

A Bill for an Act Relating to Statutory Revision: Amending, Reenacting, or Repealing Various Provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the Purpose of Correcting Errors and References, Clarifying Language, and Deleting Obsolete or Unnecessary Provisions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 53-7, Hawaii Revised Statutes, is amended to read as follows:

“§53-7 Urban renewal projects in disaster areas. Notwithstanding any other provisions of this chapter, where the council of a county certifies that an area within the county is in need of renewal, redevelopment, or rehabilitation as a result of a seismic wave, flood, fire, hurricane, earthquake, storm, volcanic activity, explosion, or other catastrophe, natural or of human origin (herein called “disaster area”) respecting which the governor of the State has certified the need for disaster assistance under Public Law 875, Eighty-first Congress (64 Stat. 1109), or other federal law, the council of a county may approve an urban renewal plan and an urban renewal project with respect to the area without regard to:

- (1) The provisions of this chapter as follows: [paragraphs (10) and (16) of] the definitions of “redevelopment area” and “urban area” in section 53-1; the proviso of the first sentence of paragraph (4) of section 53-5; the requirements for housing of displaced families, approval of the plan by planning commission, public hearings and findings required by the county council prior to the approval of the plan as contained in section 53-6, provided that the limitation of time in which to contest validity of the proceedings or of the renewal plan provided in section 53-6 in the case of an urban renewal project for disaster areas shall be twenty days instead of thirty days; the exceptions set forth in the second sentence of section 53-20; the proviso of the second sentence of section 53-21; and
- (2) Any of the provisions of this chapter requiring public hearings or requiring that the urban renewal plan conform to the master plan for the development of the county or locality as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential use.

In the preparation, planning, financing, acquisition, and disposal of real property, and the execution generally of an urban renewal project for disaster areas, a redevelopment agency shall have all of the rights, powers, privileges, and immunities conferred upon the agency by this chapter including any amendment thereof or addition thereto, or by any other law, in the same manner as though all provisions of law relating to urban renewal projects were applicable to the redevelopment and renewal of the disaster areas as in this section provided, subject to the exceptions hereinabove set forth.”

SECTION 2. Section 53-53, Hawaii Revised Statutes, is amended to read as follows:

“§53-53 Powers with respect to urban renewal. A redevelopment agency shall have all the powers necessary or convenient to undertake and carry out all urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept

grants from the federal government or any other source, and to exercise the other powers which this chapter confers on an agency with respect to redevelopment projects. For the purposes of this part in connection with the planning and undertaking of any urban renewal plan or urban renewal project, the agency, the county, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of part I of this chapter applicable to a redevelopment plan or redevelopment project were therein expressly made applicable to an urban renewal plan or urban renewal project; and for such purposes as used in part I and in this part elsewhere than in this section, except where the context clearly indicates such meaning to be inappropriate or as otherwise expressly provided in this section:

- (1) The word “redevelopment” (elsewhere than in [[paragraph] (13) of section 53-1) means “urban renewal”;
- (2) The word “slum” and the word “blighted” (elsewhere than in [[paragraph] (3) of] section 53-1) mean “blighted, deteriorated, or deteriorating”;

provided (A) that nothing in this part shall be deemed to change the meaning of the terms “local redevelopment agency” or “agency,” or the corporate name of any local redevelopment agency; and (B) that the finding by the council that the project area is a blighted area prescribed by section 53-6 shall not be required.

In addition to the surveys and plans which an agency otherwise may make, an agency may make (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (2) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The agency may develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and other urban blight.”

SECTION 3. Section 76-28, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“§76-28 [Notices] Forms required of appointing authorities.”

SECTION 4. Section 291-11.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Violation of this section shall be considered an offense as defined under section 701-107(5) and shall subject the violator to the following penalties:

- (1) For a first conviction, the person shall:
 - (A) Be fined not more than \$100;
 - (B) Be required by the court to attend a child passenger restraint system safety class conducted by the division of driver education; provided that:
 - (i) The class may include video conferences as determined by the administrator of the division of driver education as an alternative method of education; and
 - (ii) The class shall not exceed four hours; and
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3;
- (2) For a conviction of a second offense, the person shall:
 - (A) Be fined not more than \$200;

- (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class; and
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger ☐restraint☐ system safety class conducted by the division of driver education; and
- (3) For a conviction of a third or subsequent offense, the person shall:
- (A) Be fined not more than \$500;
 - (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class; and
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger ☐restraint☐ system safety class conducted by the division of driver education."

SECTION 5. Section 291C-133, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"☐§291C-133 Waste material falling from motor vehicles.☐"

SECTION 6. Section 323D-82, Hawaii Revised Statutes, is amended to read as follows:

"☐§323D-82☐ Maintenance of services. A person who has acquired or is engaged in the acquisition of a hospital shall not substantially reduce ☐or☐ eliminate direct patient care services at the hospital below the levels at which those services were available at the time of the acquisition, without first giving written notice of the planned reduction or elimination to the agency and receiving the agency's approval, prior to implementing the reduction or elimination of services."

SECTION 7. Section 342P-28, Hawaii Revised Statutes, is amended to read as follows:

"§342P-28 Fees. The director may establish reasonable fees for the issuance of notifications, certificates, licenses, permits, and variances to cover the cost of issuance thereof, and for the implementation and enforcement of the terms and conditions of permits and variances not including court costs or other costs associated with any formal enforcement action. The fees shall be deposited to the credit of the asbestos and lead abatement special fund ☐or☐ noise, radiation, and indoor air quality special fund."

SECTION 8. Section 351-62.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The court shall impose a compensation fee upon every convicted defendant who is or will be able to pay the compensation fee. The amount of the compensation fee shall be commensurate with the seriousness of the offense as follows:

- (1) Not less than \$100 nor more than \$500 for conviction of a felony;
- (2) \$50 for conviction of a misdemeanor; and

(3) \$25 for conviction of a petty misdemeanor.

The compensation fee shall be separate from any fine that may be imposed under section 706-640 and shall be in addition to any other disposition under this chapter; provided that the court shall waive the imposition of a compensation fee if the defendant is unable to pay the compensation fee. Moneys from the compensation fees shall be deposited into the [[]crime victim compensation special fund[]] under section 351-62.5."

SECTION 9. Section 351-64.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The person liable shall, in the discretion of the commission, either repay any amount to the crime victim compensation [[]special fund[]] or have such amount deducted from any future compensation payable to the person under this chapter."

SECTION 10. Section 351-70, Hawaii Revised Statutes, is amended to read as follows:

"§351-70 Annual report. The commission shall transmit annually to the governor and to the director of public safety, at least thirty days prior to the convening of the legislature a report of its activities under this chapter including a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the names of attorneys and health care providers where they are the applicants. The director of public safety shall, within five days after the opening of the legislative session, transmit the report, together with a tabulation of the total amount of compensation awarded during the prior fiscal year and an estimate of the amount that is reasonably estimated to be required for the next fiscal year, and a legislative bill to appropriate funds for the crime victim compensation [[]special fund[]] for the next fiscal year. The commission shall provide upon request of the governor, the director of public safety, or the legislature, the relevant data, including the names of all applicants for compensation, under this chapter."

SECTION 11. Section 351-84, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Moneys deposited into the special account shall be used first as provided in section 351-83, if necessary, and then to reimburse the crime victim compensation [[]special fund[]] for payments made pursuant to this chapter for the crime committed by the convicted person."

SECTION 12. Section 354D-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Proceeds and wages owed to a qualified, able-bodied inmate from the sale of goods or services that were produced by the qualified, able-bodied inmate under a program authorized by this chapter shall be held in an account maintained by the department and paid:

- (1) To the crime victim compensation [[]special fund[]] on a quarterly basis in amounts representing not less than five per cent nor more than twenty per cent of the earnings of all inmates in the State incarcerated for a violent crime listed in section 351-32; provided that these payments shall be mandatory and shall in no way relate to any claim filed under chapter 351; and provided further that the director shall submit

timely annual reports to the legislature and the crime victim compensation commission on the amounts paid pursuant to this paragraph during the previous fiscal year;

- (2) To support the qualified, able-bodied inmate's dependents in amounts deemed appropriate by the department after consultation with the department of human services;
- (3) Into trust funds that may be established for the qualified, able-bodied inmate and shall be payable upon the inmate's release; and
- (4) Into the correctional industries revolving fund, for costs incident to the qualified, able-bodied inmate's confinement in an amount determined by the department, but not to exceed twenty per cent of the proceeds and wages."

SECTION 13. Section 431:14A-103, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The company is exempt from participation, and shall not join, contribute financially to, nor be entitled to the protection of, any plan, association, guaranty, insolvency fund, [[or education[]]] and training fund authorized or required by this chapter. Notwithstanding the foregoing exemptions, beginning January 1, 2008, the company shall participate in the property and liability insurance guaranty association, pursuant to sections 431:16-101 to 431:16-117; provided that the company shall meet the surplus requirements applicable to all other domestic insurers under chapter 431 effective January 1, 2008."

SECTION 14. Section 468M-17, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"[[§468M-17[]] Rules [and regulations]."

SECTION 15. Section 485-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) This section shall not apply to any dealer that is registered under the Securities Exchange Act of 1934 or to an investment adviser that maintains its principal place [[of business[]]] in a state other than this State; provided the investment adviser is registered in the state where it maintains its principal place of business and is in compliance with that state's recordkeeping requirements, if any. The commissioner may require:

- (1) The filing of any financial or operational report that is required to be filed under the Securities Exchange Act of 1934 or under the laws of the state where an investment adviser maintains its principal place of business; and
- (2) The production of any document, in accordance with the procedures set forth in subsection (a), required to be maintained by a dealer registered under the Securities Exchange Act of 1934 or by the state in which an investment adviser maintains its principal place of business."

SECTION 16. Section 571-84, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The records of any police department, and of any juvenile crime prevention bureau thereof, relating to any proceedings authorized under section 571-11 shall be confidential and shall be open to inspection and use only by persons

whose official duties are concerned with this chapter, except as provided in subsections (d)[, (f), and (j)] and (f) or as otherwise ordered by the court.”

SECTION 17. Section 706-646, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) The court may order the defendant to make restitution for losses suffered by the victim or victims as a result of the defendant’s offense. The court may order restitution to be paid to the [[crime victim compensation commission]] in the event that the victim has been given an award for compensation under chapter 351.”

SECTION 18. Section 709-906, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“§709-906 Abuse of family [and] or household members; penalty.”

SECTION 19. Section 712A-4, Hawaii Revised Statutes, is amended to read as follows:

“§712A-4 Covered offenses. Offenses for which property is subject to forfeiture under this chapter are:

- (a) All offenses which specifically authorize forfeiture;
- (b) Murder, kidnapping, gambling, criminal property damage, robbery, bribery, extortion, theft, unauthorized entry into motor vehicle, burglary, money laundering, [[trademark counterfeiting,]] insurance fraud, promoting a dangerous, harmful, or detrimental drug, or commercial promotion of marijuana, which is chargeable as a felony offense under state law;
- (c) The manufacture, sale, or distribution of a controlled substance in violation of chapter 329, promoting detrimental drugs or intoxicating compounds, promoting pornography, promoting pornography for minors, or promoting prostitution, which is chargeable as a felony or misdemeanor offense, but not as a petty misdemeanor, under state law; and
- (d) The attempt, conspiracy, solicitation, coercion, or intimidation of another to commit any offense for which property is subject to forfeiture.”

SECTION 20. Act 240, Session Laws of Hawaii 1991, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval[, and shall be repealed on June 30, 1993].”

SECTION 21. Act 53, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 1 to read as follows:

“SECTION 1. Section [76-28,] 76-56, Hawaii Revised Statutes, is amended to read as follows:”

SECTION 22. Act 78, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 3 to read as follows:

“SECTION 3. Act 202, Session Laws of Hawaii [1998,] 1988, as amended by Act 111, Session Laws of Hawaii 1994, is amended by amending section 3 to read as follows:”

SECTION 23. Act 176, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 6 to read as follows:

“SECTION 6. [Chapter] Section 171-2, Hawaii Revised Statutes, is amended to read as follows:”

SECTION 24. Act 219, Session Laws of Hawaii 1998, is amended by amending section 6 to read as follows:

“SECTION 6. Section 501-20, Hawaii Revised Statutes, is amended by adding five new [definition] definitions to be appropriately inserted and to read as follows:

“[**§501-20 Definitions.** As used in this chapter, unless the context otherwise requires:]

“Apartment lease” means an apartment lease, a condominium conveyance document, an apartment deed and ground lease, or other instrument which has been registered pursuant to section 501-121 and which leases or subleases a condominium apartment or its appurtenant undivided interest in the land of a condominium project established or existing under the condominium property act or at common law.

“Leasehold time share interest” means a time share interest consisting of an undivided interest in an apartment lease.

“Notice of time share plan” means a notice of time share plan as that term is defined in chapter 514E.

“Time share interest” means a time share interest as that term is defined in chapter 514E.

“Time share plan” means a time share plan as that term is defined in chapter 514E.””

SECTION 25. Act 229, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 1 to read as follows:

“SECTION 1. Chapter 323F, Hawaii Revised Statutes, is amended by adding [three] two new sections to be appropriately designated and to read as follows:”

SECTION 26. Act 242, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 7 to read as follows:

“SECTION 7. Section 342P-5, Hawaii Revised Statutes, is amended by amending the title and subsections (a) and (b) to read as follows:”

SECTION 27. Act 311, Session Laws of Hawaii 1998, is amended by amending the prefatory language in section 15 to read as follows:

“SECTION 15. Section 321-27, Hawaii Revised Statutes, is amended [by amending its title and subsections (a) and (b)] to read as follows:”

SECTION 28. This Act shall be amended to conform to all other acts passed by the legislature during this regular session of 1999, whether enacted before or after the effective date of this Act, unless the other acts specifically provide otherwise.

SECTION 29. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 30. This Act shall take effect upon its approval; provided that:

1. Section 20, amending section 4 of Act 240, Session Laws of Hawaii 1991, shall not affect the amendments made by section 1 of Act 240, Session Laws of Hawaii 1991;
2. Section 21 shall take effect retroactive to April 29, 1998;
3. Section 22 shall take effect retroactive to May 19, 1998;
4. Section 23 shall take effect retroactive to July 1, 1998;
5. Section 24 shall take effect on July 1, 1999;
6. Section 25 shall take effect retroactive to June 1, 1998;
7. Section 26 shall take effect retroactive to July 20, 1998; and
8. Section 27 shall take effect retroactive to July 1, 1998.

(Approved April 15, 1999.)