

COMMITTEE ON FINANCE

Thursday, February 12, 2009
1:30 p.m. to completion
Conference Room 308; State Capitol

AGENDA

William T. Pound, Executive Director of the National Conference of State Legislatures (NCSL), will provide an update of the:

- Current fiscal conditions of all the states;
- Strategies being employed to meet budget shortfalls; and
- Status of the proposed American Recovery and Reinvestment Act being developed by the Congress and the President of the United States.

On February 3, 2009, NCSL updated its data on state budget gaps for fiscal years 2009 and 2010. On their website, NCSL noted that:

"The state fiscal situation is rapidly deteriorating, as starkly revealed in NCSL's new report on state budget gaps. The figures for FY 2009 and FY 2010 have moved from sobering to distressing.

The latest news on state budgets reveals the severity of the current situation. For both FY 2009 and FY 2010, more states are reporting budget problems and the size of the gaps has increased. Even though some states have taken corrective actions, the current FY 2009 gap still stands at \$47.4 billion. This is on top of the \$40.3 billion shortfall already closed for this fiscal year. Next year's projected gap is staggering as well. As states prepare to craft their FY 2010 budgets, the imbalance is pegged at \$84.3 billion, up from \$64.7 billion in November."

Corina Eckl, Fiscal Program Director, NCSL:

"These figures are absolutely alarming, both in their magnitude and in the painful decisions they present to state lawmakers. The easy budget fixes are long gone, only hard and unpopular options remain."

William T. Pound, Executive Director, NCSL:

"The proposed American Recovery and Reinvestment Act could provide more than \$300 billion in aid to states. These funds will help lower, but will not erase, state budget shortfalls. State lawmakers still face enormous challenges as they take on the mandatory task of balancing their budgets."

COMMITTEE ON CONSUMER PROTECTION & COMMERCE AND COMMITTEE ON JUDICIARY

Thursday, February 12, 2009
2:00 p.m.
Conference Room 325; State Capitol

AGENDA:

HB 1051 (HSCR93) Status	RELATING TO ENERGY EMERGENCY PREPAREDNESS. Comprehensively addresses deficiencies in Hawaii's energy emergency preparedness statutes; Provides up-to-date policy guidance needed for consistency with current federal and state energy emergency and overall emergency management policies and plans, and to provide definitive guidance on critical energy data analyses functions.	PBS/EEP, CPC/JUD, FIN
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Decision making to follow.

COMMITTEE ON JUDICIARY

Thursday, February 12, 2009
2:05 p.m.
Conference Room 325; State Capitol

AGENDA:

HB 1751 Status	RELATING TO COMMUNICATIONS FRAUD. Establishes the offense of communication service fraud in the first and second degrees. Provides civil remedies. Authorizes forfeiture. Establishes evidentiary presumption. Adds definitions.	JUD
HB 1168 (HSCR98) Status	RELATING TO AIRPORTS. To provide statutory authority to allow the Department of Transportation to adopt rules that require certain private persons who use the State's commercial airports, to defend, hold harmless and indemnify the State and any of its agencies, officers, and employees, against all claims that arise from such use.	TRN, JUD, FIN

<u>HB 215</u> <u>Status</u>	RELATING TO CAMPAIGN FINANCING. Organizes, clarifies, updates, and recodifies campaign finance laws.	JUD, FIN
<u>HB 539</u> <u>Status</u>	RELATING TO CAMPAIGN CONTRIBUTIONS. Prohibits a corporation or company from making campaign contributions directly from its treasury to a candidate, candidate's committee, noncandidate's committee, or political party. Permits a corporation or company to make a contribution of no more than \$25,000 from its treasury to one noncandidate committee established by the corporation or company. Allows a corporation's or company's noncandidate committee to make campaign contributions to candidates, candidate committees, other noncandidate committees, and political parties in accordance with existing law.	JUD
<u>HB 300</u> <u>Status</u>	RELATING TO THE JUDICIARY. Appropriates funds to the Judiciary for fiscal biennium 2009-2010	JUD, FIN
<u>HB 298</u> <u>Status</u>	MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS FOR JUDICIARY FACILITIES STATEWIDE. Appropriates \$1,854,425 in general funds to pay for statewide increases in electricity payments for fiscal year 2008-2009 for judiciary facilities.	JUD, FIN
<u>HB 643, HD1</u> <u>(HSCR92)</u> <u>Status</u>	RELATING TO CONTRACTORS. Prohibits contractors from employing persons not eligible to work in the United States. Imposes fines for violations. Authorizes the contractors license board to suspend or revoke a license if a civil judgment is entered against the contractor on a complaint alleging that the contractor hired ineligible workers. Requires worker verification by E-Verify. Establishes a special fund. (HB643 HD1)	LAB, JUD, FIN
<u>HB 358</u> <u>(HSCR4)</u> <u>Status</u>	RELATING TO DRUG TREATMENT. Authorizes placement of certain offenders in secure drug treatment facilities.	PBS, JUD, FIN

[HB 37](#)
[Status](#)

PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO REPEAL THE REQUIREMENT THAT A TAX REFUND OR TAX CREDIT BE PROVIDED TO TAXPAYERS WHENEVER THE GENERAL FUND BALANCE AT THE CLOSE OF TWO SUCCESSIVE FISCAL YEARS EXCEEDS FIVE PERCENT OF GENERAL FUND REVENUES FOR EACH OF THE TWO FISCAL YEARS. Proposes an amendment to the Hawaii State Constitution that would repeal the requirement that a tax refund or tax rebate be provided to taxpayers whenever the general fund balance of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years.

JUD, FIN

[HB 1379](#)
[Status](#)

RELATING TO PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT. Creates a process for a patient to direct end-of-life treatment in a standardized physician orders for life sustaining form. Requires department of health to design the form. Requires department of health and Hawaii health systems corporation to require adoption of the form in their respective health facilities.

JUD, FIN

Decision making to follow.

COMMITTEE ON HAWAIIAN AFFAIRS

Thursday, February 12, 2009
King Kaumualii Elementary School
4380 Hanamaulu Road
Lihue, Kauai 96766

6:00 p.m. AGENDA:

OFFICE OF HAWAIIAN
AFFAIRS

Donald Cataluna, Trustee
William Meheula, Attorney at Law
Clyde Namu`o, Administrator

Presentation on HB 901- OHA to receive a portion of the income and proceeds from land in public land trust.

6:05 p.m. – 9:00 p.m. AGENDA:

[HB 901](#)
[Status](#)

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.
Amends the law to provide for the office of Hawaiian affairs to receive a portion of the income and proceeds from land in the public land trust.

HAW,WLO/
JUD, FIN

COMMITTEE ON AGRICULTURE

Friday, February 13, 2009

8:30 a.m.

Conference Room 312; State Capitol

AGENDA:

[HB 448](#)
[Status](#)

RELATING TO HAWAII PRODUCTS.
Amends "made in Hawaii" rules to include "grown in Hawaii" and creates labeling requirements. Requires products to comply by 7/1/2011.

AGR, CPC

Decision making to follow.

COMMITTEE ON HEALTH

Friday, February 13, 2009

Conference Room 329; State Capitol

8:30 a.m. AGENDA:

[HB 692](#)
[Status](#)

RELATING TO CHILDREN'S HEALTH CARE.
Lengthens the pilot program established under Act 236, Session Laws of Hawaii 2007, to expand health care coverage for children living in Hawaii.
Appropriates funds.

HLT, FIN

[HB 695](#)
[Status](#)

RELATING TO HEALTH CARE SERVICES.
Requires that the State Health Planning and Development Agency determine the need for new health services proposed to be offered within the state and assess existing health care services and facilities to determine whether there are redundant, excessive, or inappropriate services or facilities and make public findings of any that are found to be so.

HLT, FIN

<u>HB 896</u> <u>Status</u>	RELATING TO TOBACCO. Makes permanent the retail tobacco permit law.	HLT, FIN
<u>HB 1634</u> <u>Status</u>	RELATING TO TOBACCO. Authorizes suspension and revocation of retail tobacco permit for repeat violations of prohibition against sale of tobacco to minors. Permanently enacts retail tobacco permit requirement.	HLT, JUD
<u>HB 895</u> <u>Status</u>	RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES. Increases the tobacco tax on tobacco products other than cigarettes from 40% to 60% of the wholesale price and deposits 33.3% of the proceeds collected into the community health centers special fund.	HLT, FIN
<u>HB 608</u> <u>Status</u>	RELATING TO TOBACCO. Clarifies that it is unlawful for minors, defined as persons under age 18, to possess or use tobacco products. Exempts minors when lawfully delivering tobacco products or participating in a law enforcement activity. Makes community service optional and not mandatory for subsequent offenses.	HLT, JUD
<u>HB 1208</u> <u>Status</u>	RELATING TO DENTAL CARE. Requires health insurers and like entities who offer dental coverage to declare and execute their coordination of dental benefits policy to insureds and their counterparts.	HLT, CPC
<u>HB 1209</u> <u>Status</u>	RELATING TO DENTISTRY. Redefines the practice of dentistry to include tooth whitening.	HLT, CPC
<u>HB 1210</u> <u>Status</u>	RELATING TO THE BOARD OF DENTAL EXAMINERS. Requires the chair of the board of dental examiners to be a licensed dentist.	HLT, CPC
<u>HB 1211</u> <u>Status</u>	RELATING TO DENTISTS. Authorizes the board of dental examiners to sanction licensees for false or misleading advertising.	HLT, CPC/JUD

<u>HB 1213</u> <u>Status</u>	RELATING TO DENTISTRY. Grants the board of dental examiners the power to issue cease and desist orders for the unlicensed practice of dentistry.	HLT, CPC/JUD
<u>HB 1537</u> <u>Status</u>	RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS. Specifies that any person who provides for an automated external defibrillator training program is generally immune from vicarious civil liability resulting from any act or omission of a Good Samaritan attempting to use the device to resuscitate a person.	HLT, JUD
<u>HB 1782</u> <u>Status</u>	RELATING TO HEALTH INFORMATION EXCHANGE. Creates an office of state coordinator of health information exchange within the department of health and creates a health information exchange program. Makes appropriations.	HLT, FIN
<u>HB 553, HD1</u> <u>(HSCR82)</u> <u>Status</u>	RELATING TO MEDICAL ENTERPRISE ZONES. Establishes medical enterprise zones in the State to encourage the development of medical and research services. Creates a 7-year pilot medical enterprise zone in West Maui. (HB553 HD1)	EBM, HLT, FIN
<u>HB 1114</u> <u>Status</u>	RELATING TO INFECTIOUS DISEASE TESTING. Proposes to expand routine HIV testing by health care providers to improve early diagnosis of HIV by removing the requirement for health care providers to obtain written informed consent and to provide pre-test counseling prior to testing for HIV.	HLT, JUD

Decision making to follow.

9:30 a.m. AGENDA:

HLT/EDN only:

[HB 1538](#)
[Status](#)

RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

HLT/EDN, FIN

Requires public schools to use environmentally-sensitive cleaning and maintenance products. Directs the department of health to establish guidelines and specifications for the products. Requires the state procurement office to maintain a list of vendors who produce, manufacture, or sell environmentally-sensitive products.

Decision making to follow.

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Friday, February 13, 2009

8:30 a.m.

Conference Room 309; State Capitol

AGENDA:

[HB 1536](#)
[Status](#)

RELATING TO SALARIES.

LAB, FIN

Freezes the salaries of the Governor, Lieutenant Governor, justices and judges of all state courts, Administrative Director of the State, departmental directors and deputy directors, and members of the Legislature.

[HB 1106](#)
[Status](#)

RELATING TO PUBLIC EMPLOYMENT.

LAB, FIN

Protects the rights of public employees by preserving health, retirement, leave, and other benefits if furloughs are implemented in fiscal years 2009 to 2013.

[HB 1718](#)
[Status](#)

RELATING TO EMPLOYER-UNION HEALTH BENEFITS.

LAB, FIN

Specifies that the requirement that the State and the counties reimburse retired employees for medicare part B premiums through the employer-union trust fund applies only to the employees who retire prior to 12/31/09.

[HB 1719](#)
[Status](#) RELATING TO PUBLIC EMPLOYEES. LAB, FIN
Suspends state and county contributions to the EUTF for all state and county employee-beneficiaries who retire after 7/1/09, regardless of date of hire and years of service, if the employee retires before the employee's medicare retirement age. Resumes coverage after medicare retirement age. Allows employee to retain health coverage through the EUTF by paying the respective state or county share of premiums until medicare retirement age.

[HB 1725](#)
[Status](#) RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND. LAB, FIN
From 07/01/2009 to 06/30/2015: (1) prohibits health benefits plan of the employer-union health benefits trust fund from providing prescription drug coverage; and (2) allows board of trustees to make prescription drug benefits available through drug coverage plans that are paid for entirely by employee-beneficiaries.

Decision making to follow.

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES AND COMMITTEE ON AGRICULTURE

Friday, February 13, 2009
9:00 a.m.
Conference Room 325; State Capitol

AGENDA:

[HB 241](#)
[Status](#) RELATING TO AGRICULTURE. WLO/AGR, FIN
Authorizes each of the soil and water conservation districts to keep revenues generated within their respective districts to carry out functions of the district.

[HB 251](#)
[Status](#) RELATING TO LAND USE. WLO/AGR, FIN
Allows the redesignation of certain residential subdivisions in the agricultural district into the rural district, subject to certain criteria.

<u>HB 1009</u> <u>Status</u>	<p>RELATING TO PUBLIC LANDS WHICH ARE IMPORTANT AGRICULTURAL LANDS.</p> <p>Describes public land designated as important agricultural lands as equivalent to but distinct from important agricultural lands. Authorizes department of agriculture to select, identify and map potential important agricultural lands from all public lands transferred from department of land and natural resources as provided for and in compliance with chapters 166 and 166E, Hawaii Revised Statutes, using criteria and standards in chapter 205, Hawaii Revised Statutes. Authorizes board of agriculture to accept and transmit maps of public lands with potential as important agricultural lands for final designation by land use commission and to make final determination of what provisions of chapter 205, including important agricultural lands incentives, will apply or be made available for qualified public lands under jurisdiction of chapter 166 and chapter 166E.</p>	WLO/AGR, FIN
<u>HB 1436</u> <u>Status</u>	<p>RELATING TO AGRICULTURE.</p> <p>Amends the permitted uses of land within the agricultural district with soil classifications of A or B to include educational facilities and agricultural appurtenances.</p>	WLO/AGR, EDN
<u>HB 245</u> <u>Status</u>	<p>RELATING TO RENEWABLE ENERGY FACILITIES.</p> <p>Deems renewable energy facilities compatible with the (1) purposes, standards, and permissible uses in the conservation and agricultural districts; and (2) the objectives, policies, and guidelines of the special management area.</p>	AGR/WLO, EEP
<u>HB 975</u> <u>Status</u>	<p>RELATING TO AGRICULTURAL WATER SYSTEMS.</p> <p>Authorizes the Agribusiness Development Corporation to acquire agricultural water systems to provide water for irrigation of agricultural lands. Exempts agricultural water systems from the subdivision requirements of county ordinances. Provides that, if a description of the system sufficient to identify the property being acquired, including a map, description of metes and bounds, and other information required by the conveyance law is provided by the owner, the system may be conveyed without subdivision.</p>	AGR/WLO, FIN

Decision making to follow.

WLO only:

Decision making only (heard on Monday, February 9, 2009):

HB 1552 Status	RELATING TO PUBLIC LANDS. Authorizes DLNR to issue long-term residential leases to qualified persons currently residing in Kahana Valley state living park. Establishes Kahana planning council to develop Kahana valley state living park master plan to ensure the living park achieves its purpose and goals.	WLO, FIN
HB 980 Status	RELATING TO RECREATIONAL RENAISSANCE. Fortifies the recreational renaissance program of the department of land and natural resources through various amendments to state law.	WLO, FIN
HB 1604 Status	RELATING TO REAL PROPERTY. Imposes a tax upon the value of improvements surrendered to a lessor by a lessee, without compensation to the lessee, upon the expiration of a long-term non-residential lease.	WLO, FIN
HB 1040 Status	RELATING TO TORT LIABILITY. Repeals the sunset date and makes permanent the law shielding county lifeguards from liability.	WLO, JUD
HB 848 Status	RELATING TO GOVERNMENT LIABILITY. Makes permanent the tort law exception to liability for county lifeguard services and the conclusive presumptions relating to the duty of public entities to warn of dangers on improved public lands.	WLO, JUD
HB 1055 Status	RELATING TO LAND USE. Provides for a use-it-or-lose-it automatic reversion of urban or rural district land use reclassifications if development has not commenced within ten years.	WLO, JUD
HB 127 Status	RELATING TO LAND USE. Allows mining as a permitted use in the agricultural district.	WLO, AGR

[HB 1767](#)
[Status](#) RELATING TO EMINENT DOMAIN. WLO, JUD
Limits county eminent domain powers to preclude condemnation of private property owned by tax exempt charitable organizations for use for certain economic development related purposes.

[HB 665](#)
[Status](#) RELATING TO FORFEITURE. WLO, JUD
Clarifies that the forfeiture laws apply to violations of conservation and resources statutes and rules and to protection of caves, historic preservation, and the Kaho'olawe island reserve.

[HB 1712](#)
[Status](#) RELATING TO FISHING. WLO, FIN
Requires the department of land and natural resources to submit a report to the legislature on any proposed rules to regulate the taking of uhu, weke/moana kali, and ulua/papio.

9:45 a.m. AGENDA:

WLO only:

[HB 1145](#)
[Status](#) RELATING TO REMNANT LANDS. WLO, FIN
Repeals the consolidation and use requirements for the sale of a state land remnant, and requires the proceeds from the sale of a state land remnant to be deposited into the Land Conservation Fund.

[HB 1693](#)
[Status](#) RELATING TO WEST OAHU. WLO, FIN
Requires the Office of Planning to review the City & County of Honolulu's revised Ewa Development Plan to ensure the infrastructural needs of the rapidly developing area are adequately met.

[HB 71](#)
[Status](#) RELATING TO HIGHWAYS. WLO, FIN
Directs Department of Land and Natural Resources to determine ownership of certain rights of way in Honolulu, Hawaii.

[HB 1615](#)
[Status](#) RELATING TO SMALL BOAT HARBORS. WLO
Prohibits the DLNR from denying a moorage permit for any uses of a small boat harbor in a county with a population of less than 250,000 to a vessel owner that is a business entity.

[HB 939](#)
[Status](#)

RELATING TO COASTAL ZONE MANAGEMENT.
Increases the threshold amount between special management area minor permits and special management area permits.

WLO, JUD

Decision making to follow.

10:30 a.m. AGENDA:

WLO only:

[HB 1766](#)
[Status](#)

RELATING TO SMALL BOAT HARBORS.
Proposed HD1: Permits BLNR to lease submerged lands, in accordance with chapter 190D, HRS, by public auction, request for proposals, or negotiation pursuant to section 171-59, HRS, in a state boating facility; permits commercial use permits to be issued for vessels assigned moorings in Ala Wai and Keehi harbors; directs DLNR to provide for RFP for the development of portions of Ala Wai small boat harbor for recreational and commercial vessels moorings, vehicular parking, offices, commercial and residential uses.

WLO, FIN

Copies of the proposed HD1 are available in room 438 and on the Legislature's Web site: <http://www.capitol.hawaii.gov>.

Decision making to follow.