commissioner to preserve in permanent form records and reports of the commissioner's proceedings, hearings, investigations, and examinations. Requires that these filings be filed in the commissioner's office and be open to public inspection, except when records and reports on file shall be confidential by this law. Requires the commissioner to maintain the confidentiality of any documents or information received from the National Association of Insurance Commissioners, the federal government, insurance regulatory agencies of foreign countries, or insurance departments of other states, territories, and commonwealths that are confidential in the jurisdiction of origin and provides that the documents and records shall be confidential and privileged, shall not be made public, shall not be subject to subpoena or discovery, and shall not be admissible as evidence in any private civil action and neither the commissioner nor any other person who received documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information. -- Amends the prepaid legal services law by changing it to the legal service plans. -- Amends provisions relating to filing and other requirements by changing it to certificate of authority; authority issued or denied; plan termination. Requires that before conducting business, a plan, application for certificate of authority, file documentation, and fee be submitted to the commissioner for approval. Requires the commissioner to issue or deny a certificate of authority based on the plan meeting the requirements. Requires the plan administrator to notify the commissioner in writing if the plan is canceled. -- Amends provisions

SENATE BILLS THAT PASSED THE LEGISLATURE

relating to accumulated funds, protection, violation. Requires the plan administrator to have the responsibilities of a trustee for all funds accumulated. Requires the plan administrator to obtain a 100,000 dollar bond. Provides penalties. -- Amends provisions relating to failure to comply; penalty. Allows the commissioner to deny, suspend, revoke, or refuse to approve the certificate of authority of any plan or any plan amendments. -- Amends provisions relating to insurance code fees. Repeals life settlement contract fees. Establishes fees for legal service plan certificate of authority and fees for services of the department of commerce and consumer affairs. Allows the commissioner to establish fees for each criminal history check and fingerprinting. -- SB1277 CD1

Committee Reports: SSCR 177 (CPN/ JDL/) SSCR 728 (WAM) HSCR 1129 (CPC/ JUD/) HSCR 1512 (FIN) CCR 16

Current Status: May-03 11 Passed Legislature

Section Affected: 488- (2 SECTIONS), 488-1, 488-2, 488-3, 488-4, 488-7, 431:7-101

SB1278 SD1 HD2 CD1 (CCR 6)

RELATING TO INSURANCE.

Introduced by: Tsutsui S (BR)

Establishes provisions relating to life insurance and annuities. Prohibits an insurance producer to solicit the sale of an annuity product unless the insurance producer has adequate knowledge of the product to recommend the annuity and the insurance producer is in compliance with the insurer's standards for product training. Prohibits an insurer to issue an annuity that has been recommended to a consumer unless the insurer has a reasonable basis to believe the annuity is suitable for the particular consumer based on the consumer's suitability information. Requires an insurance producer or a representative of the insurer, where no insurance producer is involved at the time of sale to make a record of any recommendation; obtain a signed statement from the consumer documenting the customer's refusal to provide suitability information and obtain a signed statement from the consumer acknowledging that an annuity transaction is not recommended if a consumer decides to enter into an annuity transaction that is not based on the insurance producer's or insurer's recommendation. Requires an insurer to establish and maintain a supervision system that is reasonable designed to achieve the insurer's and its insurance producers' compliance. Changes provisions relating to mitigation of responsibility to compliance mitigation and penalties. Provides that if a violation occurs, either because of the action or inaction of the insurer or its insurance producer allows the commissioner to order a business entity, general agency, independent agency, or the insurance producer to take reasonably appropriate corrective action for any consumer harmed by the insurance or order appropriate penalties and sanctions. Establishes provisions relating to use of senior specific designations and professional designations. Prohibits the use of senior specific certifications or professional designation by a insurance producer. -- SB1278 CD1

Committee Reports: SSCR 497 (CPN) HSCR 1130 (CPC/ JUD/) HSCR 1506 (FIN) CCR 6

Current Status: May-03 11 Passed Legislature

Section Affected: 431:10D- (1 SECTION), 431:10D-621, 431:10D-622, 431:10D-623, 431:10D-624, 431:10D- (2 SECTIONS) USE OF SENIOR-SPECIFIC DESIGNATIONS AND PROFESSIONAL DESIGNATIONS

SB1281 SD1 HD1 (HSCR 1026)

RELATING TO EDUCATION.

Introduced by: Tsutsui S (BR)

Amends provisions relating to the committee on weights. Requires the committee to meet not less than once every odd numbered year, instead of annually. -- SB1281 HD1

Committee Reports: SSCR 56 (EDU) HSCR 1026 (EDN) HSCR 1470 (FIN)

Current Status: Apr-20 11 Received by the Governor

Section Affected: 302A-1303.5, 302A-1303.6

SB1282 SD1 HD1 CD1 (CCR 22)

RELATING TO EDUCATION.

Introduced by: Tsutsui S (BR)

Amends provisions relating to performance standards. Allows any school or complex to expand the statewide assessment program to include norm referenced testing in the same grades as required by the federal No Child Left Behind Act of 2001 standards based assessment (grades 3 through 8 and 1 grade in high school) in any content area using the most appropriate nationally normed test and provides that the school or complex shall be responsible for all contracts and costs related to the tests. Repealed July 1, 2015 (sunset). -- Repeals the requirement that the department establish

SENATE BILLS THAT PASSED THE LEGISLATURE

procedures and guidelines for its statewide assessment program to include norm testing in the same grades as required by the Federal No Child Left Behind Act of 2001, standards based assessment in reading and math, using the most appropriate nationally normed test. -- SB1282 CD1

Committee Reports: SSCR 477 (EDU) HSCR 1108 (EDN) HSCR 1471 (FIN) CCR 22

Current Status: May-03 11 Passed Legislature

Section Affected: 302A-201

SB1284 SD2 HD1 CD1 (CCR 110)

RELATING TO EDUCATION.

Introduced by: Tsutsui S (BR)

Amends provisions relating to administrative hearing procedures and subpoena power relating to the education of children with disability. Requires the department of education to be authorized to monitor any child eligible to receive special education and related services who is placed, whether as the result of a hearing's officer decision, court order, or programmatic placement, at the department's expense, whether by direct payment or through reimbursement to the student's parents, legal guardian, or legal custodian, in any private school or placement as defined by federal and state law, including any implementing regulations or rules relating to students with disabilities. Requires the private school or placement to allow the department access to monitor the child. Further requires the private school or placement to post itemized rates, fees, or tuition charged for the following school year by April of each year. Requires the department to withhold payment if the private school or placement denies monitoring. -- SB1284 CD1

Committee Reports: SSCR 322 (EDU/ HMS/) SSCR 624 (WAM) HSCR 1136 (EDN) HSCR 1472 (FIN) CCR 110

Current Status: May-03 11 Passed Legislature

Section Affected: 302A-443

SB1286 SD1 (SSCR 59)

RELATING TO THE BUDGET

Introduced by: Tsutsui S (BR)

Amends Act 162, session laws of 2009, as amended by Act 180, session laws of 2010, relating to the state budget, by increasing appropriations for BED142, LBR902, DEF110, GOV100, and LTG100. (\$\$) -- SB1286 SD1

Committee Reports: SSCR 59 (WAM) HSCR 600 (FIN)

Current Status: Feb-22 11 Received by the Governor

Feb-23 11 Approved by Governor (Act 3 2011)

Section Affected: ACT 162 2009, ACT 180 2010

SB1288 SD1 HD1 (HSCR 1448)

RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND.

Introduced by: Tsutsui S (BR)

Amends Act 191, session laws of 2010, relating to the emergency and budget reserve fund (rainy day fund). -- Adds an appropriation to the department of human services as a grant to the Hawaii Primary Care Association for adult dental care at federally qualified health centers. Authorizes the governor to use enhanced federal medical assistance percentages funds to offset the amount appropriated. Report to the legislature. -- Changes the lapse date of the appropriations to June 30, 2012. -- Adds an appropriation to the department of human services for the Maui community college for the adult dental care program. -- Changes appropriations to grants for Waianae District Comprehensive Health and Hospital Board, Incorporated, Kookia Kalihi Valley Comprehensive Family Services, Windward Spouse Abuse Shelter, Blueprint for Change Program for Neighborhood Place Walk in Centers, domestic violence shelters statewide, Hale Mahaolu, Adult Friends for Youth, Legal Services Hawaii, Legal Aid Society of Hawaii, Family Law Clinic, Catholic Charities Hawaii, Children's Alliance of Hawaii, Inc., Young Men's Christian Association, and Kapiolani Medical Center for Women and Children. -- Repeals appropriation to the department of human services for QUEST health care payments for the restoration of adult dental care its report. (\$\$) -- SB1288 HD1

Committee Reports: SSCR 60 (WAM) HSCR 1448 (FIN)

Current Status: Apr-21 11 Received by the Governor

Apr-27 11 Approved by Governor (Act 25 2011)

Section Affected: ACT 191 2010, (1 SECTION), (2 SECTIONS)

SB1290 SD1 HD2 CD1 (CCR 38)

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

Introduced by: Tsutsui S (BR)

Amends provisions relating to the Hawaiian homes commission act of 1920. Changes the amount the department of Hawaiian home lands can secure, pledge, or otherwise guarantee the repayment of moneys borrowed by the department from government

SENATE BILLS THAT PASSED THE LEGISLATURE

agencies or private lending institutions from 50 million dollars to 100 million dollars. --
SB1290 CD1
Committee Reports: SSCR 135 (HWN) SSCR 587 (WAM) HSCR 1023 (HAW) HSCR
1597 (FIN) CCR 38
Current Status: May-03 11 Passed Legislature
Section Affected: HAWAIIAN HOMES COMMISSION ACT 1920 214

SB1291 SD2 HD2 (HSCR 1160)

RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS.
Introduced by: Tsutsui S (BR)
Amends provisions relating to the child protective act. Requires that if the court finds that the child's physical or psychological health or welfare has been harmed or is subject to threatened harm by the acts or omissions of the child's family, it determines whether aggravated circumstances are present to terminate parental rights unless the department of human services has documented in the safe family home factors or other written report submitted to the court a compelling reason why it is not in the best interest of the child to file a motion to terminate parental rights. -- Amends periodic review hearing. Requires the court to conduct periodic review hearings at intervals of no longer than 6 months until the court's jurisdiction is terminated unless the child is in the permanent custody of the department or an authorized agency. Provides that the child be placed in foster custody if the court finds that the child's remaining in the family home is contrary to the welfare of the child and the child's parents are not willing and able to provide a safe family home for the child, even with the assistance of a service plan; the child be placed in family supervision if the court finds that the child's parents are willing and able to provide the child with a safe family home with the assistance of a service plan; or terminate jurisdiction if the court finds that the child's parents are willing and able to provide the child with a safe family home without the assistance of a service plan. -- SB1291 HD2
Committee Reports: SSCR 306 (HMS) SSCR 578 (JDL) HSCR 968 (HUS) HSCR
1160 (JUD) HSCR 1532 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 587A-5, 587A-27, 587A-28, 587A-30, 587A-31, 587A-33,
587A-34

SB1292 HD1 (HSCR 1182)

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS.
Introduced by: Tsutsui S (BR)
Appropriation to the department of human services for the health care payments program (HMS 401). Appropriation out of federal Medicaid funds as a federal match. (\$\$) -- SB1292 HD1
Committee Reports: SSCR 514 (HMS/WAM/) HSCR 1182 (HUS/ HLT/) HSCR 1530
(FIN)
Current Status: Apr-21 11 Received by the Governor
Apr-26 11 Approved by Governor (Act 17 2011)

SB1293 HD2 (HSCR 1533)

MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES.
Introduced by: Tsutsui S (BR)
Appropriation to the department of human services for cash support for families pursuing self sufficiency (HMS 211), general support for self sufficiency services (HMS 903), and general assistance payments (HMS 204). Appropriation out of the emergency budget and reserve fund (rainy day fund) for general support for self sufficiency services (HMS 903). (\$\$) -- SB1293 HD2
Committee Reports: SSCR 515 (HMS/WAM/) HSCR 969 (HUS) HSCR 1533 (FIN)
Current Status: Apr-25 11 Received by the Governor
Apr-28 11 Approved by Governor (Act 30 2011)

SB1300 SD2 HD2 (HSCR 1517)

RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION.
Introduced by: Tsutsui S (BR)
Amends provisions relating to corporation board under the Hawaii health systems corporation. Increases the number of board of directors to 13. Requires the director of health to be an ex officio voting member and adds 1 member who shall be appointed by the governor, and serve as an at large member. Requires appointed board member from the county of Maui, eastern section of the county of Hawaii, western section of the county of Hawaii, and on the island of Kauai and the island of Oahu to serve a term of 4 years each. Requires that the at large member appointed by the governor to serve a term of 2 years. -- SB1300 HD2

SENATE BILLS THAT PASSED THE LEGISLATURE

Committee Reports: SSCR 354 (HTH) SSCR 625 (WAM) HSCR 1053 (HLT) HSCR 1517 (FIN)
Current Status: May=05 11 Passed Legislature
Section Affected: 323F-3

SB1301 SD1 HD1 (HSCR 1417)

RELATING TO FAIR HOUSING EXEMPTIONS.

Introduced by: Tsutsui S (BR)

Amends provisions relating to discriminatory practices. Prohibits the printing, circulating, posting, or mailing, or cause to be published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, that indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency (HIV / AIDS) virus infection. -- SB1301 HD1

Committee Reports: SSCR 141 (CPN) HSCR 1012 (HSG) HSCR 1417 (JUD)

Current Status: Apr-15 11 Received by the Governor

Apr-29 11 Approved by Governor (Act 31 2011)

Section Affected: 515-3, 515-4, 515-16

SB1318 SD1 (SSCR 114)

RELATING TO USE TAX.

Introduced by: Tsutsui S (BR)

Amends provisions relating to application of tax under the use tax law. Repeals provisions which provides that exemptions or exclusion allowed before April 1, 1978, under the Constitution of the US or an act of Congress to persons or common carriers engaged in interstate or foreign commerce, whether ocean going or air shall continue. -- SB1318 SD1

Committee Reports: SSCR 114 (WAM) HSCR 1443 (FIN)

Current Status: Apr-14 11 Received by the Governor

Apr-29 11 Approved by Governor (Act 32 2011)

Section Affected: 238-3

SB1325 SD1 HD1 (HSCR 1465)

RELATING TO MOTOR VEHICLE REGISTRATION.

Introduced by: Tsutsui S (BR)

Amends provisions relating to highway safety. Allows the county director of finance to register a motorcycle with an after market motorcycle frame, using the number of the frame as issued by the manufacturer of the frame, the vehicle identification number on the certification label, or a vehicle identification number assigned by the director of finance. -- SB1325 HD1

Committee Reports: SSCR 44 (TIA) SSCR 524 (CPN) HSCR 1109 (TRN) HSCR 1465 (JUD)

Current Status: Apr-21 11 Received by the Governor

Section Affected: 286-2, 286-42

SB1327 SD2 HD1 (HSCR 1163)

RELATING TO PASSENGER FACILITY CHARGES.

Introduced by: Tsutsui S (BR)

Amends provisions relating to operation and use privileges under aeronautics. Allows the departments of transportation to assess passenger facility charges for each overseas or international passenger who uses a state airport. Requires the department to establish the charges in accordance with applicable federal laws and regulations. Prohibits passenger charge to be assessed on flight segments between 2 or more airports within the State. -- SB1327 HD1

Committee Reports: SSCR 13 (TIA) SSCR 672 (WAM) HSCR 1163 (TRN) HSCR 1566 (FIN)

Current Status: Apr-18 11 Received by the Governor

May-04 11 Approved by Governor (Act 41 2011)

Section Affected: 261-5.5

SB1328 SD1 HD2 CD1 (CCR 102)

RELATING TO MOTOR VEHICLE REGISTRATION.

Introduced by: Tsutsui S (BR)

Amends provisions relating to the State registration fee. Increases the motor vehicle registration fee and the amount deposited into state highway fund. -- SB1328 CD1

Committee Reports: SSCR 12 (TIA) SSCR 636 (WAM) HSCR 1111 (TRN) HSCR 1562 (FIN) CCR 102

Current Status: May-03 11 Passed Legislature

Section Affected: 249-31

SENATE BILLS THAT PASSED THE LEGISLATURE

- SB1329 SD1 HD2 CD1 (CCR 103) RELATING TO MOTOR VEHICLE WEIGHT TAX.
Introduced by: Tsutsui S (BR)
Increases state vehicle weight taxes. -- SB1329 CD1
Committee Reports: SSCR 15 (TIA) SSCR 683 (WAM) HSCR 1164 (TRN) HSCR 1563 (FIN) CCR 103
Current Status: May-03 11 Passed Legislature
Section Affected: 249-33
- SB1331 SD2 HD2 CD1 (CCR 39) RELATING TO THE UNIVERSITY OF HAWAII.
Introduced by: Tsutsui S (BR)
Amends provisions relating to special and revolving funds; annual report; expenditures in excess of appropriations. Requires the university of Hawaii's annual report to the legislature to include information on funds that have an unencumbered cash balance of 1 million dollars or more or a cash deficit of 1 million dollars or more, where the deficit is greater than 25 per cent of the previous fiscal year's expenditure. Repealed on June 30, 2016 (sunset). -- SB1331 CD1
Committee Reports: SSCR 330 (EDU) SSCR 596 (WAM) HSCR 1066 (HED) HSCR 1487 (FIN) CCR 39
Current Status: May-03 11 Passed Legislature
Section Affected: 304A-2007
- SB1342 SD1 HD1 (HSCR 1011) RELATING TO PARKING FOR THE DISABLED.
Introduced by: Kahele G, Kidani M
Amends provisions relating to display of removable and temporary removable placard. Requires that the placard is to be hung from the front windshield rearview mirror of a vehicle when in use. Also provides that if the design of the rearview mirror precludes hanging the placard in a secure manner, the placard can be displayed on the dashboard. -- SB1342 HD1
Committee Reports: SSCR 478 (HMS) HSCR 1011 (TRN) HSCR 1436 (JUD)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 291-54
- SB1346 SD2 (SSCR 527) RELATING TO RENEWABLE PORTFOLIO STANDARDS.
Introduced by: Baker R
Amends provisions relating to definitions under renewable portfolio standards. Redefines renewable electrical energy to include customer sited, grid connected renewable energy generation beginning January 1, 2015. -- SB1346 SD2
Committee Reports: SSCR 181 (ENE) SSCR 527 (CPN) HSCR 1003 (EEP) HSCR 1425 (CPC)
Current Status: Apr-06 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 10 2011)
Section Affected: 269-91
- SB1347 SD1 HD2 CD1 (CCR 40) RELATING TO THE PUBLIC UTILITIES COMMISSION.
Introduced by: Baker R, Kidani M, Shimabukuro M, Ihara L, Chun Oakland S, Green J
Establishes provisions relating to electronic documents under public utilities commission and motor carrier law and the Hawaii water carrier act. Requires the public utilities commission to accept from any person who submits a document to the commission the original and one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission and the consumer advocate shall accept service of one paper copy and one electronic copy of each application, complaint, pleading, brief, or other document filed with the commission no later than July 1, 2011. Further requires the commission to accept any application, complaint, pleading, brief, or other document as either a paper document or an electronic document no later than July 1, 2013. -- Amends provisions relating to achieving portfolio standard. Provides that if an electric utility company and its electric utility affiliates aggregate their renewable portfolios to achieve the renewable portfolio standard, the public utilities commission may distribute, apportion, or allocate the costs and expenses of all or any portion of the respective renewable portfolios among the electric utility company its electric utility affiliates and their respective ratepayers, as is reasonable under the circumstances. Allows an electric utility company to recover, through an automatic adjustment clause, the electric utility company's revenue requirement resulting from the distribution, apportionment, or allocation of the cost and expense of the renewable portfolios of the electric utility company and its electric utility affiliates. Allows the commission to establish a separate automatic rate adjustment clause, or approve the use of a previously approved automatic rate adjustment clause, without a rate case

SENATE BILLS THAT PASSED THE LEGISLATURE

filing. Amends provisions relating to violation; penalties. Report to the legislature. -- SB1347 CD1
Committee Reports: SSCR 501 (CPN) HSCR 1006 (CPC) HSCR 1579 (FIN) CCR 40
Current Status: May-03 11 Passed Legislature
Section Affected: 269- (1 SECTION), 271- (1 SECTION), 271G- (1 SECTION), 269-93

SB1348 SD2 HD3 CD1 (CCR 108)

RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE.
Introduced by: Baker R, Ihara L, Tsutsui S, Green J, Chun Oakland S, Ige D
Establishes the Hawaii health system exchange law. Establishes the Hawaii health insurance exchange, a Hawaii nonprofit organization to be known as the Hawaii health connector. Provides that the purpose of the connector is to facilitate the purchase and sale of qualified plans and qualified dental plans, connecting consumers to the information necessary to make informed health care choices, and enable consumers to purchase coverage and manage health and dental plans electronically. Requires the connector to serve as a clearinghouse for information on all qualified health plans listed or included in the connector. Requires the legislative auditor to conduct annual audits and submit reports to the commissioner. Requires the board of directors to annually report to the legislature. Allows the connector to receive contributions, grants, endowments, fees, or gifts in cash or otherwise from public and private sources. Requires the exchange to be self sustaining by January 1, 2015. Requires the connector to be governed by a 15 members board of directors appointed by the governor. Requires the insurance commissioner to determine eligibility for the inclusion of insurers and plan and to retain regulatory jurisdiction. Requires the department of human services to determine qualifications and eligibility of individuals to participate in medicaid adult or children's health insurance program. Establishes an interim board of the Hawaii health connector in the department of commerce and consumer affairs to recommend to the legislature policies and procedures to further define and operate the Hawaii health connector. Report to the legislature. Provides that at the request of the interim board, allows the department of consumer affairs to employ temporary staff to assist with requirements. Requires the legislative reference bureau to assist the interim board in preparing its findings, recommendation, and proposed legislation. Interim board to cease to exist on June 30, 2012 (sunset). Appropriation out of the federal funds received pursuant to federal domestic assistance grant. (\$\$) -- SB1348 CD1
Committee Reports: SSCR 287 (CPN/ HTH/) SSCR 536 (WAM) HSCR 976 (HLT) HSCR 1186 (CPC) HSCR 1544 (FIN) CCR 108
Current Status: May-03 11 Passed Legislature
Section Affected: (10 SECTIONS) HAWAII HEALTH INSURANCE EXCHANGE

SB1349 SD1 HD1 (HSCR 1466)

RELATING TO NONPROFIT CORPORATIONS.
Introduced by: Baker R, Ryan P, Shimabukuro M, Chun Oakland S
Establishes provisions relating to action by ballot under Hawaii nonprofit corporations act. Allows any action to be taken at any annual, regular, or special meeting of members to be taken without a meeting if the membership corporation delivers a ballot to every member entitled to vote on the matter, except as otherwise restricted by the article of incorporation or bylaws. Allows membership corporation to deliver ballots by electronic transmission. Requires approval by ballot to be valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action. Allows members or proxies of members to participate at an annual or regular meeting of member by means of the internet, teleconference, or other electronic transmission technology if authorized by the board of directors. Amends provisions relating to other methods of electing directors. Repeals that allows the directors or officers are to be elected by member, the bylaws or board of directors election to be conducted by mail. Allows a ballot to be signed by means of an electronic signature. -- SB1349 HD1
Committee Reports: SSCR 500 (CPN) HSCR 1007 (CPC) HSCR 1466 (JUD)
Current Status: Apr-18 11 Received by the Governor
May-04 11 Approved by Governor (Act 37 2011)
Section Affected: 414D- (1 SECTION), 414D-14, 414D-15, 414D-17, 414D-101, 414D-102, 414D-114, 414D-115, 414D-116, 414D-145, 414D-182, 414D-184, 414D-202, 414D-222, 414D-242

SB1383 SD2 HD2 CD1 (CCR 43)

RELATING TO SCHOOL REPAIR AND MAINTENANCE.
Introduced by: Tokuda J, Chun Oakland S, Taniguchi B, Dela Cruz D
Amends provisions relating to Hawaii 3R's school repair and maintenance fund. Provides that the fund shall receive moneys transferred from the school level minor

SENATE BILLS THAT PASSED THE LEGISLATURE

repairs and maintenance special fund. (\$\$) -- SB1383 CD1
Committee Reports: SSCR 77 (EDU) SSCR 656 (WAM) HSCR 1137 (EDN) HSCR
1520 (FIN) CCR 43
Current Status: May-03 11 Passed Legislature
Section Affected: 302A-1502.4

SB1386 SD1 HD1 (HSCR 1067) RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.
Introduced by: Tokuda J, Kidani M, Chun Oakland S
Amends provisions relating to regents; appointment; tenure; qualifications; meetings.
Requires the board of regents of the university of Hawaii to elect a chairperson and up
to 2 vice chairpersons before July 1. -- SB1386 HD1
Committee Reports: SSCR 55 (EDU) HSCR 1067 (HED) HSCR 1485 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 304A-104, 304A-104.5

SB1394 SD1 HD1 CD1 (CCR 35) RELATING TO HAWAII PUBLIC HOUSING AUTHORITY.
Introduced by: Dela Cruz D, Kidani M, Ryan P, Nishihara C, Chun Oakland S
Amends provisions relating to development of property. Allows the Hawaii public
housing authority to enter into contracts with eligible developers to develop public
housing projects in exchange for mixed use development rights. Requires eligibility of
a developer for an exchange to be determined pursuant to rules adopted by the
authority. -- SB1394 CD1
Committee Reports: SSCR 294 (HMS/ WLH/) SSCR 534 (WAM) HSCR 1020 (HSG/
WLO/) HSCR 1573 (FIN) CCR 35
Current Status: May-03 11 Passed Legislature
Section Affected: 356D-11

SB1416 SD1 HD1 (HSCR 1031) RELATING TO HIGHWAY SAFETY.
Introduced by: Kim D, Dela Cruz D, Kidani M, Shimabukuro M, English J, Chun Oakland
S, Green J
Amends provisions relating to certificates of inspection. Requires all other vehicles,
including motorcycles, trailers, semitrailers, and pole trailers have a gross vehicle weight
rating of 10,000 pounds or less, and antique motor vehicles are to be certified every 12
months; provided that any vehicle to which this law applies is not to require inspection
within 3 years of the date on which the vehicle was 1st sold. -- SB1416 HD1
Committee Reports: SSCR 11 (TIA) SSCR 535 (WAM) HSCR 1031 (TRN) HSCR
1441 (JUD)
Current Status: Apr-18 11 Received by the Governor
Section Affected: 286-26

SB1417 SD1 HD1 (HSCR 1431) RELATING TO THE STATE REHABILITATION COUNCIL.
Introduced by: Kouchi R (BR)
Amends provisions relating to the State rehabilitation council. Requires that the
minimum number of council members necessary to constitute a quorum to do business
to be 10 and the number of votes necessary to validate any action of the council to be
the concurrence of at least a majority of quorum. -- SB1417 HD1
Committee Reports: SSCR 481 (HMS) HSCR 1431 (HUS)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 348-8

SB1482 SD1 HD1 CD1 (CCR 134) RELATING TO THE PUBLIC UTILITIES COMMISSION.
Introduced by: Gabbard M, Kidani M, Shimabukuro M, Chun Oakland S
Amends provisions relating to general powers and duties under the public utilities
commission law. Requires the public utilities commission to consider the need to reduce
the State's reliance on fossil fuels through energy efficiency and increased renewable
energy generation. -- SB1482 CD1
Committee Reports: SSCR 180 (ENE/ CPN/) SSCR 653 (WAM) HSCR 1004 (EEP)
HSCR 1420 (CPC) CCR 134
Current Status: May-03 11 Passed Legislature
Section Affected: 269-6

SB1483 SD1 HD1 CD1 (CCR 3) RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E).
Introduced by: Baker R
Amends provisions relating to association records; records to be maintained. Requires
the association to only maintain in its records the name and address of the time share
association as the representative agent for the individual time share owners, unless the

SENATE BILLS THAT PASSED THE LEGISLATURE

association receives a request by a time share owner to maintain in its records the name and address of the time share owner. -- SB1483 CD1
Committee Reports: SSCR 496 (CPN) HSCR 1178 (TOU) HSCR 1440 (CPC) CCR 3
Current Status: May-03 11 Passed Legislature
Section Affected: 514B-153

SB1484 SD1 HD2 (HSCR 1427)

RELATING TO INSURANCE.
Introduced by: Galuteria B
Amends provisions relating to exemption of certain societies under fraternal benefit societies. Exempts any association, whether a fraternal benefit society or not that was organized before 1880; the association's membership consists of active, retired, or honorably discharged members of the armed forces of the US, including officers or enlisted members and regular or reserve members; and a principal purpose of the association is to provide insurance and other benefits to its members and their dependents or beneficiaries. -- SB1484 HD2
Committee Reports: SSCR 498 (CPN) HSCR 1087 (PBM) HSCR 1427 (CPC)
Current Status: Apr-15 11 Received by the Governor
Apr-27 11 Approved by Governor (Act 21 2011)
Section Affected: 432:2-704

SB1485 SD1 HD1 CD1 (CCR 21)

RELATING TO RECONSTITUTING SCHOOLS.
Introduced by: Tokuda J, Kidani M, Nishihara C, Chun Oakland S
Establishes provisions relating to reconstituting schools. Authorizes the superintendent of education to reconstitute a school, except a charter school, which has been in restructuring as defined by the No Child Left Behind Act, including replacing staff, entering into contracts to manage schools, and changing the membership of the school community council. Further authorizes the superintendent to recommend to the charter school review panel actions that should be taken to reconstitute a charter school or to recommend that the charter school review panel revoke the charter school's charter. -- SB1485 CD1
Committee Reports: SSCR 299 (EDU) SSCR 696 (WAM) HSCR 1028 (EDN) HSCR 1473 (FIN) CCR 21
Current Status: May-03 11 Passed Legislature
Section Affected: 302A- (1 SECTION), 302B- (1 SECTION)

SB1489 SD1 HD1 (HSCR 1217)

RELATING TO ATTORNEY'S LIENS.
Introduced by: Shimabukuro M
Amends provisions relating to attorney's lien upon actions and judgments. Provides that when the attorney's lien attaches to a judgment, decree order, settlement, or award allowing or enforcing a client's lien, the attorney's lien has the same priority as the client's lien with regard to personal or real property subject to the client's lien. -- Requires a notice of claim of the attorney's lien to be filed with the court or arbitrator, as the case may be. -- SB1489 HD1
Committee Reports: SSCR 374 (JDL) SSCR 556 (WAM) HSCR 1217 (JUD)
Current Status: May=03 11 Passed Legislature
Section Affected: 507-81

SB1491 SD1 HD1 (HSCR 1159)

RELATING TO DISTRICT COURTS.
Introduced by: Shimabukuro M
Amends provisions relating to powers and venue of the district courts. Allows a summons or other writ issued by the district court to be served without the State in accordance with provisions relating to service on boat operators, acts submitting to jurisdiction, or manner of service. -- SB1491 HD1
Committee Reports: SSCR 619 (JDL) HSCR 1159 (JUD) HSCR 1577 (FIN)
Current Status: Apr-20 11 Received by the Governor
Section Affected: 604-7

SB1493 SD1 HD3 CD1 (CCR 8)

RELATING TO LIGHT POLLUTION.
Introduced by: Espero W, Shimabukuro M
Establishes provisions relating to starlight reserve strategy. Requires every new and replacement outdoor light fixture be fully shielded. Identifies specific lighting sources that are exempt. -- SB1493 CD1
Committee Reports: SSCR 507 (ENE/ EDT/) HSCR 970 (TRN) HSCR 1153 (EEP) HSCR 1564 (FIN) CCR 8
Current Status: May-03 11 Passed Legislature
Section Affected: 201- (1 SECTION) STARLIGHT RESERVE STRATEGY

SENATE BILLS THAT PASSED THE LEGISLATURE

SB1503 SD2 HD1 CD1 (CCR 23)

RELATING TO SPECIAL EDUCATION.

Introduced by: Kidani M

Establishes provisions relating to education of students with disabilities; private residential facilities; special education schools or programs; accreditation. Requires any accredited private special education school or program, certified or licensed private residential facility, or nonpublic special education school or program that provides education, treatment, programming, or related services to students with disabilities who are eligible to receive special education and related services pursuant to federal or state law, rules, and regulations and who receive funding from the State, either directly or through parental reimbursement, to comply with all federal and state laws, rules, and regulations. Further requires any nonpublic special education school or program that is not accredited to apply for accreditation within 90 days from the date of accepting a student with disabilities who was placed there as the result of a hearing officer's decision, court order, settlement agreement, or placement by the department. -- SB1503 CD1

Committee Reports: SSCR 331 (EDU) SSCR 780 (WAM) HSCR 1139 (EDN) HSCR 1522 (FIN) CCR 23

Current Status: May-03 11 Passed Legislature

Section Affected: 302A- (1 SECTION) EDUCATION OF STUDENTS WITH DISABILITIES

SB1511 SD1 HD2 CD1 (CCR 37)

RELATING TO AQUACULTURE.

Introduced by: Wakai G

Amends provisions relating to disposition by negotiation. Amends provisions relating to disposition by negotiation. Provides that the exception to the requirement that the disposition of public lands not exceed a maximum term of 35 years, includes aquaculture operations, which may provide for a maximum term of 65 years. -- SB1511 CD1

Committee Reports: SSCR 176 (AGL/ WLH/) SSCR 690 (WAM) HSCR 1117 (WLO/ AGR/) HSCR 1569 (FIN) CCR 37

Current Status: May-03 11 Passed Legislature

Section Affected: 171-59

SB1519 SD3 HD2 CD1 (CCR 13)

RELATING TO MORTGAGE LOAN ORIGINATORS.

Introduced by: Galuteria B

Amends provisions relating to secure and fair enforcement for mortgage licensing act. Provides that any person exempt from licensing provisions under this act may register with the Nationwide Mortgage Licensing System to sponsor a mortgage loan originator. Requires all mortgage loan originators to be sponsored by a mortgage loan originator company. Provides that denial of applications may be subject to administrative hearing upon petition of the commissioner of financial institutions. Establishes provisions relating to abandoned applications, duties of qualified individual and branch manager. Amends provision relating to definitions. Redefines licensee to mean Licensee does not include an exempt registered mortgage loan originator or exempt sponsoring mortgage loan originator company. Redefines Mortgage loan originator to mean a person not exempt who employs or contracts for the services of 1 or more mortgage loan originators licensed and repeals provision relating to exempt registered mortgage loan originator company. Amends provisions relating to registration with Nationwide Mortgage Licensing System required. Add exempt sponsoring mortgage loan originator companies. Amends provisions relating to exemptions. Changes registered to sponsoring. Amends provisions relating to license and registration; application; issuance. Repeals that requires the applicant to furnish an application for a license to the insurance commissioner. Provides that the commissioner may use any information obtained or through the nationwide Mortgage Licensing System to determine an applicant's demonstrated financial responsibility, character, and general fitness for licensure. Amends provisions relating to automatic secondary review of license application. Requires the commissioner to provide a secondary level of review of the application and allows the commissioner to request that an applicant provide any additional or supplemental information that the commissioner deems necessary for a secondary review of an application. Amends provisions relating to authorized places of business; designating of managers; branch offices to include qualified individuals and branch managers; and out of state headquarter; relocation. Amends provisions relating to prohibited practices. Provides it shall be a violation for a licensee or person engage in any unfair or deceptive practice related to mortgage loan originator activates toward any person; negligently or knowingly make any false statement. Repeals provisions relating to collect, charge attempt to collect or charge, or use or propose any agreement

SENATE BILLS THAT PASSED THE LEGISLATURE

purporting to collect or charge any fee. Adds advertising that a specific interest rates, points, or financial terms are available is misleading or deceptive communication. Amends provisions relating to mortgage loan originator, mortgage loan originator company fees to include and exempt sponsoring mortgage loan originator company fee. Requires an exempt sponsoring mortgage loan originator company to pay fees to maintain a valid registration in the nationwide Mortgage Licensing System.-- SB1519 CD1

Committee Reports: SSCR 5 (CPN) SSCR 422 (CPN) SSCR 781 (WAM) HSCR 1210 (CPC/ JUD/) HSCR 1507 (FIN) CCR 13

Current Status: May-03 11 Passed Legislature

Section Affected: 454F- (5 SECTIONS), 454F-1, 454F-1.5, 454F-2, 454F-4, 454F-4.5, 454F-5, 454F-8, 454F-9, 454F-10.5, 454F-10.7, 454F-17, 454F-22, 454F-42

SB1520 SD2 HD3 CD1 (CCR 41)

RELATING TO GOVERNMENT.

Introduced by: Hee C, Galuteria B, Kahele G, Ryan P

Establishes the native Hawaiian recognition law. Establishes the native Hawaiian roll commission appointed by the governor for the purpose of preparing and maintaining a roll of qualified native Hawaiians and certifying that the individuals meet the definition of qualified native Hawaiians. Provides that the publication of the roll of qualified native Hawaiians is intended to facilitate the process under which qualified native Hawaiians may independently commence the organization of a convention of qualified native Hawaiians, established for the purpose of organizing themselves. -- Requires the Hawaiian homes commission act, 1920 to be amended, subject to the approval of the US congress. -- Requires the commission to be funded by the office of Hawaiian affairs. -- Requires the commission in cooperation with the office of Hawaiian affairs to report to the legislature and the governor. -- SB1520 CD1

Committee Reports: SSCR 429 (HWN/ JDL/) SSCR 793 (WAM) HSCR 998 (HAW) HSCR 1158 (JUD) HSCR 1598 (FIN) CCR 41

Current Status: May-03 11 Passed Legislature

Section Affected: (9 SECTIONS) NATIVE HAWAIIAN RECOGNITION

SB1530 SD1 HD2 CD1 (CCR 48)

RELATING TO PUBLIC LANDS.

Introduced by: Solomon M, Dela Cruz D

Establishes provisions relating to commercial, hotel, resort, or industrial leases; extension of term. Allows the board of land and natural resources to extend the term of a lease of public lands for hotel or resort use upon the approval by the board of a written agreement proposed by the lessee, or the lessee and developer. Requires the lessee, or the lessee and developer to submit to the board the plans and specifications for the total development being proposed. Requires the board to review the specifications and determine whether the development is of sufficient worth and value to justify the extension of the lease; the estimated period of time to complete the improvements and expected date of completion of the improvements; and the minimum revised annual rent based upon the fair market value of the lands to be developed exceed a specified amount. Prohibits any lease extension until the board and the lessee, or the lessee and the developer, mutually agree to the terms and conditions of the written agreement. Prohibits construction to commence until the lessee, or the lessee and developer have filed with the board a good and sufficient bond or other financial guaranty satisfactory to the board. Requires extension of the lease to be based upon the substantial improvements to be made and to be no longer than 55 years. Requires that any extension of a lease granted is to be effectuated, documented, and executed using the most current lease form and leasing practices and policies of the board. -- SB1530 CD1

Committee Reports: SSCR 348 (TSM/ WLH/) SSCR 691 (WAM) HSCR 1118 (WLO/ TOU/) HSCR 1482 (FIN) CCR 48

Current Status: May-03 11 Passed Legislature

Section Affected: 171- (1 SECTION) HOTEL OR RESORT LEASES

SB1533 SD1 HD1 (HSCR 1300)

RELATING TO CRUELTY TO ANIMALS.

Introduced by: Shimabukuro M

Amends provisions relating to cruelty to animals in the 2nd degree. Provides that a person commits the offense of cruelty to animals in the 2nd degree if the person intentionally, knowingly, or recklessly mutilates, poisons, or kills without need any animals other than insects, vermin or rodents; provided that the handling or extermination of any insect, vermin, or other pest is conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations.

-- SB1533 HD1

SENATE BILLS THAT PASSED THE LEGISLATURE

Committee Reports: SSCR 474 (JDL) HSCR 1300 (JUD)
Current Status: May=03 11 Passed Legislature
Section Affected: 711-1109

SB1555 SD2 HD2 CD1 (CCR 49)

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

Introduced by: Dela Cruz D

Establishes the public land development corporation law. Establishes the corporation within the department of land and natural resources. Establishes a board of directors of the corporation. Requires the corporation to prepare the Hawaii public land optimization plan that defines and establishes goals, objectives, policies, and priority guidelines for its public land optimization development strategy. Authorizes the corporation to develop and implement projects where appropriate public lands may be developed or managed to create revenue generating centers or to exploit potential local, national, and international markets. Allows the corporation to issue revenue bonds with the approval of the governor. Allows the department with the approval of the board of land and natural resources to transfer development rights to the corporation. Establishes the Hawaii public land development revolving fund. Exempts the corporation from state taxes. Annual report to the legislature and governor. -- Amends provisions relating to the Hawaii community development authority. Authorizes the authority to assist the corporation. Appropriation out of the land conservation fund for the corporation and staff positions. (\$\$) -- SB1555 CD1

Committee Reports: SSCR 197 (WLH) SSCR 704 (WAM) HSCR 1037 (WLO) HSCR 1567 (FIN) CCR 49

Current Status: May-03 11 Passed Legislature

Section Affected: (20 SECTIONS) PUBLIC LAND DEVELOPMENT CORPORATION, 206E-4

SB1559 SD2 HD2 (HSCR 1428)

RELATING TO IMPORTANT AGRICULTURAL LANDS.

Introduced by: Dela Cruz D

Amends provisions relating to agricultural processing facilities; permits, priority. Requires that any agency that issues permits to establish and implement a procedure for the priority processing of permit applications and renewals for agricultural processing facilities that process crops or livestock for an agribusiness provided that all the crops or livestock processed at the facility is produced on land designated as important agricultural land. Also provides that this requirement shall apply for at least 20 years following the issuance of a certificate of occupancy for the facility. -- Establishes provision relating to preferential energy rates; important agricultural lands. Requires the public utilities commission to establish preferential rates for the purchase of energy that is used or consumed for agricultural activities on important agricultural lands. -- SB1559 HD2

Committee Reports: SSCR 395 (WLH) SSCR 740 (WAM) HSCR 1134 (AGR/ WLO/) HSCR 1428 (CPC)

Current Status: Apr-20 11 Received by the Governor

Section Affected: 205-46.5, 269- (1 SECTION)

HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB0004 HD2 SD2 CD1 (CCR 85) RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.
Introduced by: Takai K, Hanohano F, Keith-Agaran G, Lee M, Souki J, McKelvey A
Amends Act 152, session laws of 2009, which establishes interstate compact on educational opportunity for military children law by repealing the sunset date. -- HB0004 CD1
Committee Reports: HSCR 263 (EDN) HSCR 876 (FIN) SSCR 945 (EDU/ PGM/ SSCR 1166 (WAM) CCR 85
Current Status: May-03 11 Passed Legislature
Section Affected: ACT 152 2009
- HB0044 HD1 SD1 CD1 (CCR 68) RELATING TO PROSTITUTION.
Introduced by: Rhoads K
Establishes provisions relating to solicitation of prostitution near schools or public parks. Establishes that a person commits the offense if the person offers or agrees to pay a fee to another person to engage in sexual conduct within 750 feet of the real property comprising a school or a public park. -- HB0044 CD1
Committee Reports: HSCR 622 (JUD) SSCR 1104 (JDL) CCR 68
Current Status: May-03 11 Passed Legislature
Section Affected: 712- (1 SECTION) SOLICITATION OF PROSTITUTION NEAR SCHOOLS OR PUBLIC PARKS
- HB0049 HD1 SD1 (SSCR 1218) RELATING TO ARMED FORCES SERVICE MEMBERS.
Introduced by: Takai K, Pine K, Nakashima M, Wooley J, Hanohano F, Keith-Agaran G, Riviere G, Lee M, McKelvey A
Establishes provisions relating to disposition of body; armed forces service members. Allows a person designated by the decedent as authorized to direct disposition of a US Department of Defense record of emergency data, DD form 93, or its successor form, to arrange for the final disposition of the decedent's body, including cremation, if the decedent died while serving in any branch of the US armed forces, US reserve forces, or national guard; and executed the US Department of Defense record of emergency data or its successor form. -- HB0049 SD1
Committee Reports: HSCR 365 (PBM) HSCR 808 (JUD) SSCR 819 (PGM) SSCR 1218 (JDL)
Current Status: Apr-25 11 Received by the Governor
Section Affected: 338- (1 SECTION) DISPOSITION OF BODY
- HB0056 HD2 SD2 CD1 (CCR 66) RELATING TO CHILD VISITATION.
Introduced by: Takai K, Hanohano F, Brower T, Marumoto B, Aquino H, Mizuno J, Pine K, Awana K, Ito K, McKelvey A, Nishimoto S
Amends provisions relating to grandparents' visitation rights; petition; notice; order. Provides that the court may award the visitation rights if there is clear and convincing evidence that denial of reasonable visitation rights would cause significant demonstrable harm to the child. Establishes that a rebuttable presumption is that the parent's decision regarding visitation is in the best interests of the child and that presumption may be rebutted by clear and convincing evidence that denial of reasonable visitation rights would cause significant demonstrable harm to the child. Allows the court to consider certain factors in deciding what is in the best interests of the minor child. -- HB0056 CD1
Committee Reports: HSCR 475 (HUS) HSCR 939 (JUD) SSCR 842 (HMS) SSCR 1212 (JDL) CCR 66
Current Status: May-03 11 Passed Legislature
Section Affected: 571-46.3
- HB0112 HD1 (HSCR 823) RELATING TO CABLE TELEVISION SYSTEMS.
Introduced by: McKelvey A, Keith-Agaran G
Establishes provisions relating to designation of access organizations for PEG (public education and government) access channels. Allows the director of commerce and consumer affairs to designate an access organization to oversee the development, operation, supervision, management, production or broadcasting of programs on PEG channels. Requires the director to establish requirements for the designation of access organization and ensure that the terms, conditions required of the operation of an access organization designated are fair to the public, taking into account the geographic, topographic, and economic characteristics of the service area and the economics of providing cable access in the service area. Provides that any decision designation, modifying, or rescinding a designation of an access organization or the requirements shall 1st be submitted for review to the cable advisory committee for advice. Amends

HOUSE BILLS THAT PASSED THE LEGISLATURE

provisions relating to cable advisory committee. Requires the committee to advise the director and access organizations on matters within the jurisdiction at the request of the director or any access organization and on any decision designating, modifying, or rescinding a designation of an access organization or the requirements. Act to be repealed on June 30, 2014 (sunset). -- HB0112 HD1

Committee Reports: HSCR 106 (CPC) HSCR 823 (FIN) SSCR 1064 (CPN)

Current Status: Apr-13 11 Received by the Governor
Apr-27 11 Approved by Governor (Act 19 2011)

Section Affected: 440G- (1 SECTION), 440G-13

HB0117 HD2 SD2 CD1 (CCR 61)

RELATING TO SPECIAL MANAGEMENT AREAS.

Introduced by: McKelvey A, Yamashita K, Har S, Herkes R, Chang J, Awana K

Amends provisions relating to the powers of the board of land and natural resources. Requires the board to plan, design, construct, operate, and maintain any lands or facilities under the jurisdiction of the division of boating and ocean recreation without the need to obtain a special management area minor permit or special management area use permit. -- Amends provisions relating to the definitions under coastal zone management law. Redefines development to exclude construction or reconstruction of a single family residence that is not part of a larger development provided that a single family residence that is less than 7,500 square feet of floor area and is not part of a larger development. Redefines special management area minor permit to mean an action by the authority authorizing development, the value of which is not in excess of 500,000 dollars, instead of 125,000 dollars, that has no substantial environmental or ecological effect. Redefines special management area major use permit to mean action by the authority authorizing development, the value of which is not in excess of 500,000 dollars, instead of 125,000 dollars, that may have a substantial adverse environmental or ecological effect. Redefines special management area us permit to mean an action by the authority which exceeds 500,000 dollars. -- HB0117 CD1

Committee Reports: HSCR 380 (WLO/ EEP/) HSCR 937 (JUD) SSCR 1139 (WLH/ ENE/) FLOOR AMENDMENT 4 CCR 61

Current Status: May-03 11 Passed Legislature

Section Affected: 171-6, 205A-22

HB0122 HD1 SD2 (SSCR 1197)

RELATING TO RENEWABLE ENERGY.

Introduced by: McKelvey A, Morita H

Amends Act 173, session laws of 2009, providing an exemption of renewable energy facilities from subdivision requirements by extending the sunset date to July 1, 2020. -- HB0122 SD2

Committee Reports: HSCR 216 (EEP/ WLO/) HSCR 638 (AGR) SSCR 891 (ENE/ WLH/) SSCR 1197 (AGL)

Current Status: Apr-19 11 Received by the Governor

Section Affected: 201N-13, 201N-14, ACT 173 2009

HB0141 HD1 SD1 CD1 (CCR 77)

RELATING TO THE HAWAII PENAL CODE.

Introduced by: Hanohano F

Establishes labor trafficking in the 1st, and 2nd. -- Establishes penalties. -- Establishes application for court order to intercept wire, oral, or electronic communication in offenses relating to labor trafficking for the purpose of forced labor or services. -- Requires the department of the attorney general to report to the legislature. -- HB0141 CD1

Committee Reports: HSCR 625 (JUD) SSCR 1135 (JDL) CCR 77

Current Status: May-03 11 Passed Legislature

Section Affected: 707- (8 SECTIONS) LABOR TRAFFICKING, 712A-4, 803-44, 842-1

HB0200 HD1 SD1 CD1 (CCR 143)

RELATING TO THE STATE BUDGET.

Introduced by: Say C (BR)

General Appropriations Act of 2011 (state budget). Appropriations for general operating and capital improvement funds for the support of state government operations over the 2011 - 2013 fiscal biennium. Authorizes the issuance of general obligation bonds. (\$\$) -- HB0200 CD1

Committee Reports: HSCR 952 (FIN) SSCR 1075 (WAM) CCR 143

Current Status: May-03 11 Received by the Governor

Section Affected: ACT 289 1993, ACT 252 1994, ACT 218 1995, ACT 287 1996, ACT 328 1997, ACT 116 1998, ACT 91 1999, ACT 281 2000, ACT 259 2001, ACT 177 2002, ACT 200 2003, ACT 41 2004, ACT 178 2005, ACT 160 2006, ACT 213 2007, ACT 158 2008,

HOUSE BILLS THAT PASSED THE LEGISLATURE

ACT 162 2009, ACT 180 2010, (1 SECTION)

HB0227 HD2 SD2 CD1 (CCR 59)

RELATING TO TRESPASS.

Introduced by: Keith-Agaran G

Amends provisions relating to trespass. Redefines enter or remain unlawfully by repealing a person who enters or remains in or upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to the person by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. -- Amends provisions relating to criminal trespass in the 2nd degree. Provides that the person commits criminal trespass in the 2nd degree if the person enters or remains unlawfully on unimproved or unused lands without the permission of the owner of the land, the owner's agent, or the person in lawful possession of the land. -- Establishes provisions relating to trespass; limited liability of agricultural land owner. Provides that an owner of agricultural land is not liable for any injury, death, loss or damage suffered by a trespasser unless the injury, death, loss, or damage was intentionally inflicted upon the trespasser on the owner's agricultural land, unless the injury, death, loss, or damage was intentionally inflicted upon the trespasser by the owner of the land; or caused by the gross negligence of the owner of the land. -- HB0227 CD1

Committee Reports: HSCR 382 (WLO) HSCR 934 (JUD) SSCR 830 (AGL) SSCR 1254 (JDL) CCR 59

Current Status: May-03 11 Passed Legislature

Section Affected: 708-800, 708-814, 663- (1 SECTION)

HB0240 SD1 CD1 (CCR 76)

RELATING TO PROMOTING PROSTITUTION.

Introduced by: Say C (BR)

Amends provisions relating to witness security and protection. Requires the attorney general to give highest priority to cases involving promoting prostitution. -- Amends provisions relating to promoting prostitution; definition of terms. -- Amends provisions relating to prostitution in the 1st degree. Includes advancing prostitution by inducing a person to engage in prostitution or profits from such conduct. Defines fraud as making material false statements, misstatements, or omissions to induce or maintain the person being prostituted to engage in or continue to engage in prostitution. Changes the charge of promoting prostitution in the 2nd degree to a class B felony. -- Repeals promoting prostitution in the 3rd degree. -- Amends provisions relating to prostitution and promoting prostitution. Provides that a person commits the offense of prostitution if the person commits the offense of prostitution if the person pays, agrees to pay, or offers to pay a fee to another to engage in sexual conduct. -- Prohibits any person within the boundaries of Waikiki and while on any public property to offer, pay, agree to pay, or offer to pay a fee to another person to engage in sexual conduct. -- Establishes provisions relating to habitual solicitation of prostitution. Makes it a class C felony. -- Amends Act 192, session laws of 2008, as amended by Act 95, session laws of 2010, by repealing the sunset date. -- HB0240 CD1

Committee Reports: HSCR 614 (JUD) SSCR 1137 (JDL) CCR 76

Current Status: May-03 11 Passed Legislature

Section Affected: 28-101, 712-1201, 712-1202, 712-1203, 853-4, 712-1204, 712-1200, 712-1207, ACT 192 2008, ACT 95 2010

HB0270 SD1 (SSCR 890)

RELATING TO THE COUNTIES.

Introduced by: Say C (BR)

Amends provisions relating to the disposition of real property. Allows each county to grant, sell, or otherwise dispose of any easement for particular purposes in perpetuity by direct negotiation or otherwise, subject to reverter to the county upon the termination or abandonment of the specific purpose for which the easement was granted. -- HB0270 SD1

Committee Reports: HSCR 413 (WLO) HSCR 848 (FIN) SSCR 890 (PGM/ WLH/ SSCR 1187 (WAM)

Current Status: Apr-18 11 Received by the Governor

Section Affected: 46-66

HB0298 HD1 SD1 (SSCR 1105)

RELATING TO COURT INTERPRETERS.

Introduced by: Say C (BR)

Amends provisions relating to attendance roll; parking violation exemption. Exempts court interpreters from any prosecution, penalty or fine as a result of a parking violation for an expired meter committed in connection with being a court interpreter. -- HB0298

HOUSE BILLS THAT PASSED THE LEGISLATURE

- SD1
Committee Reports: HSCR 417 (JUD) SSCR 1105 (JDL)
Current Status: Apr-18 11 Received by the Governor
May-04 11 Approved by Governor (Act 42 2011)
Section Affected: 621-8
- HB0299 HD1 SD1 (SSCR 1115) RELATING TO COURTS OF APPEAL.
Introduced by: Say C (BR)
Amends provisions relating to appeals from decision of the intermediate appellate court, certiorari. Reduces the period to file an application for writ of certiorari with the supreme court from 90 days to 30 days. Allows a party to request a 30 day extension. -- HB0299 SD1
Committee Reports: HSCR 604 (JUD) SSCR 1115 (JDL)
Current Status: Apr-27 11 Passed Legislature
Section Affected: 602-59
- HB0300 HD2 SD2 CD1 (CCR 129) RELATING TO THE JUDICIARY.
Introduced by: Say C (BR)
Judiciary appropriations Act of 2011 (judiciary budget). Appropriations to the judiciary for the 2011 - 2013 fiscal biennium. (\$\$) -- HB0300 CD1
Committee Reports: HSCR 305 (JUD) HSCR 953 (FIN) SSCR 958 (JDL) SSCR 1076 (WAM) CCR 129
Current Status: May-03 11 Passed Legislature
- HB0301 SD1 CD1 (CCR 97) RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND.
Introduced by: Say C (BR)
Amends provisions relating to the judiciary computer system special fund. Adds to the fund fees prescribed by the supreme court by rule of court for electronic document certification, electronic copies of documents, and for providing bulk access to electronic court records and compilation of data and fees. -- Amends provisions relating to powers of supreme court with respect to costs and fees. Requires all such fees to be deposited into the judiciary computer system special fund. -- Amends provisions relating to the fees to be accounted for. Exempts these fees from being deposited into the general fund. -- HB0301 CD1
Committee Reports: HSCR 306 (JUD) HSCR 854 (FIN) SSCR 953 (EDT/JDL) SSCR 1231 (WAM) CCR 97
Current Status: May-03 11 Passed Legislature
Section Affected: 601-3.7, 607-1, 607-2
- HB0318 HD2 SD2 (SSCR 1158) RELATING TO VOG.
Introduced by: Herkes R, Hanohano F
Establishes an interagency task force on vog within the civil defense agency of a county with an active volcano from which vog emanates to review the effects and impact of vog, on human health, school children, agriculture, farm and ranch animals, public infrastructure, the visitor industry, and any other issue the task force deems necessary. Report to the legislature in conjunction with the State interagency task force on sulfur dioxide hazards. Task force to cease to exist on June 30, 2013 (sunset). -- HB0318 SD2
Committee Reports: HSCR 199 (PBM) HSCR 803 (FIN) SSCR 813 (PGM) SSCR 1158 (WAM)
Current Status: May-03 11 Passed Legislature
- HB0319 HD1 SD1 CD1 (CCR 55) RELATING TO OWNER-BUILDERS.
Introduced by: Herkes R
Amends provisions relating to owner builder exemption. Requires proof of the sale or lease, or offering for sale or lease, of the structure within 1 year after completion to be prima facie evidence that the construction or improvement of the structure was undertaken for the purpose of sale or lease. Exempts any sale or lease caused by an eligible unforeseen hardship as determined by the contractor's license board. Requires an owner seeking a determination of eligibility of an unforeseen hardship to submit a written application describing the nature and supporting documentation detailing the hardship. Prohibits an exemption for an unforeseen hardship to be denied solely because of lack of completion. -- HB0319 CD1
Committee Reports: HSCR 619 (CPC) SSCR 868 (CPN) CCR 55
Current Status: May-03 11 Passed Legislature
Section Affected: 444-2.5

HOUSE BILLS THAT PASSED THE LEGISLATURE

- HB0320 HD2 SD1 (SSCR 1063) RELATING TO BROKER PRICE OPINIONS.
Introduced by: Herkes R (BR)
Amends provisions relating to practice as a real estate appraiser; uniform standards. Exempts a real estate broker or real estate salesperson licensed under the real estate brokers and salespersons law who provides an opinion as to the estimated price of real estate, regardless of whether the real estate licensee receives compensation, a fee, or other consideration for providing the opinion. -- HB0320 SD1
Committee Reports: HSCR 175 (CPC) HSCR 818 (JUD) SSCR 1063 (CPN)
Current Status: Apr-25 11 Received by the Governor
Section Affected: 466K-4
- HB0331 HD2 SD2 CD1 (CCR 127) RELATING TO PUBLIC LANDS.
Introduced by: Chang J, Tsuji C, Nakashima M, Herkes R, Souki J, Ichiyama L, Ito K, Har S, Tokioka J, Hanohano F
Amends provisions relating to lease restrictions under public lands law. Allows the board of land and natural resources to extend or modify the fixed rental period of the lease; provided that the aggregate of the initial term and any extension granted not exceed 65 years. -- HB0331 CD1
Committee Reports: HSCR 428 (WLO) HSCR 845 (FIN) SSCR 950 (WLH) SSCR 1138 (WLH/ WAM/) CCR 127
Current Status: May-03 11 Passed Legislature
Section Affected: 171-36
- HB0381 HD1 SD1 (SSCR 1117) RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS.
Introduced by: Say C (BR)
Amends or repeals various provisions of the Hawaii revised statutes and the session laws of Hawaii for the purpose of correcting errors, clarifying language, correcting references, and deleting obsolete or unnecessary provisions. -- HB0381 SD1
Committee Reports: HSCR 633 (JUD) SSCR 1117 (JDL)
Current Status: Apr-18 11 Received by the Governor
May-04 11 Approved by Governor (Act 43 2011)
Section Affected: 89-2, 231-40, 231-41, 235-2.35, 237-24.8, 291-11.5, 339D-9, 346-1, 346D-1, 346D-2, 353G-16, 431:3-304.5, 431:9-203, 431:10A-105, 431:10A-119, 432:1-608, 432E-1.4, 588-2, 353G-5, 353G-6
- HB0382 HD2 SD2 (SSCR 1202) RELATING TO THE AUDITOR.
Introduced by: Say C (BR)
Amends provisions relating to the auditor; powers. Allows the auditor to examine and inspect the department of taxation. Requires the department of taxation to provide access to tax returns, and the accounts, books, records, files, papers, documents, and financial affairs of the department, only to the extent necessary in the administration of the auditor's duties and within the scope of an audit. Requires the auditor to implement internal policies to protect the confidentiality of private personal information contained in tax returns. -- Amends provisions relating to income tax, general excise tax transient accommodations tax, and rental motor vehicle and tour vehicle surcharge tax to provide that it shall be unlawful for the state auditor or the auditor's agent to intentionally make known tax return information. -- HB0382 SD2
Committee Reports: HSCR 315 (LMG) HSCR 790 (FIN) SSCR 980 (JDL) SSCR 1202 (WAM)
Current Status: Apr-18 11 Received by the Governor
Section Affected: 23-5, 231-18, 235-116, 237-34, 237D-13, 251-12
- HB0383 RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION.
Introduced by: Say C
Amends Act 150, session laws of 2009, establishing the legislative federal economic stimulus program oversight commission by extending the commission to December 31, 2011 (sunset). -- HB0383
Committee Reports: HSCR 138 (ERB) HSCR 314 (LMG) HSCR 799 (FIN) SSCR 1103 (WAM)
Current Status: Apr-13 11 Received by the Governor
Apr-28 11 Approved by Governor (Act 26 2011)

HOUSE BILLS THAT PASSED THE LEGISLATURE

Section Affected: ACT 150 2009

HB0389 HD3 SD2 (SSCR 1182)

RELATING TO LAND USE.

Introduced by: Chang J

Establishes provisions relating to the Heeia Community Development District. Requires the Hawaii community development authority to facilitate culturally appropriate agriculture, education, and natural resource restoration and management of the Heeia wetlands. -- Establishes the provisions relating to Heeia community development district; policies to guide development. -- Establishes the Heeia community development revolving fund to be used for the district. -- HB0389 SD2

Committee Reports: HSCR 159 (WLO) HSCR 514 (WLO/ HAW/) HSCR 834 (FIN) SSCR 951 (WLH) SSCR 1182 (WAM)

Current Status: Apr-20 11 Received by the Governor

Section Affected: 206E- (5 SECTIONS) HEEIA COMMUNITY DEVELOPMENT DISTRICT

HB0397 HD2 SD2 (SSCR 1178)

RELATING TO LANDS CONTROLLED BY THE STATE.

Introduced by: Say C (BR)

Amends provisions relating to exchanges. Requires the state department or agency proposing to sell or give any state land to submit to the legislature a detailed summary of any development plans for the land to be exchanged and a statement of whether the land is, or is not, land that was classed as government or crown lands previous to August 15, 1895, or was acquired by the state in exchange for such lands, and a detailed explanation of how the state department or agency made this determination. Requires a copy of the resolution for the prior approval of a sale or gift of land to also be submitted to the office of Hawaiian affairs 3 months prior to the convening of a regular or special session of the legislature to allow the office to determine whether the land was classed as government or crown lands previous to August 15, 1895, or was acquired by the state in exchange for such lands. -- Amends provisions relating to legislature approval of sale or gift of lands. Requires the state department or agency proposing to sell or give any state land to submit to the legislature a statement of whether the land is, or is not, land that was classed as government or crown lands previous to August 15, 1895, or was acquired by the state in exchange for such lands, and a detailed explanation of how the state department or agency made this determination. Requires a copy of the resolution for the prior approval of a sale or gift of land to also be submitted to the office of Hawaiian affairs 3 months prior to the convening of a regular or special session of the legislature to allow the office to determine whether the land was classed as government or crown lands previous to August 15, 1895, or was acquired by the state in exchange for such lands. -- HB0397 SD2

Committee Reports: HSCR 30 (WLO/ HAW/) HSCR 588 (JUD) HSCR 849 (FIN) SSCR 918 (HWN/ WLH/ JDL/) SSCR 1178 (WAM)

Current Status: Apr-25 11 Received by the Governor

Section Affected: 171-64.7, 171-50

HB0400 HD1 (HSCR 954)

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

Introduced by: Say C (BR)

Office of Hawaiian Affairs Appropriations Act of 2011 (OHA budget). Appropriations to the office of Hawaiian affairs for the 2011 - 2013 fiscal biennium. (\$\$) -- HB0400 HD1

Committee Reports: HSCR 509 (HAW) HSCR 954 (FIN) SSCR 862 (HWN) SSCR 1077 (WAM)

Current Status: May=03 11 Passed Legislature

HB0404 HD1 SD1 (SSCR 1155)

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

Introduced by: Say C

Authorizes the issuance of special purpose revenue bonds to assist Palolo Chinese Home, a Hawaii not for profit corporation, and its not for profit subsidiaries, to finance the expansion, construction, and rebuilding of its health care facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0404 SD1

Committee Reports: HSCR 662 (FIN) SSCR 845 (HMS) SSCR 1155 (WAM)

Current Status: May-03 11 Passed Legislature

HB0423 HD1 SD1 CD1 (CCR 94)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS.

Introduced by: Morita H

HOUSE BILLS THAT PASSED THE LEGISLATURE

Authorizes the issuance of special purpose revenue bonds to assist Carbon Bio Engineers Inc., or a partnership in which Carbon Bio Engineers Inc. is a general partner, with the establishment of cogeneration and related energy production facilities at various locations in the State. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0423 CD1

Committee Reports: HSCR 26 (EEP) HSCR 729 (FIN) SSCR 892 (ENE) SSCR 1091 (WAM) CCR 94

Current Status: May-03 11 Passed Legislature

HB0424 SD1 (SSCR 879)

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Introduced by: Morita H

Amends Act 87, session laws of 2009, establishing provisions relating to exception to applicability of chapter under environmental impact statements law by extending the sunset date to July 1, 2013. Requires the office of environmental quality control to report to the legislature. -- HB0424 SD1

Committee Reports: HSCR 109 (EEP/WLO/) HSCR 716 (FIN) SSCR 879 (TIA) SSCR 1194 (ENE)

Current Status: Apr-18 11 Received by the Governor

Section Affected: ACT 87 2009

HB0439 HD1 SD1 (SSCR 1114)

RELATING TO EVIDENCE.

Introduced by: Keith-Agaran G, McKelvey A, Belatti D

Amends the Hawaii rules of evidence; presumptions imposing burden of producing evidence. Extends evidentiary presumptions to publications and legal opinions posted to government websites. -- HB0439 SD1

Committee Reports: HSCR 629 (JUD) SSCR 1114 (JDL)

Current Status: Apr-18 11 Received by the Governor

Section Affected: 626-1 RULE 303

HB0467 HD2 SD1 (SSCR 1111)

RELATING TO WHISTLEBLOWERS' PROTECTION.

Introduced by: Wooley J

Establishes provisions relating to whistleblowers. Requires the department of labor and industrial relations to inform the complainant of the complainant's rights under the law. -- Establishes provisions relating to protected disclosure by a public employee. Prohibits an employer from discharging, threatening, or otherwise discriminating against a public employee regarding a public employee's compensation, terms, conditions, location, or privileges of employment because the public employee, or a person acting on behalf of the public employee, for reporting or about to report to the public employer or a public body, verbally or in writing. Requires public employers to post and keep posted notices pertaining to the application of the law in conspicuous places in every work place. -- Amends provisions relating to remedies ordered by court for a public employee and provisions relating to fines for a public employer who violates the provisions relating to whistleblowers by adding public employees. -- HB0467 SD1

Committee Reports: HSCR 17 (LAB) HSCR 583 (JUD) HSCR 911 (FIN) SSCR 1111 (JDL)

Current Status: May-03 11 Passed Legislature

Section Affected: 78- (1 SECTION), 378- (1 SECTION) PUBLIC EMPLOYEES, 378-61, 378-64, 378-65, 378-66, 378-67, 378-68

HB0484 SD2 CD1 (CCR 71)

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

Introduced by: Lee M, Cabanilla R, Morita H, Herkes R, Belatti D, Yamane R

Establishes provisions relating to practice by advanced practice registered nurses. Requires each hospital in the State licensed to allow an advanced practice registered nurse recognized and qualified advanced practice registered nurse granted prescriptive authority to practice within the full scope of the practice including practice as a primary care provider. Amends provisions relating to prescriptive authority for advanced practice registered nurses. Repeals provisions that requires the appropriate working relationship with licensed physicians to be reflected in rules adopted by the board. Requires the board to establish requirements for advanced practice registered nurse education, experience, and national certification. Allows qualified advanced practice nurse to prescribe and administer over the counter drugs and request, receive, and dispense manufacturers' prepackaged samples of over the counter and non controlled legend drugs to patients under their care. -- HB0484 CD1

Committee Reports: HSCR 74 (HLT) HSCR 688 (CPC) SSCR 855 (HTH) SSCR 1198 (CPN) CCR 71

Current Status: May-03 11 Passed Legislature

HOUSE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 323- (1 SECTION), 457-8.6

HB0491 HD1 SD1 CD1 (CCR 93)

RELATING TO PUBLIC SAFETY.

Introduced by: Awana K, Fontaine G

Establishes provisions relating to department accreditation required. Requires the department of public safety to pursue and obtain accreditation for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc. -- HB0491 CD1

Committee Reports: HSCR 556 (PBM) HSCR 770 (FIN) SSCR 835 (PGM) SSCR 1181 (WAM) CCR 93

Current Status: May-03 11 Passed Legislature

Section Affected: 353C- (1 SECTION) DEPARTMENT ACCREDITATION REQUIRED

HB0519 HD1 SD2 (SSCR 1172)

RELATING TO WORKERS' COMPENSATION.

Introduced by: Yamashita K, Yamane R, Choy I, Rhoads K, McKelvey A, Tsuji C, Har S, Chong P, Hashem M, Tokioka J, Lee M

Amends provisions relating to employment under workers' compensation law. Redefines employment to not include service performed by a member of a limited liability company if the member is an individual and has a distributional interest of not less than 50 per cent in the company, provided that no employer requires an employee to form a limited liability company as a condition of employment; service performed by a partner of a partnership if the partner is an individual, provided that no employer requires an employee to become a partner or form a partnership as a condition of employment; service performed by a partner of a limited liability partnership if the partner is an individual and has a transferable interest in a partnership of not less than 50 per cent, provided that no employer requires an employee to form a limited liability partnership as a condition of employment; and service performed by a sole proprietor. -- HB0519 SD2

Committee Reports: HSCR 504 (ERB/ LAB/) HSCR 694 (FIN) SSCR 910 (JDL) SSCR 1172 (WAM)

Current Status: Apr-27 11 Received by the Governor

Section Affected: 386-1

HB0545 HD1 SD1 CD1 (CCR 98)

RELATING TO VOTER REGISTRATION.

Introduced by: Oshiro B, Keith-Agaran G, Tokioka J

Establishes provisions relating to online voter registration. Requires the chief election officer to create, implement and maintain an electronic system for voter registration that is publicly available on the website of the office of elections. Requires the department of the attorney general, examiner of drivers for each county, county clerks, and office of elections to cooperate to modify their respective applicable computer systems, develop and implement new computer software, or otherwise develop a method by which the office of elections may verify the information in the voter registration affidavits. Prohibits the state or county agency from charging the office of elections any fees or costs related to compliance of these provisions. -- HB0545 CD1

Committee Reports: HSCR 146 (JUD) HSCR 853 (FIN) SSCR 1127 (JDL) CCR 98

Current Status: May-03 11 Passed Legislature

Section Affected: 11- (1 SECTION), 11-15

HB0546 SD1 (SSCR 1128)

RELATING TO CIVIL RIGHTS.

Introduced by: Oshiro B, Rhoads K, Yamashita K

Amends provisions relating to the employment practices law and civil rights commission law. Prohibit discrimination because of gender identity or expression. -- HB0546 SD1

Committee Reports: HSCR 5 (LAB) HSCR 639 (JUD) SSCR 1128 (JDL)

Current Status: Apr-18 11 Received by the Governor

May-02 11 Approved by Governor (Act 34 2011)

Section Affected: 378-1, 368-1, 378-2

HB0555 HD1 SD1 CD1 (CCR 53)

RELATING TO GRAFFITI.

Introduced by: Aquino H, Cabanilla R, Oshiro B, Mizuno J, Cullen T, Manahan J, Hanohano F, Pine K, Choy I, Yamashita K

Amends provisions relating to graffiti; sentencing. Increases the of graffiti removal area to within 250 yards of the site of the offense. Provides that removal of graffiti shall not place the person or others in physical danger nor inconvenience the public. -- Allows court to require a person to perform 100 hours of community service if the government agency that is responsible for supervising the graffiti removal lacks the necessary resources to ensure the person's compliance with the removal of the graffiti. -- HB0555

HOUSE BILLS THAT PASSED THE LEGISLATURE

CD1

Committee Reports: HSCR 416 (JUD) SSCR 1112 (JDL) CCR 53

Current Status: May-03 11 Passed Legislature

Section Affected: 708-823.6

HB0575 HD1 SD2 (SSCR 1237)

RELATING TO SALARIES.

Introduced by: Cullen T, Yamane R, Aquino H, Hashem M, Say C, Oshiro M, Manahan J

Amends Act 85, session laws of 2009, by extending the 5 per cent salary decrease 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 until June 30, 2013 (sunset). -- HB0575 SD2

Committee Reports: HSCR 676 (FIN) SSCR 982 (JDL) SSCR 1237 (WAM)

Current Status: May-05 11 Passed Legislature

Section Affected: ACT 85 2009

HB0593 HD1 SD1 CD1 (CCR 80)

RELATING TO NOMINATION PAPERS.

Introduced by: Say C (BR)

Amends provisions relating to nomination paper and filing of oath. Allows members of the reserves or national guard called to active service to be permitted to fulfill the requirements to file nomination papers and oath by registered or certified mail, return receipt requested. -- HB0593 CD1

Committee Reports: HSCR 415 (JUD) SSCR 1113 (JDL) CCR 80

Current Status: May-03 11 Passed Legislature

Section Affected: 12-3

HB0597 HD1 SD1 CD1 (CCR 72)

RELATING TO HEALTH CARE.

Introduced by: Yamane R, Manahan J, Yamashita K, Cullen T, Lee M, Aquino H, McKelvey A

Amends provisions relating to proceedings and records of peer review committees and quality assurance committees. Redefines quality assurance committee to include an interdisciplinary committee composed of representatives of a group of organizations that is established collectively by the boards of trustees or administrative staff of these organizations who function is to monitor and evaluate patient care to identify, study, and correct deficiencies in the health care delivery system, with a goal of reducing the risk of harm to patients, improving patient safety, or otherwise improving the quality of care delivered to patients. -- HB0597 CD1

Committee Reports: HSCR 333 (HLT) HSCR 650 (JUD) SSCR 932 (HTH) SSCR 1215 (JDL) CCR 72

Current Status: May-03 11 Passed Legislature

Section Affected: 624-25.5

HB0605 HD2 SD2 CD1 (CCR 87)

RELATING TO PUBLIC SAFETY.

Introduced by: Yamane R, Manahan J, Cullen T, Lee M, Aquino H, McKelvey A

Establishes provisions relating to reduced ignition propensity cigarette program special fund. Requires that the fees collected from cigarette certification under the reduced ignition propensity cigarette law be deposited in a special fund to be administered and expended by the state fire council. Requires that funds collected be expended to defray the actual cost of activities and requirements of certification and marking by employing 1 full time administrator and 1 full time assistant. -- Amends provisions relating to certification, marking by adding administration. Requires certification fee to be deposited into the reduced ignition propensity cigarette program special fund and authorizes the council to annually adjust this fee to defray the actual cost of activities and employing 1 full time administrator and 1 full time assistant. -- HB0605 CD1

Committee Reports: HSCR 411 (PBM) HSCR 767 (FIN) SSCR 927 (PGM) SSCR 1160 (WAM) CCR 87

Current Status: May-03 11 Passed Legislature

Section Affected: 132C- (1 SECTION), 132C-4

HB0616 HD2 SD2 CD1 (CCR 73)

RELATING TO CHILD CUSTODY.

Introduced by: Evans C

Amends provisions relating to family court. Defines electronic communication to mean communication that is facilitated by any wired or wireless technology via the Internet or any other electronic media, including but not limited to communication by telephone,

HOUSE BILLS THAT PASSED THE LEGISLATURE

electronic mail, instant messaging, video conferencing, and web camera. -- Amends provisions relating to criteria and procedure in awarding custody and visitation; best interest of the child. Allows the court to consider in its prior award of visitation by electronic communication the potential for abuse or misuse of the electronic communication, including the equipment used for the communication, by the person seeking visitation or by persons who may be present during the visitation or have access to the communication or equipment, whether the person seeking visitation has previously violated a temporary restraining order or protective order; and whether adequate provision can be made for the physical safety and psychological well being of the child and for the safety of the custodial parent. Allows court to set conditions for visitation by electronic communication. Prohibits visit by electronic communication to replace or substitute custody or visitation. -- HB0616 CD1

Committee Reports: HSCR 476 (HUS) HSCR 649 (JUD) SSCR 843 (HMS) SSCR 1220 (JDL) CCR 73

Current Status: May-03 11 Passed Legislature

Section Affected: 571-2, 571-46

HB0663 HD2 SD2 CD1 (CCR 56)

RELATING TO CONTRACTS.

Introduced by: Evans C

Establishes provisions relating to automatic renewal clauses under the fair trade regulations law. Requires any person that sells or offers to sell any products or services to a consumer pursuant to a contract that has a specified term of more than 1 month and an automatic renewal clause under which the contract will automatically renew for a specified term of more than 1 month unless the consumer cancels the contract to disclose the automatic clause and the procedure by which the consumer can cancel automatic renewal of the contract clearly and conspicuously in the consumer contract. Requires any person that sells or offers to sell any products or services to a consumer pursuant to a consumer contract that has a specified term of 12 months or more under which the contract will automatically renew for a specified term of more than 1 month unless the consumer cancels the consumer contract to notify the consumer clearly and conspicuously that the consumer contract will automatically renew unless the consumer cancels the contract; how to cancel the contract; and the deadline by which the consumer shall respond to cancel the consumer contract and prevent automatic renewal. Requires any person who knowingly violates this provision or who knowingly fails to cancel an automatic renewal contract upon consumer request to be deemed to have engaged in unfair method of competition and unfair or deceptive act or practice in the conduct of any trade or commerce. -- HB0663 CD1

Committee Reports: HSCR 399 (CPC) HSCR 941 (JUD) SSCR 816 (CPN) SSCR 1223 (JDL) CCR 56

Current Status: May-03 11 Passed Legislature

Section Affected: 481- (1 SECTION) AUTOMATIC RENEWAL CLAUSES

HB0667 HD1 SD2 CD1 (CCR 119)

RELATING TO FOOD SAFETY.

Introduced by: Evans C

Establishes provisions relating to the food safety and security program. Establishes the program within the department of agriculture to provide training, certification, support, and assistance to the agriculture industry, and to interface with other state and federal agencies to meet food safety requirements. -- HB0667 CD1

Committee Reports: HSCR 438 (ERB) HSCR 800 (FIN) SSCR 860 (AGL/ EDT/) SSCR 1248 (WAM) CCR 119

Current Status: May-03 11 Passed Legislature

Section Affected: 141- (2 SECTIONS) FOOD SAFETY AND SECURITY PROGRAM

HB0680 SD2 CD1 (CCR 57)

RELATING TO KAKAAKO.

Introduced by: Ito K, Chang J, Chong P, Awana K, Har S, McKelvey A, Tsuji C

Repeals provisions relating to the Kakaako makai; plan. -- HB0680 CD1

Committee Reports: HSCR 616 (WLO) SSCR 1132 (WLH) FLOOR AMENDMENT 7 CCR 57

Current Status: May-03 11 Passed Legislature

Section Affected: 206E-35

HB0688 HD2 SD2 CD1 (CCR 92)

RELATING TO EDUCATION.

Introduced by: Awana K, McKelvey A, Thielen C, Mizuno J, Yamane R, Fontaine G

Requires the board of education to monitor the department of education for compliance with any administrative rules or statutes governing bullying, cyberbullying, and

HOUSE BILLS THAT PASSED THE LEGISLATURE

harassment and to establish reporting requirements for the department of education to report to the board on the department's compliance with any administrative rules or statutes governing bullying, cyberbullying, and harassment. -- HB0688 CD1
Committee Reports: HSCR 88 (EDN) HSCR 586 (JUD) HSCR 879 (FIN) SSCR 864 (EDU) SSCR 1224 (JDL) CCR 92
Current Status: May-03 11 Passed Legislature

HB0716 HD1 SD1 CD1 (CCR 81)

RELATING TO ELECTIONS.
Introduced by: Say C (BR)
Amends provisions related to presidential ballots. Requires the person desiring to place the names on the general election ballot to file with the chief election officer not later than 4:30 pm on the 19th, instead of the 16th, day prior to the general election. -- Amends provisions relating to the withdrawal of candidates; disqualification; death; notice. Requires any candidate to withdraw in writing on the 15th, instead of the 20th, day prior to the election for reasons of ill health. -- Amends provisions relating to printing; quantity. Requires candidates to submit questions and issues to the chief elections officer related to the printing of ballots by the 75th, instead of the 60th, calendar day prior to the applicable election. -- Amends provisions relating to nomination papers; challenge; evidentiary hearings and decisions. Requires objections to be filed no later than 4:30 p.m. on the 60th day, instead of the 30th day, or the next earliest working day prior to the primary or special election. -- HB0716 CD1
Committee Reports: HSCR 621 (JUD) SSCR 1110 (JDL) CCR 81
Current Status: May-03 11 Passed Legislature
Section Affected: 11-113, 11-117, 11-119, 12-8

HB0739 HD2 SD1 CD1 (CCR 86)

RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.
Introduced by: Mizuno J, Cabanilla R, Manahan J, Cullen T, Pine K, Awana K, Har S, Tokioka J
Amends provisions relating to definitions under the department of human services law. Redefines community care foster family home or home to include a home that has been certified and in operation for not less than 1 year; primary caregiver is a certified nurse aide who has completed a state approved training program and other training as required by the department; and substitute caregiver is a nurse aide who has completed a state approved training program and other training as required by the department of human services. -- Amends provisions relating to community care foster family home, authority over and evaluation of. Provides requirements for primary and substitute caregivers caring for 3 clients in community care foster family homes. Report to the legislature. Act to be repealed on June 30, 2013 (sunset). -- HB0739 CD1
Committee Reports: HSCR 287 (HUS) HSCR 723 (FIN) SSCR 1080 (HMS) CCR 86
Current Status: May-03 11 Passed Legislature
Section Affected: 346-331, 346-334

HB0747 HD1 SD2 CD1 (CCR 82)

RELATING TO LIQUOR LIABILITY INSURANCE.
Introduced by: Evans C
Amends provisions relating to licenses, classes. Repeals definition of convenience minimarts. -- HB0747 CD1
Committee Reports: HSCR 684 (JUD) SSCR 902 (PGM) SSCR 1051 (CPN) CCR 82
Current Status: May-03 11 Passed Legislature
Section Affected: 281-31

HB0761 HD1 SD2 CD1 (CCR 116)

RELATING TO INTELLECTUAL DISABILITIES.
Introduced by: Mizuno J, Brower T, Awana K, Yamane R, Jordan J
Changes the mental health and mental retardation studies law to mental health and intellectual disability studies law. Changes the term mental retarded to intellectually disabled. -- HB0761 CD1
Committee Reports: HSCR 290 (HLT) HSCR 900 (FIN) SSCR 895 (HMS) SSCR 1226 (JDL) CCR 116
Current Status: May-03 11 Passed Legislature
Section Affected: 333F-11, 346-230, 346D-2, 431:10-212, 432:1-601, 571-11, 46-4, 518-3, 321-11.5, 321-15.2, 346-29.5, 346-37, 346D-3, 346E-1, 846-2.7, 321-15.9, 324-11, 328C-1, 333F-1, 333F-22, 431:10D-212, 431M-1, 461-1, 333F-2, 333F-3, 333F-5, 333F-6, 333F-8, 333F-13, 383-7, 386-1, 392-5, 393-5, 571-22, 571-61, 578-2

HB0773 HD1 SD1 (SSCR 968)

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR

HOUSE BILLS THAT PASSED THE LEGISLATURE

SAINT LOUIS SCHOOL.

Introduced by: Say C

Authorizes the issuance of special purpose revenue bonds to assist Saint Louis school, a Hawaii not for profit corporation, to finance or refinance the planning, construction, improvement, and equipping of its educational facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0773 SD1

Committee Reports: HSCR 89 (EDN) HSCR 754 (FIN) SSCR 968 (EDU) SSCR 1101 (WAM)

Current Status: May-03 11 Passed Legislature

HB0775

RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND.

Introduced by: Say C

Requires all moneys in or credited to the photo enforcement revolving fund repealed by Act 58, session laws of 2002, to be transferred to the general fund. -- HB0775

Committee Reports: HSCR 268 (TRN) HSCR 746 (FIN) SSCR 883 (TIA) SSCR 1081 (WAM)

Current Status: Apr-13 11 Received by the Governor
Apr-28 11 Approved by Governor (Act 27 2011)

HB0801 HD2 SD2 CD1 (CCR 118)

RELATING TO TAXATION.

Introduced by: Say C

Amends provisions relating to hearings and subpoenas by changing it to audits, investigations, hearings, and subpoenas. Allows the director of taxation to conduct civil audits or criminal investigations or hearings. Authorizes the director of taxation and any duly authorized representative, when conducting a criminal investigation, to subpoena witnesses, examine them under oath, and require the production of any books, papers, documents, or other objects designated therein or any other record however maintained, including electronically stored records that are relevant or material to the civil audit, investigation, or hearing. Requires the department of taxation to pay a financial institution that is served a subpoena a fee for reimbursement of costs. -- HB0801 CD1

Committee Reports: HSCR 445 (ERB) HSCR 866 (FIN) SSCR 988 (JDL) SSCR 1174 (WAM) CCR 118

Current Status: May-03 11 Passed Legislature

Section Affected: 231-7

HB0827 HD1 (HSCR 419)

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

Introduced by: Oshiro M

Appropriation to the senate and the house of representatives for session and nonsession expenses up to and including June 30, 2012, including the 2011 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 audit functions. -- Appropriation to the legislative reference bureau for defraying expenses. -- Appropriation to the office of the ombudsman for defraying expenses. -- Appropriation to the office of the state ethics commission for defraying expenses. -- Appropriation to the legislature for the legislative broadcast program. (\$\$) -- HB0827 HD1

Committee Reports: HSCR 419 (FIN) SSCR 612 (WAM)

Current Status: Mar-09 11 Received by the Governor
Mar-10 11 Approved by Governor (Act 4 2011)

HB0828 HD2 SD1 CD1 (CCR 99)

RELATING TO TAXATION.

Introduced by: Choy I

Amends provisions relating tax administration. Provides that it shall be unlawful to knowingly conduct more than 10 taxable business transactions per day in cash and fail to offer a receipt and to maintain a contemporaneously generated record of all business transactions conducted each day. Repeals provisions relating to cash registers. -- HB0828 CD1

Committee Reports: HSCR 377 (JUD) HSCR 859 (FIN) SSCR 952 (EDT/JDL/) SSCR

HOUSE BILLS THAT PASSED THE LEGISLATURE

- 1095 (WAM) CCR 99
Current Status: May-03 11 Passed Legislature
Section Affected: 231-96, 231-97
- HB0838 HD2 SD1 CD1 (CCR 100) RELATING TO REAPPORTIONMENT.
Introduced by: Say C
Authorizes 5 full time temporary positions in the office of elections to support the reapportionment commission. Appropriation to the department of accounting and general services to support the office of elections, the elections commission, and the reapportionment commission. (\$\$) -- HB0838 CD1
Committee Reports: HSCR 154 (JUD) HSCR 601 (FIN) SSCR 959 (JDL) SSCR 1232 (WAM) CCR 100
Current Status: May-03 11 Passed Legislature
- HB0855 HD1 SD1 CD1 (CCR 95) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII.
Introduced by: Say C
Authorizes the issuance of special purpose revenue bonds to assist Pacific Power and Water Company, Inc. with the planning, permitting, designing, constructing, equipping, and operating of hydropower plants at locations throughout Hawaii. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB0855 CD1
Committee Reports: HSCR 25 (EEP) HSCR 731 (FIN) SSCR 893 (ENE) SSCR 1093 (WAM) CCR 95
Current Status: May-03 11 Passed Legislature
- HB0863 RELATING TO HEALTH.
Introduced by: Oshiro M
Amends provisions relating to Hawaii health authority; duties and responsibilities. Extends the deadline for the authority to submit a comprehensive health plan for all individuals in the State to 2012. Report to the legislature. -- HB0863
Committee Reports: HSCR 488 (HLT) HSCR 708 (FIN) SSCR 869 (HTH)
Current Status: Mar-24 11 Received by the Governor
Apr-11 11 Approved by Governor (Act 8 2011)
Section Affected: 322H-2
- HB0865 HD2 SD2 (SSCR 1144) RELATING TO INSPECTION FEES.
Introduced by: Tsuji C, Choy I
Amends provisions relating to inspection, quarantine, and eradication service fee and charge. Increases the fee. -- HB0865 SD2
Committee Reports: HSCR 95 (AGR) HSCR 721 (FIN) SSCR 826 (AGL) SSCR 1144 (WAM)
Current Status: Apr-18 11 Received by the Governor
May-04 11 Approved by Governor (Act 36 2011)
Section Affected: 150A-5.3
- HB0866 HD2 SD2 CD1 (CCR 54) RELATING TO AGRICULTURE.
Introduced by: Tsuji C, Hashem M, Chong P, Manahan J, Morikawa D, Choy I
Establishes provisions relating to beekeepers; registration. Allows beekeepers to register with the department of agriculture. Requires the department of agriculture to keep registration information confidential provided that the department may compile statistics based on the information. Requires the department to establish an apiary program by establishing the following positions: 1 apiary specialist, 1 apiary planner, and 2 apiary technicians. Report to the legislature. Report to the legislature. -- HB0866 CD1
Committee Reports: HSCR 405 (AGR) HSCR 887 (FIN) SSCR 824 (AGL) SSCR 1140 (WAM) CCR 54
Current Status: May-03 11 Passed Legislature
Section Affected: 142- (1 SECTION) BEEKEEPERS
- HB0889 HD2 SD2 CD1 (CCR 115) RELATING TO HEALTH.
Introduced by: Nishimoto S, Yamane R, Hanohano F, Lee C, Mizuno J, Morikawa D, Wooley J, Belatti D
Establishes provisions relating to health care associated infection reporting. Requires each health care facility in Hawaii that is certified by the Centers for Medicare and

HOUSE BILLS THAT PASSED THE LEGISLATURE

Medicaid services to report information about health care associated infections to the Centers for Disease Control and Prevention's national healthcare safety network. Further requires health care facilities to authorize the Centers for Disease control and Prevention to allow the department of health to access health care associated infection data reported by those health care facilities to the national healthcare safety network. Requires the department to adopt rules to require that health care associated infection that are multidrug resistant to be reported to the department through the national healthcare safety network. Requires the department to preserve patient confidentiality and allows the department to issue reports to the public about health care associated infections. Report to the legislature. -- HB0889 CD1

Committee Reports: HSCR 208 (HLT) HSCR 574 (JUD) HSCR 794 (FIN) SSCR 856 (HTH) SSCR 1213 (JDL) CCR 115

Current Status: May-03 11 Passed Legislature

Section Affected: 321- (1 SECTION) HEALTH CARE-ASSOCIATED INFECTION REPORTING

HB0909 HD2 SD2 CD1 (CCR 64)

RELATING TO FAMILY COURT.

Introduced by: Evans C

Amends provisions relating to restraining orders; appointment of masters. Requires the court, without a hearing, to order each of the parties to that action to timely provide to the other party full financial and property disclosure on forms provided by the court. -- Requires the court to take into consideration the concealment of or failure to disclose income or an asset, or violation of a restraining order, if any, by either party. -- HB0909 CD1

Committee Reports: HSCR 394 (HUS) HSCR 929 (JUD) SSCR 896 (HMS) SSCR 1214 (JDL) CCR 64

Current Status: May-03 11 Passed Legislature

Section Affected: 580-10, 580-47

HB0915 HD2 SD2 (SSCR 1157)

RELATING TO CONVEYANCE TAX.

Introduced by: Souki J, Keith-Agaran G, Yamashita K, McKelvey A, Carroll M

Amends provisions relating to certificate of conveyance required. Requires the director of taxation to provide an image of all certificates of conveyance that were filed to the administrator of each county's real property assessment division within 21 days after the end of each week, without charge. -- HB0915 SD2

Committee Reports: HSCR 519 (WLO) HSCR 841 (FIN) SSCR 903 (PGM) SSCR 1157 (WAM)

Current Status: Apr-25 11 Received by the Governor

Section Affected: 247-6

HB0924 HD2 SD2 (SSCR 1210)

RELATING TO INSURANCE.

Introduced by: Ito K, Chang J, Mizuno J, Yamane R, Manahan J, Awana K

Establishes provisions relating to insurance policies issued to construction professionals. Provides that for purposes of a liability insurance policy that covers occurrences of damage or injury during the policy period and that insures a construction professional for liability arising from construction related work, the meaning of the term occurrence shall be construed in accordance with the law as it existed at the time that the insurance policy was issued. Defines liability insurance policy to mean a contract of insurance including an owner controlled, contactor controlled, or other similar pooled insurance program that covers occurrences of damage or injury during the policy period and that insures a construction professional for liability arising from construction related work. -- HB0924 SD2

Committee Reports: HSCR 446 (ERB) HSCR 691 (CPC/ JUD/) SSCR 922 (CPN) SSCR 1210 (JDL)

Current Status: May-03 11 Passed Legislature

Section Affected: 431:1- (1 SECTION) INSURANCE POLICIES ISSUED TO CONSTRUCTION PROFESSIONALS

HB0931 SD1 CD1 (CCR 58)

RELATING TO SMALL BOAT HARBORS.

Introduced by: Har S, Chang J

Amends provisions relating to purpose and use of state small boat harbors. Defines regularly navigated for a vessel to mean moved under the vessel's own power from its assigned mooring within a small boat harbor to beyond the confines of the small boat harbor and entrance channel at least once in a 90 day period. Vessels moored in an offshore mooring area shall exit the confines of the designated mooring area under their own power at least once in a 90 day period. -- HB0931 CD1

HOUSE BILLS THAT PASSED THE LEGISLATURE

Committee Reports: HSCR 520 (WLO) HSCR 705 (FIN) SSCR 994 (WLH) CCR 58
Current Status: May-03 11 Passed Legislature
Section Affected: 200-9

HB0945 HD2 SD1 CD1 (CCR 84)

RELATING TO EDUCATION.

Introduced by: Lee M

Amends provisions relating to school year; instructional time. Excludes multi track schools. Requires that 50 per cent of all public elementary schools shall implement a school year that includes 915 student instructional hours for the 2011 - 2012 school year, that beginning with the 2012 - 2013 school year, all public elementary schools shall implement a school year that includes 915 student instructional hours. Further requires that for the 2014 - 2016 school years, all public secondary schools shall implement a school year that includes 990 student instructional hours. Delays 180 day school year to the 2016 - 2018 school year. Authorizes the board of education to grant waivers to individual schools. -- Requires the department of education with the board of education and office of the governor and in consultation with representatives of the affected collective bargaining units to annually report to the legislature until 2018, on meeting the requirements. -- Amends Act 167, session laws of 2010. Amends the report to be submitted in 2015, and to include a plan for a 190 day school year beginning with the 2018 - 2019 school year. -- Requires the department of education to re examine what constitutes student instructional hours, determine current levels of instructional hours at each school, and assess the ability of all schools to comply with the school year and instructional hours requirements and report to the legislature. -- HB0945 CD1

Committee Reports: HSCR 297 (EDN) HSCR 880 (FIN) SSCR 967 (EDU) SSCR 1088 (WAM) CCR 84

Current Status: May-03 11 Passed Legislature

Section Affected: 302A-251, ACT 167 2010

HB0953 HD2 SD1 (SSCR 1164)

RELATING TO EDUCATION.

Introduced by: Takumi R

Amends provisions relating to salaries of the deputy superintendent, assistant superintendent, complex area superintendent being set by the board of education. Changes the limit that the salaries not exceed 80 per cent of the superintendent's salary to not exceed the superintendent's salary. -- HB0953 SD1

Committee Reports: HSCR 92 (EDN/ LAB/) HSCR 882 (FIN) SSCR 947 (EDU) SSCR 1164 (WAM)

Current Status: May-03 11 Passed Legislature

Section Affected: 302A-621

HB0960 HD1 SD2 CD1 (CCR 123)

RELATING TO LOW-INCOME HOUSING.

Introduced by: Chang J, Souki J, Mizuno J, Nishimoto S, Nakashima M, Chong P, Tsuji C

Establishes provisions relating to low income housing tax credit loan. Authorizes the Hawaii housing finance and development corporation to provide a no interest low income housing tax credit loan to an owner of a qualified low income building that has been awarded federal credits that are subject to the state housing credits under section 42(h)(3)(c) of the Internal Revenue Code. -- Amends provisions relating to low income housing income tax credit. Provides that a qualified low income building that has been awarded a subaward under section 1602 of the American Recovery and Reinvestment Act of 2009, shall also be eligible for the credit. Further provides that in lieu of the credit the owner may make a request to the corporation for a loan. Authorizes the issuance of general obligation bonds for appropriation for the loans. (\$\$) -- HB0960 CD1

Committee Reports: HSCR 591 (HSG) HSCR 786 (FIN) SSCR 936 (WLH) SSCR 1236 (WAM) CCR 123

Current Status: May-03 11 Passed Legislature

Section Affected: 201H- (1 SECTION), 235-110.8

HB0968 HD1 SD1 (SSCR 1106)

RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

Introduced by: Aquino H, Yamane R, Cullen T, Lee M, Manahan J, Say C

Amends provisions relating to domestic abuse protective orders. Provides that a temporary restraining order shall remain in effect 180 days from the date the order is granted or until the effective date of a protective order issued by the court, whichever occurs 1st. Orders orally stated in court shall be effective as of the date of the hearing if the respondent attends the hearing or, if the respondent was served but failed to appear, then upon service of the protective order upon the respondent. -- HB0968 SD1

Committee Reports: HSCR 318 (HUS) HSCR 640 (JUD) SSCR 1106 (JDL)

HOUSE BILLS THAT PASSED THE LEGISLATURE

Current Status: May-03 11 Passed Legislature
Section Affected: 586-5, 586-5.6

HB0985 HD2 SD2 CD1 (CCR 60)

RELATING TO PROCUREMENT.

Introduced by: McKelvey A

Amends provisions relating to competitive sealed proposals. Provides that competitive sealed proposals may be used to procure goods, services, or construction that are either not practicable or not advantageous to the State to procure by competitive sealed bidding. -- Allows the procurement officer for construction projects to make procurements using the design build method. Requires the procurement officer to issue a request for proposals to prequalify offers to select a short list of no more than 3 responsible offers, prior to the submittal of proposals; provided that the number of offerors to be selected for the short list is to be stated in the request for proposals and prompt notice is given to all offerors as to which offers have been short listed. Allows for a conceptual design fee to be paid to nonselected offers that submit a technically responsive proposal; provided that the cost of the entire project is greater than 1 million dollars. Requires that the criteria for pre qualification of offers, design requirements, development documents, proposal evaluation criteria, terms of the payment of a conceptual design fee, or any other pertinent information is to be stated in the request for proposals. -- HB0985 CD1

Committee Reports: HSCR 441 (ERB) HSCR 868 (FIN) SSCR 904 (PGM) SSCR 1162 (WAM) CCR 60

Current Status: May-03 11 Passed Legislature
Section Affected: 103D-104, 103D-303

HB1000 HD2 SD2 CD1 (CCR 91)

RELATING TO ENHANCED 911 SERVICES.

Introduced by: Say C (BR)

Amends provisions relating to enhanced 911 services for mobile phones (cell phone, cellular phone, mobile telephone, wireless telephone) law by repealing mobile phones. Replaces wireless enhanced to enhanced and replaces wireless provider with communications service provider. Increases the number of enhanced 911 board members to 13. Prohibits a 3rd party accounting firm, consultant, or other 3rd party hired to perform administrative duties to be retained if there is a conflict of interest. -- Requires board to place the funds in an interest bearing account in any federally insured financial institution, separate and apart from the general fund of the State. Requires moneys in the fund to be expended exclusively by the board for the purposes of ensuring adequate funding to deploy and sustain enhanced 911 service and develop and fund future enhanced 911 technologies. -- Provides that the rate of the surcharge is to be set at 66 cents per month for each communications service connection. -- Allows a public utility providing local exchange enhanced 911 communication services for its customer base and other service providers using the wire line provider's enhanced 911 service may collect and keep the surcharge at the established rate set. -- Requires every public safety answering point to be eligible to seek disbursements from the fund to pay for the reasonable costs associated with having representatives, other than enhanced 911 board members, on enhanced 911 board committees to include, established and investigative committees. -- HB1000 CD1

Committee Reports: HSCR 226 (PBM) HSCR 534 (CPC) HSCR 768 (FIN) SSCR 837 (PGM/ EDT/) SSCR 1241 (WAM) CCR 91

Current Status: May-03 11 Passed Legislature
Section Affected: 138-1, 138-2, 138-3, 138-4, 138-5, 138-6, 138-7, 138-8, 138-9, 138-10, 138-11, 138-12

HB1003 HD2 SD2 CD1 (CCR 74)

RELATING TO THE PENAL CODE.

Introduced by: Say C (BR)

Amends provisions relating to murder in the 1st degree. Provides that a person commits the offense of murder in the 1st degree if the person intentionally or knowingly causes the death of a person from whom the defendant has been restrained, by order of any court, including an ex parte order, from contacting, threatening, or physically abusing, or a person who is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of that order, or a person known by the defendant to be a witness. -- Amends provisions relating to assault in the 2nd degree. Provides that the person intentionally or knowingly causes bodily injury to a person who the defendant has been restrained, by order of any court, including an ex parte order, from contacting, threatening, or physically abusing; or a person who is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of that order. -- Amends

HOUSE BILLS THAT PASSED THE LEGISLATURE

provisions relating to terroristic threatening in the 1st degree. Provides that a person commits the offense of terroristic threatening in the 1st degree if the person intentionally or knowingly causes bodily injury to a person who the defendant has been restrained, by order of any court, including an ex parte order, from contacting, threatening, or physically abusing; or a person who is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of that order. -- HB1003 CD1

Committee Reports: HSCR 477 (HUS) HSCR 930 (JUD) SSCR 840 (HMS) SSCR 1255 (JDL) CCR 74

Current Status: May-03 11 Passed Legislature

Section Affected: 707-701, 707-711, 707-716

HB1004 HD1 SD1 (SSCR 874)

RELATING TO CHAPTER 480, HAWAII REVISED STATUTES.

Introduced by: Say C (BR)

Amends provisions relating to suits by the State; amount of recovery. Allows the State to sue to recover threefold the actual damages sustained by it, whether directly or indirectly injured. -- Amends provisions relating to court and venue. Requires any criminal action or proceeding to be brought in any appropriate court in the circuit in which the defendant resides, engages in business, or has an agent. Allows any civil action or proceeding to be brought in any appropriate court. -- HB1004 SD1

Committee Reports: HSCR 376 (JUD) HSCR 856 (FIN) SSCR 874 (CPN) SSCR 1217 (JDL)

Current Status: Apr-20 11 Received by the Governor

Section Affected: 480-14, 480-21

HB1005 HD2 SD2 CD1 (CCR 65)

RELATING TO CHILD SUPPORT ENFORCEMENT.

Introduced by: Say C (BR)

Amends provisions relating to child support enforcement. Adds definition of other state to include all states of the US other than the State of Hawaii; the district of Columbia; Puerto Rico, the US Virgin islands, and any territory or insular possession subject to the jurisdiction of the US; Any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe and is included in the list of federally recognized Indian Tribal governments as published in the Federal Register; and a foreign country or a political subdivision thereof; and with which the State has entered into a reciprocal arrangement for the establishment and enforcement of support obligations. -- Requires the child support enforcement agency to establish and operate a state case registry that contains records of the names, addresses, and telephone numbers of the parents' employers. -- HB1005 CD1

Committee Reports: HSCR 48 (HUS) HSCR 299 (JUD) HSCR 698 (FIN) SSCR 841 (HMS) SSCR 1225 (JDL) CCR 65

Current Status: May-03 11 Passed Legislature

Section Affected: 576D-1, 576D-6, 576D-10, 576D-10.5, 576D-14, 576D-18

HB1009 HD2 SD2 (SSCR 1168)

RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER.

Introduced by: Say C (BR)

Amends provisions relating to criminal history record checks. Requires the agencies and other entities to notify the personnel that their fingerprints will be retained by the Hawaii criminal justice data centers. Requires that fingerprints and information acquired by the Hawaii criminal justice data center under this law be retained and maintained in an appropriate form and in an appropriate office in the custody and control of the center, which will at all times be kept separate from any similar records relating to the identification of criminals. -- HB1009 SD2

Committee Reports: HSCR 571 (JUD) HSCR 918 (FIN) SSCR 954 (JDL) SSCR 1168 (WAM)

Current Status: May-03 11 Passed Legislature

Section Affected: 846-2.7

HB1015 HD1 (HSCR 24)

MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND.

Introduced by: Say C (BR)

Amends Act 162, session laws of 2009, as amended by Act 180, session laws of 2010, relating to the state budget, by increasing the appropriation for BED144. (\$\$) -- HB1015 HD1

Committee Reports: HSCR 24 (EEP) HSCR 602 (FIN) SSCR 801 (ENE/ HWN/) SSCR 1082 (WAM)

HOUSE BILLS THAT PASSED THE LEGISLATURE

Current Status: Apr-13 11 Received by the Governor
Apr-28 11 Approved by Governor (Act 28 2011)
Section Affected: ACT 162 2009, ACT 180 2010

HB1020 HD2 SD2 CD1 (CCR 140)

RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION.

Introduced by: Say C (BR)

Amends provisions relating to aloha tower complex; designated boundaries. Defines the boundaries for the aloha tower complex. -- Amends provisions relating to the aloha tower development corporation; established. Transfers the corporation from the department of business, economic development and tourism to the department of transportation. Reduces the number of members on the board of directors of the corporation. -- Amends provisions relating to the aloha tower fund to include all moneys, rentals, charges, or other revenues of the development corporation and moneys or charges received by the department of transportation and to be expended for the aloha tower, including lease payments to the department of transportation. -- Repeals provisions relating to the aloha tower partnership with department of transportation for the implementation of the commercial harbors modernization plan and the establishment of the harbors modernization group. -- Requires all fund balances remaining unencumbered and unexpended as of June 30, 2010, in the Aloha tower fund to lapse to the harbor special fund and to be used for operating expenses for the Aloha tower development corporation. -- HB1020 CD1

Committee Reports: HSCR 55 (TRN) HSCR 384 (WLO) HSCR 890 (FIN) SSCR 937 (WLH) SSCR 1179 (WAM) CCR 140

Current Status: May-03 11 Passed Legislature

Section Affected: 206J-3, 206J-4, 206J-17, 206J-5.5

HB1034 HD1 (HSCR 910)

MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS.

Introduced by: Say C (BR)

Appropriation to the director of finance for Hawaii employer union health benefits trust fund costs for collective bargaining unit 1 (nonsupervisory blue collar employees), unit 2 (supervisory blue collar employees), unit 3 (nonsupervisory white collar employees), unit 4 (supervisory white collar employees), unit 5 (teachers and other personnel of the department of education), unit 6 (educational officers and other personnel of the department of education), unit 7 (faculty of the university of Hawaii and community college system), unit 8 (personnel of the university of Hawaii and community college system), unit 9 (registered professional nurses), unit 10 (nonprofessional hospital and institutional workers), and unit 13 (other professional and scientific employees); and for employees excluded from collective bargaining. (\$\$) -- HB1034 HD1

Committee Reports: HSCR 402 (LAB) HSCR 910 (FIN) SSCR 805 (WAM)

Current Status: Mar-16 11 Received by the Governor

Mar-17 11 Approved by Governor (Act 6 2011)

HB1035 HD1 (HSCR 298)

RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM.

Introduced by: Say C (BR)

Establishes provisions relating to a moratorium on benefit enhancements. Requires a moratorium on the enhancement of employees' retirement system benefits until the actuarial value of the system's assets is at least 100 per cent of the system's actuarial accrued liability. -- HB1035 HD1

Committee Reports: HSCR 298 (LAB) HSCR 773 (FIN) SSCR 960 (JDL) SSCR 1083 (WAM)

Current Status: Apr-13 11 Received by the Governor

Apr-28 11 Approved by Governor (Act 29 2011)

Section Affected: 88- (1 SECTION) MORATORIUM ON BENEFIT ENHANCEMENTS

HB1036 HD1 SD2 (SSCR 1156)

RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Say C (BR)

Establishes provisions relating to the commencement of benefits on required beginning date that provides for the distribution of benefits in accordance with a reasonable and good faith interpretation of section 401(a)(9) and section 414(u) of the Internal Revenue Code. -- Amends provisions relating to federal tax qualifications requirements. Requires that the survivors of a member who dies while performing qualified military service be entitled to any additional benefits had the member resumed and then terminated

HOUSE BILLS THAT PASSED THE LEGISLATURE

employment on account of death, provided that this shall not limit the rights to which a member's designated beneficiary, spouse, civil union partner, reciprocal beneficiary, or children are otherwise entitled. -- HB1036 SD2

Committee Reports: HSCR 343 (LAB) HSCR 782 (FIN) SSCR 970 (PGM/ JDL/ SSCR 1156 (WAM)

Current Status: May-03 11 Passed Legislature

Section Affected: 88- (1 SECTION), 88-22.5

HB1038 HD2 SD2 (SSCR 1206)

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Introduced by: Say C (BR)

Amends provisions relating to the pension and retirement system to specify provisions for those hired after June 30, 2012, including employee contributions, return to service of a former member, service retirement, allowance on service retirement, unreduced allowance on service retirement, allowance on ordinary disability retirement, average final compensation, post retirement allowances, and service retirement allowance. Amends provisions relating to determination of employer normal cost and accrued liability contributions by increasing the rates. -- Reduces regular interest for a member who becomes a member after June 30, 2011. -- Requires the board of trustees of the employees' retirement system to conduct a study to determine whether the percentage of regular interest is appropriate. Report to the legislature. -- Provides that actuarial valuations shall be based on the contribution rates approved by the legislature, and the tables, assumptions, and factors adopted by the board and provides that the investment yield rate assumption for the year ending June 30, 2011, shall be 7 3/4 per cent. -- HB1038 SD2

Committee Reports: HSCR 469 (LAB) HSCR 915 (FIN) SSCR 984 (JDL) SSCR 1206 (WAM)

Current Status: May-05 11 Passed Legislature

Section Affected: 88-45, 88-59.5, 88-62, 88-73, 88-74, 88-74.6, 88-76, 88-81, 88-90, 88-96, 88-311, 88-325, 88-331, 88-332, 88-341, 88-122, 88-21, 88-132, 88-105

HB1039 HD1 SD2 CD1 (CCR 141)

RELATING TO TRANSPORTATION.

Introduced by: Say C (BR)

Amends Act 33, special session laws of 2009, requires the governor or the director of transportation if so directed by the governor to have the discretion and authority to provide additional relief to airport concessions that do not have a self adjusting lease formula as of March 31, 2011. Extends the sunset date to July 1, 2013 (sunset). Amends provisions relating to the rental motor vehicle and tour vehicle surcharge tax. Increases the rental motor vehicle surcharge tax a day rate, except that after June 30, 2012, the tax shall be 3 dollars a day. -- Amends provisions relating to remittances. Requires the department to deposit the money into the state treasury to the credit of the state highway fund; provided that of the rental motor vehicle surcharge taxes assessed and collected, the equivalent of 4.50 dollars of the tax assessed and collected per day to be deposited into the state treasury to the credit of the general fund. Repealed on June 30, 2012 (sunset). Amends provisions relating to operation and use privileges. Repeals provisions that allows the department to establish, levy, assess, and collect rental motor vehicle customer facility charges. Repealed on June 30, 2012 (sunset). -- HB1039 CD1

Committee Reports: HSCR 456 (TRN) HSCR 891 (FIN) SSCR 886 (TIA) SSCR 1243 (WAM) CCR 141

Current Status: May-03 11 Passed Legislature

Section Affected: ACT 33 2009 1SP, (1 SECTION), 251-2, 251-5, 261-7

HB1045 HD1 SD2 CD1 (CCR 117)

RELATING TO INSURANCE.

Introduced by: Say C (BR)

Amends provisions relating to risk based capital reports. Requires a benefits society or health maintenance organization's (HMOs) risk based capital to be determined in accordance with the formula in the risk based capital instructions. Requires that the insurance commissioner to have the rights, powers, and duties with respect to a benefits society or health maintenance organization and to take any actions that are necessary to cause the insurer to be placed under regulatory control. Further requires the commission with respect to any domestic insurer or foreign insurer that are in possession or control of the commissioner to be confidential by law and privileged. Prohibits risk based capital reports and risk based capital plans to be made public, subject to subpoena, discovery and not be admissible as evidence in any private civil action. Allows the commission to share and receive documents, materials, or

HOUSE BILLS THAT PASSED THE LEGISLATURE

information, including otherwise confidential and privileged document, material, or information, from the National Association of Insurance commissioners and its affiliates and subsidiaries, and with state federal, and international law enforcement authorities. Allows the commissioner to exempt from the application of risk based capital for insurers for any domestic benefit society or health maintenance organization that writes direct business only in this State; assumes no reinsurance in excess of 5 per cent of direct premiums written; writes direct annual premiums for comprehensive medical business of 2 million dollars or less; or is a limited benefit society or health maintenance organization that covers less than 2,000 lives. -- HB1045 CD1

Committee Reports: HSCR 122 (HLT) HSCR 530 (CPC) HSCR 902 (FIN) SSCR 828 (CPN) SSCR 1251 (WAM) CCR 117

Current Status: May-03 11 Passed Legislature

Section Affected: 431:3-401, 431:3-402, 431:3-403, 431:3-406, 431:3-408, 431:3-409, 432:1-102, 432:2-102, 432D-19

HB1049 HD2 SD2 CD1 (CCR 63)

RELATING TO INSURANCE.

Introduced by: Say C (BR)

Amends provisions relating the insurance code. Provides that if an insurance commissioner has not been appointed requires the chief deputy commissioner to have the power to perform any act that the commissioner is authorized to perform until appointment become effective. Requires that any approval required by law to be deemed granted on the 60 calendar day if the commissioner does not take any action to grant or deny the approval of the request. Require application for an adjuster or independent bill review license to be made to the commission upon forms as prescribed and furnished by the commissioner. Repeal provisions that requires an application additional requirements to be furnish if the applicant is a partnership or corporation or each individual to be required to furnish information to the commissioner for an individual license. Redefines managing general agent that adjust or pays claim in excess of 10,000 dollars or negotiates reinsurance on behalf of the insurer. Requires every managed care plan to file with the commissioner, every rate, charge, classification, schedule, practice, or rule and every modification by an electronic copy or 2 printed copies and every filing to be accompanied by a 50 dollar fee payable to the commissioner and to be deposited in the commissioner's education and training fund. Amends provisions relating to the Hawaii hurricane relief fund. Repeals provisions that the formula to calculate the amount and period of the surcharge for each covered event and the procedures and methodology for payment of claims and other obligation of the fund to be provided in the plan of operation. Requires the surcharge to remain in effect until all claims and other obligations of the fund, including but not limited to include claims under fund policies of hurricane property insurance. Allows the funds to establish procedures for insurers to collect a surcharge from their customers who hold property or casualty policies. Requires the society to deposit with the commissioner 50 per cent of the minimum net worth either in cash or in securities approved by the commissioner; provided that the deposit shall be not less than 1 million dollars and not exceed 2 million dollars. Amends provisions relating to fees, taxes and deposits law. Changes workers' compensation claim to claim adjusters issuance fee. Repeals life settlement contract provider and broker license issuance fee. Adds legal service plan certificate of authority issuance fee. Adds fingerprinting for each criminal history record check and fingerprinting check, a fee to be established by the commissioner. Repeal 150 dollars per year for all services including extension of the license for a regularly licensed life settlement contract provider or broker. Adds 500 dollars per year for all services including extension of the certificate for an authorized legal service plan. -- Amends Act 59, session laws of 2010. -- Repeals provisions relating to benefits funds. -- HB1049 CD1

Committee Reports: HSCR 372 (CPC) HSCR 824 (FIN) SSCR 923 (CPN) SSCR 1145 (WAM) CCR 63

Current Status: May-03 11 Passed Legislature

Section Affected: 431:2-105, 431:2-202.5, 431:2-206, 431:7-101, 431:9-204, 431:9C-101, 431:10H-228, 431:11-106, 431:14G-105, 431P-16, 432:1-306, 432:1-401

HB1052 HD2 SD1 CD1 (CCR 89)

RELATING TO INSURANCE.

Introduced by: Say C (BR)

Amends provisions relating to State defined under administration of insurance laws. Redefines State to include the Northern Mariana Islands. Amends provisions relating to unauthorized insurers and surplus lines. Redefines authorized and unauthorized insurer to include an insurance business in the state in which the subject resident is

HOUSE BILLS THAT PASSED THE LEGISLATURE

located or in which the insurance contract will be performed. Redefines surplus lines insurance to mean any property and casualty insurance on risks procured from or placed with an unauthorized insurer under the laws of the insured's home state and when this State is the home state of the insured. Exempts transaction of contract of insurance for property and casualty multi state risks; provided that the producer is licensed to sell, solicit, or negotiate that insurance in the home state of the insured. Amends provisions relating to insurance independently procured; duty to report and pay tax. After June 30, 2011, requires each insured who in this State, procures, continues, or renews surplus lines insurance other than insurance procured through a surplus lines broker to within 45 days after the end of the calendar quarter in which the insurance was procured, continued or renewed to file a written report with the insurance commissioner. Provides that for insurance procured, continued, or renewed after June 30, 2011, when this State is the home state of the insured, the insured shall pay the tax and fees of this State and all other states to the director of finance, through the commissioner and when this State is not the home state of the insured, the insured shall pay the tax and fees of this state to be home state of the insured. Allows a surplus line to procure or place unauthorized insurance for an exempt commercial purchaser. Allows a surplus lines broker to place surplus lines insurance only with insurers who are authorized to write that type of insurance in the insurer's domiciliary state. Allows the commissioner to enter into a cooperative agreement, interstate agreement, or compact to establish additional and alternative nationwide uniform eligibility requirements that shall be applicable to unauthorized insurers domiciled in another state. Requires any confirmation of insurance executed by the surplus line broker to show the policy number, effective date, home state, and a description and location of the subject of the insurance; the premium and rate charged, itemized by each state; the taxes and fees to be collected from the insured, itemized by each state. Changes provisions relating to surplus lines broker's annual statement to reports to commissioner. Requires each surplus lines broker to file with the commissioner on or before September 15, 2011, a verified statement of all surplus lines insurance transacted after December 31, 2010, and before July 1, 2011 and after June 30, 2011, to file within 45 days of end of the calendar quarter a verified statement of all surplus lines insurance transacted. Amends provisions relating to tax on surplus lines. Requires each surplus lines broker on or before March 15, 2011, to pay to the director of finance, through the commissioner, a premium tax on surplus lines insurance transacted by the broker during 2010. -- Further requires each surplus lines broker on or before September 15, 2011, to pay a premium tax on surplus lines insurance transacted by the broker after December 31, 2010, and before July 1, 2011. Requires the commissioner to assess the insured for the cost of the cooperative agreement, reciprocal agreement, or compact to collect and distribute the premium taxes. Allows the commissioner to suspend, revoke, or refuse to extend any surplus lines broker's license for failure to file statements or pay tax. Report to the legislature.

-- HB1052 CD1

Committee Reports: HSCR 560 (CPC/ JUD/) HSCR 826 (FIN) SSCR 1079 (CPN) CCR 89

Current Status: May-03 11 Passed Legislature

Section Affected: 431:1-213, 431:1-214, 431:8-101, 431:8-102, 431:8-201, 431:8-205, 431:8-301, 431:8-302, 431:8-305, 431:8-312, 431:8-313, 431:8-315, 431:8-316, 431:8-317

HB1053 HD1 SD1 (SSCR 1057)

RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS.

Introduced by: Say C (BR)

Amends provisions relating to who may become dental hygienist; fees. Requires a person to have passed the National Board Dental Hygiene Examination and pay a fee. Allows the board to require an applicant to take and pass a national clinical examination once such examination is available. -- Further allows the board to require an applicant or licensed dental hygienist to submit documentation of course content when submitting certification in the administration of intra oral infiltration local anesthesia and inter oral block anesthesia. -- HB1053 SD1

Committee Reports: HSCR 337 (HLT) HSCR 642 (CPC) SSCR 1057 (CPN/ HTH/)

Current Status: Apr-18 11 Received by the Governor

May-04 11 Approved by Governor (Act 44 2011)

Section Affected: 447-1

HB1056 HD1 SD2 (SSCR 1163)

RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS.

Introduced by: Say C (BR)

Amends provisions relating to principals and vice principals. Allows the department of education's certification requirements to include equivalent experience. -- HB1056 SD2

HOUSE BILLS THAT PASSED THE LEGISLATURE

Committee Reports: HSCR 93 (EDN/ LAB/) HSCR 756 (FIN) SSCR 944 (EDU) SSCR 1163 (WAM)
Current Status: May-03 11 Passed Legislature
Section Affected: 302A-605

HB1060 HD1 SD2 CD1 (CCR 121)

RELATING TO INFORMATION TECHNOLOGY.

Introduced by: Say C (BR)

Amends provisions relating to information technology; chief information officer; information technology steering committee; establishment; responsibilities. Allows the chief information officer within the department of accounting and general services to employ persons that shall be exempt from civil service and collective bargaining laws. Transfers the shared services technology special fund from the department of budget and finance to the department of accounting and general services. Allows the chief information officer and the comptroller to raise funds to defray administrative costs and accept donations of money and personal property on behalf of the information technology committee provided that all donations accepted from private sources shall be expended in the manner prescribed by the contributor, and all moneys received from all sources shall be deposited into the trust account established to hold moneys received by the information technology steering committee. Annual report to the legislature and governor. -- Changes the amount deposited into the shared services technology special fund. Appropriation to the shared services technology special fund and out of the fund. (\$\$) -- HB1060 CD1

Committee Reports: HSCR 670 (FIN) SSCR 811 (EDT) SSCR 1148 (WAM) CCR 121
Current Status: May-03 11 Passed Legislature
Section Affected: 27-43, 36-27

HB1067 HD1 (HSCR 641)

RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY.

Introduced by: Say C (BR)

Repeals provisions relating to transfer to correctional facility. -- HB1067 HD1

Committee Reports: HSCR 116 (HUS) HSCR 641 (PBM) SSCR 839 (HMS/ PGM/ SSCR 1207 (JDL)

Current Status: Apr-13 11 Received by the Governor
Apr-26 11 Approved by Governor (Act 18 2011)

Section Affected: 352-28

HB1069 HD2 SD1 (SSCR 1125)

RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED.

Introduced by: Say C (BR)

Amends provisions relating to effect of finding of unfitness to proceed. Requires that when the defendant is charged with a petty misdemeanor not involving violence or attempted violence, the commitment is to be limited to no longer than 60 days from the date the court determines the defendant lacks fitness to proceed. Requires that when the defendant is charged with a misdemeanor not involving violence or attempted violence, the commitment is to be limited to no longer than 120 days from the date the court determines the defendant lacks fitness to proceed. -- Requires that if a defendant committed to the custody of the director of health is not found fit to proceed prior to the expiration of the commitment, charge for which the defendant was committed for a limited period is to be dismissed. Provides that if the defendant is subject to prosecution for other charges, the court is to order defendant's commitment to the custody of the director of health to be placed in an appropriate institution for detention, care and treatment. -- HB1069 SD1

Committee Reports: HSCR 243 (JUD) HSCR 700 (FIN) SSCR 1125 (JDL)
Current Status: Apr-19 11 Received by the Governor
Section Affected: 704-406

HB1070 HD2 SD2 CD1 (CCR 111)

RELATING TO CONDITIONAL RELEASE TIMEFRAMES.

Introduced by: Say C (BR)

Amends provisions to legal effect of acquittal on the ground of physical or mental disease, disorder, or defect excluding responsibility; commitment; conditional release; discharge; procedure for separate post acquittal hearing. Requires that for any person granted conditional release and who was charged with a petty misdemeanor, misdemeanor, or violation the period of conditional release is no longer than 1 year. -- HB1070 CD1

Committee Reports: HSCR 253 (JUD) HSCR 701 (FIN) SSCR 907 (JDL) SSCR 1170 (WAM) CCR 111

Current Status: May-03 11 Passed Legislature

HOUSE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 704-411

- HB1071 HD2 SD1 CD1 (CCR 79) RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL.
Introduced by: Say C (BR)
Amends provisions relating to effect of finding of unfitness to proceed. Provides that when a defendant is released on conditions after a finding of unfitness to proceed, the department of health is to establish and monitor a fitness restoration program consistent with conditions set by the court order of release, and is to inform the prosecuting attorney of the county that charged the defendant of the program and report the defendant's compliance therewith. -- HB1071 CD1
Committee Reports: HSCR 565 (JUD) HSCR 861 (FIN) SSCR 873 (HTH/ PGM/ SSCR 1216 (JDL) CCR 79
Current Status: May-03 11 Passed Legislature
Section Affected: 704-406
- HB1076 HD1 SD2 (SSCR 1169) RELATING TO EMPLOYMENT SECURITY LAW.
Introduced by: Say C (BR)
Amends provisions relating to withdrawals; administrative use under the Hawaii employment security law. Requires money credited in the unemployment trust fund by the secretary of the treasury of the US of the Social Security Act 2009 to be used solely for the payment of expenses for the administration of the Hawaii employment security law. -- HB1076 SD2
Committee Reports: HSCR 262 (LAB/ ERB/) HSCR 783 (FIN) SSCR 957 (JDL) SSCR 1169 (WAM)
Current Status: May-05 11 Passed Legislature
Section Affected: 383-123
- HB1077 HD2 (HSCR 237) RELATING TO EMPLOYMENT SECURITY LAW.
Introduced by: Say C (BR)
Amends provisions relating to employment and training fund established under the Hawaii employment security law. Allows moneys to be used for the payment of interest due on a Title XII advance under the provisions of section 1202 (b) of the Social Security Act for advances made to the unemployment compensation fund. Amends provisions relating to employment and training assessment. Provides that if interest is due on Title XII advance under the provisions of section 1202 (b) of the Social Security Act, requires the employment and training fund assessment to be increased to pay the interest due. Allows the director of labor and industrial relations to have the discretion to determine the amount of the increase for the calendar year in increments of .01 per cent. Requires that if interest payments on a Title XII advance are subsequently waived by federal law, the aggregate amount of interest payment collected to constitute the total employment and training assessment payable by employers for the calendar year 2012 only. Act to be repealed on January 1, 2012 (sunset). -- HB1077 HD2
Committee Reports: HSCR 149 (LAB/ ERB/) HSCR 237 (FIN) SSCR 444 (JDL/ WAM/)
Current Status: Feb-22 11 Received by the Governor
Feb-23 11 Approved by Governor (Act 2 2011)
Section Affected: 383-128, 383-129
- HB1079 HD2 SD1 CD1 (CCR 90) RELATING TO FEES FOR HABITAT CONSERVATION PLANS.
Introduced by: Say C (BR)
Amends provisions relating to conservation of aquatic life, wildlife, and land plants. Allows the department of land and natural resources to collect fees and payment for costs incurred for use of the technical assistance program in the development, review, or monitoring of a specific habitat conservation plan. Requires fees to be charged at an hourly rate of 50 dollars and the fees and payments for costs collected are to be deposited into the endangered species trust fund.-- HB1079 CD1
Committee Reports: HSCR 322 (WLO) HSCR 842 (FIN) SSCR 938 (WLH) SSCR 1086 (WAM) CCR 90
Current Status: May-03 11 Passed Legislature
Section Affected: 195D-2, 195D-23, 195D-31
- HB1082 HD1 SD2 CD1 (CCR 126) RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND.
Introduced by: Say C (BR)
Establishes provisions relating to conservation and resources enforcement special fund;

HOUSE BILLS THAT PASSED THE LEGISLATURE

established. Establishes the fund to be administered by the department of land and natural resources. Requires the fund to be expended for activities related to enforcement of conservation and resource laws and the protection of caves, historic preservation, and Kahoolawe island reserve laws and work performed in cooperation with enforcement authorities of the state, the counties, and the federal government. Appropriation out of the conservation and resources enforcement special fund. (\$\$) -- HB1082 CD1

Committee Reports: HSCR 205 (WLO) HSCR 846 (FIN) SSCR 943 (WLH) SSCR 1180 (WAM) CCR 126

Current Status: May-03 11 Passed Legislature

Section Affected: 199- (1 SECTION) CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND

HB1085 HD2 SD2 CD1 (CCR 88)

RELATING TO CONTROLLED SUBSTANCES.

Introduced by: Say C (BR)

Amends provisions relating to schedule II under the uniform controlled substances act. Adds tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and / or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: 1 cis or trans tetrahydrocannabinol, and their optical isomers; 6 cis or trans tetrahydrocannabinol, and their optical isomers; 3,4 cis or trans tetrahydrocannabinol, and their optical isomers; Mephedrone (2-methylamino-1-p-tolylpropan-1-one) also known as 4-methylmethcathinone (4-MMC), methylephedrone or MMCAT; Methylenedioxypropylvalerone (MDPV, MDPK); (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Some trade or other names: HU-210; 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, Some trade or other names: CP 47,497 and dimethyloctyl homologues; 1-Pentyl-3-(1-naphthoyl)indole, Some trade or other names: JWH-018; 1-Butyl-3-(1-naphthoyl) indole, Some trade or other names: JWH-073; and Cannabicyclohexanol; 4-anilino-n-phenethyl-4-piperidine (ANPP); and Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17-ol, madol); 19-NOR-4,9(10)-Androstadienedione (estra-4,9(10)-diene-3,17-dione); and Boldione (Androsta-1,4-diene-3,17-dione). Amends provisions relating to reporting of dispensation of controlled substances; electronic prescription accountability system; requirements; penalty. Prohibits identified controlled substance to be dispensed unless information relevant to the dispensation of the substance is reported to include by means indicated by the designated state agency. Requires a qualifying patient registration to be effective until the expiration of the certificate issued by the department of health and signed by the physician and changes registration certificate fees not to exceed 35 dollars. -- HB1085 CD1

Committee Reports: HSCR 554 (PBM) HSCR 805 (JUD) SSCR 912 (JDL) SSCR 1175 (WAM) CCR 88

Current Status: May-03 11 Passed Legislature

Section Affected: 329-14, 329-16, 329-18, 329-101, 329-102, 329-123

HB1087 HD1 (HSCR 618)

RELATING TO PUBLIC SAFETY.

Introduced by: Say C (BR)

Amends provisions relating to Hawaii paroling authority; appointment; tenure; qualifications. Repeals that requirement that the president of the Hawaii Criminal Justice association to be a member of the paroling authority. -- HB1087 HD1

Committee Reports: HSCR 618 (PBM) SSCR 1066 (PGM)

Current Status: Apr-13 11 Received by the Governor

Apr-25 11 Approved by Governor (Act 16 2011)

Section Affected: 353-61

HB1088 HD1 SD1 CD1 (CCR 62)

RELATING TO CORRECTIONS.

Introduced by: Say C (BR)

Establishes provisions relating to involuntary medical treatment criteria. Provides that an inmate or detainee in the custody of the department of public safety may be ordered to receive involuntary treatment, including the taking or application of medication, if the court finds that the inmate or detainee poses a danger of physical harm to self or others; that treatment with medication is medically appropriate; and considering less intrusive alternative, the treatment is essential to forestall the danger posed by the inmate or detainee. Establishes provisions relating to initiation of proceeding for involuntary medical treatment. Allows the director of public safety or the director's designee to file

HOUSE BILLS THAT PASSED THE LEGISLATURE

a petition alleging that a person in the custody of the department meets the criteria for involuntary medical treatment. Requires the court to set a hearing on the petition, and notice of the hearing to be served personally on the person who is the subject of the petition or by certified or registered mail, return receipt requested, deliverable to the addressee only, on the subject's spouse, civil union partner, or reciprocal beneficiary, legal parents, adult children, or legal guardian if 1 has been appointed. Establishes provisions relating to hearing on petition. Allows the court to adjourn or continue a hearing for failure to timely notify a spouse, civil union partner, reciprocal beneficiary, guardian, relative, or other person determined by the court to be entitled to notice, or for failure by the person who is the subject of the petition to contract an attorney, or if the court determines that an adjournment or continuance is in the interest of justice. Amends provisions relating to right to representation by public defender or other appointed by counsel. Adds the subject of the petition for involuntary medical treatment.

-- HB1088 CD1

Committee Reports: HSCR 111 (PBM) HSCR 491 (HLT) HSCR 769 (FIN) SSCR 1121 (JDL) CCR 62

Current Status: May-03 11 Passed Legislature

Section Affected: 353- (4 SECTIONS), 802-1

HB1089 HD1 SD1 CD1 (CCR 122)

RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE.

Introduced by: Say C (BR)

Amends income tax provisions to conform the Hawaii income tax law to the Federal Internal Revenue Code. -- HB1089 CD1

Committee Reports: HSCR 657 (FIN) SSCR 1041 (WAM) CCR 122

Current Status: May-03 11 Passed Legislature

Section Affected: 235-2.3, 235-2.35, 235-2.4

HB1093 HD1 SD2 (SSCR 1227)

RELATING TO COMMERCIAL DRIVER LICENSING.

Introduced by: Say C (BR)

Amends provisions relating to commercial driver licensing. Provides that it is unlawful for any person with an alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath or with 0.04 or more grams of alcohol per 100 milliliters or cubic centimeters of blood to drive a commercial driver licensing. -- HB1093 SD2

Committee Reports: HSCR 128 (TRN) HSCR 652 (JUD) SSCR 880 (TIA) SSCR 1227 (JDL)

Current Status: Apr-25 11 Received by the Governor

Section Affected: 286-231, 286-240, 286-242, 286-243

HB1094 HD1 SD2 CD1 (CCR 51)

RELATING TO COMMERCIAL DRIVER LICENSING.

Introduced by: Say C (BR)

Amends provisions relating to commercial driver's license qualification standards. Provides that as of January 30, 2012, the examiner of drivers is to make certain that the medical certification status of a driver that self certified is certified, and if the driver submits a current medical examiner's certificate, shall date stamp the certificate and post all required information to the commercial driver's license information system. -- Amends provisions relating to commercial driver's license. Provides that a commercial driver's license may be issued with endorsements and restrictions indicating there is information about a medical variance on the commercial driver's license information system driver record and "W" restricts the driver from operating in interstate commerce.

Amends the title of disqualification and cancellation by adding downgrade. Provides that beginning January 30, 2014, if a driver fails to provide the examiner of drivers with the certification contained in the federal driver application procedures guideline or a current medical examiner's certificate if the driver self certifies according to the federal driver application procedures guideline that he or she is operating in non excepted interstate commerce, the examiner of drivers must mark the commercial driver's license information system driver record as not certified and initiate a commercial driver's license downgrade. -- Amends provisions relating to notification of disqualification, suspension, revocation, cancellation, by adding marking medical certification status not certified, or downgrading of commercial driver's licenses or permits. Beginning January 30, 2012, the examiner of drivers must, within 10 calendar days update the medical certification status of a driver and to include the medical variance information provided by the federal motor carrier safety administration. Provides that beginning January 30, 2014, if a driver fails to provide the examiner of drivers with certification or a current medical examiner's certificate if the driver is self certified that he or she is operating in non excepted interstate commerce, the examiner of drivers must mark the record as not

HOUSE BILLS THAT PASSED THE LEGISLATURE

certified and initiate a commercial driver's license downgrade. -- Amends provisions relating to authority of examiner of drivers to suspend, revoke or cancel, by adding mark the medical certification status as not certified or downgrade commercial driver's license or permit. Allows the examiner of drivers to suspend, revoke, cancel, mark medical certificate status not certified or downgrade any commercial driver's license or permit without a hearing when the examiner has probable cause to believe that the licensee is disqualified. -- Amends provisions relating to driver record information to be recorded and furnished. Requires the examiner beginning January 30, 2012, to record and maintain as part of the driver's record pertinent medical information. -- HB1094 CD1
Committee Reports: HSCR 173 (TRN) HSCR 653 (JUD) SSCR 875 (CPN/ TIA/ SSCR 1262 (JDL) CCR 51
Current Status: May-03 11 Passed Legislature
Section Affected: 286-231, 286-236, 286-239, 286-240, 286-241, 286-241.4, 286-245

HB1107 HD1 SD2 (SSCR 1222) RELATING TO THE HAWAII NATIONAL GUARD.
Introduced by: Takai K, Brower T, Cullen T, Lee C, Herkes R, Nishimoto S, Aquino H, Tokioka J, Souki J, Pine K, Ching C, Johanson A, Riviere G, Mizuno J, Chang J, McKelvey A, Ward G
Establishes provisions relating to use of non lethal weapons. Allows members of the army or air national guard who have been qualified by training and are authorized by their commanders to use electric guns when assisting civil authorities in disaster relief, civil defense, or law enforcement functions. -- HB1107 SD2
Committee Reports: HSCR 364 (PBM) HSCR 809 (JUD) SSCR 815 (PGM) SSCR 1222 (JDL)
Current Status: May-03 11 Passed Legislature
Section Affected: 121- (1 SECTION), 134-16

HB1130 SD1 (SSCR 829) RELATING TO SERVICE OF PROCESS.
Introduced by: Oshiro B
Amends Act 158, session laws of 2009, establishing provisions relating to service of process under planned community associations law by repealing the sunset date. -- HB1130 SD1
Committee Reports: HSCR 613 (CPC/ JUD/) SSCR 829 (CPN) SSCR 1208 (JDL)
Current Status: May-02 11 Received by the Governor
Section Affected: ACT 158 2009

HB1134 HD1 SD2 (SSCR 1256) RELATING TO PREPAID HEALTH CARE.
Introduced by: Oshiro B
Repeals Act 99, session laws of 1994, which repealed the prepaid health care act. Repeals the termination of the prepaid health care act. -- HB1134 SD2
Committee Reports: HSCR 336 (HLT) HSCR 692 (CPC) SSCR 876 (HTH/ CPN/) SSCR 1256 (JDL)
Current Status: Apr-19 11 Received by the Governor
Section Affected: ACT 99 1994, 393-51

HB1138 SD2 CD1 (CCR 78) RELATING TO ATTORNEY'S LIENS.
Introduced by: Oshiro B
Establishes provisions relating to liens on attorneys; certified shorthand reporter services. Provides that a certified shorthand reporter furnishing a stenographic record of any judicial proceeding, deposition, statement, or interview of a party in a proceeding or a copy of the stenographic record to an attorney at the attorney's request shall create a debt owing to the certified shorthand reporter by the attorney's firm, partnership, corporation, company, or other legal entity to which the attorney practices law, which may be enforced by the certified shorthand reporter in circuit or district court. Requires that the amount of the debt not exceed the payment agreed to between the attorney and the certified shorthand reporter at the time the stenographic services are requested. Allows for a lien for nonpayment within 60 days. -- HB1138 CD1
Committee Reports: HSCR 686 (JUD) SSCR 956 (JDL) SSCR 1203 (WAM) CCR 78
Current Status: May-03 11 Passed Legislature
Section Affected: 507- (1 SECTION) LIENS ON ATTORNEYS

HB1155 HD1 SD1 CD1 (CCR 83) RELATING TO REPEAT OFFENDERS.
Introduced by: Hanohano F
Amends provisions relating to sentencing of repeat offenders. Requires mandatory minimum prison terms without possibility of parole for persons convicted of the following

HOUSE BILLS THAT PASSED THE LEGISLATURE

felonies: manslaughter, kidnapping; sexual assault in the 1st degree; continuous sexual assault of a minor under the age of 14 years; promoting child abuse in the 1st degree; identity theft in the 1st degree; robbery in the 1st degree; arson in the 1st degree; negligent homicide in the 1st degree; assault in the 1st degree; assault against an emergency worker; kidnapping; sexual assault in the 2nd degree; promoting child abuse in the 2nd degree; electronic enticement of a child in the 1st degree; extortion in the 1st degree; burglary in the 1st degree; criminal property damage in the 1st degree; theft in the 1st degree; identity theft the 2nd degree; robbery in the 2nd degree; forgery In the 1st degree; computer damage in the 1st degree; unauthorized computer access in the 1st degree; relating to arson in the 2nd degree; money laundering; intimidating a correctional worker; bribery; intimidating a juror; promoting prostitution in the 1st degree; computer fraud in the 1st degree; unauthorized computer access in the 1st degree; arson in the 2nd degree; money laundering; intimidating a correctional worker; bribery; intimidating a juror; and promoting prostitution in the 1st degree; or who is convicted or attempting to commit any of the felony offenses enumerated above and who has a prior conviction from any of the enumerated felonies above. -- HB1155 CD1

Committee Reports: HSCR 636 (JUD) SSCR 1124 (JDL) CCR 83

Current Status: May-03 11 Passed Legislature

Section Affected: 706-606.5

HB1164 HD1 SD1 CD1 (CCR 128)

RELATING TO PUBLIC LANDS.

Introduced by: Say C (BR)

Authorizes the department of land and natural resources to review and consider the exchange of Sand Island parcels to leaseholders and alternative sources of revenue to replace the lease revenues. Report to the legislature. -- HB1164 CD1

Committee Reports: HSCR 433 (WLO) HSCR 829 (FIN) SSCR 942 (WLH) SSCR 1196 (WAM) CCR 128

Current Status: May-03 11 Passed Legislature

HB1230 HD2 SD1 CD1 (CCR 67)

RELATING TO BUILDING PERMITS.

Introduced by: Tsuji C, Ito K, Yamane R, Yamashita K, Chong P, Awana K, Evans C, Brower T, Hashem M

Establishes provisions relating to agricultural and aquacultural structures; no building permit required. Prohibits a county from requiring a building permit for the construction of a nonresidential structure used for agricultural or aquacultural operations, provided that the owner or occupier agrees to defend, indemnify, and hold harmless, the State and any of its agencies, officers, and employees, from and against all liability, loss, damage, cost and expense, including attorneys' fees and costs, and all claims, suits, and demands arising out of or resulting from the failure to obtain building permits, and waives any statutory or other immunity from liability that may be asserted by the owner or occupier to limit the owner or occupier's obligation to defend, indemnify, and hold harmless the State and any of its agencies, officers, and employees. Requires the owner or occupier to obtain a certification from a duly qualified 3rd party reviewer that certifies under penalty of law that the 3rd party reviewer has reviewed the owner or occupier's proposed building plans and that in the 3rd party reviewer's professional opinion, the proposed building plans are in compliance with all applicable codes, rules, and other applicable requirements of the appropriate county planning and permitting department and the State. Requires the owner or occupier to submit the proposed building plans, indemnification and hold harmless attestation, and 3rd party review or certification to the appropriate county planning and permitting department, provided that the exemption from building permit requirements shall not apply unless the nonresidential structure is constructed in accordance with the proposed building plan, is nonresidential and its floor area under roof or eave is 1500 square feet or less, and the property upon which the proposed structure is to be built has an area of at least 3 acres. Requires the Hawaii farm bureau federation and each county planning department to report to the legislature. -- HB1230 CD1

Committee Reports: HSCR 272 (AGR/ WLO/) HSCR 935 (JUD) SSCR 1078 (AGL/ WLH/ PGM/) CCR 67

Current Status: May-03 11 Passed Legislature

Section Affected: 46- (1 SECTION) AGRICULTURAL AND AQUACULTURAL STRUCTURES

HB1241 HD2 SD2 CD1 (CCR 52)

RELATING TO ABANDONED VEHICLES.

Introduced by: Souki J, Ichiyama L

Amends provisions relating to notice to owner under the abandoned vehicles law. -- Extends the time that a legal and registered owner of an abandoned vehicle has to

HOUSE BILLS THAT PASSED THE LEGISLATURE

repossess the vehicle from 10 days to 20 days after mailing of the notice. Defines business days to exclude Saturdays, Sundays and state holidays. -- HB1241 CD1
Committee Reports: HSCR 427 (TRN) HSCR 814 (JUD) SSCR 854 (TIA/ CPN/ SSCR 1221 (JDL) CCR 52
Current Status: May-03 11 Passed Legislature
Section Affected: 290-2

HB1286 HD2 SD1 CD1 (CCR 96) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.
Introduced by: Evans C
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. -- Repeals Act 110, session laws of 2009, which authorizes the issuance of special purpose revenue bonds to assist BioEnergy Hawaii, LLC. (\$\$) -- HB1286 CD1
Committee Reports: HSCR 29 (EEP) HSCR 732 (FIN) SSCR 931 (ENE) SSCR 1099 (WAM) CCR 96
Current Status: May-03 11 Passed Legislature
Section Affected: ACT 110 2009

HB1313 HD2 SD1 (SSCR 966) RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY.
Introduced by: Ito K
Authorizes the issuance of special purpose revenue bonds to assist Windward Nazarene Academy, a Hawaii not for profit corporation, for purchase of land and facilities, and planning, construction, improvement, equipping, and renovation of its educational facilities. Authorizes the issuance of refunding special purpose revenue bonds to refund the special purpose revenue bonds. (\$\$) -- HB1313 SD1
Committee Reports: HSCR 91 (EDN) HSCR 757 (FIN) SSCR 966 (EDU) SSCR 1102 (WAM)
Current Status: May-03 11 Passed Legislature

HB1333 HD1 SD1 CD1 (CCR 112) RELATING TO SMALL CLAIMS COURT.
Introduced by: Belatti D, Saiki S, Coffman D, Hashem M, Choy I, Takai K, Keith-Agaran G, Lee C, Morita H, Morikawa D, McKelvey A, Aquino H, Souki J, Fontaine G, Cullen T, Herkes R, Hanohano F, Cabanilla R, Yamashita K, Takumi R, Nakashima M, Mizuno J, Brower T, Oshiro B, Ichiyama L, Pine K, Ching C, Johanson A, Wooley J
Amends provisions relating to district court, powers. Increases the maximum amount of money in cases for the recovery of money from 3,500 dollars to 5,000 dollars and for the return of leased or rented personal property worth, from 3,500 dollars to less than 5,000 dollars. -- HB1333 CD1
Committee Reports: HSCR 309 (JUD) HSCR 703 (FIN) SSCR 1126 (JDL) CCR 112
Current Status: May-03 11 Passed Legislature
Section Affected: 633-27

HB1342 HD1 SD2 CD1 (CCR 120) RELATING TO TELECOMMUNICATIONS.
Introduced by: Yamashita K, McKelvey A, Chong P, Tsuji C, Oshiro B, Aquino H, Oshiro M, Ito K, Ichiyama L, Evans C, Say C, Manahan J, Yamane R, Hashem M, Tokioka J, Cullen T, Har S, Chang J, Lee M, Coffman D, Nishimoto S, Nakashima M, Herkes R, Morita H, Keith-Agaran G, Awana K
Exempts county permitting requirements and state permitting and approval requirements for any actions relating to the installation, improvement, construction or development of infrastructure relating to broadband service or broadband technology, including the interconnection of telecommunications cable from January 1, 2012 to January 1, 2017. Prohibits a person or entity to be required to upgrade or replace an existing utility pole when using that utility pole to install new or improve existing telecommunications cables. Requires the director of commerce and consumer affairs in consultation with the administrator of the cable television division to review the state of broadband communications in Hawaii and the exemptions made; and make a recommendation whether to extend the exemptions. Report to the legislature. -- Amends Act 199, session laws of 2010, by replacing the administrator of the cable television division of the department of commerce and consumer affairs with the director of commerce and consumer affairs. -- HB1342 CD1
Committee Reports: HSCR 212 (ERB) HSCR 537 (CPC) HSCR 802 (FIN) SSCR 852

HOUSE BILLS THAT PASSED THE LEGISLATURE

- (EDT/ PGM/) SSCR 1050 (CPN) CCR 120
Current Status: May-03 11 Passed Legislature
Section Affected: ACT 199 2010
- HB1368 HD2 SD1 CD1 (CCR 113) RELATING TO ELECTIONS.
Introduced by: Morita H
Amends provisions relating to elections. Provides that any person who withdraws their nomination papers prior to the close of filing shall not be considered to have caused a vacancy. Defines party candidate to mean a person who would be the candidate of the party. -- HB1368 CD1
Committee Reports: HSCR 412 (JUD) HSCR 704 (FIN) SSCR 1109 (JDL) CCR 113
Current Status: May-03 11 Passed Legislature
Section Affected: 11-117, 11-118, 12-3
- HB1376 SD1 (SSCR 1122) RELATING TO EVIDENCE.
Introduced by: Oshiro B
Amends Act 210, session laws of 2008, by extending the sunset date to June 30, 2013. -- Requires the judiciary to report to the legislature. -- HB1376 SD1
Committee Reports: HSCR 615 (JUD) SSCR 1122 (JDL)
Current Status: May-02 11 Received by the Governor
Section Affected: ACT 210 2008
- HB1405 HD1 SD1 CD1 (CCR 124) RELATING TO PLANNING.
Introduced by: Jordan J
Requires the office of planning to develop a plan to establish a statewide system for greenways and trails that consists of individual greenways and trails, and networks of greenways and trails. Requires the office to coordinate with the department of transportation and the department of land and natural resources in its efforts to develop the plan; seek input from the counties; investigate and explore other jurisdictions that have established and implemented a system of greenways and trails; investigate and consider the use of transportation enhancement funds to establish and implement the system; and establish a timeline for implementing the system. Report to the legislature. (\$\$) -- HB1405 CD1
Committee Reports: HSCR 248 (WLO) HSCR 836 (FIN) SSCR 1133 (WLH/ WAM/) CCR 124
Current Status: May-03 11 Passed Legislature
- HB1434 HD2 SD1 (SSCR 808) RELATING TO PUBLIC WORK PROJECTS.
Introduced by: Rhoads K
Amends provisions relating to violations; penalties. Provides that a 1st, 2nd, or 3rd violation refers to each project in which the department of labor and industrial relations finds that a contractor has failed to comply with the wages and hours of employees on public works law. -- HB1434 SD1
Committee Reports: HSCR 341 (LAB) HSCR 785 (FIN) SSCR 808 (CPN) SSCR 1209 (JDL)
Current Status: May-03 11 Passed Legislature
Section Affected: 104-24
- HB1447 HD2 SD2 (SSCR 1263) RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT.
Introduced by: Choy I
Amends provisions relating to permitted transfers in trust. Allows a transferor to appoint, through the trust instrument, 1 or more advisors or protectors. Provides that while a trustee may appoint an advisor, the administrative and nonadministrative authority over the trust is to remain with the trustee. Provides that whenever there is a dispute, deadlock, or difference of opinion between a trustee and an advisor, the transferor may direct that the determination of the advisor is to be binding upon the trustee provided that the trustee is to bear no liability or be accountable for any act or transaction entered into as a result of the enforcement of the advisor's privilege. Redefines permitted property to include real property, personal property, and interests in real or personal property. Redefines permitted transfer to include multiple transferors in the case of property in which each transferor owns an undivided interest, to 1 or more trustees, at least 1 of which is a permitted trust by means of a trust instrument, regardless of whether consideration is exchanged. -- Amends limitations on permitted transfer to include divorce and dissolution of marriage. Repeals the tax assessment. -- HB1447 SD2
Committee Reports: HSCR 178 (CPC) HSCR 825 (FIN) SSCR 838 (CPN) SSCR

HOUSE BILLS THAT PASSED THE LEGISLATURE

- 1263 (JDL)
Current Status: May-02 11 Received by the Governor
Section Affected: 554G- (1 SECTION), 554G-2, 554G-4, 554G-5, 554G-6, 554G-7, 554G-8, 554G-9, 554G-10, 554G-3, 554G-12
- HB1505 HD2 SD1 CD1 (CCR 125) RELATING TO STATE FACILITIES.
Introduced by: Har S, Ito K
Establishes the state facility renovation partnership program law. Establishes the program administered by the department of accounting and general services. Requires the department to review all state office facilities and compile a list of priority facilities on state owned land that is best suited for the state facility renovation partnership program. Allows the department to enter into agreement with a private investor for the sale of a priority facility who shall renovate and maintain the facility and may lease the facility back to the State. Establishes the state facility renovation partnership special fund. -- HB1505 CD1
Committee Reports: HSCR 430 (WLO) HSCR 844 (FIN) SSCR 940 (WLH) SSCR 1189 (WAM) CCR 125
Current Status: May-03 11 Passed Legislature
Section Affected: (2 SECTIONS) STATE FACILITY RENOVATION PARTNERSHIP PROGRAM
- HB1520 HD2 SD2 CD1 (CCR 69) RELATING TO RENEWABLE ENERGY.
Introduced by: Morita H
Establishes provisions relating to on bill financing for energy efficiency and renewable energy. Requires the public utilities commission to investigate an on bill financing program that would allow an electric utility customer to purchase or otherwise acquire a renewable energy system or energy efficient device, as determined by the public utilities commission. Provides that if on bill financing is determined by the public utilities commission to be viable, allows the commission to implement an on bill financing program by decision and order or by rules. -- HB1520 CD1
Committee Reports: HSCR 355 (EEP) HSCR 643 (CPC) SSCR 930 (ENE) SSCR 1049 (CPN) CCR 69
Current Status: May-03 11 Passed Legislature
Section Affected: 269- (1 SECTION) ON-BILL FINANCING FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY
- HB1532 HD2 SD2 (SSCR 1259) RELATING TO REAL PROPERTY TAX APPEALS.
Introduced by: Souki J, Yamashita K
Amends provisions relating to appeal to tax appeal court. Requires the taxpayer appealing to 1st obtain a decision from an administrative body established by the county prior to appealing to the tax appeal court where county law requires a taxpayer to do so. Requires a decision by the administrative body to accompany the notice of appeal. -- HB1532 SD2
Committee Reports: HSCR 397 (JUD) HSCR 919 (FIN) SSCR 888 (PGM) SSCR 1259 (JDL)
Current Status: May-03 11 Passed Legislature
Section Affected: 232-16
- HB1540 RELATING TO EDUCATION.
Introduced by: Takumi R
Amends Act 125, session laws of 2008, reducing the period that a teacher can be hired on an emergency basis, by repealing the sunset date. -- HB1540
Committee Reports: HSCR 94 (EDN/ LAB/) HSCR 874 (FIN) SSCR 965 (EDU) SSCR 1089 (WAM)
Current Status: Apr-13 11 Received by the Governor
Apr-27 11 Approved by Governor (Act 23 2011)
Section Affected: ACT 125 2008, 302A-804
- HB1552 HD1 SD2 (SSCR 1199) RELATING TO COFFEE.
Introduced by: Coffman D, Wooley J
Amends provisions relating to Hawaii grown roasted or instant coffee; labeling requirements. Prohibits the use of the geographic origin on a label other than in the registered trademark or in the identity statement. -- HB1552 SD2
Committee Reports: HSCR 406 (AGR) HSCR 689 (CPC) SSCR 825 (AGL) SSCR 1199 (CPN)
Current Status: Apr-18 11 Received by the Governor

HOUSE BILLS THAT PASSED THE LEGISLATURE

Section Affected: 486-120.6

HB1566 HD1 SD1 CD1 (CCR 130)

RELATING TO SMALL BOAT HARBORS.

Introduced by: Tokioka J, Say C, Chong P, Har S, Chang J, Ito K, Manahan J, Ichiyama L, Yamane R, Cullen T, Yamashita K

Establishes provisions relating to Ala Wai boat harbor; leases. Allows the fast lands and submerged lands of the Ala Wai boat harbor to be leased. -- Amends provisions relating to special improvement district. Exempts the Ala Wai boat harbor from the assessment and any special improvement district requirements regarding redevelopment. -- Amends provisions relating to the disposition of state boating facility properties. Allows the lease of fast lands and submerged lands. -- Amends provisions relating to boating program; payment costs. Provides that any fees collected within small boat harbors shall be expended only for costs related to the operation, upkeep, maintenance, and improvement of small boat harbors. -- Amends provisions relating to the purpose and use of state small boat harbors. Repeals provisions prohibiting commercial vessels and commercial vessel activities in the Ala Wai. Allows the total number of valid commercial use permits that may be issued for vessels assigned mooring in the Ala Wai boat harbor to be 15 per cent of the total berths and shall not exceed 35 per cent of the total berths at the Keehi boat harbor; provided that at the Ala Wai boat harbor, vessels issued commercial use permits shall meet certain conditions. Requires the department of transportation to allow a sole proprietor of a catamaran operating with a valid commercial use permit or existing registration. Amends provisions relating to permits and fees for state small boat harbors. Requires that moorage fees for commercial maritime activity be established by appraisal by a state licensed appraiser approved by the department. Authorizes the department to assess and collect utility fees, including electrical and water charges, and common area maintenance fees in small boat harbors. Requires the department of land and natural resources to lease certain fast lands at the Ala Wai boat harbor using the request for proposals process for the public private development, management and operation of areas of Ala Wai boat harbor. -- HB1566 CD1

Committee Reports: HSCR 152 (WLO) HSCR 837 (FIN) SSCR 939 (WLH) SSCR 1090 (WAM) CCR 130

Current Status: May-03 11 Passed Legislature

Section Affected: 200- (1 SECTION), 46-80.5, 200-2.5, 200-8, 200-9, 200-10

HB1568 HD2 SD2 CD1 (CCR 142)

RELATING TO AGRICULTURE.

Introduced by: Tsuji C, Souki J, Hashem M, Yamashita K, Chong P, Choy I, Brower T, Tokioka J, Awana K

Establishes provisions relating to biosecurity, inspection, and cargo support facilities. Requires the department transportation to coordinate with the department of agriculture to facilitate the inspection, consolidation, deconsolidation, and treatment of imported and exported agriculture and other inspected commodities to meet the needs of each island and to facilitate the safe movement of enplaned and deplaned air cargo through the airports. -- Establishes provisions relating to biosecurity, inspection, and cargo support facilities. Requires the department of transportation to provide space at commercial harbors for biosecurity and inspection facilities and to facilitate the safe and efficient movement of maritime cargo through the commercial harbors. Further requires the department and department of agriculture to plan, design, and construct biosecurity, inspection, consolidation, deconsolidation, and treatment facilities for use by the department of agriculture to enhance the efficient and safe movement of imported and exported marine cargo, to include food safe and food security guidelines and standards. -- HB1568 CD1

Committee Reports: HSCR 461 (TRN/ AGR/) HSCR 738 (FIN) SSCR 882 (TIA/ AGL/) SSCR 1250 (WAM) CCR 142

Current Status: May-03 11 Passed Legislature

Section Affected: 261- (1 SECTION), 266- (1 SECTION)

HB1613 HD1 SD1 CD1 (CCR 114)

RELATING TO VOTING.

Introduced by: Keith-Agaran G, Belatti D, Aquino H, Lee C, Saiki S, Coffman D, Evans C, McKelvey A, Hanohano F, Nishimoto S, Morikawa D, Ichiyama L, Luke S, Thielen C, Herkes R, Morita H, Takai K, Takumi R, Nakashima M, Mizuno J, Brower T, Oshiro M, Oshiro B, Pine K, Ching C, Johanson A, Wooley J, Fontaine G, Cullen T, Yamashita K, Hashem M, Chang J, Say C

Amends provisions relating to application to register. Requires that any application to register to vote includes a request for permanent absentee ballot. Requires the office of elections to continue to use its existing voter registration application forms until new

HOUSE BILLS THAT PASSED THE LEGISLATURE

forms are developed and printed by the office of elections. -- HB1613 CD1
Committee Reports: HSCR 396 (JUD) HSCR 707 (FIN) SSCR 1108 (JDL) CCR 114
Current Status: May-03 11 Passed Legislature
Section Affected: 11-15, 11-16, 15-4

HB1622 HD1 (HSCR 772)

RELATING TO HISTORIC PRESERVATION.
Introduced by: Oshiro B, Hanohano F, Cullen T, Har S, Aquino H, Fontaine G
Establishes provisions relating to state law enforcement memorial. Requires a memorial to be constructed in the capitol district and that private funds for the construction be solicited. -- HB1622 HD1
Committee Reports: HSCR 112 (PBM) HSCR 429 (WLO) HSCR 772 (FIN) SSCR 1065 (PGM)
Current Status: Apr-13 11 Received by the Governor
Apr-25 11 Approved by Governor (Act 14 2011)

HB1640 HD2 SD1 (SSCR 1211)

RELATING TO CERTIFICATES OF IDENTIFICATION.
Introduced by: Lee C, Brower T, Nakashima M, Ward G, Evans C, Carroll M, Hanohano F, Keith-Agaran G
Amends provisions relating to authority of attorney general. Requires the attorney general, in cooperation with the director of transportation and the appropriate county agencies, to allow county employees to issue certificates of identification under this part at locations where driver's licenses are issued. Report to the legislature. -- HB1640 SD1
Committee Reports: HSCR 310 (JUD) HSCR 860 (FIN) SSCR 889 (PGM) SSCR 1211 (JDL)
Current Status: Apr-18 11 Received by the Governor
May-02 11 Approved by Governor (Act 35 2011)
Section Affected: 846-21

HB1654 HD1 SD1 CD1 (CCR 70)

RELATING TO GROUP LIVING FACILITIES.
Introduced by: Manahan J, Cabanilla R
Amends provisions relating to county zoning. Requires a conditional use permit issued by a county agency for the operation of a group living facility to automatically terminate if the group living facility ceases operations and does not resume operations for a period of 1 year or automatically expire 1 year from the date of the issuance of the permit if the group living facility fails to commence operations before the end of that 1 year period, whichever occurs sooner. -- HB1654 CD1
Committee Reports: HSCR 489 (HLT) HSCR 687 (WLO) SSCR 872 (HTH/ PGM/ CCR 70)
Current Status: May-03 11 Passed Legislature
Section Affected: 46-4