

---

---

# A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-29.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3           "(b) The department may also place a lien against the real  
4 property of any recipient receiving medical assistance who is an  
5 inpatient in a nursing facility, intermediate care facility for  
6 the mentally retarded, or other medical institution, after a  
7 state determination, pursuant to notice and hearing requirements  
8 of chapter 91, that the recipient cannot reasonably be expected  
9 to be discharged from the medical institution and returned home.  
10 There is a rebuttable presumption that the recipient cannot  
11 reasonably be expected to be discharged from the facility and  
12 return home if the recipient or a representative of the  
13 recipient declares that there is no intent to return home or if  
14 the recipient has been institutionalized for six months or  
15 longer without a discharge plan.

16           (1) The department may not place a lien on the recipient's  
17 home if the recipient's:

18           (A) Spouse;



---

---

# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Recent news articles have brought to the  
2 public's attention the recent use by the boating public of the  
3 small sand bar situated in Kaneohe bay, known to native  
4 Hawaiians as Ahu o Laka. According to the news articles, the  
5 sand bar is named after an Oahu chief, Laka, who died there.  
6 However, other oral historical sources from native Hawaiians  
7 residing on the windward side of Oahu indicate that the sand bar  
8 is named as an altar to the ancient goddess of hula, Laka. When  
9 the sacred art of hula was banned by western influences, many  
10 followers would practice the art of hula surreptitiously in  
11 hidden and remote places. The sand bar was deemed to be an  
12 excellent locale for this practice since it was remote.  
13 Further, the sand was an excellent medium to dance upon.

14           The recent news articles described public concerts on the  
15 sand bar attracting hundreds of persons, resulting in drinking,  
16 littering, and fights. These reports raise concerns relating to  
17 the desecration of a culturally significant place and the  
18 degradation of an important aesthetical resource of the State.



---

---

# A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 88-21, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Conservation and resources enforcement officer": any  
5 regularly employed member of the department of land and natural  
6 resources whose principal duty is to enforce conservation laws  
7 and protect the State's natural resources."

8 SECTION 2. Section 88-74.6, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[+]§88-74.6[+] **Unreduced allowance on service retirement;**  
11 **when applicable.** In addition to those positions identified in  
12 section 88-74(1), and notwithstanding any law in this part that  
13 requires a member to attain age fifty-five to qualify for an  
14 unreduced service retirement allowance, if the member has at  
15 least [~~thirty~~]:

16 (1) Thirty years of credited service through June 30,  
17 2003; twenty-nine years of credited service on or  
18 after July 1, 2004; twenty-eight years of credited



JAN 18 2006

---

---

# A BILL FOR AN ACT

PROHIBITING SALES OF OPIHI.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In recent years, the number of edible opihi  
2 found in Hawaii has declined. The popularity of opihi as a  
3 delicacy has led to overharvesting on the island of Oahu and has  
4 made opihi difficult to find on the neighbor islands.

5           The blackfoot opihi (*cellana exarata*), also known as  
6 "makaiauli", once the most common limpet in Hawaiian waters, is  
7 found in the upper wash of waves. The yellowfoot opihi (*cellana*  
8 *sandwicensis*), also known as "alinalina", is the preferred  
9 species for eating. It is found in the wash of waves, roughly  
10 between the habitats of the blackfoot opihi and ko'ele, the  
11 third type of edible opihi in Hawaii. Ko'ele is also known as  
12 the "kneecap" opihi (*cellana talcosa*).

13           Although opihi can be collected year round, opihi shells  
14 must be at least one and a quarter inches wide, or the meat a  
15 half inch wide, to legally harvest them in Hawaii.

16           The purpose of this Act is to prohibit the sale of the  
17 three types of edible opihi.



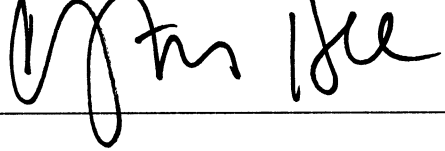
1 SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~188-42.5~~§~~] **Hihiwai, hapawai, opihi, and opae**  
4 **kala`ole selling prohibited.** It shall be unlawful for any  
5 person at any time to sell or offer for sale any hihiwai,  
6 hapawai, opihi, and opae kala`ole taken from any of the waters  
7 within the jurisdiction of the State.

8 The three types of opihi prohibited for sale are the  
9 blackfoot (cellana exarata), yellowfoot (cellana sandwicencis),  
10 and ko'ele (cellana talcosa) opihi."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14  
INTRODUCED BY: 

SB 2006

**Report Title:**

Conservation and Resources; Resource Management; Opihi

**Description:**

Prohibits the selling of opihi.



1 service on or after July 1, 2005; twenty-seven years  
 2 of credited service on or after July 1, 2006; twenty-  
 3 six years of credited service on or after July 1,  
 4 2007; and twenty-five years of credited service on or  
 5 after July 1, 2008, as an emergency medical  
 6 technician[7]; or

7 (2) Twenty-five years of credited service on or after  
 8 July 1, 2006, as a conservation and resources  
 9 enforcement officer;

10 of which the last five or more years prior to retirement is  
 11 credited service in that capacity, then upon retirement and  
 12 irrespective of age, that member's service retirement allowance  
 13 shall not be reduced for actuarial purposes."

14 SECTION 3. Section 88-281, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 "**§88-281 Service retirement.** (a) A member who has ten  
 17 years of credited service and has attained age sixty-two, or a  
 18 member with thirty years credited service who has attained the  
 19 age of fifty-five, shall become eligible to receive a retirement  
 20 allowance after the member has terminated service.

21 (b) If a member has at least twenty-five years of credited  
 22 service as a sewer worker or as a water safety officer of which



1 the last five or more years prior to retirement is credited in  
2 such a capacity, then the sewer worker or water safety officer  
3 shall be eligible to receive a retirement benefit unreduced for  
4 age after the member has terminated service.

5 (c) A member who has twenty years of credited service and  
6 has attained age fifty-five shall be eligible to receive an  
7 early retirement allowance reduced for age after the member has  
8 terminated service.

9 (d) A member who has ten years of credited service and  
10 terminates service prior to attaining age sixty-two shall have a  
11 vested right and shall be eligible to receive a retirement  
12 allowance when the member has attained age sixty-five.

13 (e) If a member has at least thirty years of credited  
14 service through June 30, 2003; twenty-nine years of credited  
15 service on or after July 1, 2004; twenty-eight years of credited  
16 service on or after July 1, 2005; twenty-seven years of credited  
17 service on or after July 1, 2006; twenty-six years of credited  
18 service on or after July 1, 2007; and twenty-five years of  
19 credited service on or after July 1, 2008, as an emergency  
20 medical technician, of which the last five or more years prior  
21 to retirement is credited service in that capacity, the  
22 emergency medical technician shall be eligible to receive a





1 retirement benefit unreduced for age after the member has  
2 terminated service.

3 (f) If a member has at least twenty-five years of credited  
4 service on or after July 1, 2006, as a conservation and  
5 resources enforcement officer, of which the last five or more  
6 years prior to retirement is credited service in that capacity,  
7 the member shall be eligible to receive a retirement benefit  
8 unreduced for age after the member has terminated service.

9 ~~[+f)]~~ (g) A member may retire upon the written application  
10 to the board, specifying the desired date of retirement, which  
11 shall be not less than thirty days nor more than one hundred  
12 fifty days subsequent to the date of filing. Retirement shall  
13 be effective on the first day of a month, except for the month  
14 of December when retirement on the first or last day of the  
15 month shall be allowed."

16 SECTION 4. Section 88-331, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~+~~]~~§~~88-331[~~+~~] **Service retirement.** (a) A class H member  
19 who has five years of credited service and has attained age  
20 sixty-two, or a class H member with thirty years credited  
21 service who has attained the age of fifty-five shall become



1 eligible to receive a retirement allowance after the member has  
2 terminated service.

3 (b) A class H member who has at least twenty-five years of  
4 credited service as a sewer worker or water safety officer, of  
5 which the last five or more years prior to retirement is  
6 credited service in that capacity, shall become eligible to  
7 receive a retirement allowance unreduced for age after the  
8 member has terminated service.

9 (c) A class H member who has twenty years of credited  
10 service and has attained age fifty-five shall be eligible to  
11 receive an early retirement allowance reduced for age after the  
12 member has terminated service.

13 (d) If a class H member has at least twenty-eight years of  
14 credited service on or after July 1, 2005; twenty-seven years of  
15 credited service on or after July 1, 2006; twenty-six years of  
16 credited service on or after July 1, 2007; and twenty-five years  
17 of credited service on or after July 1, 2008, as an emergency  
18 medical technician, of which the last five or more years prior  
19 to retirement is credited service in that capacity, the member  
20 shall be eligible to receive a retirement benefit unreduced for  
21 age after the member has terminated service.



1        (e) If a class H member has at least twenty-five years of  
 2 credited service on or after July 1, 2006, as a conservation and  
 3 resources enforcement officer, of which the last five or more  
 4 years prior to retirement is credited service in that capacity,  
 5 the member shall be eligible to receive a retirement benefit  
 6 unreduced for age after the member has terminated service.

7        [~~e~~] (f) A class H member may retire upon the written  
 8 application to the system, specifying the desired date of  
 9 retirement, which shall be not less than thirty days nor more  
 10 than one hundred fifty days subsequent to the date of filing.  
 11 Retirement shall be effective on the first day of a month,  
 12 except for the month of December when retirement on the first or  
 13 last day of the month shall be allowed."

14        SECTION 5. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16        SECTION 6. This Act shall take effect upon its approval.

17

INTRODUCED BY:

*[Signature]*  
*[Signature]*  
*[Signature]*



SB 2005

**Report Title:**

Employees' Retirement System; DOCARE Officers

**Description:**

Allows conservation and resources enforcement officers of the department of land and natural resources to retire without penalty after 25 years of service; provided that they serve in that capacity for at least 5 years immediately prior to retirement.



1           The purpose of this Act is to designate Ahu o Laka as a  
2 state monument and to restrict certain activities there.

3           SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended  
4 by adding a new section to part II to be appropriately  
5 designated and to read as follows:

6           "§6E-    Ahu o Laka State Monument.   (a) There shall be an  
7 Ahu o Laka State Monument as a historical, cultural, and  
8 aesthetically valued site at Kaneohe, Oahu, to be administered  
9 by the department of land and natural resources and to consist  
10 of:

11           (1) The approximately three-acre sand bar in Kaneohe bay,  
12 off Heeia, that is above the water's surface at low  
13 tide; and

14           (2) The surrounding state marine waters, as that term is  
15 defined in section 190D-3, that the department of land  
16 and natural resources determines is necessary for the  
17 preservation of the historical, cultural, and  
18 aesthetic resources of the Ahu o Laka State Monument.

19           (b) The following uses or activities are prohibited in the  
20 Ahu o Laka State Monument:

21           (1) Commercial activities, including but not limited to  
22 commercial filming activities;

1        (2) Use of equipment for the amplification of sound; and

2        (3) Possession of any bottle, can, or other receptacle

3        containing any intoxicating liquor, as defined in

4        section 281-1, that has been opened or had a seal

5        broken or the contents of which have been partially

6        removed.

7        (c) The department of land and natural resources may adopt

8        rules, pursuant to chapter 91, for the protection of Ahu o Laka

9        State Monument, including but not limited to, determining a

10       maximum size vessel, as that term is defined in section 291E-1,

11       or the human carrying capacity that may enter the Ahu o Laka

12       State Monument at any given time during a day."

13       SECTION 3. New statutory material is underscored.

14       SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY:



SB 2004

**Report Title:**

Historic Preservation; Ahu o Laka

**Description:**

Establishes Ahu o Laka State Monument; restricts activities at the Ahu o Laka State Monument.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

(B) Minor, blind, or disabled child; or  
(C) Sibling who has an equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the recipient's admission to the medical institution;  
is lawfully residing in the home.

(2) The department shall not recover funds from the lien on the recipient's home [~~when~~]:

(A) [~~A~~] When a sibling who was residing in the home for a period of at least one year immediately before the date of the recipient's admission to the medical institution; or

(B) [~~A~~] When a son or daughter who was residing in the recipient's home for a period of at least two years immediately before the date of the recipient's admission to the medical institution, and who establishes to the satisfaction of the State that he or she provided care to the recipient which permitted such recipient to reside at home rather than in an institution;



1 lawfully resides in the home and has lawfully resided  
2 in the home on a continuous basis since the date of  
3 the recipient's admission to the medical institution.

4 (3) In excess of the recipient's equity interest in the  
5 home.

6 [~~(3) The department also shall not recover funds from the~~  
7 ~~lien if]~~ (4) If the recipient has a surviving  
8 spouse~~[+]~~ or surviving minor, blind, or disabled  
9 child.


10 [~~(4)~~]

11 Any lien imposed with respect to this subsection shall be  
12 dissolved upon the individual's discharge from the medical  
13 institution and return home."

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2006.

17

INTRODUCED BY: 



SB 2003

**Report Title:**

Human Services

**Description:**

Limits the Department of Human Services' recovery of funds on a real property lien to the recipient's equity interest in the home.

