

STAND. COM. REP. NO.

2334

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2246
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2246 entitled:

"A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING 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,"

begs leave to report as follows:

The purpose of this measure is to amend or repeal various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii pursuant to chapter 23G, Hawaii Revised Statutes, to correct errors, update references, clarify language, and delete obsolete or unnecessary language.

Your Committee finds that all of the statutory amendments proposed by this measure are of a purely technical nature and either contain no substantive changes to the law, or, if they have any substantive effect, are done simply to correct the types of errors noted in this report.

Your Committee finds the reasons for the respective technical amendments made in the bill are as follows:

Section 1. L 2005, c 218, §1 amended section 188-34, HRS, to include a restriction on fishing in Kahului harbor, effective December 31, 2006 (L 2005, c 218, §3). L 2006, c 241, §5 amended the effective date of Act 218 from December 31, 2006 to June 30,

SB2246 SD1 SSCR LRB 10-1344.doc



2007 and added a repeal and reenactment for section 188-34, HRS, to the day before the effective date of Act 218 (June 29, 2007) upon the effective date of administrative rules adopted by the department of land and natural resources regarding user conflicts at Kahului harbor. On April 30, 2009, Kahului harbor fisheries management area administrative rules were adopted to address user conflicts in the harbor.

Thus, section 188-34, HRS, should be reenacted to how it read on June 29, 2007 by eliminating the references to Kahului Harbor.

Section 2. L 2008, c 19, §62 amended the definition of "Hotel/hotel-condo" in section 486K-1, HRS, to read ""Hotel", "hotel-condominium" or "condominium-hotel"". Sections 205A-30.5(b), and 205A-71(b), HRS, refer to the former definition of "hotel/hotel-condo".

Sections 205A-30.5(b), and 205A-71(b), HRS, should be amended to conform to the new definition.

Section 3. L 2009, c 88, §3 amended section 291E-6, HRS, by, among other things, deleting all references to chapter 804, relating to bonds, in subsections (a), (b), (c), and (d), but inadvertently left the chapter 804 reference in subsection (c)(3).

Section 291E-6, HRS, should be amended by amending subsection (c)(3) to delete the reference to chapter 804.

Section 4. Section 10 of this bill proposes to repeal section 302A-463, HRS, the advisory commission on gender equity in sports, which expired on July 1, 2003. Section 302A-462(a), HRS, refers to the commission and should be amended to delete the reference to the expired commission.

Section 5. L 2009, c 97, §2 repealed section 348-9, HRS, the statewide council on independent living. Section 348-8, HRS, still refers to the council in subsections (a)(1) and (d). Subsections (a)(1) and (d) should be amended to delete the reference to the obsolete council.

Section 6. L Sp 2009, c 22 replaced the term "naturopathy" or like terms with "naturopathic medicine" or like terms, in chapter 455, HRS, and amended the definition of naturopathic physician in section 455-1, HRS, from a person who holds a license to practice "naturopathy" to a person who holds a license to practice "naturopathic medicine".

The definition of "physician" in section 386-1, HRS, (workers' compensation) includes "a naturopath". The term



"naturopath" in section 386-1, HRS, should be changed to "naturopathic physician", the term now used in chapter 455, HRS.

Section 7. L 2003, c 212 renamed the definition of "life or health insurer" to "life or accident and health or sickness insurer" in various sections of chapter 431, HRS, but did not conform the term in the definition of "negative trend" in section 431:3-401, HRS.

The term "life or health insurer" in the definition of "negative trend" in section 431:3-401, HRS, should be changed to "life or accident and health or sickness insurer" to make it consistent with the rest of chapter 431, HRS, as amended by Act 212.

Section 8. L 2008, c 108, §§5 and 6 changed the "Trade Names" part designation of chapter 482, HRS, from part I to part II. Section 431:9A-107(f)(2), HRS, states in part "if the licensee has registered a trade name pursuant to part I of chapter 482". As the Trade Names part designation in chapter 482, HRS, has been changed from part I to part II by Act 108, reference to "part I" should be changed to "part II".

Section 9. L Sp 2009, c 22 replaced the term "naturopathy" or like terms with "naturopathic medicine" or like terms, in chapter 455, HRS, and amended the definition of naturopathic physician in section 455-1, HRS, from a person who holds a license to practice "naturopathy" to a person who holds a license to practice "naturopathic medicine".

Section 657-7.3, HRS, contains the term "naturopath". The term "naturopath" in section 657-7.3, HRS, should be changed to "naturopathic physician" to conform to the amendments made by L Sp 2009, c 22.

Section 10. Section 302A-463, HRS, provides in subsection (c) that the advisory commission on gender equity in sports shall expire three years after July 1, 2000, which would be on July 1, 2003.

As July 1, 2003 has long passed, section 302A-463, HRS, should be repealed as functus.

Section 11. L Sp 2009, c 24, §2 amended section 353H-21, HRS, by adding a subsection (b) which provided that the legislative oversight committee established by section 353H-21, HRS, pursuant to L Sp 2007, c 8 for the department of public safety was to cease to exist on July 1, 2009. As this date has



passed, part II of chapter 353H, the offender reentry legislative oversight committee and section 353H-21, HRS, of which it is the only section, is functus and should be formally repealed.

Section 12. The prefatory language of L 2009, c 169, §8, states that "section 423D-23" is amended to read as follows. However, "section 432D-23" is the section that is actually being amended. The prefatory language of L 2009, c 169, §8, should be amended to state that "section 432D-23" is being amended.

Your Committee received testimony in support of this measure from the Legislative Reference Bureau.

Your Committee has amended this measure to make technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2246, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2246, S.D. 1, and be placed on the calendar for Third Reading.

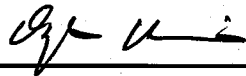
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2246	JGO	2/4/00		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0/1A
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes