

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 23, 2010

MEMORANDUM

TO: Honorable Jon Riki Karamatsu, Chair
House Committee on Judiciary

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 2246, S.D.1 - 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.**

HEARING: Tuesday, February 23, 2010 2:00 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of this bill is to amend or repeal 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.

DEPARTMENT'S POSITION: The Department of Human Services respectfully requests the following amendments to Section 5 of this bill.

Act 97, Session Laws of 2009, repealed section 348-9, Hawaii Revised Statutes (HRS), which deleted the Statewide Council on Independent Living (SCIL) from within DHS to comply with Federal law. For the State to be eligible to receive Federal financial assistance, the Federal Rehabilitation Act, title 29 United States

Code, section 796d, required the State to establish a Statewide Independent Living Council, which cannot be established as an entity within a state agency.

However, in compliance with Federal law, there is established the Statewide Independent Living Council (SILC) which is required by Federal law to have a liaison seat on the State Rehabilitation Council (SRC). In Section 5 of this bill, rather than deleting the reference to the Statewide Council on Independent Living (SCIL), the proposed amendment to section 348-8(a)(1) and section 348-8(d) instead should read to replace the SCIL with the Statewide Independent Living Council (SILC).

Thank you for the opportunity to provide testimony to this Committee.

Ken H. Takayama
Director

Charlotte A. Carter-Yamauchi
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
415 S. Beretania Street, Room 446
Honolulu, Hawaii 96813

Written Testimony

SB2246, SD1

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

Testimony by the Legislative Reference Bureau
Ken H. Takayama, Director

Presented to the House Committee on Judiciary

Tuesday, February 23, 2010, 2:00 p.m.
Conference Room 325

Chair Karamatsu and Members of the Committee:

Thank you for the opportunity to testify on the proposed statutory revision bill. Senate Bill No. 2246, S.D.1, is submitted pursuant to chapter 23G of the Hawaii Revised Statutes. We are in support of this bill.

All amendments are of a purely technical nature and correct errors, omissions or obsolete law. As is the case each year, the revision bill was reviewed by the Office of the Attorney General. The rationale for each amendment proposed by this bill accompanies this testimony as an attachment.

The Bureau stands ready to assist the Committee in preparing the committee report and any changes to the revision bill the Committee deems appropriate. Should the Committee have any questions, please contact Irvin Komamura by phone at ext. 70685 or by email at komamura@hawaii.capitol.gov.

**SUMMARY OF AMENDMENTS MADE IN SB 2246, SD1
(STATUTORY REVISION BILL - 2010)**

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, 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.