

ACT 10

S.B. NO. 2278

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 39A-256, Hawaii Revised Statutes, is amended to read as follows:

**“~~[§39A-256]~~ Issuance of special purpose revenue bonds to finance projects.** In addition to the other powers that it may otherwise have, the department may issue special purpose revenue bonds to finance or refinance the costs of facilities of or for project parties or to loan the proceeds of such bonds to assist project parties. All revenue bonds issued under this part are special purpose revenue bonds, and the provisions of part III of chapter 39 shall not apply. All special purpose revenue bonds shall be issued in the name of the department and not in the name of the State.

In determining the cost of any project, the department may also include the following: financing charges, fees, the expenses of trustees, and the cost of paying agents to issue special purpose revenue bonds to fund the project; interest on the

bonds and the expenses of the State in connection with the bonds and the project to be financed or refinanced from the proceeds of the bonds accruing or incurred prior to and during the period of construction, not to exceed twelve months thereafter; amounts necessary to establish or increase reserves for the special purpose revenue bonds; the cost of plans, specifications, studies, surveys, and estimates of costs and of revenues; other expenses incidental to determining the feasibility or practicability of the project; administration expenses; the cost of interest incurred by the project party with respect to the project prior to the issuance of the special purpose revenue bonds; fees and expenses incurred in connection with the refinancing of outstanding obligations; other costs, commissions, and expenses incidental to the construction, acquisition, reconstruction, renovation, rehabilitation, improvement, betterment, operation, or extension of the project; the financing or refinancing of the project and placing the project in operation; and the issuance of the special purpose revenue bonds, whether incurred prior to or after the issuance of such bonds.

The legislature finds and determines that the exercise of the powers vested in the department by this part constitutes assistance to not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities serving the general public and that the issuance of special purpose revenue bonds to finance or refinance facilities of or for project parties or to loan the proceeds of the bonds to assist project parties is in the public interest. The legislature also finds and determines that the exercise of the powers vested in the department by this part are pursuant to separate acts of the legislature, each of which shall be enacted in a nondiscriminatory manner on the basis of neutral, secular criteria and will not in any manner violate the First Amendment of the Constitution of the United States or article I, section [[4]], of the Constitution of the State of Hawaii.”

SECTION 2. Section 88-103.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The employees’ retirement system shall:

- (1) Disclose to the [~~Hawaii public employees health fund~~] Hawaii employer-union health benefits trust fund and employee organizations information related to the administration of pension, annuity, or retirement allowance deductions, as follows: name, social security number, and amounts and dates of both voluntary and mandatory deductions remitted to the recipient; and
- (2) Release the records of its retirants and beneficiaries to the [~~Hawaii public employees health fund~~] Hawaii employer-union health benefits trust fund for the disbursement of payments authorized under section [~~87-27.~~] 87A-23.”

SECTION 3. Section 88D-3, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The employer shall reimburse employees under the age of fifty-five who elect a withdrawal [~~of~~] their entire account balance from the special pay plan within sixty days from the date that the employee separated from service, an amount equal to the difference between the FICA and medicare tax savings to the employee, and any early withdrawal penalty imposed by the Internal Revenue Service.”

SECTION 4. Section 89-9, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The employer and the exclusive representative shall meet at reasonable times, including meetings sufficiently in advance of the [~~April 16~~] February 1 impasse date under section 89-11, and shall negotiate in good faith with respect to wages, hours, the amounts of contributions by the State and respective counties to

the [~~Hawaii public employees health fund~~] Hawaii employer-union health benefits trust fund to the extent allowed in subsection (e), and other terms and conditions of employment which are subject to collective bargaining and which are to be embodied in a written agreement as specified in section 89-10, but such obligation does not compel either party to agree to a proposal or make a concession; provided that the parties may not negotiate with respect to cost items as defined by section 89-2 for the biennium 1999 to 2001, and the cost items of employees in bargaining units under section 89-6 in effect on June 30, 1999, shall remain in effect until July 1, 2001."

2. By amending subsections (d) and (e) to read:

"(d) Excluded from the subjects of negotiations are matters of classification, reclassification, benefits of but not contributions to the [~~Hawaii public employees health fund,~~] Hawaii employer-union health benefits trust fund, recruitment, examination, initial pricing, and retirement benefits except as provided in section 88-8(h). The employer and the exclusive representative shall not agree to any proposal which would be inconsistent with the merit principle or the principle of equal pay for equal work pursuant to section 76-1 or which would interfere with the rights and obligations of a public employer to:

- (1) Direct employees;
- (2) Determine qualifications, standards for work, and the nature and contents of examinations;
- (3) Hire, promote, transfer, assign, and retain employees in positions;
- (4) Suspend, demote, discharge, or take other disciplinary action against employees for proper cause;
- (5) Relieve an employee from duties because of lack of work or other legitimate reason;
- (6) Maintain efficiency and productivity, including maximizing the use of advanced technology, in government operations;
- (7) Determine methods, means, and personnel by which the employer's operations are to be conducted; and
- (8) Take such actions as may be necessary to carry out the missions of the employer in cases of emergencies.

The employer and the exclusive representative may negotiate procedures governing the promotion and transfer of employees to positions within a bargaining unit; the suspension, demotion, discharge, or other disciplinary actions taken against employees within the bargaining unit; and the layoff of employees within the bargaining unit. Violations of the procedures so negotiated may be subject to the grievance procedure in the collective bargaining agreement.

(e) Negotiations relating to contributions to the [~~Hawaii public employees health fund~~] Hawaii employer-union health benefits trust fund shall be for the purpose of agreeing upon the amounts which the State and counties shall contribute under section 87-4, toward the payment of the costs for a health benefits plan, as defined in section 87-1(8), and group life insurance benefits, and the parties shall not be bound by the amounts contributed under prior agreements; provided that section 89-11 for the resolution of disputes by way of arbitration shall not be available to resolve impasses or disputes relating to the amounts the State and counties shall contribute to the [~~Hawaii public employees health fund,~~] Hawaii employer-union health benefits trust fund."

SECTION 5. Section 89-11, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

"(d) If an impasse exists between a public employer and the exclusive bargaining representative of bargaining unit (1), nonsupervisory employees in blue collar positions; bargaining unit (5), teachers and other personnel of the department

of education; or bargaining unit (7), faculty of the University of Hawaii and the community college system, the board shall assist in the resolution of the impasse as follows:

- (1) Voluntary mediation. During the first twenty days of the date of impasse, either party may request the board to assist in a voluntary resolution of the impasse by appointing a mediator or mediators, representative of the public from a list of qualified persons maintained by the board;
- (2) Mediation. If the impasse continues more than twenty days, the board shall appoint a mediator or mediators representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse. The board may compel the parties to attend mediation, reasonable in time and frequency, until the fiftieth day of impasse. Thereafter, mediation shall be elective with the parties, subject to the approval of the board;
- (3) Report of the board. The board shall promptly report to the appropriate legislative body or bodies the following circumstances as each occurs:
  - (A) The date of a tentative agreement and whether the terms thereof are confidential between the parties;
  - (B) The ratification or failure ~~[[of]]~~ ratification of a tentative agreement;
  - (C) The signing of a tentative agreement;
  - (D) The terms of a tentative agreement; or
  - (E) On or about the fiftieth day of impasse, the failure of mediation. The parties shall provide the board with the requisite information; and
- (4) After the fiftieth day of impasse, the parties may resort to such other remedies that are not prohibited by any agreement pending between them, other provisions of this chapter, or any other law.”

2. By amending subsection (g) to read:

“(g) The decision of the arbitration panel shall be final and binding upon the parties on all provisions submitted to the arbitration panel. If the parties have reached agreement with respect to the amounts of contributions by the State and counties to the ~~[Hawaii public employees health fund]~~ Hawaii employer-union health benefits trust fund by the tenth working day after the arbitration panel issues its decision, the final and binding agreement of the parties on all provisions shall consist of the panel’s decision and the amounts of contributions agreed to by the parties. If the parties have not reached agreement with respect to the amounts of contributions by the State and counties to the ~~[Hawaii public employees health fund]~~ Hawaii employer-union health benefits trust fund by the close of business on the tenth working day after the arbitration panel issues its decision, the parties shall have five days to submit their respective recommendations for such contributions to the legislature, if it is in session, and if the legislature is not in session, the parties shall submit their respective recommendations for such contributions to the legislature during the next session of the legislature. In such event, the final and binding agreement of the parties on all provisions shall consist of the panel’s decision and the amounts of contributions established by the legislature by enactment, after the legislature has considered the recommendations for such contributions by the parties. It is strictly understood that no member of a bargaining unit subject to this subsection shall be allowed to participate in a strike on the issue of the amounts of contributions by the State and counties to the ~~[Hawaii public employees health fund.]~~ Hawaii employer-union health benefits trust fund. The parties shall take whatever action is necessary to carry out and effectuate the final and binding agreement. The parties may, at any time and by mutual agreement, amend or modify the panel’s decision.

Agreements reached pursuant to the decision of an arbitration panel and the amounts of contributions by the State and counties to the [~~Hawaii public employees health fund,~~] Hawaii employer-union health benefits trust fund, as provided herein, shall not be subject to ratification by the employees concerned. All items requiring any moneys for implementation shall be subject to appropriations by the appropriate legislative bodies and the employer shall submit all such items within ten days after the date on which the agreement is entered into as provided herein, to the appropriate legislative bodies.”

SECTION 6. Section 195D-21, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) (1) Except as otherwise provided by law, the board, upon recommendation from the department, in cooperation with other state, federal, county, or private organizations and landowners, after a public hearing on the island affected, and upon an affirmative vote of not less than two-thirds of its authorized membership, may enter into a habitat conservation plan, if it determines that:

[(1)] (A) The plan will further the purposes of this chapter by protecting, maintaining, restoring, or enhancing identified ecosystems, natural communities, or habitat types upon which endangered, threatened, proposed, or candidate species depend within the area covered by the plan;

[(2)] (B) The plan will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan; and

[(3)] (C) The plan satisfies all the requirements of this chapter. In the event the board votes to enter into a habitat conservation plan for which the majority of the endangered species recovery committee recommended disapproval, the board may not enter into the habitat conservation plan unless the plan is approved by a two-thirds majority vote of both houses of the legislature. Habitat conservation plans may allow conservation rental agreements, habitat banking, and direct payments. Any habitat conservation plan approved pursuant to this section shall be based on the best available scientific and other reliable data available at the time the plan is approved.

(2) Each habitat conservation plan shall:

[(1)] (A) Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan; and the endangered, threatened, proposed, and candidate species known or reasonably expected to be present in those ecosystems, natural communities, or habitat types in the plan area;

[(2)] (B) Describe the activities contemplated to be undertaken within the plan area with sufficient detail to allow the department to evaluate the impact of the activities on the particular ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan;

[(3)] (C) Identify the steps that will be taken to minimize and mitigate all negative impacts, including without limitation the impact of any authorized incidental take, with consideration of the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed; and the funding that will be available to implement those steps;

- [(4)] (D) Identify those measures or actions to be undertaken to protect, maintain, restore, or enhance the ecosystems, natural communities, or habitat types within the plan area; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or measures, including monitoring, are undertaken in accordance with the schedule;
- [(5)] (E) Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area;
- [(6)] (F) Provide reasonable certainty that the ecosystems, natural communities, or habitat types will be maintained in the plan area, throughout the life of the plan, in sufficient quality, distribution, and extent to support within the plan area those species typically associated with the ecosystems, natural communities, or habitat types, including any endangered, threatened, proposed, and candidate species known or reasonably expected to be present in the ecosystems, natural communities, or habitat types within the plan area;
- [(7)] (G) Contain objective, measurable goals, the achievement of which will contribute significantly to the protection, maintenance, restoration, or enhancement of the ecosystems, natural communities, or habitat types; time frames within which the goals are to be achieved; provisions for monitoring (such as field sampling techniques), including periodic monitoring by representatives of the department or the endangered species recovery committee, or both; and provisions for evaluating progress in achieving the goals quantitatively and qualitatively; and
- [(8)] (H) Provide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals.’’

SECTION 7. Section 201B-2, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The board shall appoint an executive director, exempt from chapters 76 and ~~[78,]~~ 88, who shall oversee the authority staff; provided that the compensation package, including salary, shall not exceed fifteen per cent of the 3.5 per cent authorized for administrative expenses under section 201B-11(c); and provided further that the compensation package shall not include private sector moneys or other contributions. The board shall set the executive director’s duties, responsibilities, holidays, vacations, leaves, hours of work, and working conditions. It may grant such other benefits as it deems necessary.’’

SECTION 8. Section 302A-482, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, a caregiver may consent on behalf of a minor to enrollment in school and to full participation in curricular and co-curricular school activities, if the caregiver possesses and presents to the department of education for inclusion in the minor’s file a valid affidavit for caregiver consent provided by the department of education and executed by the caregiver that shall include but not be limited to the following:

- (1) The caregiver’s name and current home address;
- (2) The birthdate of the caregiver;

- (3) The number of the caregiver's Hawaii driver's license or state identification card;
- (4) The relationship of the caregiver to the minor;
- (5) The name of the minor;
- (6) The birthdate of the minor;
- (7) The length of time the minor has resided with the caregiver;
- (8) The signature of the caregiver;
- (9) The signature of consent by the minor's parent, guardian, or legal custodian; provided that the signature of the minor's parent, guardian, or legal custodian shall not be necessary if the affidavit states that the caregiver has been unable to obtain the signature of the minor's parent, guardian, or legal custodian; and included a statement by the caregiver documenting the attempts to obtain the signature of the minor's parents, guardian, or legal custodian[-];
- (10) The minor's residency with the caregiver is not for the purpose of:
  - (A) Attending a particular school;
  - (B) Circumventing the department of education's district exemption process;
  - (C) Participating in athletics at a particular school; or
  - (D) Taking advantage of special services or programs offered at a particular school;
- (11) Notice has been provided by the caregiver to the child protective services unit of the department of ~~[[]human services[]]~~ if the minor covered by this affidavit is residing with the caregiver due to abuse or neglect perpetuated by the minor's parent;
- (12) The following statement:

“General Notices:

This declaration does not affect the rights of the minor's parent, guardian, or legal custodian regarding the care, custody, and control of the minor, and does not give the caregiver legal custody of the minor.

The minor's parent or legal custodian may at any time rescind this affidavit by informing the minor's school principal in writing that the minor is attending school under the authority of this affidavit and that this affidavit has been rescinded.

A person who relies on this affidavit has no obligation to conduct any further inquiry or investigation.

No person who relies in good faith on this affidavit shall be subject to civil or criminal liability or to professional disciplinary action because of that reliance.””

SECTION 9. Section 302A-805, Hawaii Revised Statutes, is amended to read as follows:

**“§302A-805 Teachers; license ~~[or credential]~~ required; renewals.** ~~[(a) Beginning with the 1997-1998 school year, no person shall serve as a teacher in a public school without first having obtained a license or credential from the department under this subpart. All licenses issued by the department shall be renewable every five years, if the licensee continues to satisfy the board's licensing standards. All credentials issued by the department shall be renewable every year, up to a maximum of three years, if the credential holder continues to satisfy the board's credentialing standards and actively pursues appropriate licensing. For the 2000-2001 and 2001-2002 school years only, the board may, on a case-by-case basis, extend a credential for one year, but no more than twice for any credential holder;~~

provided that the individual seeking an extension meets the following requirements and submits a written request to the board consisting of:

- (1) Copies of the department's form C with supporting documents that demonstrate active pursuit of and satisfactory progression in license requirements;
- (2) Documentation of extenuating circumstances that explain the need for an extension or lack of availability of programs and courses required for licensing;
- (3) Narrative evaluation from current and past school principals documenting teaching performance according to the board's performance standards;
- (4) Submittal of the credential holder's proposed action plan to meet all licensing standards;
- (5) Documentation of passing scores for basic skills tests or documented evidence, which the individual maintains, of concerted effort to pass the basic skills test, beyond mere retaking of the test; and
- (6) Documentation of passing scores for applicable subject matter content tests unless the subject matter is integrated into the teacher preparation program.

~~This subsection shall be repealed on June 30, 2002.~~

~~(b) The board shall consider the following in granting any extension:~~

- ~~(1) The diligence with which the credential holder has pursued licensing;~~
- ~~(2) The extenuating circumstances and the extent to which the individual has been subjected to constraints beyond the individual's control to the timely completion of all licensing requirements;~~
- ~~(3) Evidence of strong teaching performance according to the board's performance standards; and~~
- ~~(4) Likelihood of successful implementation of the credential holder's proposed action plan.~~

~~This subsection shall be repealed on June 30, 2002.~~

~~(e)] Beginning July 1, 2002, all new licenses shall be issued by the board. No person shall serve as a half-time or full-time teacher in a public school without first having obtained a license from the board under this subpart. All licenses issued by the board shall be valid only for the fields specified on the licenses and shall be renewable every five years if the individual continues to:~~

- ~~(1) Satisfy the board's licensing standards;~~
- ~~(2) Show evidence of successful teaching in the previous five years; and~~
- ~~(3) Satisfy the board's requirements for renewal of licenses.~~

~~Teachers whose licenses expire on June 30, 2002, or June 30, 2003, shall be granted an automatic extension of two years. No person shall be issued a license or teach on an emergency basis in the public schools without having first paid the fees established by the board in accordance with chapter 91."~~

SECTION 10. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

**“§662-15 Exceptions.** This chapter shall not apply to:

- (1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;



- (2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;
- (3) Any claim for which a remedy is provided elsewhere in the laws of the State;
- (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
- (5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state defense force during time of war, or during the times the Hawaii national guard is engaged in federal service pursuant to [sections] section 316, 502, 503, 504, 505, or 709 of Title 32 of the United States Code;
- (6) Any claim arising in a foreign country; or
- (7) Any claim arising out of the acts or omissions of any boating enforcement officer[; or
- (8) ~~Any claim arising out of a year 2000 error produced, calculated, or generated by a government computer system or other computer-based system, regardless of the cause for the year 2000 error.~~

~~“Computer based system” includes any computer or other information technology system, and any electronic device that controls, operates, monitors, or assists in the operation or functioning of equipment, machinery, plant, or a device using an embedded or installed microprocessor or chip.~~

~~“Government computer system” means a computer-based system owned or operated by or on behalf of the State, its political subdivisions, or a board.~~

~~“Year 2000 error” is the failure of a computer-based system to accurately store, display, transmit, receive, process, calculate, compare, or sequence date and time data from, into, or between the twentieth and twenty-first centuries, the years 1999 and 2000 and beyond, and leap year calculations].”~~

SECTION 11. Section 706-649, Hawaii Revised Statutes, is amended to read as follows:

~~“[§706-649] Probation services special fund. (1) There is established in the state treasury a special fund to be known as the probation services special fund. All probation services fees collected under section 706-648 shall be deposited into this fund.~~

~~(2) Moneys in the probation services special fund shall be used by the judiciary to monitor, enforce, and collect fees, fines, restitution, other monetary obligations owed by defendants, and other terms and conditions of probation.~~

~~[(3) The probation services special fund shall be exempt from transfers for central service expenses pursuant to section 36-27, and reimbursements for departmental administration expenses pursuant to section 36-30.]”~~

SECTION 12. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

~~“(b) Criminal history record checks may be conducted by:~~

- ~~(1) The department of health on operators of adult foster homes or developmental disabilities domiciliary homes and their employees, as provided by section 333F-22;~~

- (2) The department of health on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health services on behalf of the child and adolescent mental health division, as provided by section 321-171.5;
- (3) The department of education on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by [§] 302A-601.5;
- (4) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;
- (5) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;
- (6) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;
- (7) The department of human services on prospective adoptive parents as established under [§] 346-19.7[§];
- (8) The department of human services on applicants to operate child care facilities, prospective employees of the applicant, and new employees of the provider after registration or licensure as provided by section [§]346-154[§];
- (9) The department of human services on persons exempt pursuant to section 346-152 to be eligible to provide child care and receive child care subsidies as provided by section [§]346-152.5[§];
- (10) The department of human services on operators and employees of home and community-based case management agencies and operators and other adults, except for adults in care, residing in foster family homes as provided by section 346-E;
- (11) The department of human services on staff members of the Hawaii youth correctional facility as provided by section 352-5.5;
- (12) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;
- (13) The department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest as provided by section 353C-5;
- (14) The department of commerce and consumer affairs on applicants for private detective or private guard licensure as provided by section 463-9;
- (15) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided as provided by section 302C-1;
- (16) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
- (17) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, dependent adults, or persons committed to a correctional facility as other public employees who hold positions that

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are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7; and

- (18) Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law.

(c) The applicant or employee subject to a criminal ~~[h]istory[h]~~ record check shall provide to the requesting agency:

- (1) Consent to obtain the applicant's or employee's fingerprints and conduct the criminal history record check;
- (2) Identifying information required by the Federal Bureau of Investigation which shall include but not be limited to name, date of birth, height, weight, eye color, hair color, gender, race, and place of birth; and
- (3) A statement indicating whether the applicant or employee has ever been convicted of a crime."

SECTION 13. Act 24, Session Laws of Hawaii 2000, is amended by amending section 15 to read as follows:

"SECTION 15. This Act shall take effect upon its approval[-]; provided that the amendments made to section 431:10C-103, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 1, 2003, pursuant to section 15 of Act 137, Session Laws of Hawaii 1999."

SECTION 14. Act 66, Session Laws of Hawaii 2000, is amended by amending section 3 to read as follows:

"SECTION 3. This Act shall take effect upon its approval[-]; provided that the amendment made to section 431:10C-103, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 1, 2003, pursuant to section 15 of Act 137, Session Laws of Hawaii 1999."

SECTION 15. Act 62, Session Laws of Hawaii 2003, is amended by amending section 1 to read as follows:

"SECTION 1. Act 1, Second Special Session Laws of Hawaii 2001, as amended by Session Laws of Hawaii 2002, Act 36, section 3, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect upon its approval [~~and shall be repealed on June 30, 2003; provided that:~~

- (1) Section 707-730(1), Hawaii Revised Statutes, is reenacted in the form in which it read on the day before the approval of this Act; and
- (2) Section 707-732(1), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the approval of this Act, as further amended by section 2 of Act 36, Session Laws of Hawaii 2002]."

SECTION 16. Act 85, Session Laws of Hawaii 2003, is amended by amending section 12 to read as follows:

"SECTION 12. This Act shall take effect upon its approval and, except for sections 9 and 10, shall be repealed on July 1, 2008."

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**SECTION 18.** This Act shall take effect upon its approval, provided that:

- (1) Section 3 shall take effect December 31, 2004;
- (2) Section 7 shall take effect retroactive to April 1, 2003;
- (3) Section 13 shall take effect retroactive to April 19, 2000;
- (4) Section 14 shall take effect retroactive to April 27, 2000;
- (5) Section 15 shall take effect retroactive to June 29, 2003; and
- (6) Section 16 shall take effect retroactive to May 23, 2003.

(Approved April 19, 2004.)