

# HOUSE OF REPRESENTATIVES

AMENDMENT TO: SB1792, SD3, HD3, CD1

OFFERED BY: Representative JAMES TOKIOKA

DATE: \_\_\_\_\_

SECTION 1. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1, is amended by amending section 2 as follows:

1. Page 5, lines 9 and 17: By deleting the word "regions" and inserting "regional systems".
2. Page 5, line 17: By deleting the word "region" and inserting "regional system".
3. Page 6, line 1: By adding "by the corporation" following the word "added" and adding the word "system" following the word "regional".
4. Page 6, line 5: By deleting the word "region" and inserting "regional system".
5. Page 7: By deleting lines 6 through 11 and inserting:  
"Four members shall be appointed by the governor within thirty days from a list of eight individuals nominated by the regional public health facility management advisory committee within fifteen days of the effective date of this Act. These individuals may be medical and health care ..."
6. Page 7, line 22; page 8, lines 3, 11 and 15; and page 9, line 9: By deleting "region" and inserting "regional system".
7. Page 10, line 20: By deleting the word "The" and inserting "Each".
8. Page 11, line 2: By deleting the word "region" and inserting "regional system".

9. Page 11, lines 14 and 15: By deleting the word "The" and inserting "Each"; deleting the phrase "the regional chief executive officer's" and inserting "their"; and changing "designee" to "designees".

10. Page 11, line 19: By deleting the word "region" and inserting "regional system".

SECTION 2. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 10 at page 26, line 22; and page 27, lines 1 and 2, as follows: By deleting the word "region" and inserting "regional system".

SECTION 3. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 17 at page 42, line 18, as follows: By deleting the word "region" and inserting "regional system".

SECTION 4. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 18 at page 43, line 15, as follows: By deleting the word "regions" and inserting "regional systems".

SECTION 5. Senate Bill No. 1792, S.D.3, H.D. 3, C.D. 1 is amended by amending section 19 as follows: "By amending section 323F-3(a) and (b), Hawaii Revised Statutes, to read as follows:

"(a) The corporation shall be governed by a [~~thirteen-member~~] fifteen-member board of directors [~~which~~] that shall carry out the duties and responsibilities of the corporation.

(b) [~~Ten~~] Twelve members of the corporation board shall be appointed [~~by the governor~~] as follows:

(1) [~~One member from region I who resides~~] Two members from regional system I who reside in the city and county of Honolulu[+] shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

(2) [~~One member from region II who resides~~] Two members from regional system II who reside in the county of Kauai[+] shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of

the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

~~(3) [One member from region III who resides]~~ Two members from regional system III who reside in the county of Maui[+] shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

~~(4) [One member from region IV who resides]~~ Two members from regional system IV who reside in the eastern section of the county of Hawaii[+] shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

~~(5) [One member from region V who resides]~~ Two members from regional system V who reside in the western section of the county of Hawaii[+] shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

~~(6) [One member from region II who resides in the county of Kauai or from region III who resides in the district of Hana or on the island of Lanai; provided that in no event shall the member be appointed from the same region for two consecutive terms; and]~~ Two additional members who reside in the State shall be appointed by the governor.

~~[(7) Four at-large members who reside in the State.~~

~~The eleventh member shall be the chairperson of the executive public health facility management advisory committee, who shall serve as an ex officio, voting member.~~

~~The twelfth member,~~ The thirteenth and fourteenth members, who shall serve as [a] voting [member,] members, shall be [a physician] physicians with active medical staff privileges at one of the corporation's public health facilities. The physician [member] members shall each serve a term of two years. The initial physician

~~[member] members~~ shall be from ~~[region]~~ regional system II, and subsequent physician members shall come from ~~[regions]~~ regional systems IV, III, and V respectively. The physician member ~~[position]~~ positions shall continue to rotate in this order. The physician ~~[member] members~~ shall be appointed to the corporation board by a ~~simple majority vote of the members of the executive public health-facility management advisory committee~~ two-thirds majority vote of the corporation board from a list of qualified nominees submitted by the public health facility management advisory ~~[committee for the region from which the physician member is to be chosen.]~~ committees or by any regional system board. If for any reason a physician member is unable to serve a full term, the remainder of that term shall be filled by a physician from the same ~~[region.]~~ regional system.

The ~~[thirteenth]~~ fifteenth member shall be the director of health or the director's designee, who shall serve as an ex officio, voting member.

Appointments to the corporation board, with the exception of the chairperson of the executive public health facility management advisory committee and the regional physician member, shall be made by the governor, subject to confirmation by the senate pursuant to section 26-34. ~~[Prior to the transfer date, the public health-facility management advisory committees appointed pursuant to section 323-66 for each county may recommend names to the governor for each position on the corporation board designated for a region which corresponds to its county. After the transfer date, the public health facility management advisory committees appointed pursuant to section 323F-10 for each region may make such recommendations to the governor. The appointed board members shall serve for a term of four years; provided that upon the initial appointment of the first ten members:]~~

~~(1) Two at large members shall be appointed for a term of two years;~~

~~(2) Three at large members shall be appointed for a term of three years; and~~

~~(3) Five regional members shall be appointed for a term of four years.]~~

The appointed board members shall serve for a term of four years; provided that the first member appointed from each regional system shall be appointed for a term of two years.

Any vacancy shall be filled in the same manner provided for the original appointments. The corporation board shall elect its own chair from among its members. Appointments to the corporation board

shall be as representative as possible of the system's stakeholders as outlined in this subsection."

SECTION 6. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 20 at page 49, lines 14 and 17 by deleting the words "region's" and "region" and inserting "regional system's" and "regional system", respectively.

SECTION 7. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 23 as follows:

1. Page 53, line 3: By deleting the word "region" and inserting "regional system"
2. Page 53, lines 4 and 5: By inserting the word "system" after "regional".
3. Page 53, line 18: By deleting "regions" and inserting "regional systems".
4. Page 54, line 19: By deleting the phrase ", either directly or through" and adding "and" before the word "any".
5. Page 55, lines 7 and 12; page 56, line 9; page 57, line 20; page 58, line 8; and page 60, line 11: By deleting the word "region" and inserting "regional system".
6. Page 56, line 5: By adding the word "and" after "interest;".
7. Page 59, lines 11, 12, and 15: By deleting the word "regions" and inserting "regional systems"; and at line 10, by deleting the word "region's" and inserting "regional system's".
8. Page 58, line 18; page 59, lines 1 and 17; page 60, line 1; page 63, line 9; and page 74, lines 4 and 6: By adding the word "system" after "regional".
9. By amending section 323F-7 (a)(11), Hawaii Revised Statutes, to read as follows:

"(11) Suing and being sued; provided that only the corporation may sue or be sued; and provided further that the corporation and regional system boards shall enjoy the

same sovereign immunity available to the State;"

10. Page 62, line 3; page 63, line 11; page 64, line 17; page 65, lines 6 and 22; page 66, lines 9, 11, and 12; page 67, line 14; page 68, line 4; page 70, line 9; page 71, line 12; page 72, line 7; and page 73, lines 13, 15, and 19; and page 74, line 3; page 76, line 19; page 80, lines 12 and 13; page 81, lines 15 and 16: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

11. Page 74, line 9: By deleting the word "and" and inserting "and 103D," following "41D,".

SECTION 8. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 30 as follows:

Page 84, line 21; page 86, lines 4, 10, 18, 19, and 21; and page 87, lines 2 and 8: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

SECTION 9. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 31 at page 88, line 17, by deleting the word "region" and inserting "regional system".

SECTION 10. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 35 as follows:

1. Page 91, lines 7, 13, 20; page 92, lines 4 and 7; and page 94, line 13: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

2. Page 94, line 7: By inserting the phrase "is developed," prior to the word "the".

3. Page 94, line 10: By inserting the phrase ", as of April 1, 2007," prior to the word "and".

4. Page 94, line 14, by inserting the word "system" prior to the word "board".

SECTION 11. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 36 at page 95, line 2, by inserting "and before July 1, 2007," before the word "shall".

SECTION 12. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 41 as follows:

"SECTION 41. This Act shall take effect on July 1, 2007; provided that[:

- (1) Section 19 shall take effect on January 1, 2009;
- (2) Section 16 and section 323F-7(c)(30)(B), Hawaii Revised Statutes, shall be repealed on January 1, 2009, and the statutes amended in those sections shall be reinstated in the form they were in before the adoption of this Act; and
- (3) The] the amendments made to section 323F-7(c)(15), Hawaii Revised Statutes, in section 23 of this Act shall not take effect if H.B. No. 1764 in any form passed by the legislature, regular session of 2007, becomes an Act.

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CARRIED

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FAILED TO CARRY

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WITHDRAWN

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CHIEF CLERK, HOUSE OF REPRESENTATIVES