

OFFICE OF THE SPEAKER
TWENTY-FIFTH STATE LEGISLATURE

COMMITTEE REFERRALS

NO. 28
27th LEGISLATIVE DAY-MARCH 12, 2009

Committee Abbreviations:

AGR - Agriculture	HSG - Housing
CPC - Consumer Protection & Commerce	HUS - Human Services
EBM - Economic Revitalization, Business, & Military Affairs	JUD - Judiciary
EDN - Education	LAB - Labor & Public Employment
EEP - Energy & Environmental Protection	LMG - Legislative Management
FIN - Finance	PBS - Public Safety
HAW - Hawaiian Affairs	TCI - Tourism, Culture, & International Affairs
HED - Higher Education	TRN - Transportation
HLT - Health	WLO - Water, Land, & Ocean Resources

		<u>Committee REFERRAL</u>
SB15, SD1	RELATING TO THE POWER OF ARREST. Authorizes only officers of the United States Customs and Border Protection Service agency to make arrests without a warrant. (SD1)	JUD
SB19, SD1	RELATING TO PROCUREMENT. Requires a procurement preference to a contractor in a public works construction contract of not less than \$250,000 if the contractor is a party to an apprenticeship agreement registered with the department of labor and industrial relations at the time of general bidding. Requires a public works contractor to comply with state labor laws. (SD1)	JUD
SB21, SD1	RELATING TO GOVERNMENT. Creates temporary exemptions in procurement, rule making, and public employment statutes for programs, services, and benefits using funds allocated to the State by the American Recovery and Reinvestment Act of 2009. (SD1)	FIN

		<u>Committee REFERRAL</u>
<u>SB50, SD1</u>	RELATING TO RENEWABLE ENERGY PRODUCERS. Requires that the board of land and natural resources conduct public hearings prior to awarding a lease of public land to a renewable energy producer. (SD1)	WLO/EEP, TRN
<u>SB65, SD1</u>	RELATING TO THE HAWAII RULES OF EVIDENCE. Provides that if evidence of an alleged victim's character for aggressiveness is offered by an accused and admitted under paragraph (2) or rule 404(a) of the Hawaii Rules of Evidence, evidence of the same trait of character of the accused offered by the prosecution may be admissible. Effective 7/1/2050. (SD1)	JUD
<u>SB76, SD1</u>	RELATING TO TAXATION. Changes the allocation of an amount received in partial payment of an assessment of taxes to interest, penalties, and principal in equal amounts, rather than to the three categories by priority. (SD1)	FIN
<u>SB93, SD1</u>	RELATING TO CAMPAIGN FINANCING. Establishes a grace period during which a candidate or candidate's committee may return or refund contributions. Changes 20% contributions cap to an unspecified amount. Effective 7/1/2050. (SD1)	JUD
<u>SB105, SD1</u>	RELATING TO PROTECTIVE PROCEEDINGS. Modifies requirements related to the basis for court appointment of a conservator. (SD1)	JUD
<u>SB114, SD1</u>	RELATING TO DENTAL CARE. Requires health insurers and like entities who offer dental coverage to declare and execute their coordination of dental benefits policy to insureds and their counterparts. (SD1)	HLT, CPC
<u>SB133, SD2</u>	RELATING TO UTILITIES. Requires the public utilities commission to implement a program to achieve lifeline electricity rates for qualified residential electricity customers. (SD2)	HUS, CPC
<u>SB166, SD1</u>	RELATING TO INSURANCE. Requires health insurance providers to provide health insurance coverage for all chemotherapy treatment, including orally administered chemotherapy, under the same terms and conditions and at a rate calculated according to the same methods as payment or reimbursement for intravenously administered chemotherapy. (SD1)	HLT, CPC, FIN

		<u>Committee REFERRAL</u>
<u>SB199, SD1</u>	RELATING TO TAXATION. Sunsets and repeals all tax credits for taxable years beginning after 12/31/10. (SD1)	FIN
<u>SB207, SD1</u>	RELATING TO CORRECTIONAL FACILITIES. Requires the department of public safety to report to the legislature any inmate or correctional facility employee death within 24 hours. (SD1)	PBS, FIN
<u>SB213, SD1</u>	RELATING TO PUBLIC SAFETY. Requires the department of public safety to establish performance indicators; requires reports, using key performance indicators, to be provided to the legislature. (SD1)	PBS, FIN
<u>SB260, SD1</u>	RELATING TO GAMBLING. Amends definition of gambling to clarify that purchase of sweepstakes entry that also provides nominal non-gambling value constitutes gambling even if sweepstakes entry can be obtained without payment of consideration. Eliminates free play, beginning 1/1/2011, as a defense under certain circumstances. Effective 7/1/2050. (SD1)	JUD
<u>SB288, SD1</u>	RELATING TO SCHOOLS. Requires school vending machines that are available to students to contain only healthy beverages. (SD1)	EDN, HLT
<u>SB292, SD1</u>	RELATING TO FUNDS. Lapses excess balances from special and revolving funds to the general fund. (SD1)	FIN
<u>SB295, SD1</u>	RELATING TO TRANSPORTATION. Provides that high occupancy vehicle lanes may be used by hybrid and other energy-efficient vehicles including plug-in hybrid electric vehicles, regardless of the number of occupants. (SD1)	TRN, JUD
<u>SB298, SD1</u>	RELATING TO CONDOMINIUMS. Increases the amount that condominium associations may recover in maintenance fees from the foreclosure of a condominium apartment from \$1,800 to \$3,600. (SD1)	CPC
<u>SB350, SD1</u>	RELATING TO USE OF FORCE. Permits the use of deadly force by the resident of a dwelling against a person not lawfully in the dwelling who uses force against the resident. Expands the exemption from the duty to retreat from the home and workplace to any place where the actor may lawfully be present. Effective July 1, 2050. (SD1)	JUD

		<u>Committee REFERRAL</u>
<u>SB378, SD1</u>	RELATING TO FISHING. Establishes a fishing bag limit and size restrictions for Maui for uhu and goatfish. (SD1)	WLO, JUD
<u>SB382, SD1</u>	RELATING TO THE STADIUM AUTHORITY. Revises appointment process for the stadium authority. (SD1)	TCI, WLO
<u>SB387, SD1</u>	RELATING TO THE STATE BUDGET. Reiterates the legislature's intent that appropriation transfers or changes between programs and agencies be made only pursuant to prior legislative authorization. (SD1)	FIN
<u>SB389, SD1</u>	RELATING TO CAPITAL IMPROVEMENT PROJECTS. Directs the legislative reference bureau to review the memorandum of understanding between the department of education and the department of budget and finance for the allotment of capital improvement projects, to replicate the processes of the memorandum of understanding for use by other state agencies. (SD1)	EDN, LMG, FIN
<u>SB404, SD1</u>	RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND. Appropriates funds from the emergency and budget reserve fund for various programs, including grants for fiscal year 2009-2010. (SD1)	FIN
<u>SB411, SD1</u>	RELATING TO KAENA POINT STATE PARK. Permits overnight camping at Kaena point state park. (SD1)	WLO, FIN
<u>SB430, SD1</u>	RELATING TO HEALTH INSURANCE. Mandates health insurance coverage to screen for colorectal cancer by colonoscopy every 10 years, beginning at age fifty. (SD1)	HLT, CPC, FIN
<u>SB440, SD2</u>	RELATING TO COUNTIES. Requires counties to accept or reject a public infrastructure dedication, under specified conditions, as part of an affordable housing project, or the infrastructure is deemed dedicated. (SD2)	HSG/WLO, TRN
<u>SB455, SD1</u>	RELATING TO PUBLIC HOUSING. Requires the Hawaii public housing authority to designate no more than fifty per cent of the units in public housing projects as smoking units; requires designation of smoking areas; prohibits smoking in and around public housing projects except in smoking units and designated smoking areas; establishes penalties. (SD1)	HSG/HLT, JUD

**Committee
REFERRAL**

SB466, SD2	RELATING TO POLLUTION. Prohibits the use of leaf blowers on certain days and during certain hours; restricts the use of leaf blowers for certain durations of time and near operable doors, windows, and air ducts of buildings. Effective 7/1/2050. (SD2)	EEP, JUD
SB474, SD1	PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII CONSTITUTION, TO CLARIFY THE GUBERNATORIAL APPOINTMENT PROCESS. Amends article V, section 6, of the state constitution to clarify the appointment process for department heads and members of boards and commissions by requiring the Governor to nominate successors within the time limits required by law. (SD1)	JUD
SB506, SD1	RELATING TO PROCUREMENT. Allows for persons desiring a Hawaii product 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. (SD1)	EBM/AGR, FIN
SB520, SD1	RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT. Requires motor vehicle dealers to possess or have the right to possess a legal ownership certificate for a motor vehicle before selling a new or used vehicle or advertising a new or used vehicle for sale. (SD1)	CPC, JUD
SB532, SD1	RELATING TO LIMITING CIVIL LIABILITY. Limits the civil liability of property owners for damages to persons injured or killed on premises while committing certain felony offenses. (SD1)	JUD
SB536, SD1	RELATING TO STARLIGHT RESERVE. Requires department of business, economic development, and tourism, assisted by a temporary advisory committee, to develop a statewide starlight reserve strategy, including an intelligent statewide lighting law, to preserve the quality of the night sky and its associated cultural, scientific, astronomical, natural, and landscape-related values. (SD1)	EEP/WLO, FIN
SB539, SD1	RELATING TO CORRECTIONS. Renames the intake service center division of DPS to the reentry intake services division, whereby the reentry intake services division will work closely and collaborate with the furlough programs in each county, the Hawaii paroling authority, and the correction program services division to ensure that the reentry needs of inmates are being met. (SD1)	PBS, FIN

		<u>Committee REFERRAL</u>
<u>SB549, SD1</u>	RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT. Amends Hawaii's lemon law to include motorcycles in the definition of "motor vehicles". (SD1)	CPC, JUD
<u>SB564, SD2</u>	RELATING TO FIRE PROTECTION. Maintains the requirement for fire inspections conducted by the county fire chiefs. Provides that frequency of inspections of buildings other than public schools shall be conducted once every five years or as deemed practicable or necessary rather than every 2 years. (SD2)	PBS, FIN
<u>SB571</u>	RELATING TO A VETERANS' MEMORIAL. Establishes a memorial to the veterans of the Persian Gulf War and Operation Desert Storm.	EBM, FIN
<u>SB574, SD1</u>	RELATING TO CONDOMINIUMS. Extends the condominium dispute resolution pilot project until 6/30/11. (SD1)	CPC
<u>SB588, SD1</u>	RELATING TO NONGOVERNMENT HEALTH PLAN PAYMENTS TO CRITICAL ACCESS HOSPITALS AND FEDERALLY QUALIFIED HEALTH CENTERS. Requires health plans other than government payers, mutual and fraternal benefit societies, and health maintenance organizations to pay: (1) critical access hospitals no less than 101% of costs for services; and (2) federally qualified health centers no less than their respective prospective payment system rates. (SD1)	HLT/HUS, CPC, FIN
<u>SB591, SD1</u>	RELATING TO INSURANCE. Requires insurers that offer health care coverage to the regular employees of any group or association to offer the same coverage to part-time employees working at least 15 hours per week. Requires the insurance commissioner to report to the legislature on cost-benefit. (SD1)	HLT, CPC, FIN
<u>SB595, SD1</u>	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. (SD1)	CPC
<u>SB603, SD1</u>	RELATING TO PUBLIC UTILITIES. Requires the public utilities commission to classify the State's local exchange intrastate telecommunications services as fully competitive. Sets maximum retail rate cap. (SD1)	CPC

**Committee
REFERRAL**

SB605, SD1	RELATING TO NOISE. Requires the department of health to add the dBC decibel weighting system to the current dBA decibel weighting system for purposes of community noise control. Sets permissible maximum sound levels for nighttime and grants the DOH and the county liquor commission the authority to enforce these limits. Directs DOH, DLIR, and the county liquor commission to develop recommendations for a permanent maximum sound level, in decibels. (SD1)	EEP, CPC/JUD
SB606, SD2	RELATING TO CONDOMINIUMS. Gives boards of directors authority to install or allow the installation of solar energy or wind energy devices on the common elements of condominiums. (SD2)	EEP, CPC
SB633, SD1	RELATING TO WATER. Increases the representation of homestead farmers on the Molokai irrigation system water users advisory board. (SD1)	WLO/AGR, HAW
SB635, SD1	RELATING TO STATE PARKS. Transfers jurisdiction and management of Kahana valley from the department of land and natural resources, parks division, to the office of Hawaiian affairs. (SD1)	WLO, HAW, FIN
SB636, SD1	RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES. Makes housekeeping amendments to section 502-33, HRS, relating to the circumstances under which an instrument requiring a reference to a prior recorded instrument may be recorded, and to section 502-41, HRS, relating to certificate of acknowledgement for instruments filed with the DLNR. (SD1)	WLO, JUD
SB646, SD1	RELATING TO PUBLIC ACCOUNTABILITY. Amends the governor's power to unilaterally limit appropriations that were previously approved by the legislature to require the governor to explain in writing any decisions to reduce, withhold, or otherwise limit appropriations approved by the legislature. (SD1)	FIN
SB659	RELATING TO STATE FUNDS. Amends the disclosure requirements for recipients of monetary awards from the State. Requires the department of accounting and general services to manage and update the information posted on the website.	FIN

**Committee
REFERRAL**

SB705, SD1	RELATING TO HAWAII PUBLIC PROCUREMENT CODE. Exempts GSA-approved sole source vendors on procurements involving federal matching funds from certain sole source procurement provisions. Clarifies small purchases for construction contracts. Raises small purchases procurement limit to \$100,000. Effective July 1, 2050. Sunsets July 1, 2011. (SD1)	EBM, FIN
SB763, SD1	RELATING TO CRUELTY TO ANIMALS. Enacts more comprehensive prohibition of fighting dogs and related conduct. (SD1)	JUD
SB771, SD1	RELATING TO APPRAISALS. Requires a real estate appraiser to rely on the Uniform Standards of Professional Appraisal Practice when acting as an appraiser in an arbitration to guide the arbitrator's decision regarding an award. (SD1)	CPC
SB794, SD1	RELATING TO HEALTH. Requires health insurance providers to cover weight management and obesity prevention, evaluation, and guidance services for children. (SD1)	HLT, CPC, FIN
SB846, SD1	RELATING TO POST CONVICTION PROCEEDINGS. Establishes a time limitation for filing habeas corpus complaints and post-conviction judicial proceedings. Limits basis for successive complaints. Effective 7/1/2050. (SD1)	JUD
SB881, SD1	RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS. Requires a voluntary employees' beneficiary association trust and the employee organization that established the trust, upon the insolvency of the trust, to assume all liabilities and indemnify the State. (SD1)	LAB, JUD, FIN
SB886, SD1	RELATING TO BUSINESS REGISTRATION. Proposes housekeeping amendments to clarify and streamline business registration laws. (SD1)	CPC, JUD
SB887, SD1	RELATING TO ESCROW DEPOSITORIES. Revises the escrow depository law to: (1) clarify which escrow transactions are covered by the statute and which are not; (2) update the statute to adequately reflect the present day size of the transactions routinely handled by the industry; (3) provide for more flexibility in supervising and regulating the industry; and (4) ensure adequate protection for the consumer. (SD1)	CPC/JUD, FIN

		<u>Committee REFERRAL</u>
<u>SB891, SD1</u>	RELATING TO INSURANCE. Amends the unfair or deceptive insurance practices statutes by prohibiting certain unfair or deceptive practices by health insurers. (SD1)	HLT, CPC/JUD
<u>SB892, SD1</u>	RELATING TO INSURANCE. Updates references in insurance code and updates continuing education requirements for insurance licensees. (SD1)	CPC/JUD
<u>SB940, SD1</u>	RELATING TO INSURANCE. Requires direct payment for the provision of pre-hospital ambulance treatment and transport services. (SD1)	HLT, CPC
<u>SB942, SD1</u>	RELATING TO UNDERGROUND STORAGE TANKS. Ensure compliance with the federal Energy Policy Act of 2005. (SD1)	EEP, JUD
<u>SB968, SD1</u>	RELATING TO ESCAPE. Expands the charge of escape in the second degree to persons who fail to present themselves to a correctional or detention facility at the date and time as ordered by the court for service of a term of custody or confinement for a felony conviction. Effective July 1, 2050. (SD1)	JUD
<u>SB1008, SD1</u>	RELATING TO WATER QUALITY STANDARDS. Amends state water quality standards for inland and marine waters to conform to federal standards. (SD1)	EEP/WLO, FIN
<u>SB1040, SD2</u>	RELATING TO SMOKING. Prohibits smoking on public beaches, parks, and certain recreational areas during certain community events. Effective 7/1/2050. (SD2)	HLT, TCI/WLO, JUD
<u>SB1069, SD1</u>	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY. Requires the Hawaii community development authority to collaborate with and consider the recommendations of the working group of interested stakeholders in developing, accepting, and implementing plans for the development of Kakaako makai. (SD1)	WLO
<u>SB1073, SD1</u>	RELATING TO CORRECTIONAL FACILITIES. Repeals the exception that allows smoking in correctional facilities. Effective 7/1/50. (SD1)	HLT, PBS

**Committee
REFERRAL**

SB1077, SD1	RELATING TO HEALTH INSURANCE. Establishes a temporary preventative health care task force to develop a plan to encourage health insurance providers to offer preventative health care plans to its members, enrollees, or new applicants. (SD1)	HLT, CPC, FIN
SB1083, SD1	RELATING TO BURIAL SITES. Includes additional native Hawaiian organizations for the DLNR to consult with to determine whether a burial site should be preserved in place or relocated and to develop a list of candidates for the burial councils. (SD1)	WLO, HAW, FIN
SB1086, SD1	RELATING TO PET ANIMALS. Allows an ex parte restraining order to include granting exclusive care of a pet animal to a party and to enjoin the other party from visiting, taking, concealing, threatening, physically abusing, or disposing of the animal. Effective 7/1/2050. (SD1)	JUD
SB1111, SD1	RELATING TO TAXATION. Increases the rate of the transient accommodations tax beginning on July 1, 2009, and requires the additional revenues collected from the increase to be deposited into the general fund. Effective 7/1/59. (SD1)	FIN
SB1113, SD1	RELATING TO GEOGRAPHIC LIMITATIONS ON TIME SHARES. Repeals the requirement that time share units in an existing hotel in a county with a population in excess of 500,000 are required to contain at least 60 units at least 40% of which are to be made available for sale or rental as residential apartments. (SD1)	TCI, WLO
SB1129, SD1	RELATING TO ATHLETIC TRAINERS. Requires athletic trainers to register with the department of commerce and consumer affairs. (SD1)	HED/EDN, CPC, FIN
SB1143, SD1	RELATING TO THE STATE HISTORIC PRESERVATION OFFICER. Requires the state historic preservation officer to possess professional qualification in specific fields of study. Effective 7/1/2050. (SD1)	WLO, LAB, FIN
SB1181, SD2	RELATING TO LABOR. Requires the department of labor and industrial relations to include in certified payroll records a fringe benefit reporting form which itemizes the cost of fringe benefits paid to both union and non-union laborers who perform work for the construction, alteration, or repair of public buildings and public works. (SD2)	LAB, FIN

**Committee
REFERRAL**

SB1184, SD1	RELATING TO THE CIVIL RIGHTS COMMISSION. Adds a definition for confidential witness. Allows factual matters obtained in the course of investigation, conciliation, and litigation of complaints to be used as evidence in litigation of complaints filed with the commission. Effective 7/1/2050. (SD1)	JUD
SB1192, SD1	RELATING TO DISTRICT COURT. Expands jurisdiction of small claims division of the district court. Effective 7/1/2050. (SD1)	JUD, FIN
SB1194, SD1	RELATING TO OFFENSES AGAINST PUBLIC ORDER. Prohibits possession of gaff designed to be attached to gamecock or other fighting fowl. Effective 7/1/2050. (SD1)	JUD
SB1195, SD1	RELATING TO THE ECONOMY. Amends the Hawaii State Planning Act to include references to science and technology initiatives in Hawaii. Amends the department of business, economic development, and tourism's reporting requirement to the legislature on the growth industries of Hawaii. (SD1)	EBM, WLO
SB1197, SD1	RELATING TO THE ECONOMY. Requires the department of taxation to provide an annual report on tax expenditures to the legislature on or before September 15th of each odd-numbered year. Requires legislation establishing new tax expenditures to include certain specified provisions. (SD1)	FIN
SB1199, SD1	RELATING TO FISHING. Designates certain state waters surrounding the island of Molokai as the Molokai Community-Based Subsistence Fishing Area. (SD1)	WLO, FIN
SB1222, SD1	RELATING TO THE HUMANE TREATMENT OF PET ANIMALS. Clarifies animal cruelty law. Prohibits the confinement of a pet animal in a kennel or cage in cruel or inhumane manner or for an unreasonable period of time. Prohibits the tethering of a dog to a stationary object with a chain, or choke, pinch, chain, or prong collar. Amends the law on animal hoarding. (SD1).	JUD
SB1223, SD1	RELATING TO HAWAII MADE PRODUCTS. Directs the department of agriculture to convene a working group composed of stakeholders to resolve issues relating to the "Made in Hawaii" label and to report to the legislature. (SD1)	AGR, CPC, FIN

**Committee
REFERRAL**

SB1268, SD2	RELATING TO AFFORDABLE HOUSING. Permits the department of Hawaiian home lands to assign or transfer county affordable housing credits. Requires county approval within sixty days for DHHL to transfer credits. (SD2)	HAW/HSG, FIN
SB1327, SD1	RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX. Changes from 2/3% to 1/3% the interest rate payable to the taxpayer on overpayments of taxes. (SD1)	FIN
SB1349, SD1	RELATING TO NOTARIES PUBLIC. Requires a notary public to include on the notary public's stamp or seal the notary public's commission number. Clarifies which types of changes may be made to a document after notarization; clarifies how a notarized document may be altered by ratification of all parties to the document. (SD1)	JUD/CPC
SB1352, SD2	RELATING TO BUREAU OF CONVEYANCES. Transfers fee time share interest from the land court system to the regular system; establishes a working group to resolve implementation issues. Establishes a pilot program to implement electronic recording of fee time share interests. Allows bureau of conveyances to charge a fee for deregistration of a fee time share interest. (SD2)	WLO, JUD, FIN
SB1568, SD2	RELATING TO UNEMPLOYMENT INSURANCE. Extends unemployment benefits to individuals seeking part-time work and to workers separated from employment for a compelling family reason. (SD2)	LAB, HUS, FIN
SB1661, SD1	RELATING TO PUBLIC AGENCY MEETINGS. Clarifies permissible attendance and procedures for board members to attend meetings of other boards, departments, agencies, and hearings of the legislature. Effective 7/1/2050. (SD1)	JUD
SB1672, SD1	RELATING TO HISTORIC STRUCTURES. Amends the archival photograph requirement for permits allowing the demolition of a building to allow photographs in any format, including electronic; includes buildings previously nominated for listing or currently listed on the Hawaii or National Register of Historic Places. (SD1)	WLO