

COMMITTEE ON FINANCE

Friday, April 3, 2009
Conference Room 308; State Capitol

2:00 p.m. AGENDA:

SB 190, SD1, HD1 (HSCR1038) Status	RELATING TO COMMUNITY CARE FOSTER FAMILY HOME. Allows the Department of Human Services to oversee a two-year demonstration project permitting two private-pay individuals to live in the same community care foster family home under specified conditions.	HUS, FIN
SB 415, SD2 (HSCR1162) Status	RELATING TO HOME CARE AGENCIES. Requires the department of health to license home care agencies. Sunsets 6/30/2014.	HUS/HLT, FIN
SB 914, SD2, HD1 (HSCR1101) Status	RELATING TO PUBLIC ASSISTANCE. Amends public assistance law by adding definitions of "non-work eligible household", "work eligible household", and "other work eligible household" and repealing the definition of "exempt household" to be consistent with recent changes in federal regulations. Also amends section 346-53(a), Hawaii Revised Statutes (determination of assistance), to be consistent with the new definitions.	HUS, FIN
SB 912, SD2, HD1 (HSCR1295) Status	RELATING TO PERMANENCY HEARINGS. Amends the Child Protective Act to ensure compliance with federal Title IV-E hearing requirements. Effective July 1, 2050.	HUS, JUD, FIN
SB 109, SD2, HD2 (HSCR1293) Status	RELATING TO THE INTERSTATE COMPACT FOR JUVENILES. Adopts the new Interstate Compact for Juveniles and establishes the family court's jurisdiction under the compact. Appropriates funds.	HUS, JUD, FIN
SB 851, SD1, HD2 (HSCR1294) Status	RELATING TO CHILD SUPPORT ENFORCEMENT. Clarifies that all income withholding payments be sent through the Child Support Enforcement Agency; allows the agency to disburse support by electronic transfer or direct deposit; allows for electronic copy or facsimile of a signature as proof of service for certified mail; clarifies lien payment and enforcement.	HUS, JUD, FIN

[SB 1344, HD1](#)
[\(HSCR1168\)](#)
[Status](#) RELATING TO HEALTH CARE. HUS/HLT, FIN
Eliminates positive enrollment for QUEST and QUEST Expanded Access recipients. Requires insurance entities contracting to provide Medicaid services to enter into written contracts with at least fifty per cent of hospitals and providers in their coverage areas. Takes effect January 1, 2050.

[SB 843, SD1,](#)
[HD1](#)
[\(HSCR1251\)](#)
[Status](#) RELATING TO SENTENCING. HUS, JUD, FIN
Restores a statutory provision allowing for presentence mental health or medical examination of defendants for purposes of sentencing. Effective January 1, 2046.

Decision making to follow.

3:00 p.m. AGENDA:

[SB 1167, SD2,](#)
[HD1](#)
[\(HSCR1202\)](#)
[Status](#) RELATING TO THE HAWAII TOURISM AUTHORITY. TCI/EBM, FIN
Makes private contractor operating the Hawaii Convention Center subject to the Hawaii procurement code. Renames and clarifies the duties of the Executive Director of the Hawaii Tourism Authority (HTA). Removes the sunset date for certain provisions of Act 58, Session Laws of Hawaii 2004, relating to HTA. Effective July 1, 2020.

[SB 1223, SD1,](#)
[HD1](#)
[\(HSCR1241\)](#)
[Status](#) RELATING TO HAWAII MADE PRODUCTS. AGR, CPC, FIN
Directs the department of agriculture to convene a working group composed of stakeholders to resolve labeling issues relating to the Hawaii-made Products Law and to report to the Legislature. Prohibits the use of the phrase "Made in Hawaii" as an advertising or media tool for items unless the items meet specific criteria.

[SB 876, SD2,](#)
[HD1](#)
[\(HSCR1239\)](#)
[Status](#) RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. LAB, FIN
Clarifies retirement date for ordinary disability retirement, payment of attorney's fees and costs in disability retirement and accidental death cases, forfeiture date for noncontributory service credit, and benefits for reemployed retirants. Provides for calculation of retirement allowance for certain retirants who have returned to service. Allows the use of December 31, 2008, as the valuation date to determine the cost of converting from noncontributory to hybrid plan service. Extends deadline for conversion for members of the military who are out of state during the conversion process.

[SB 19, SD1, HD1 \(HSCR1206\) Status](#) RELATING TO PROCUREMENT. LAB, FIN
Requires a procurement preference to a contractor in a public works construction contract of not less than \$250,000 if the contractor has a written agreement with an apprenticeship program registered with the department of labor and industrial relations at the time of general bidding. Requires a public works contractor to comply with state labor laws.

[SB 642, SD2, HD1 \(HSCR1208\) Status](#) RELATING TO PUBLIC EMPLOYEES. LAB, FIN
Requires that across-the-board wage increases or reductions, step movements, and employer contributions for health benefits for excluded employees in the excluded managerial compensation plan are at least equal to adjustments provided under collective bargaining to employees in the bargaining unit from which the employees in the managerial compensation plan are excluded.

[SB 1621, SD2, HD1 \(HSCR1240\) Status](#) RELATING TO COLLECTIVE BARGAINING. LAB, FIN
Provides a union representation privilege to protect the functions of the union as an exclusive bargaining representative to allow the union to perform its role in negotiations and contract enforcement; allows certification of union representatives through a card-check authorization; requires collective bargaining to begin upon union certification; sets certain deadlines for initial collective bargaining agreement procedures and conciliation of disputes; sets civil penalty for unfair labor practices; extends certain authorities to labor organizations representing employees for collective bargaining; allows labor disputes to be defenses against prosecution for certain violations of law.

Decision making to follow.

4:30 p.m. AGENDA:

[SB 1140, SD2, HD2 \(HSCR1227\) Status](#) RELATING TO HEALTH CARE. HLT/HUS, CPC, FIN
Requires all health plans in the State, including government payors, to pay to critical access hospitals no less than % of costs for all services provided to plan beneficiaries, and to pay to federally qualified health centers no less than their respective prospective payment system rates.

<u>SB 1142, SD1</u> <u>(HSCR1231)</u> <u>Status</u>	RELATING TO PHYSICIAN ASSISTANTS. Authorizes physician assistants to sign certain documents; to provide emergency medical care without supervision; to administer immunizations; to prescribe medications for patients suffering from human immunodeficiency virus or acquired immune deficiency syndrome without preauthorization; limits liability of physician assistants under good Samaritan laws.	HLT, CPC/JUD, FIN
<u>SB 169, SD2,</u> <u>HD1</u> <u>(HSCR1046)</u> <u>Status</u>	RELATING TO HAWAII HEALTH CORPS. Establishes the Hawaii health corps program to address physician shortages in rural areas of the State; establishes a loan repayment program and an incentive plan for the recruitment of health care professionals to serve shortage areas.	HLT, FIN
<u>SB 1679, SD2,</u> <u>HD1</u> <u>(HSCR1175)</u> <u>Status</u>	RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND. Appropriates moneys from the emergency and budget reserve fund to maintain levels of programs for education, human services, and health. Effective July 1, 2090.	HLT/HUS, FIN
<u>SB 777, SD1,</u> <u>HD1</u> <u>(HSCR1192)</u> <u>Status</u>	RELATING TO COMPREHENSIVE SEXUALITY HEALTH EDUCATION. Requires any recipient of state funding specifically for sexuality health education programs to provide comprehensive medically accurate sexuality education.	HLT, EDN, FIN
<u>SB 1680, SD2,</u> <u>HD1</u> <u>(HSCR1221)</u> <u>Status</u>	RELATING TO TECHNOLOGY. Implements key recommendations of the Hawaii broadband task force by establishing the Hawaii broadband commissioner (HBC) in the Department of Commerce and Consumer Affairs (DCCA). Transfers functions relating to telecommunications from the public utilities commission to the HBC and functions relating to cable services from DCCA to the HBC. Establishes a work group to develop procedures to streamline state and county broadband regulation, franchising, and permitting and report to the legislature. Effective July 1, 2112.	EBM, CPC, FIN

Decision making to follow.

5:00 p.m. AGENDA:

Decision making only (heard on Wednesday, March 25, 2009 - AGENDA #1):

<u>SB 646, SD1</u> <u>(SSCR557)</u> <u>Status</u>	RELATING TO PUBLIC ACCOUNTABILITY. Amends the governor's power to unilaterally limit appropriations that were previously approved by the legislature to require the governor to explain in writing any decisions to reduce, withhold, or otherwise limit appropriations approved by the legislature.	FIN
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<u>SB 21, SD1</u> <u>(SSCR601)</u> <u>Status</u>	RELATING TO GOVERNMENT. Creates temporary exemptions in procurement, rule making, and public employment statutes for programs, services, and benefits using funds allocated to the State by the American Recovery and Reinvestment Act of 2009.	FIN
 <u>Decision making only (heard on Wednesday, March 25, 2009 - AGENDA #2):</u>		
<u>SB 1343, SD2</u> <u>(SSCR638)</u> <u>Status</u>	RELATING TO FEES AND OTHER ASSESSMENTS. Removes administrative agencies' authority to establish fees and replaces administratively established fees with statutory fees. Effective 7/1/2050.	FIN
<u>SB 292, SD1</u> <u>(SSCR596)</u> <u>Status</u>	RELATING TO FUNDS. Lapses excess balances from special and revolving funds to the general fund.	FIN
<u>SB 884, SD2</u> <u>(SSCR825)</u> <u>Status</u>	RELATING TO NON-GENERAL FUNDS. Transfers excess balance from the deposit beverage container deposit special fund and the wireless enhanced 911 fund to the general fund to address the budget shortfall in fiscal biennium 2009-2011.	FIN
<u>SB 404, SD1</u> <u>(SSCR597)</u> <u>Status</u>	RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND. Appropriates funds from the emergency and budget reserve fund for various programs, including grants for fiscal year 2009-2010.	FIN
<u>SB 971, SD2</u> <u>(SSCR835)</u> <u>Status</u>	RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE. Conforms amendments to the Hawaii income tax law based upon amendments to the Internal Revenue Code for calendar year 2008.	FIN
<u>SB 1327, SD1</u> <u>(SSCR559)</u> <u>Status</u>	RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX. Changes from 2/3% to 1/3% the interest rate payable to the taxpayer on overpayments of taxes.	FIN
<u>SB 1106, SD2</u> <u>(SSCR839)</u> <u>Status</u>	RELATING TO TAXATION. Requires a nonresident buyer of real property located in Hawaii to furnish to the bureau of conveyances a Hawaii Real Property Tax Act (HARPTA) payment verification form issued from the department of taxation that certifies that the HARPTA withholding requirements were satisfied as a precondition to recording a change in title on the real property. Requires the seller to submit a certified tax clearance certificate as a condition to transferring real property title.	FIN

Decision making only (heard on Wednesday, March 25, 2009 - AGENDA #3):

SB 1461, SD2 (SSCR847) Status	RELATING TO TAXATION. Requires all persons required to electronically file and pay federal taxes to electronically file and pay state taxes. Accelerates the filing and payment due dates for general excise, transient accommodations, fuel, cigarette, and rental motor vehicle and tour vehicle surcharge taxes.	FIN
SB 1449, SD2 (SSCR846) Status	RELATING TO GENERAL EXCISE TAX. Amends the general excise tax return filing and payment procedures to require periodic estimated payments and one annual return.	FIN
SB 972, SD2 (SSCR697) Status	RELATING TO TAX ADMINISTRATION. Ensures Hawaii businesses and residents are paying their fair share of taxes by directing DOTAX to identify tax gap taxpayers and coordinate with federal agencies, unions, and other state agencies, as applicable, on enforcement and auditing, and database and intelligence sharing. Requires report to legislature. Effective 07/01/90.	FIN
SB 1678, SD3 (SSCR667) Status	RELATING TO TAXATION. Adopts amendments to Hawaii tax laws to implement the streamlined sales and use tax agreement.	FIN
SB 1111, SD1 (SSCR598) Status	RELATING TO TAXATION. Increases the rate of the transient accommodations tax beginning on July 1, 2009, and requires the additional revenues collected from the increase to be deposited into the general fund. Effective 7/1/59.	FIN
SB 1247, SD2 (SSCR818) Status	RELATING TO THE ECONOMY. Requires the department of taxation, with the assistance of the department of business, economic development, and tourism, to evaluate certain tax credits and tax exemptions and report to the legislature. Requires the department of taxation to give recommendations prior to the mandate for those tax credits and tax exemptions to sunset.	FIN
SB 199, SD1 (SSCR595) Status	RELATING TO TAXATION. Sunsets and repeals all tax credits for taxable years beginning after 12/31/10.	FIN

Decision making only (heard on Wednesday, April 1, 2009 - AGENDA #1):

[SB 164](#)
[\(HSCR1123\)](#)
[Status](#) RELATING TO THE FEDERAL GRANTS SEARCH, DEVELOPMENT, EDN, FIN
AND APPLICATION REVOLVING FUND.
Expands the allowable use of the federal grants search,
development, and application revolving fund to include
monitoring and auditing. Changes the name of the fund to
reflect the new allowable uses.

[SB 389, SD1, HD1](#)
[\(HSCR1306\)](#)
[Status](#) RELATING TO CAPITAL IMPROVEMENT PROJECTS. EDN, LMG,
Requires the Legislative Reference Bureau to review the FIN
memorandum of understanding between the Department of
Education and Department of Budget and Finance for the
allotment of capital improvement projects, with the goal of
replicating the processes of the MOU for use by other state
agencies with many capital improvement projects that are
predominantly funded by general obligation bonds.

5:15 p.m. AGENDA:

Decision making only (heard on Wednesday, April 1, 2009 – AGENDA #2):

[SB 1060, SD1,](#)
[HD1](#)
[\(HSCR1217\)](#)
[Status](#) RELATING TO FIREWORKS. PBS, FIN
Increases the permit fees associated with using and importing
fireworks. Requires permit fees for purchasing and using
fireworks be provided to the county fire departments.

COMMITTEE ON EDUCATION

Friday, April 3, 2009

2:30 p.m.

Conference Room 309; State Capitol

AGENDA:

The following measure HCR76 is being used as a vehicle only. The title and content of HCR76 will be removed in its entirety and replaced with new material. Testimony on HCR76 should be related to the new material and not the original HCR76 content.

Copies of the proposed draft will be available in Room 324 and on the Legislature's Web site:

<http://www.capitol.hawaii.gov>.

[HCR 76](#)
[Status](#) PROPOSED HD1: EDN, FIN
REQUESTING THE GOVERNOR NOT TO ADDRESS THE 2009
FISCAL YEAR BUDGET SHORTFALL BY REDUCING OR
RESTRICTING THE DEPARTMENT OF EDUCATION'S AND
UNIVERSITY OF HAWAII'S CURRENT APPROPRIATIONS.

[SCR 18, SD1 \(SSCR905\)](#) [Status](#) REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE FURTHER SUPPORT FOR ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE COURSES IN PUBLIC SCHOOLS THAT LIMIT OR DO NOT OFFER THESE COURSES. EDN, FIN

[SCR 30 \(SSCR903\)](#) [Status](#) REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON CONVERTING HARD COVER TEXT BOOKS TO E-BOOKS FOR USE IN PUBLIC SCHOOLS. EDN, FIN

[SCR 52, SD1 \(SSCR906\)](#) [Status](#) REQUESTING THAT THE HOOKAKOO CORPORATION REPORT ON THE PROGRESS AND IMPACTS OF THE MODELS FOR EXPANDED LEARNING TIME BEING PILOTTED BY THE HOOKAKOO CORPORATION'S PARTNER CONVERSION CHARTER SCHOOLS. EDN, FIN

Decision making to follow.

COMMITTEE ON JUDICIARY AND COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Friday, April 3, 2009
Conference Room 325; State Capitol

3:00 p.m. AGENDA:

[SB 1349, SD1 \(SSCR567\)](#) [Status](#) RELATING TO NOTARIES PUBLIC. JUD/CPC
Requires a notary public to include on the notary public's stamp or seal the notary public's commission number. Clarifies which types of changes may be made to a document after notarization; clarifies how a notarized document may be altered by ratification of all parties to the document. (SD1)

Decision making to follow.

3:05 p.m. AGENDA:

JUD only:

[SB 711, SD1, HD1 \(HSCR1200\)](#) [Status](#) RELATING TO TRANSPORTATION. TRN, JUD
Allows for the operation of larger articulated buses used for public transit purposes on public roadways. Effective 07/01/2009. (SB711 HD1)

Decision making to follow.

Decision making only (heard on Tuesday, March 31, 2009):

SB 34, SD1 (HSCR1093) Status	RELATING TO THE MORTGAGE RESCUE FRAUD PREVENTION ACT. Excludes licensed real estate brokers and salespersons from the definition of distressed property consultants in the Mortgage Foreclosure Rescue Fraud Prevention Act. Prohibits certain conduct relating to the acquisition of an ownership interest in distressed property by licensed real estate brokers and salespersons. (SD1)	CPC, JUD
SB 35, SD1 (HSCR1094) Status	RELATING TO MORTGAGES. Amends definition of "distressed property consultant" to add public accountants and certified public accountants to the list of exclusions. (SD1)	CPC, JUD
SB 764, SD2, HD1 (HSCR1225) Status	RELATING TO REAL PROPERTY. Clarifies standards for interpreting the terms "fair and reasonable rent" in contract renegotiations of long-term commercial and industrial ground leases; requires subtenants with subleases providing for lessee's recovery of ground lease rent, to be charged their pro-rata share of the renegotiated fair and reasonable rent (SB764 HD1)	EBM, JUD
SB 1152, HD1 (HSCR1268) Status	RELATING TO AGRICULTURAL LANDS. Establishes a one hundred year moratorium on certain building and development projects on agricultural lands located in state senate districts twenty-two and twenty-three. (SB1152 HD1)	AGR/WLO, JUD
SB 468, SD1, HD1 (HSCR1271) Status	RELATING TO COASTAL ZONE MANAGEMENT. Requires certain agencies to account for sea-level rise and minimize risk from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis. Also preserves public shoreline access and authorizes the counties to account for annual shoreline erosion rates. Creates exception from shoreline setback rules for existing Waikiki beach structures and properties subject to Waikiki Beach Reclamation Agreement, to extent agreement conflicts with setback rules. (SB468 HD1)	WLO, JUD

COMMITTEE ON LEGISLATIVE MANAGEMENT

Friday, April 3, 2009
Conference Room 423; State Capitol

3:45 p.m. AGENDA:

HCR 94 (HSCR1212) Status	REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S MAINTENANCE CONTRACTS.	HUS, LMG
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Decision making to follow.

4:30 p.m. AGENDA:

HR 242 Status	URGING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO SUPPORT AMENDMENTS TO THE HOUSE OF REPRESENTATIVES RULES AND ADMINISTRATIVE AND FINANCIAL MANUAL TO IMPOSE A DUTY OF A MEMBER TO DISCOURAGE PERMANENT AND SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES FROM TESTIFYING BEFORE THE LEGISLATURE.	LMG
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Decision making to follow.