

GOV. MSG. NO. 837

EXECUTIVE CHAMBERS

HONOLULU

GOVERNOR

June 19, 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 19, 2008, the following bill was signed into law:

SB3009 SD2 HD2 CD1

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A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS. (ACT 195)

Sincerely,

Silie LINDA LINGLE

Approved by the Governor

ACT 195 S.B. NO. ³⁰⁰⁹ S.D. 2 H.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO MONEY TRANSMITTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 489D, Hawaii Revised Statutes, is 1 amended by adding three new sections to be appropriately 2 designated and to read as follows: 3 Name change. To change its name, its fictitious 4 "§489Dname, or its trade name, a money transmitter shall file an 5 application with the commissioner and pay a nonrefundable fee of 6 \$250 or such greater amount as the commissioner shall establish 7 by rule pursuant to chapter 91. The application shall be 8 approved if the commissioner is satisfied that the new name 9 complies with all applicable laws. Any change of name shall not affect a money transmitter's rights, liabilities, or obligations 11 existing prior to the effective date thereof, and no documents 12 of transfer shall be necessary to preserve such rights, 13 liabilities, or obligations; provided that the commissioner may 14 require notice to be given to the public and other governmental 15

16 <u>agencies</u>.

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1	§489D- Fees. Unless otherwise provided by statute, all
2	fees shall be deposited into the compliance resolution fund
3	established pursuant to section 26-9(0).
4	§489D- Limited exemption for financial institutions;
5	financial institutions as authorized delegates. (a) Banks,
6	bank holding companies, credit unions, building and loan
7	associations, savings and loan associations, savings banks,
8	financial services loan companies, and mutual banks organized
9	under the laws of the United States or any state shall be exempt
10	from the licensing and examination provisions of this chapter.
11	(b) An applicant or licensee may appoint an entity
12	described in subsection (a) as an authorized delegate.
13	(c) When submitting an application for a license pursuant
14	to section 489D-9, or when submitting an annual report pursuant
15	to section 489D-12, an applicant or licensee that appoints an
16	entity described in subsection (a) as an authorized delegate
17	shall include that entity's name and the locations in this state
18	where that entity will conduct its authorized delegate
19	activities.
20	(d) When computing the application and license fees
21	required to be paid pursuant to sections 489D-10 and 489D-12, an
22	applicant or licensee that appoints an entity described in
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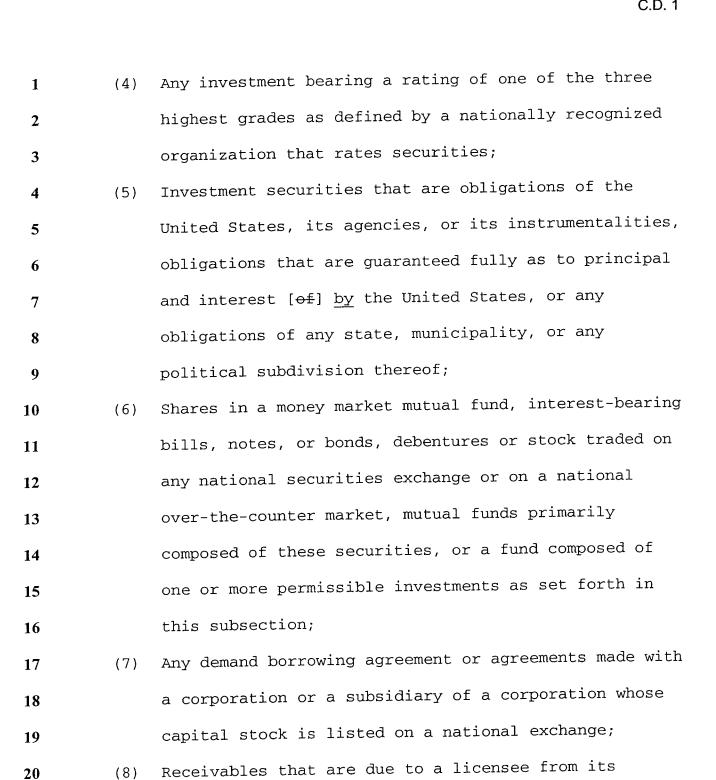
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	in the state of th					
1	subsection (a) as an authorized delegate shall exclude all of					
2	the locations in this state where that entity will conduct its					
3	authorized delegate activities."					
4	SECTION 2. Section 489D-4, Hawaii Revised Statutes, is					
5	amended by adding a new definition to be appropriately inserted					
6	and to read as follows:					
7	" "Principal" means any person, or group of persons acting					
8	in concert, who exercises control over or has a twenty-five per					
9	cent ownership interest in an applicant or licensee under this					
10	chapter. Principal also includes a manager and anyone else who					
11	supervises or is in charge of the applicant or licensee.					
12	SECTION 3. Section 489D-4, Hawaii Revised Statutes, is					
13	amended by amending the definition of "permissible investments"					
14	to read as follows:					
15	""Permissible investments" means:					
16	(1) Cash;					
17	(2) Certificates of deposit or other debt obligations of a					
18	financial institution, either domestic or foreign;					
19	(3) Bills of exchange or time drafts drawn on and accepted					
20	by a commercial bank, known as bankers' acceptances,					
21	that are eligible for purchase by member banks of the					
22	Federal Reserve System;					
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authorized delegates pursuant to a contract under

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	section 489D-21, that are not past due or doubtful of
	collection; or
(9)	Any other investments or security device approved by
	the commissioner."
SECT:	ION 4. Section 489D-5, Hawaii Revised Statutes, is
amended by	y amending subsection (a) to read as follows:
"(a)	This chapter shall not apply to:
(1)	The United States or any department, agency, or
	instrumentality thereof;
(2)	The United States Postal Service;
(3)	The State or any political subdivisions thereof;
[-(4) -	Banks, bank-holding companies, credit-unions, building
	and loan-associations, savings and loan associations,
	savings banks, financial services loan companies, or
	mutual banks organized under the laws of the United
	States-or-any-state, even if those entities act as
	authorized delegates for licensees and provided that
	they do not issue or sell payment instruments through
	authorized delegates who are not banks, bank holding
	companies, credit unions, building and loan
	associations, savings and loan associations, savings
	SECT: amended by "(a) (1) (2) (3)

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1	banks, financial services loan companies, or mutual
2	banks;] and
3	[(5)] <u>(4)</u> The electronic transfer of government benefits
4	for any federal, state, or county governmental agency
5	as defined in Federal Reserve Board Regulation E, by a
6	contractor for, and on behalf of the United States or
7	any department, agency, or instrumentality thereof, or
8	any state or any political subdivisions thereof."
9	SECTION 5. Section 489D-9, Hawaii Revised Statutes, is
10	amended by amending subsection (a) to read as follows:
11	"(a) An application for a license under this chapter shall
12	be made in writing, and in a form prescribed by the
13	commissioner. Each application shall contain the following:
14	(1) For all applicants:
15	(A) The exact name of the applicant, any fictitious
16	or trade name used by the applicant in the
17	conduct of its business, the applicant's
18	principal address, and the location of the
19	applicant's business records;
20	(B) The history of the applicant's material
21	litigation and criminal convictions for the five-
22	year period prior to the date of the application;
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1	(C)	A description of the business activities
2		conducted by the applicant and a history of
3		operations;
4	(D)	A description of the business activities in which
5		the applicant seeks to engage within the [State;]
6		state;
7	(E)	A list identifying the applicant's proposed
8		authorized delegates in the [State,] <u>state,</u> if
9		any, at the time of the filing of the license
10		application;
11	(F)	A sample authorized delegate contract, if
12		applicable;
13	(G)	A sample form of payment instrument, if
14		applicable;
15	(H)	The locations where the applicant and its
16		authorized delegates, if any, propose to conduct
17		their licensed activities in the [State; and]
18		state;
19	(I)	The name and address of the clearing bank or
20		banks on which the applicant's payment
21		instruments will be drawn or through which
22		payment instruments will be payable;

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1		(J)	Disclosure of any pending or final suspension,
2			revocation, or other enforcement action by any
3			state or governmental authority for the five-year
4			period prior to the date of the application; and
5		(K)	Any other information the commissioner may
6			require;
7	(2)	If t	he applicant is a corporation, the applicant shall
8		also	provide:
9		(A)	The date of the applicant's incorporation and
10			state of incorporation;
11		(B)	A certificate of good standing from the state in
12			which the applicant was incorporated;
13		(C)	A description of the corporate structure of the
14			applicant, including the identity of any parent
15			or subsidiary company of the applicant, and the
16			disclosure of whether any parent or subsidiary
17			company is publicly traded on any stock exchange;
18		(D)	The name, business and residence address, and
19			employment history, for the past five years, of
20			the applicant's executive officers and the
21			officers or managers who will be in charge of the

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1		applicant's activities to be licensed under this
2		chapter;
3	(E)	The name, business and residence address, and
4		employment history of any key shareholder of the
5		applicant, for the period of five years before
6		the date of the application;
7	(F)	For the five-year period prior to the date of the
8		application, the history of material litigation
9		involving, and criminal convictions of, every
10		executive officer or key shareholder of the
11		applicant;
12	(G)	A copy of the applicant's most recent audited
13		financial statement, including balance sheets,
14		statements of income or loss, statements of
15		changes in shareholder equity and statement of
16		changes in financial position, and, if available,
17		the applicant's audited financial statements for
18		the preceding two-year period or, if the
19		applicant is a wholly owned subsidiary of another
20		corporation, either the parent corporation's
21		consolidated audited financial statements for the
22		current year and for the preceding two-year



1		period, or the parent corporation's Form 10-K
2		reports filed with the United States Securities
3	· .	and Exchange Commission for the prior three years
4		in lieu of the applicant's financial statements,
5		or if the applicant is a wholly owned subsidiary
6		of a corporation having its principal place of
7		business outside the United States, similar
8		documentation filed with the parent corporation's
• 9		non-United States regulator; [and]
10	(H)	Copies of all filings, if any, made by the
11		applicant with the United States Securities and
12		Exchange Commission, or with a similar regulator
13		in a country other than the United States, within
14		the year preceding the date of filing of the
15		application; and
16	<u>(I)</u>	Information necessary to conduct a criminal
17		history record check in accordance with section
18		846-2.7 of each of the executive officers, key
19		shareholders, and managers who will be in charge
20		of the applicant's activities, accompanied by the
21		appropriate payment of the applicable fee for
22		each record check;



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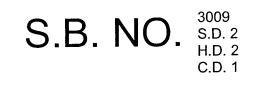
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1		and	
2	(3)	If t	he applicant is not a corporation, the applicant
3		shal	l also provide:
4		(A)	The name, business and residence address,
5			personal financial statement, and employment
6			history, for the past five years, of each
7			principal of the applicant;
8		(B)	The name, business and residence address, and
9			employment history, for the past five years, of
10			any other persons who will be in charge of the
11			applicant's activities to be licensed under this
12			chapter;
13		(C)	The place and date of the applicant's
14			registration or qualification to do business in
15			this [State;] <u>state;</u>
16		(D)	The history of material litigation and criminal
17			convictions for the five-year period before the
18			date of the application for each individual
19			having any ownership interest in the applicant
20			and each individual who exercises supervisory
21			responsibility over the applicant's activities;
22			[and]



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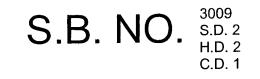
1	(E)	Copies of the applicant's audited financial
2		statements, including balance sheets, statements
3		of income or loss, and statements of changes in
4		financial position for the current year and, if
5		available, for the preceding two-year period[\div];
6		and
7	<u>(F)</u>	Information necessary to conduct a criminal
8		history record check in accordance with section
9		846-2.7 of each principal of the applicant,
10		accompanied by the appropriate payment of the
11		applicable fee for each record check."
12	SECTION 6	. Section 489D-10, Hawaii Revised Statutes, is
13	amended by ame	nding subsection (a) to read as follows:
14	"(a) Eac	h application shall be accompanied by:
15	(1) A [Ħ	on-refundable] nonrefundable application fee in
16	the	amount of [\$1,000] <u>\$2,000</u> plus [\$100] <u>\$300</u> for
17	each	additional location in the [State,] state, not to
18	exce	ed [a maximum] <u>an aggregate</u> fee of [\$4,000;]
19	\$15,	<u>000;</u> and
20	(2) [A]	<u>An annual</u> license fee of [\$500] <u>\$2,000</u> plus [\$100]
21	\$300	for each additional location in the [State,]



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1		state, not to exceed [a-maximum] an aggregate fee of
2		[\$2,000.] <u>\$15,000.</u> "
3	SECT	ION 7. Section 489D-11, Hawaii Revised Statutes, is
4	amended t	o read as follows:
5	"[+]	<pre>§489D-11[]] Issuance of license[-]; grounds for</pre>
6	denial.	(a) Upon the filing of a complete application, the
7	commissio	ner shall investigate the financial condition and
8	responsib	ility, financial and business experience, character,
9	and gener	al fitness of the applicant. The commissioner may
10	conduct a	n on-site investigation of the applicant, the
11	reasonabl	e cost of which shall be borne by the applicant.
12	(b)	If the commissioner finds that:
13	(1)	The applicant's business will be conducted honestly,
14		fairly, and in a manner commanding the confidence and
15		trust of the community;
16	(2)	The applicant has fulfilled the requirements imposed
17		by this chapter; and
18	(3)	The applicant has paid the required license fee,
19	the commi	ssioner shall issue a license to the applicant
20	authorizi	ng the applicant to engage in the licensed activities
21	in the [S	tate] state for a term [of one year. If these
22	requireme	nts have not been met, the commissioner shall deny the
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1	application-in-writing-setting-forth-the-reasons-for-the
2	denial.] expiring on December 31 of the calendar year in which
3	the license is issued.
4	(c) If the commissioner is not satisfied that the
5	applicant meets all the criteria set forth for approval, the
6	commissioner shall issue a written decision denying the
7	application.
8	[(c)] <u>(d)</u> Any applicant aggrieved by a denial issued by
9	the commissioner under this chapter may submit a request for a
10	contested case hearing in accordance with chapter 91."
11	SECTION 8. Section 489D-12, Hawaii Revised Statutes, is
12	amended to read as follows:
13	"[+]§489D-12[+] Renewal of license and annual report. (a)
14	On or before December 31 of each year, each licensee shall pay
15	to the commissioner an annual license fee of $[\$500,]$ $\$2,000,$
16	plus [\$100] <u>\$300</u> for each [authorized delegate,] <u>additional</u>
17	location in the state, not to exceed an aggregate fee of
18	[\$2,000.] <u>\$15,000.</u>
19	(b) The annual license fee shall be accompanied by a
20	report, in a form prescribed by the commissioner, which shall
21	include:

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(1) A copy of the licensee's most recent audited annual 1 financial statement, including balance sheets, 2 statement of income or loss, statement of changes in 3 shareholder's equity, and statement of changes in 4 financial position or, if a licensee is a wholly owned 5 subsidiary of another corporation, the consolidated 6 audited annual financial statement of the parent 7 corporation in lieu of the licensee's audited annual 8 financial statement; 9 For the most recent quarter for which data is 10 (2)available prior to the date of [the] filing [of] the 11 [renewal application,] annual report, but in no event 12 more than one hundred twenty days prior to the renewal 13 date, the licensee shall provide the number of payment 14 instruments sold by the licensee in the [State,] 15 state, the dollar amount of those instruments, and the 16 dollar amounts of those instruments currently 17 outstanding; 18 Any material changes to any of the information 19 (3) submitted by the licensee on its original application 20 that have not previously been reported to the 21

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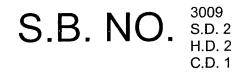
commissioner on any other report required to be filed 1 under this chapter; 2 [A list of the licensee's permissible investments; (4)3 and] For the most recent quarter for which data is 4 available prior to the date of filing the annual 5 report, but in no event more than one hundred twenty 6 days prior to the renewal date, a list of the 7 licensee's permissible investments, including the 8 total market value of each type of permissible 9 investment, and the total dollar amount of all 10 outstanding payment instruments issued or sold by the 11 licensee in the United States; 12 A list of the locations, if any, within this [State] (5) 13 state where business regulated by this chapter is 14 being conducted by either the licensee or the 15 licensee's authorized delegates [-]; 16 Disclosure of any pending or final suspension, 17 (6) revocation, or other enforcement action by any state 18 or governmental authority; and 19 Any other information the commissioner may require. (7) 20 A licensee that has not filed [a renewal] an annual 21 (C)

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22 report that has been deemed complete by the commissioner or paid





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its annual license fee by the renewal filing deadline, and has 1 not been granted an extension of time to do so by the 2 commissioner, shall have its license suspended on the renewal 3 date. The licensee has thirty days after its license is 4 suspended to file [a-renewal] an annual report and pay the 5 annual license fee, plus a late filing fee of \$100 for each 6 business day after suspension that the commissioner does not 7 receive the [renewal] annual report and the annual license fee. 8 The commissioner, for good cause, may grant an extension of the 9 renewal date or reduce or suspend the \$100 per day late filing 10 fee." 11

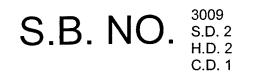
12 SECTION 9. Section 489D-14, Hawaii Revised Statutes, is 13 amended to read as follows:

14 "[+]\$489D-14[+] Extraordinary reporting requirements.
15 Within fifteen business days of the occurrence of any one of the
16 events listed below, a licensee shall file a written report with
17 the commissioner describing the event and its expected impact on
18 the licensee's activities in this [State.] state. These events
19 are:

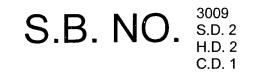
20 (1) Any material [changes] change in information provided
21 in a licensee's application or [renewal] annual

22 report;





1	(2)	The filing for bankruptcy or reorganization by the		
2		licensee;		
3	(3) [Revocation or suspension proceedings] Pending or			
4		final revocation, suspension, or other enforcement		
5		action against the licensee by any state or		
6		governmental authority relating to the licensee's		
7		money transmission activities;		
8	(4)	Any felony indictment of the licensee or any of its		
9		key shareholders, principals, executive officers [or		
10		directors], or officers or managers in charge of the		
11		licensee's activities, related to money transmission		
12		activities; [or] <u>and</u>		
13	(5)	Any felony conviction of the licensee or any of its		
14		key shareholders, principals, executive officers [or		
15		directors], or officers or managers in charge of the		
16		licensee's activities, related to money transmission		
17		activities."		
18	SECTION 10. Section 489D-15, Hawaii Revised Statutes, is			
19	amended b	y amending subsection (a) to read as follows:		
20	"(a)	A licensee shall [give] <u>submit to</u> the commissioner		
21	[written :	notice] an application requesting approval of a		
22	proposed	change of control [and request approval of the		
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1 proposal.] of the licensee, accompanied by a nonrefundable
2 application fee of \$2,000."

3 SECTION 11. Section 489D-17, Hawaii Revised Statutes, is
4 amended to read as follows:

"[+]§489D-17[+] Examinations. (a) The commissioner may 5 conduct an annual on site examination of a licensee upon sixty 6 days written notice to the licensee. The commissioner may 7 examine a licensee without prior notice if the commissioner has 8 a reasonable basis to believe that the licensee is not in 9 compliance with this chapter. [When-the commissioner-concludes 10 that an on site examination of a licensee is necessary, the 11 licensee shall pay all reasonably incurred costs of the 12 examination.] The on site examination may be conducted in 13 conjunction with examinations performed by representatives of 14 agencies of the federal government, or of another state or 15 states. The commissioner, in lieu of an on site examination, 16 may accept the examination report of the federal government, an 17 agency of another state, or an independent accounting firm. 18 Accepted reports are considered, for all purposes, an official 19 report of the commissioner. The licensee shall bear the cost of 20 reasonable expenses incurred by the division, agencies of 21

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another state, or an independent licensed or certified public 1 accountant in conducting an examination or making a report. 2 The commissioner may request financial data from a (b) 3 licensee in addition to that required under section 489D-12, or 4 conduct an on site examination of any authorized delegate or 5 location of a licensee within the [State] state without prior 6 notice to the authorized delegate or licensee only if the 7 commissioner has a reasonable basis to believe that the licensee 8 or authorized delegate is not in compliance with this chapter. 9 When the commissioner examines an authorized delegate's 10 operations, the authorized delegate shall pay all reasonably 11 incurred costs of the examination. When the commissioner 12 examines a licensee's location within the [State,] state, the 13 licensee shall pay all reasonably incurred costs of the 14 examination. 15 (c) The commissioner shall charge an examination fee to 16 each licensed money transmitter and authorized delegate examined 17 or investigated by the commissioner or the commissioner's staff, 18 based upon the cost per hour per examiner. Effective July 1, 19 2008, the hourly fee shall be \$60. 20 In addition to the examination fee, the commissioner (d) 21

22 shall charge any money transmitter or authorized delegate

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examined or investigated by the commissioner or the 1 commissioner's staff, additional amounts for travel, per diem, 2 mileage, and other reasonable expenses incurred in connection 3 with the examination." 4 SECTION 12. Section 489D-19, Hawaii Revised Statutes, is 5 amended to read as follows: 6 "[+]§489D-19[+] Confidentiality of records. (a) The 7 commissioner and all employees, contractors, attorneys 8 contracted or employed by the State, and appointees of the 9 division of financial institutions shall not divulge or furnish 10 any information in their possession or obtained by them in the 11 course of their official duties to persons outside the division, 12 except to the director of commerce and consumer affairs, or 13 unless otherwise permitted by this section or any other law 14 regulating licensees or authorized delegates, in which case the 15 disclosure shall not authorize or permit any further disclosure 16 of the information. The disclosures prohibited by this section 17 shall include, without limitation, information that is: 18 Privileged or exempt from disclosure under any federal 19 (1)

20

or state law;

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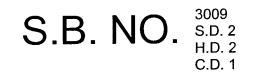
1	(2)	Related to an examination performed by or on behalf of		
2		the commissioner or contained in any report of		
3		examination;		
4	(3)	Contained in any report or application submitted to,		
5		or for the use of the commissioner, except for the		
6		nonproprietary portions of reports and		
7		applications[+], as determined by the commissioner		
8		pursuant to rule;		
9	(4)	Related to the business, personal, or financial		
10		affairs of any person and is furnished to, or for the		
11		use of, the commissioner in confidence;		
12	(5)	Privileged or confidential and related to trade		
13		secrets and commercial or financial information		
14		obtained from a person;		
15	(6)	Obtained pursuant to any lawful investigation for the		
16		purpose of enforcing the laws regulating licensees or		
17		authorized delegates;		
18	(7)	Related solely to the internal personnel rules or		
19		other internal practices of the commissioner;		
20	(8)	Contained in personnel, medical, and similar files,		
21		including financial files, the disclosure of which		



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1		would constitute a clearly unwarranted invasion of	
2		personal privacy; or	
3	(9)	Contained in inter-agency and intra-agency	
4		communications, whether or not contained in written	
5		memoranda, letters, tapes, or records, that would not	
6		be routinely available by law to a private party,	
7		including memoranda, reports, and other documents	
8		prepared by the staff of the commissioner.	
9	(b)	Any information identified in subsection (a) is	
10	confidential and not subject to subpoena or other legal process.		
11	(c)	The commissioner shall furnish a copy of each report	
12	of examin	ation to the licensee [or] <u>and to any</u> authorized	
13	delegate	examined. The report and its contents shall remain the	
14	property	of the commissioner and shall not be disclosed to any	
15	person wh	o is not an officer, director, employee, authorized	
16	auditor,	attorney, other consultant, or advisor of the licensee	
17	or author	ized delegate. Any person who has received the report	
18	from the	licensee or authorized delegate shall be bound by the	
19	confident	iality provisions of this section. The report and its	
20	contents	shall not be subject to subpoena or other legal process	
21	requiring	disclosure.	

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1	(d)	The commissioner may furnish reports of examination			
2	and other information relating to the examination of a licensee				
3	or author	ized delegate to:			
4	(1) The governor, the attorney general, and heads of other				
5	state governmental agencies with regulatory authority				
6		over the licensee or authorized delegate;			
7	(2)	Federal, state, or foreign regulatory agencies if the			
8		requesting agency agrees to use the information only			
9		for functions directly related to the exercise of its			
10		appropriate supervisory authority; and			
11	(3)	Other agencies of the United States or a state for use			
12	where necessary to investigate regulatory, civil, or				
13	criminal charges in connection with the affairs of any				
14	licensee or authorized delegate under the supervision				
15	of the commissioner."				
16	SECTION 13. Section 489D-22, Hawaii Revised Statutes, is				
17	amended by amending subsection (b) to read as follows:				
18	"(b) All money transmissions, sales, or issuances of				
19	payment instruments conducted by authorized delegates shall be				
20	in accordance with the licensee's written procedures provided to				
21	the authorized delegate $[-,]$ and shall comply with all applicable				
22	federal and state laws, rules, and regulations."				
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SECTION 14. Section 489D-28, Hawaii Revised Statutes, is 1 amended to read as follows: 2 "[+]§489D-28[+] Civil penalties. (a) The commissioner 3 may assess a fine against a person who violates this chapter or 4 a rule adopted or an order issued under this chapter in an 5 amount not to exceed \$500 per day for each day the violation is 6 outstanding, plus the State's costs and expenses for the 7 investigation and prosecution of the matter, including 8 reasonable attorneys' fees. 9 (b) All administrative fines collected under authority of 10 this chapter shall be deposited into the compliance resolution 11 fund established pursuant to section 26-9(0)." 12 SECTION 15. Section 846-2.7, Hawaii Revised Statutes, is 13 amended by amending subsection (b) to read as follows: 14 "(b) Criminal history record checks may be conducted by: 15 The department of health on operators of adult foster 16 (1)homes or developmental disabilities domiciliary homes 17 and their employees, as provided by section 333F-22; 18 The department of health on prospective employees, (2) 19 persons seeking to serve as providers, or 20 subcontractors in positions that place them in direct 21 contact with clients when providing non-witnessed 22



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1		direct mental health services as provided by section
2		321-171.5;
3	(3)	The department of health on all applicants for
4		licensure for, operators for, and prospective
5		employees, and volunteers at one or more of the
6		following: skilled nursing facility, intermediate
7		care facility, adult residential care home, expanded
8		adult residential care homes, assisted living
9		facility, home health agency, hospice, adult day
10		health center, special treatment facility, therapeutic
11		living program, intermediate care facility for the
12		mentally retarded, hospital, rural health center and
13		rehabilitation agency, and, in the case of any of the
14		above-related facilities operating in a private
15		residence, on any adult living in the facility other
16		than the client as provided by section 321-15.2;
17	(4)	The department of education on employees, prospective
18		employees, and teacher trainees in any public school
19		in positions that necessitate close proximity to
20		children as provided by section 302A-601.5;
21	(5)	The counties on employees and prospective employees
22		who may be in positions that place them in close



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1		proximity to children in recreation or child care			
2		programs and services;			
3	(6)	The county liquor commissions on applicants for liquor			
4		licenses as provided by section 281-53.5;			
5	(7)	The department of human services on operators and			
6		employees of child caring institutions, child placing			
7		organizations, and foster boarding homes as provided			
8		by section 346-17;			
9	(8)	The department of human services on prospective			
10		adoptive parents as established under section			
11		346-19.7;			
12	(9)	The department of human services on applicants to			
13		operate child care facilities, prospective employees			
14		of the applicant, and new employees of the provider			
15		after registration or licensure as provided by section			
16		346-154;			
17	(10)	The department of human services on persons exempt			
18		pursuant to section 346-152 to be eligible to provide			
19		child care and receive child care subsidies as			
20		provided by section 346-152.5;			
21	(11)	The department of human services on operators and			

employees of home and community-based case management



agencies and operators and other adults, except for 1 adults in care, residing in foster family homes as 2 provided by section 346-335; 3 The department of human services on staff members of (12)4 the Hawaii youth correctional facility as provided by 5 section 352-5.5; 6 The department of human services on employees, 7 (13)prospective employees, and volunteers of contracted 8 providers and subcontractors in positions that place 9 them in close proximity to youth when providing 10 services on behalf of the office or the Hawaii youth 11 correctional facility as provided by section 352D-4.3; 12 The judiciary on employees and applicants at detention 13 (14)and shelter facilities as provided by section 571-34; 14 The department of public safety on employees and (15)15 prospective employees who are directly involved with 16 the treatment and care of persons committed to a 17 correctional facility or who possess police powers 18 including the power of arrest as provided by section 19 353C-5; 20

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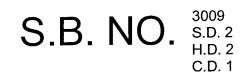
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1	(16)	The department of commerce and consumer affairs on
2		applicants for private detective or private guard
3		licensure as provided by section 463-9;
4	(17)	Private schools and designated organizations on
5		employees and prospective employees who may be in
6		positions that necessitate close proximity to
7		children; provided that private schools and designated
8		organizations receive only indications of the states
9		from which the national criminal history record
10		information was provided as provided by section
11		302C-1;
12	(18)	The public library system on employees and prospective
13		employees whose positions place them in close
14		proximity to children as provided by section
15		302A-601.5;
16	(19)	The State or any of its branches, political
17		subdivisions, or agencies on applicants and employees
18		holding a position that has the same type of contact
19		with children, dependent adults, or persons committed
20		to a correctional facility as other public employees
21		who hold positions that are authorized by law to





1		require criminal history record checks as a condition
2		of employment as provided by section 78-2.7;
3	(20)	The department of human services on licensed adult day
4		care center operators, employees, new employees,
5		subcontracted service providers and their employees,
6		and adult volunteers as provided by section 346-97;
7	(21)	The department of human services on purchase of
8		service contracted and subcontracted service providers
9		and their employees serving clients of the adult and
10		community care services branch, as provided by section
11		346-97;
12	(22)	The department of human services on foster grandparent
13		program, senior companion program, and respite
14		companion program participants as provided by section
15		346-97;
16	(23)	The department of human services on contracted and
17		subcontracted service providers and their current and
18		prospective employees that provide home and community-
19		based services under Section 1915(c) of the Social
20		Security Act [(42 U.S.C. §1396n(c))] <u>(Title 42 United</u>
21		States Codes Section 1396n(c)), as provided by section
22		346-97; [and]

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(24)	The depa	artment of commerce and consumer affairs on:
	<u>(A)</u> Eac	ch principal of every non-corporate applicant
	for	r a money transmitter license; and
	(B) The	e executive officers, key shareholders, and
	mar	nagers in charge of a money transmitter's
	act	tivities of every corporate applicant for a
	mor	ney transmitter license,
	as provi	ided by section 489D-9; and
[(24)]	<u>(25)</u> Ar	ny other organization, entity, or the State,
	its brar	nches, political subdivisions, or agencies as
	may be a	authorized by state law."
SECT	ON 16.	Statutory material to be repealed is bracketed
and stric	en. Nev	w statutory material is underscored.
SECT	ON 17.	This Act shall take effect on January 1, 2009.
	[(24)] SECTI and strick	(A) Ea for (B) The (B) The man act (B) The man act (B) The man act (B) The man act (CB) The man act (CB) The man act (CB) The man act (CB) The man act (CB) The man act (CB) The man act (CB) The man act (CB) The man (CB) The man (CB) The man (CB) The man (CB) The (CB) The man (CB) The (CB) The man (CB) The (CB) The (C

APPROVED this 19 day of JUN , 2008

GOVERNOR OF THE STATE OF HAWAII

