THE SENATE THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011

COMMITTEE ON WAYS AND MEANS

Senator David Y. Ige, Chair Senator Michelle Kidani, Vice Chair

NOTICE OF DECISION MAKING

DATE: Friday, April 1, 2011 TIME: 9:00 a.m. PLACE: Conference Room 211 State Capitol 415 South Beretania Street

<u>AMENDED AGENDA</u>

The following measures were previously heard in their respective Subject Matter Committees:

HB 129, HD2, SD1 (SSCR858) Testimony Status	RELATING TO PERINATAL CARE. Appropriates funds for the continued operation of the Path Clinic and the services it provides. (SD1)	HTH, WAM
HB 273, HD1, SD1 (SSCR857) Testimony Status	RELATING TO TOBACCO PRODUCTS. Imposes an excise tax on tobacco products other than cigarettes, little cigars, and large cigars. Imposes an excise tax on bulk and small quantity purchases of tobacco products and cigars. Requires a portion of the tax to be expended for tobacco prevention programs and services. Effective 7/1/2050. (SD1)	HTH, WAM
HB 608, HD3, SD1 (SSCR859) Testimony Status	RELATING TO HEALTH. Appropriates funds, subject to dollar-for-dollar private matching funds, to be expended by the Department of Health to support ongoing services provided by a Centers for Medicare and Medicaid Services- certified kidney and liver transplant provider in Hawaii, and to support a federally-recognized chronic kidney disease management program. Effective July 1, 2040. (SD1)	HTH, WAM
HB 902, HD2, SD1 (SSCR877) Testimony Status	RELATING TO THE UNIVERSITY OF HAWAII. Establishes the Hawaii health corps program to provide loan repayments on behalf of eligible physicians, physician assistants, and nurse practitioners in any county having a shortage of physicians, physician assistants, and nurse practitioners, with priority given to those serving in rural areas. Provides for loan repayments by the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene. Creates the Hawaii health corps revolving fund. Makes appropriations to support accreditation efforts and support and expand residency programs, particularly in family medicine. Effective 7/1/2050. (SD1)	HTH/EDU, WAM



HB 397, HD2, SD1 (SSCR918) Testimony Status	RELATING TO LANDS CONTROLLED BY THE STATE. Requires more specificity in all concurrent resolutions for the review of proposed exchanges, sales, or gifts of state land, including whether the land was classed as government or crown lands prior to August 15, 1895. Requires that a draft copy of the concurrent resolution be submitted to the Office of Hawaiian Affairs at least three months prior to the appropriate legislative session. (SD1)	HWN/WLH/JDL, WAM
HB 400, HD1 (SSCR862) Testimony Status	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS. Appropriates funds for the operating and capital improvement budget of the Office of Hawaiian Affairs for fiscal years 2011-2012 and 2012- 2013. (HB400 HD1)	HWN, WAM
HB 1063, HD1 (SSCR863) Testimony Status	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED. Increases the limit the department is currently authorized to borrow or guarantee on loans from \$50,000,000 to an unspecified amount to cover the department's guarantee requirements for its housing program. Effective July 1, 2030. (HB1063 HD1)	HWN, WAM
HB 169, HD2, SD1 (SSCR981) Testimony Status	RELATING TO EMPLOYMENT SECURITY. Establishes a temporary total unemployment rate trigger pursuant to P.L. No. 111-5. Appropriates an unspecified amount for an automated extended benefit claims system. Effective July 1, 2050. (SD1)	JDL, WAM
HB 300, HD2, SD1 (SSCR958) Testimony Status	RELATING TO THE JUDICIARY. Appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2011, and ending on June 30, 2013. (SD1)	JDL, WAM
HB 354, HD1, SD1 (SSCR909) Testimony Status	RELATING TO TAX APPEALS. Prohibits discovery and limits the award of costs and fees in controversies involving small claim tax appeals. Effective July 1, 2060. (SD1)	JDL, WAM
HB 382, HD2, SD1 (SSCR980) Testimony Status	RELATING TO THE AUDITOR. Grants explicit authority to the Auditor to inspect the documents and financial affairs of the Department of Taxation. Requires the Auditor to implement internal policies to protect confidentiality of private personal information contained in tax returns. Provides penalty provisions applicable to the Auditor or Auditor's agent for disclosure of tax information. Effective July 1, 2050. (SD1)	JDL, WAM
HB 519, HD1, SD1 (SSCR910) Testimony 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 fifty per cent, a partner of a partnership, and a sole proprietor from the definition of "employment" under the workers' compensation law. Effective 7/1/2050. (SD1)	JDL, WAM



HB 575, HD1, SD1 (SSCR982) Testimony Status	RELATING TO SALARIES. Extends the five per cent legislative salary decrease from June 30, 2011, to June 30, 2013. Applies the five per cent salary reduction to legislators and to executive and judicial branch positions. (SD1)	JDL, WAM
HB 801, HD2, SD1 (SSCR988) Testimony Status	RELATING TO TAXATION. Clarifies the department of taxation's subpoena authority for civil and criminal investigations. Effective 7/1/2050. (SD1)	JDL, WAM
HB 814, HD1, SD1 (SSCR906) Testimony Status	RELATING TO PUBLIC EMPLOYMENT. Limits the Employer-Union Health Benefits Trust Fund to providing group life insurance benefits only to retired employees who retired before July 1, 2011. Maintains the flat dollar contribution for the group life benefit of retired employees and repeals the annual adjustment. Repeals provisions pertaining to the negotiation of group life insurance contributions for active employees. Effective July 1, 2050. (SD1)	JDL, WAM
HB 1001, HD2, SD1 (SSCR908) Testimony Status	MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES. Makes appropriations for claims against the State, its officers, and its employees. Effective July 1, 2030. (SD1)	JDL, WAM
HB 1009, HD2, SD1 (SSCR954) Testimony Status	RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER. Allows the State to retain fingerprints of employment and licensing applicants for whom criminal history record checks are authorized statutorily so that the State can implement a statewide "Rap Back" program. Effective July 1, 2050. (SD1)	JDL, WAM
HB 1035, HD1 (SSCR960) Testimony Status	RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM. Institutes a moratorium on the enhancement of Employees' Retirement System benefits until the system's funded ratio is one hundred per cent. (HB1035 HD1)	JDL, WAM
HB 1038, HD2, SD1 (SSCR984) Testimony Status	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. Makes various revisions to the employees' retirement system. (SD1)	JDL, WAM
HB 1070, HD2, SD1 (SSCR907) Testimony Status	RELATING TO CONDITIONAL RELEASE TIMEFRAMES. Specifies that any person acquitted on the grounds of a physical or mental defect and who was charged with a petty misdemeanor, misdemeanor, or violation can be granted conditional release for no more than one year. (SD1)	JDL, WAM



<u>HB 1076, HD1, SD1</u> (SSCR957) <u>Testimony</u>	RELATING TO EMPLOYMENT SECURITY LAW. Earmarks 2009 special administrative transfer for payment of Unemployment Insurance program administrative expenses. Effective July 1, 2050. (SD1)	JDL, WAM
<u>Status</u>		
HB 1085, HD2, SD1 (SSCR912) Testimony Status	RELATING TO CONTROLLED SUBSTANCES. This measure amends Chapter 329, Hawaii Revised Statutes, to bring the Hawaii statutes on controlled substances to be consistent with the federal laws on controlled substances, and increases the fee for the registration certificate for qualifying patients for medical marijuana. Effective July 1, 2050. (SD1)	JDL, WAM
HB 1092, HD1, SD1 (SSCR986) Testimony Status	RELATING TO TAXATION. Provides for the taxation of the pension income of: (1) An individual filer with federal adjusted gross income of \$100,000 or more; (2) A head of household with federal adjusted gross income of \$150,000 or more; and (3) A joint or surviving spouse filer with federal adjusted gross income of \$200,000 or more. Makes the deduction for state taxes paid inoperative for the same taxpayers. Effective upon its approval and applicable to taxpayer years beginning after December 31, 2010. (SD1)	JDL, WAM
HB 1138, SD1 (SSCR956) Testimony Status	RELATING TO ATTORNEY'S LIENS. Authorizes a lien on an attorney's firm for unpaid certified shorthand reporter services requested by the attorney. Provides that attorney's liens shall attach to judgments, decrees, orders, settlements, and awards pursuant to a court order or arbitration proceeding. (SD1)	JDL, WAM
HB 1513, HD1, SD1 (SSCR955) Testimony Status	RELATING TO THE WEED AND SEED STRATEGY. Establishes a permanent weed and seed program within DLIR. Appropriates funds. (SD1)	JDL, WAM
HB 121, HD1, SD1 (SSCR822) Testimony Status	MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL. Makes appropriations for the operational expenses of the Hawaii Civil Air Patrol. Effective July 1, 2050. (SD1)	PGM, WAM
HB 130, HD1 (SSCR812) Testimony Status	RELATING TO COMMUNITY REINTEGRATION. Requires the Department of Public Safety to determine the number of women who are eligible for reintegration into the community and contract with providers of gender-responsive community services to assist women in successfully transitioning back into the community. Effective July 1, 2020. (HB130 HD1)	PGM, WAM
HB 270, SD1 (SSCR890) Testimony Status	RELATING TO THE COUNTIES. Eliminates the public auction requirement for the disposition of easements on county property for a specific purpose. (SD1)	PGM/WLH, WAM



HB 277, HD2, SD1	RELATING TO MILITARY AFFAIRS.	PGM, WAM
(SSCR969)	Establishes the Military Affairs Liaison Trust Fund as a separate fund of a nonprofit corporation, to support the nonprofit corporation in its	
Testimony	duties as the state liaison in matters relating to the military.	
<u>Status</u>	Appropriates funds for the trust fund. Effective July 1, 2030. (SD1)	
<u>HB 318, HD2, SD1</u>	RELATING TO VOG.	PGM, WAM
(SSCR813)	Establishes a County of Hawaii Interagency Task Force on Vog to discuss the impact of vog on the people of Hawaii and find ways to	
Testimony	address these issues. Effective July 1, 2050. (SD1)	
<u>Status</u>		
<u>HB 491, HD1</u>	RELATING TO PUBLIC SAFETY.	PGM, WAM
(SSCR835)	Requires the department of public safety to pursue and obtain accreditation for the sheriff division from the Commission on	
Testimony	Accreditation for Law Enforcement Agencies, Inc. Effective July 1,	
<u>Status</u>	2030. (HB491 HD1)	
HB 492, HD2, SD1	RELATING TO PUBLIC SAFETY.	PGM, WAM
(SSCR814)	Addresses the operational deficiencies of the sheriff division of the department of public safety that were highlighted in the auditor's audit	
Testimony	of the division. (SD1)	
<u>Status</u>		
HB 605, HD2, SD1	RELATING TO PUBLIC SAFETY.	PGM, WAM
(SSCR927)	Establishes a reduced ignition propensity cigarette program special fund for the state fire council to administer and provide staff for the	
Testimony	reduced ignition propensity cigarette program. Effective 07/01/2050.	
<u>Status</u>	(SD1)	
<u>HB 915, HD2, SD1</u>	RELATING TO CONVEYANCE TAX.	PGM, WAM
(SSCR903)	Requires the Director of Taxation to provide the administrator of each county's real property assessment division with an image of all	
Testimony	certificates of conveyances filed with the Bureau of Conveyances	
<u>Status</u>	within ten days after the end of each week. Effective July 1, 2050. (SD1)	
<u>HB 985, HD2, SD1</u>	RELATING TO PROCUREMENT.	PGM, WAM
(SSCR904)	Establishes the use of the design-build process where the cost of preparing proposals is high, relative to the size, estimated price, and	
Testimony	complexity of the project. Authorizes a two-part process where	
<u>Status</u>	prequalified applicants will be short-listed to submit design proposals. The short list shall be publically disclosed. Allows for payment of a	
	conceptual design fee to nonselected offerors. Effective July 1, 2050. (SD1)	
<u>HB 1000, HD2, SD1</u>	RELATING TO ENHANCED 911 SERVICES.	PGM/EDT, WAM
(SSCR837)	Establishes a single entity to administer enhanced 911 services for the State and expands the membership and responsibilities of the enhanced	
<u>Testimony</u>	911 board. Effective July 1, 2050. (SD1)	
<u>Status</u>		



HB 1036, HD1, SD1 (SSCR970) Testimony Status	RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM. Adopts language, regarding death benefits for Employees' Retirement System member on qualified military service, required to maintain the tax-qualified status of the Employees' Retirement System and adopts provisions, for the commencement of benefits, required to maintain the tax qualified status of the Employees' Retirement System. (SD1)	PGM/JDL, WAM
HB 1626, HD1, SD1 (SSCR836) Testimony Status	RELATING TO FUEL TAXES. Permits the County of Hawaii to appropriate the County's share of fuel tax revenue for the maintenance of substandard private subdivision roads that are used by the public. Sunsets June 30, 2016. Effective July 1, 2030. (SD1)	PGM, WAM
HB 505, HD2, SD1 (SSCR851) Testimony Status	RELATING TO FLOOD MITIGATION. Appropriates funds for flood mitigation on various recurring flooded areas of the State due to heavy rains. Effective July 1, 2011. (SD1)	TIA/PGM, WAM
HB 775 (SSCR883) Testimony Status	RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND. Transfers all moneys in the photo enforcement revolving fund to the general fund.	TIA, WAM
HB 1039, HD1, SD1 (SSCR886) Testimony Status	RELATING TO TRANSPORTATION. Provides further rent relief to airport concessions that do not have a self-adjusting rent formula. Extends sunset of Act 33, First Special Session Laws of Hawaii 2009. (SD1)	TIA, WAM
HB 1568, HD2, SD1 (SSCR882) Testimony Status	RELATING TO AGRICULTURE. Authorizes the department of agriculture to reimburse in full the department of transportation and the Aloha Tower development corporation for the design and construction of biosecurity and inspection facilities at the Aloha Tower complex. Authorizes the DOA to reimburse in full the DOT for the design and construction of biosecurity and inspection facilities at airports and harbors. (SD1)	TIA/AGL, WAM
HB-331, HD2, SD1 (SSCR950) Testimony Status	RELATING TO PUBLIC LANDS. Restricts the rental period of certain leases granted by the board of land and natural resources to not more than 65 years. Amends the definition of "wildlife" in chapter 197, Hawaii Revised Statutes, to include certain mammals that are non-domesticated but have been obtained after being reared, including but not limited to wild pigs, deer, and rabbits. Prohibits the introduction of wildlife on public or private lands by any persons without the authorization of the department of land and natural resources. (SD1)	WLH, WAM (Measure deleted on 03-29-11)



HB 389, HD3, SD1 (SSCR951) Testimony Status	RELATING TO LAND USE. Establishes the Heeia community development district in Koolaupoko, Oahu. (SD1)	WLH, WAM
HB 496, SD1 (SSCR933) Testimony Status	RELATING TO LAKE WILSON. Establishes a pilot project within the department of land and natural resources to demonstrate the effectiveness of phytoremediation using plants that are native to Hawaii to remove pollutants and improve water clarity in Lake Wilson; appropriates funds for the project. (SD1)	WLH/ENE, WAM
HB 744, HD1, SD1 (SSCR934) Testimony Status	RELATING TO DAM SAFETY. Provides that certain dams and related reservoirs designated as important agricultural lands shall be included in the total area calculation for important agricultural lands. Establishes a dam safety task force to recommend safety actions. Effective 7/1/2030. (SD1)	WLH, WAM
HB 850, HD1, SD1 (SSCR935) Testimony Status	RELATING TO FISHING. Designates the Lanai community-based fishery resource management area. Establishes the Lanai community-based fishery resource management area advisory committee to develop a community-based fishery resource management area program to implement traditional fishery management practices on the island of Lanai. Repeal upon adoption of rules to implement the aha kiole or aha moku management system. (SD1)	WLH, WAM
HB 1020, HD2, SD1 (SSCR937) Testimony Status	RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION. Revises the boundaries of the Aloha Tower Complex. Reduces the number of members of the board of directors of the Aloha Tower Development Corporation from seven to three. Places the Aloha Tower Development Corporation under the department of transportation for administrative purposes. Repeals the harbors modernization group. Makes appropriation. Effective 07/01/3000. (SD1)	WLH, WAM
HB 1079, HD2, SD1 (SSCR938) Testimony	RELATING TO FEES FOR HABITAT CONSERVATION PLANS. Authorizes the department of land and natural resources to collect fees to cover the technical assistance program costs associated with habitat conservation plans, and adopt rules for establishing such fees. (SD1)	WLH, WAM
<u>Status</u> <u>HB 1082, HD1, SD1</u> <u>(SSCR943)</u> <u>Testimony</u> <u>Status</u>	RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND. Establishes the conservation and resources enforcement special fund in the department of land and natural resources for the purpose of setting aside moneys to be used toward the protection of the State's natural, cultural, and historic resources. (SD1)	WLH, WAM



HB 1164, HD1, SD1 (SSCR942) Testimony Status	RELATING TO PUBLIC LANDS. Authorizes the department of land and natural resources to consider the exchange of Sand Island parcels to leaseholders; requires a report of findings and recommendation to the legislature. Effective 07/01/2050. (SD1)	WLH, WAM
HB 1312, HD2, SD1 (SSCR941) Testimony Status	RELATING TO SMALL BOAT HARBORS. Provides that state fast lands and submerged lands may be leased. Provides for the lease of fast lands and submerged lands of the Ala Wai boat harbor pursuant to requests for proposals. Effective July 1, 2030. (SD1)	WLH, WAM
HB 1505, HD2, SD1 (SSCR940) Testimony Status	RELATING TO STATE FACILITIES. Establishes the state facility renovation partnership program. Effective July 1, 2030. (SD1)	WLH, WAM
HB 1566, HD1, SD1 (SSCR939) Testimony Status	RELATING TO SMALL BOAT HARBORS. Exempts Ala Wai boat harbor from assessment and special improvement district requirements regarding redevelopment. Clarifies the permissible uses of leased state boating facility properties to include ocean recreation activities. Extends the maximum term for the disposition of public lands of state boating facilities to sixty-five years. Requires any fees collected within the small boat harbors to be expended only for costs relating to the operation, upkeep, maintenance, and improvement of small boat harbors. Permits commercial permits in Ala Wai and Keehi small boat harbors. Provides for future mooring fees to be established by appraisal by a state-licensed appraiser. Authorizes the department of land and natural resources to assess and collect utility and common area maintenance fees. Directs the department of land and natural resources to use a request for proposals to develop a portion of Ala Wai small boat harbor. Effective July 1, 2030. (SD1)	WLH, WAM

Decision making meeting only, no public testimony will be accepted.

Persons wishing to offer written comments may do so in one of the following ways by 4:00 p.m. the day prior to the hearing:

- By Email: Email if less than 5 pages in length, to Committee at WAMTestimony@Capitol.hawaii.gov. Please indicate the measure, date and time of the hearing. Email sent to individual office or any other Senate office will not be accepted.
- By Web: Online if less than 4MB in size, at http://www.capitol.hawaii.gov/emailtestimony.
- In person: One copy of comments to the Committee Clerk, Room 211, State Capitol.
- By fax: Fax if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the comments are being submitted and the date and time of the hearing.

<u>Please note:</u> If you submit your written comments after 4:00 p.m. the day prior to the hearing, a copy of your comments may not be available during the hearing but will be posted online after the hearing.



<u>Please note:</u> All comments received by the Hawaii Senate will be posted on the Hawaii Legislature's will be posted on the Hawaii Legislature's Website. Documents made available through the hyperlink (s) above may not be posted until the start of the hearing.

FOR AMENDED HEARING NOTICES: If the notice is an amended notice, measures that have been deleted are stricken through and measures that have been added are underscored. If there is a measure that is both underscored and stricken through, that measure has been deleted from the agenda.

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If you require special assistance or auxiliary aids or services to participate in the public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the committee clerk 24 hours prior to the hearing so arrangements can be made.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6800.

