COMMITTEE ON CONSUMER PROTECTION & COMMERCE AND COMMITTEE ON JUDICIARY

Monday, February 9, 2009 Conference Room 325; State Capitol

2:00 p.m. AGENDA:

HB 1072 Status	RELATING TO INSURANCE. Adopts the National Association of Insurance Commissioners' Authorization for Criminal History Record Check Model Act to allow fingerprinting of insurance licensees.	CPC/JUD, FIN
HB 1074 Status	RELATING TO INSURANCE. Updates references in Insurance Code.	CPC/JUD, FIN
HB 1438 Status	RELATING TO MORTGAGE LOAN ORIGINATORS. Allows the commissioner of financial institutions to regulate, license, examine, and enforce laws regulating mortgage brokers and loan originators. Repeals chapter 454.	CPC/JUD, FIN
HB 1061 Status	RELATING TO PUBLIC UTILITIES. Guarantees the operation of water and sewer services to Hawaii residents by allowing the Public Utility Commission to take necessary action and appoint receivers whenever regulated public utilities fail to provide adequate and reasonable service.	CPC/JUD, FIN
HB 1475 Status	RELATING TO THE PUBLIC UTILITIES COMMISSION. Requires the public utilities commission to notify the public about new regulatory proceedings via its website and changes the deadline for intervention in certain proceedings to be no later than 20 days after posting of the preceding notice on the commission's website.	CPC/JUD
HB 1792 Status	RELATING TO CONDOMINIUMS. Establishes the evaluative mediation program.	CPC/JUD, FIN

Decision making only (heard on Monday, February 2, 2009):

HB 654 RELATING TO CONTRACTORS.

<u>Status</u> Prohibits the resumption of work for any person who

is issued a citation for operating without a

contractor's license in good standing until the person cited holds the required licenses conducted and makes the issuance of citations and cease and desist orders mandatory. Amends penalties. Effective

1/1/10.

HB 262 RELATING TO INSURANCE FRAUD.

<u>Status</u> Expands the authority of the insurance division's

insurance fraud investigations unit to prevent,

investigate, and prosecute (both civilly and criminally) insurance fraud beyond motor vehicle insurance cases to all lines of insurance except workers'

compensation.

HB 995 RELATING TO PUBLIC ACCOUNTANCY.

<u>Status</u> Authorizes the out-of-state practice of public

accountancy in this State provided that the practice is conducted through an individual with a permit or privilege to practice in this State. Establishes a privilege to practice in this State for out-of-state

practitioners.

2:15 p.m. AGENDA:

CPC only:

HB 137 RELATING TO CONDOMINIUMS.

<u>Status</u> Makes variety of amendments to the recodified

condominium law to clarify and improve

implementation of its provisions. Requires insurers to provide summary to association board of directors of

association insurance policy.

CPC/JUD, FIN

CPC/JUD

CPC/JUD, FIN

CPC

HB 355 Status	RELATING TO CONDOMINIUMS. Limits any late fee for delinquent condominium common expenses to 20% of the monthly maintenance fee. Requires an association to give a unit owner 10 business days notice of any delinquent assessments before taking any action for which attorneys' fees may be assessed.	CPC, JUD
HB 524 Status	RELATING TO CONDOMINIUMS. Allows the investment of condominium association funds in obligations of the counties or their agencies.	CPC, FIN
HB 956 Status	RELATING TO CONDOMINIUMS. Merges the condominium management education fund under old condominium law into the condominium education trust fund established under new condominium law.	CPC, FIN
HB 1442 Status	RELATING TO PLANNED COMMUNITY ASSOCIATIONS. Requires the director of commerce and consumer affairs to identify and report on planned community associations in Hawaii. Appropriates funds.	CPC, FIN
HB 58 Status	RELATING TO CONDOMINIUM PROPERTY REGIMES. Allows the board of directors of an association to allow owners to install antennas for amateur radios. Requires a written statement of the reasons for a denial.	CPC
HB 1639 Status	RELATING TO CONDOMINIUM PROPERTY REGIMES. Clarifies the condominium property regime law with respect to common expense assessments.	CPC

Decision making only	(heard on Thursday, January 29, 2009):	
HB 508	RELATING TO INSURANCE.	CPC, EBM
<u>Status</u>	Requires a business to provide commercial motor vehicle insurance coverage for delivery persons who use their own motor vehicles to make deliveries for the business.	

HB 206 RELATING TO CONSUMER CREDIT REPORTING CPC, JUD

Status AGENCIES.

Bars credit reporting agencies from charging consumers who are at least 65 years old a fee for placing, lifting, or removing a security freeze on their credit reports. Provides an expedited manner for

temporarily lifting a security freeze.

HB 447 RELATING TO PAYDAY LENDING. CPC, FIN

<u>Status</u> Requires check cashing (deferred deposit) businesses

to register with DCCA, post and provide consumers with rate, fee, and other information, keep records, and report to DCCA; regulates payment plans;

exempts check casher fees and interest from general excise tax; regulates retailers who occasionally cash

checks.

COMMITTEE ON EDUCATION

Monday, February 9, 2009 Conference Room 309; State Capitol

2:00 p.m. AGENDA:

HB 483	RELATING TO EDUCATION.	EDN, FIN

<u>Status</u> Allows the principal of each public school to establish

and use a debit card system based at the individual school level for the purpose of purchasing school supplies and other related curriculum support

supplies.

HB 493 RELATING TO EDUCATION. EDN, FIN

Status Allows home school students to participate on an

equal basis in any extracurricular activities offered by a public school. Requires home school students to

pay applicable activity participation fees.

HB 650 RELATING TO DEPARTMENT OF EDUCATION. EDN, WLO, FIN

<u>Status</u> Directs DOE to transfer Keanae School over to DLNR;

directs DLNR to work with community to assure maximum benefit of Keane School property for the

community.

HB 1376
Status

RELATING TO EDUCATION.
Creates the Facilities Alignm

EDN, FIN

Creates the Facilities Alignment Commission to establish criteria for the selection of public schools to be constructed, expanded, consolidated, or closed,

be constructed, expanded, consolidated, or closed, and recommend a list of areas for new school construction, and of schools for expansion, consolidation, or closure. Requires the Board of Education to comply with these recommendations if the legislature does not disapprove of them in their

entirety.

HB 1431 RELATING TO EDUCATION.

EDN, WLO, FIN

<u>Status</u> Clarifies and better organizes the statutory provisions

for school impact fees.

<u>HB 1686</u> RELATING TO CHARTER SCHOOLS.

EDN, FIN

<u>Status</u> Establishes a charter school funding mechanism to

ensure that charter schools receive fair and equitable

funding.

Decision making to follow.

2:30 p.m. AGENDA:

HED/EDN only:

Decision making only (heard on Thursday, February 5, 2009):

HB 624 RELATING TO PUBLIC ACCOMMODATIONS. HED/EDN, JUD

Specifies state-operated schools, libraries, community

colleges, and universities as examples of facilities that are places of public accommodation subject to anti-

discriminatory prohibitions.

HB 1082 RELATING TO THE SCIENCE, TECHNOLOGY, EDN/HED, Status ENGINEERING, AND MATH INCOME TAX CREDIT. EBM, FIN

Provides an income tax credit for donations made to a qualifying science, technology, engineering, and math academy certified by the department of business, economic development, and tourism.

COMMITTEE ON PUBLIC SAFETY

Monday, February 9, 2009

3:30 p.m.

Conference Room 309; State Capitol

AGENDA:

Decision making only (heard on Thursday, January 29, 2009):

HB 336 RELATING TO DNA COLLECTION FOR ARRESTEES OF PBS, JUD, FIN

Status VIOLENT CRIMES.

Requires DNA collection from those arrested for

violent crimes.

Decision making only (heard on Thursday, February 5, 2009):

HB 232 RELATING TO PUBLIC SAFETY. PBS, JUD, FIN

<u>Status</u> Requires privately owned prisons or out-of-state

detention facilities holding prisoners under a contract with the State to follow state freedom of information

laws pursuant to chapter 92F, Hawaii Revised

Statutes.

HB 1487 RELATING TO PUBLIC SAFETY. PBS, HAW, FIN

Status Requires the office of Hawaiian affairs to conduct a

study on the disparate treatment of native Hawaiians and other ethnic groups in the State's criminal justice

system; makes an appropriation.

HB 1818 RELATING TO COGNITIVE RESTRUCTURING.

Status Requires the department of public safety to establish

a reintegration pilot program that combines cognitive

PBS, HAW, FIN

behavioral theory with native Hawaiian holistic interventions that address domestic violence, addictions, self mastery through identity, and community connections for successful transitions

back into the community.

HB 409 Status

RELATING TO PUBLIC SAFETY.

PBS, LMG, FIN

Makes clear that the office of the ombudsman has the authority to investigate facilities that hold Hawaii inmates, appropriates funds to conduct investigations, and makes gender neutral

amendments.

HB 410 Status

RELATING TO PUBLIC SAFETY.

PBS, LMG, FIN

Requires a correctional impact statement be attached to any bill that proposes a change in the law that creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures.

HB 969 **Status**

RELATING TO PRIVATE PRISON PERFORMANCE

PBS, LMG, FIN

Authorizes the state auditor to conduct performance audits of private prisons housing Hawaii inmates, namely Red Rock Correctional Center and Saguaro Correctional Center in Eloy, Arizona and Otter Creek Correctional Center in Wheelwright, Kentucky in the following areas: (1) treatment and services that Corrections Corporation of America is providing to Hawaii inmates including medical, mental health, substance abuse treatment, education, vocational training, and food services; (2) visitation, videoconferencing, and telephone communication;

and (3) the department of public safety's monitoring of private prisons, enforcement of contract provisions, and public access to contracts and monitoring reports.

HB 1629 Status

RELATING TO EMERGENCY SHELTERS.

Requires new state buildings to be evaluated for suitability as an emergency shelter, and requires qualifying new state buildings to be modified to serve

as emergency shelters.

PBS, WLO, FIN

HB 1776 Status	RELATING TO PUBLIC ASSISTANCE. Requires director of public safety to transmit monthly reports to department of human services (DHS) listing all newly admitted inmates during the previous month to a correctional facility. Requires DHS to identify inmates who receive public assistance, regardless of the nature of the inmate's offense, to enforce the prohibition of inmates from receiving public assistance.	PBS, HUS, FIN
HB 1014 Status	RELATING TO ENHANCED 911 SERVICES. Lowers costs for cell phone subscribers by reducing the Wireless Enhanced 911 surcharge from 66 to 46 cents. Expands the membership and responsibilities of the Wireless Enhanced 911 Board.	PBS, CPC, FIN
HB 688 Status	RELATING TO FIRE PROTECTION. Makes discretionary, rather than mandatory, fire inspections conducted by the county fire chiefs. Provides that frequency of inspections of buildings other than public schools shall be as deemed necessary rather than every 2 years.	PBS, JUD, FIN
HB 397 Status	RELATING TO FIREWORKS. Bans all fireworks in counties with a population of more than 500,000 persons.	PBS, TCI, JUD
HB 398 Status	RELATING TO FIREWORKS. Provides for a statewide ban of consumer fireworks (firecrackers).	PBS, TCI, JUD
HB 383 Status	RELATING TO CIVIL DEFENSE. Allows the counties to condition the approval of permits for the construction of new residential housing in tsunami inundation zones on the installation of tsunami warning sirens or payment of impact fees. Requires the disability communications access board to identify internationally recognized symbols to be used in the event of a disaster or emergency to communicate notices to persons that do not understand verbal or written communications.	PBS, HSG/WLO, FIN

HB 226 Status	RELATING TO MEDICAL MARIJUANA. Allows a qualifying patient to possess 12 marijuana plants and 7 ounces of marijuana at one time. Prohibits identification of the site where marijuana is grown on a registry card. Prohibits a certifying physician from naming a patient's particular debilitating condition. Allows a caregiver to grow marijuana for no more than 5 patients.	PBS, JUD
HB 1635 Status	RELATING TO CONTROLLED SUBSTANCES. Establishes new recordkeeping requirements and establishes penalties; amends and adds definitions; requires physical examination of patient by physician; and increases penalties relating to medical marijuana.	PBS, JUD, FIN
HB 1149 Status	RELATING TO CONTROLLED SUBSTANCES. Makes Hawaii's controlled substance laws consistent with that of federal law and clarifies sections of chapter 329 relating to controlled substances.	PBS, CPC/JUD, FIN

COMMITTEE ON HAWAIIAN AFFAIRS

Monday, February 9, 2009 Pakukalo Community Center 657 Kaumualii Street Wailuku, Maui 96793

6:00 p.m. AGENDA:

OFFICE OF HAWAIIAN Boyd Mossman, Trustee

AFFAIRS William Meheula, Attorney at Law

Clyde Namu`o, Administrator

Presentation on HB 901- OHA to receive a portion of the income and proceeds from land in public land trust.

6:05 p.m. – 9:00 p.m. AGENDA:

HB 901 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS. HAW, WLO/ Status Amends the law to provide for the office of Hawaiian JUD, FIN

affairs to receive a portion of the income and proceeds from land in the public land trust.

COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS, & MILITARY AFFAIRS

Tuesday, February 10, 2009 Conference Room 312; State Capitol

8:30 a.m. AGENDA:

HB 1429 Status	MAKING AN APPROPRIATION FOR THE ABOUT FACE PROGRAM. Appropriates TANF funds for Hawaii national guard about face family of programs for FY 2009-2010 and 2010-2011.	EBM, HUS, FIN
HB 477 Status	RELATING TO TAXATION. Provides a tax credit to department of defense high technology contractors that hire workers who are residents of the State.	EBM, FIN
HB 961 Status	RELATING TO PROCUREMENT. Requires the state procurement office to conduct audits and follow-up audits to ensure compliance with the procurement code and report results to the legislature; makes comptroller ex-officio nonvoting member of procurement policy board.	EBM, FIN
HB 1470 Status	RELATING TO HAWAII PUBLIC PROCUREMENT CODE. Exempts GSA-approved sole source vendors on procurements involving federal matching funds from certain sole source procurement provisions.	EBM, FIN

Decision making only (heard on Thursday, February 5, 2009):

HB 82 RELATING TO GENERAL EXCISE TAX.

<u>Status</u> Establishes an annual exemption from the general

excise tax on the purchase of school supplies of less than \$50 per purchase and computers, computer software, and computer supplies of less than \$750 per purchase made between 12:01 A.M. on the last Friday in July and 11:59 P.M. the following Sunday.

HB 492 RELATING TO THE HAWAII COMMUNICATIONS

Status COMMISSION.

Establishes the Hawaii communications commission (HCC) in the department of commerce and consumer

affairs (DCCA). Transfers functions relating to telecommunications from the PUC to the HCC. Also transfers functions relating to cable services from

DCCA to HCC.

HB 984 RELATING TO TECHNOLOGY.

<u>Status</u> Implements key recommendations of the Hawaii

broadband task force by establishing the Hawaii communications commissioner (HCC) in the department of commerce and consumer affairs

(DCCA). Transfers functions relating to telecommunications from the public utilities commission to the HCC and functions relating to cable services from DCCA to the HCC. Establishes a work group to develop procedures to streamline state and county broadband regulation, franchising, and

permitting and report to the legislature.

HB 1077 RELATING TO THE HAWAII COMMUNICATIONS Status COMMISSION.

Establishes the Hawaii Communications Commission

(HCC) in the Department of Commerce and Consumer Affairs (DCCA). Transfers functions relating to telecommunications from the Public

Utilities Commission (PUC) to the HCC. Also transfers functions relating to cable services from DCCA to

HCC.

EBM, FIN

EBM, CPC, FIN

EBM, CPC, FIN

EBM, CPC, FIN

<u>HB 1601</u> RELATING TO REAL PROPERTY. EBM, JUD, FIN

<u>Status</u> Mandates certain conditions applicable to certain

commercial and industrial leases. Exempts certain sales of fee interest to lessee from state income tax.

HB 1606 RELATING TO LEASEHOLD CONVERSION. EBM, JUD, FIN

<u>Status</u> Provides for the mandatory lease-to-fee conversion of

leasehold business property.

Decision making to follow.

COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS, & MILITARY AFFAIRS AND COMMITTEE ON AGRICULTURE

Tuesday, February 10, 2009 Conference Room 312; State Capitol

10:30 a.m. AGENDA:

EBM/AGR only:

Decision making only (heard on Thursday, February 5, 2009):

<u>HB 988</u> RELATING TO PROCUREMENT. EBM/AGR, JUD,

Status Allows for persons desiring a Hawaii product FIN

preference when submitting bids to self-certify as an alternative to registration on the Hawaii products list. Amends the definition of a Hawaii product by revising the product classes. Revises administrative rules

relating to exemptions from procurement.

COMMITTEE ON HEALTH

Tuesday, February 10, 2009 8:30 a.m. Conference Room 329; State Capitol

AGENDA:

HB 1784 Status	RELATING TO MEDICAL TORTS. Limits the amount awarded for non-economic damages in medical tort cases to \$750,000 aggregate and \$250,000 per physician, healthcare provider, healthcare facility, and any other involved parties. Sets the award limit for non-economic damages in cases of gross negligence at \$3,000,000.	HLT, JUD
HB 1514 Status	RELATING TO MEDICAL TORTS. Places a ceiling on non-economic damages in medical torts involving neurologists and neurosurgeons.	HLT, JUD
HB 1636 Status	RELATING TO EMERGENCY MEDICAL PHYSICIANS. Provides additional protection for physicians who render medical services in genuine emergency situations involving an immediate threat of death or serious bodily injury.	HLT, JUD
HB 1785 Status	RELATING TO MEDICAL MALPRACTICE CLAIMS. Establishes a medical malpractice damages task force to develop a strategic plan to address the high costs of medical malpractice insurance rates and make recommendations on damage award ranges and guidelines for medical malpractice claims.	HLT, CPC/JUD, FIN
HB 310 Status	RELATING TO MEDICAL TORTS. In medical tort litigation authorizes the court to impose sanctions on a party whose rejection of the Medical Claim Conciliation Panel decision resulted in the trial and who at trial fails to improve on the panel's award by increasing or decreasing it by at least 30 percent.	HLT, JUD

HB 575 Status	RELATING TO MEDICAL TORTS. Requires claimants who reject the medical claim conciliation panel's award of damages and pursue litigation to pay the health care provider's attorneys' fees, costs, and cost of the provider's time, unless the litigation results in an award of more than 200% of the panel's award. Requires claimants who reject the panel's finding of no negligence and pursue litigation to pay the attorneys' fees and costs of all defendants, unless the result of litigation is a judgment in favor of the claimant.	HLT, JUD
HB 807 Status	RELATING TO THE MEDICAL CLAIM CONCILIATION PANEL. Prohibits the medical claim conciliation panel from filing claims brought after statute of limitations expires. Authorizes the panel to dismiss frivolous or non-meritorious claims. Requires the panel to provide a copy of the certificate of consultation to the health care providers.	HLT, JUD
HB 718 Status	RELATING TO MEDICAL MALPRACTICE CAPTIVE INSURANCE. Forms a captive insurance company to provide medical malpractice insurance to self-employed medical doctors.	HLT, CPC/JUD, FIN
HB 439 Status	RELATING TO MEDICAL INJURIES. Establishes a working group to review the concept of health courts to handle medical injury claims and report its findings to the legislature.	HLT, JUD, FIN
HB 1539 Status	RELATING TO MEDICAL TREATMENT. Requires a health care provider to disclose to patients adverse events relating to their medical treatment.	HLT, JUD/CPC
HB 1540 Status	RELATING TO MEDICAL TREATMENT. Requires the Hawaii medical board to collect and publish information about physicians licensed in the State to allow consumers to make informed decisions in selecting physicians.	HLT, CPC/JUD

HB 532 Status	RELATING TO MEDICAL AMNESTY. Establishes limited immunity for individuals who seek medical assistance for victims of drug overdoses.	HLT, JUD
HB 1317 Status	RELATING TO RURAL PHYSICIANS TAX CREDIT. Provides a tax credit on a sliding scale for amounts paid for medical malpractice insurance premiums by physicians that move to, and practice medicine in, rural areas.	HLT, JUD, FIN

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 10, 2009 Conference Room 325; State Capitol

9:00 a.m. AGENDA:

HB 36 Status	RELATING TO HEALTH. Changes the name of the Environmental Health Education Fund to the Sanitation and Environmental Health Fund and allows the Fund to be used for sanitation program activities.	HLT, EEP, FIN
HB 1272 Status	RELATING TO ELECTRONIC WASTE RECYCLING. Makes clarifying amendments to the electronic waste recycling act.	EEP, EBM
HB 1270 Status	RELATING TO RENEWABLE ENERGY. Deletes avoided cost by a utility in determining a just and reasonable rate for nonfossil fuel generated electricity.	EEP, CPC
HB 1197 Status	RELATING TO ALCOHOL FUELS. Improve Hawaii's economic and energy security position by establishing a preference for locally produced alcohol fuels.	EEP, FIN

HB 1491 Status	RELATING TO ETHANOL FACILITY TAX CREDIT. Caps the total annual amount of ethanol facility tax credits allowed at \$8,000,000 between 01/01/09 to 12/31/12.	EEP, FIN
HB 1484 Status	RELATING TO AIR POLLUTION FEES. Removes the exemption from fees for air pollution emissions in excess of 4,000 tons annually from covered sources.	EEP, FIN
HB 604 Status	RELATING TO GRAY WATER. Requires county gray water recycling programs to conform to standards established by the department of health.	EEP, FIN
HB 763 Status	RELATING TO GRAY WATER RECYCLING. Requires the department of health to establish a gray water recycling program for premises not served by a county wastewater system. Permits counties to establish gray water recycling programs in areas served by a county wastewater system.	EEP, FIN
HB 1467 Status	RELATING TO PROPERLY INFLATED TIRES. Requires retail service stations to provide free tire pressure gauges and operational tire inflation devices to enable motorists to maintain properly inflated tires so as to increase the overall operating efficiency of existing vehicles. Provides penalty.	EEP, CPC/JUD
HB 1417 Status	RELATING TO MOBILE BILLBOARDS. Amends the restrictions on the use of mobile billboards and provides for penalties. Exempts businesses using advertising devices used in the daily function of the business.	EEP, JUD

9:30 a.m. AGENDA:

EEP/WLO only:

HB 834 RELATING TO WATER QUALITY STANDARDS. Status

Amends state water quality standards for marine

EEP/WLO, FIN

LAB, FIN

LAB, FIN

waters to conform to federal standards.

Decision making to follow.

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Tuesday, February 10, 2009 9:00 a.m.

Conference Room 309; State Capitol

AGENDA:

RELATING TO WORKERS' COMPENSATION. LAB, CPC, FIN HB 1390

Status Increases the fee schedule of compensation for

> medical care in workers' compensation cases from 110% to 150% of the Medicare Resource Based Relative Value Scale system applicable to Hawaii as prepared by the United States Department of Health

and Human Services.

RELATING TO WORKERS' COMPENSATION. HB 1288

Requires independent medical examinations and Status

> permanent impairment rating examinations to be performed by physicians mutually agreed upon by employers and employees or appointed by the

director of labor and industrial relations.

RELATING TO WORKERS' COMPENSATION. HB 1279

Requires the employer to continue medical services <u>Status</u>

to an injured employee despite disputes over whether treatment should be continued, until the director of

labor and industrial relations decides whether

treatment should be continued.

HB 1676 Status	RELATING TO PUBLIC WORKS. Requires that the collective bargaining agreement be submitted to the director of labor and industrial relations in order for the terms in the agreement to dictate the prevailing wages with regard to a project financed through the issuance of a special purpose revenue bond.	LAB, FIN
HB 602 Status	RELATING TO WORKERS' COMPENSATION. Excludes services performed by an individual who is a member of a limited liability company or a partner of a limited liability partnership who has a distributional interest in the company or partnership of at least 50%, a partner of a partnership, and a sole proprietor from the definition of "employment" under the workers' compensation law.	LAB, EBM, FIN
HB 1550 Status	RELATING TO TAXATION. Imposes the state income tax on rollovers made by state and county employees and employees of certain tax exempt employers from qualifying deferred compensation plans to eligible retirement plans.	LAB, FIN
HB 1738 Status	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. Deletes the sunset date of 1/2/11 on the prohibition on approving employees' retirement system benefit enhancements while an unfunded accrued liability exists.	LAB, FIN