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## 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.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 102-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The bidding requirements of subsection (a) shall not  
4 apply to concessions or space on public property set aside for  
5 the following purposes:

6           (1) For operation of ground transportation services and  
7 parking lot operations at airports, except for motor  
8 vehicle rental operations under chapter 437D;

9           (2) For lei vendors;

10          (3) For airline and aircraft operations;

11          (4) For [~~automatic~~] automated teller machines and vending  
12 machines, except vending machines located at public  
13 schools operated by blind or visually handicapped  
14 persons in accordance with section 302A-412;

15          (5) For operation of concessions set aside without any  
16 charge;



- 1           (6) For operation of concessions by handicapped or blind  
2           persons; except concessions operated in the public  
3           schools by blind or visually handicapped persons in  
4           accordance with section 302A-412;
- 5           (7) For operation of concessions on permits revocable on  
6           notice of thirty days or less; provided that no such  
7           permits shall be issued for more than a one year  
8           period;
- 9           (8) For operation of concessions or concession spaces for  
10          a beach service association dedicated to the  
11          preservation of the Hawaii beach boy tradition,  
12          incorporated as a nonprofit corporation in accordance  
13          with state law, and whose members are appropriately  
14          licensed or certified as required by law;
- 15          (9) For operation of concessions at county zoos, botanic  
16          gardens, or other county parks which are  
17          environmentally, culturally, historically, or  
18          operationally unique and are supported, by nonprofit  
19          corporations incorporated in accordance with state law  
20          solely for purposes of supporting county aims and  
21          goals of the zoo, botanic garden, or other county  
22          park, and operating under agreement with the



1 appropriate agency solely for such purposes, aims, and  
2 goals;

3 (10) For operation of concessions that furnish goods or  
4 services for which there is only one source, as  
5 determined by the head of the awarding government  
6 agency in writing that shall be included in the  
7 contract file; and

8 (11) For any of the operations of the Hawaii health systems  
9 corporation and its regional system boards."

10 SECTION 2. Section 209E-2, Hawaii Revised Statutes, is  
11 amended by amending the definition of "leased employee" to read  
12 as follows:

13 "Leased employee" means an employee under a professional  
14 [~~employment~~] employer organization arrangement who is assigned  
15 to a particular client company on a substantially full-time  
16 basis for at least one year."

17 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is  
18 amended by amending the definition of "charter schools" to read  
19 as follows:

20 "Charter schools" means public schools holding [~~charters~~]  
21 charter contracts to operate as charter schools under chapter  
22 [+]302D[+], including start-up and conversion charter schools,



1 that have the flexibility to implement alternative frameworks  
2 with regard to curriculum, facilities management, instructional  
3 approach, length of the school day, week, or year, and personnel  
4 management."

5 SECTION 4. Section 412:3-502, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§412:3-502 Foreign financial institution. No foreign  
8 financial institution shall receive deposits, lend money, or pay  
9 checks, negotiate orders of withdrawal or share drafts from any  
10 principal office, branch, agency, [~~automatic~~] automated teller  
11 machine, or other location in this State, unless expressly  
12 authorized by this chapter, other laws of this State, or federal  
13 law; provided that nothing in this section shall prohibit any  
14 foreign financial institution from participating in the  
15 disbursement of cash through an [~~automatic~~] automated teller  
16 machine network or from operating from any location in this  
17 State as a licensee under chapter 454F, or as a real estate  
18 collection servicing agent."

19 SECTION 5. Section 412:12-101, Hawaii Revised Statutes, is  
20 amended by amending the definition of "branch" to read as  
21 follows:



1        ""Branch" means a place of business of a bank, other than  
2 its main office, which is open to the public and at which  
3 deposits are received and paid. The term does not include an  
4 [~~automatic~~] automated teller machine as defined in section  
5 412:3-501."

6        SECTION 6. Section 454F-1, Hawaii Revised Statutes, is  
7 amended by amending the definitions of "exempt sponsoring  
8 mortgage loan originator company" and "unique identifier" to  
9 read as follows:

10        ""Exempt sponsoring mortgage loan originator company" means  
11 any person exempt from or not included in the licensing  
12 requirements of this chapter who registers with [+]NMLS[+] for  
13 purposes of sponsoring a mortgage loan originator.

14        "Unique identifier" means a number or other identifier  
15 assigned by protocols established by [+]NMLS[+]."

16        SECTION 7. Section 454F-25, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) and (b) to read as follows:

18        "(a) An employee who performs mortgage loan originator  
19 activities for a nonprofit organization is exempt from  
20 registration and licensure as a mortgage loan originator;  
21 provided that:



1 (1) The employee's actions are part of the employee's  
2 duties as an employee of the nonprofit organization;

3 (2) The employee only provides mortgage loan originator  
4 services with respect to residential mortgage loans  
5 with terms favorable to the borrower; and

6 (3) The nonprofit organization registers with [+]NMLS[+].

7 (b) The commissioner shall periodically examine the books  
8 and activities of nonprofit organizations as defined in section  
9 454F-1 and shall revoke an organization's registration as a  
10 nonprofit organization with [+]NMLS[+] if the nonprofit  
11 organization fails to meet the requirements to be a nonprofit  
12 organization."

13 SECTION 8. Section 466J-8, Hawaii Revised Statutes, is  
14 amended by amending subsection (d) to read as follows:

15 "(d) The board shall not renew or reinstate, or shall deny  
16 or suspend, any license or application[7] if the board has  
17 received certification from an administering entity pursuant to  
18 chapter 436C that the licensee or applicant either: is in  
19 default or breach of any obligation under any student loan,  
20 student loan repayment contract, or scholarship contract that  
21 financed the licensee's or applicant's education; or has failed  
22 to comply with a repayment plan.



1           ~~[The board in]~~ Upon receipt of a certification pursuant to  
2 chapter 436C ~~[shall, as applicable, and]~~, the board, without  
3 further review or hearing~~[+]~~ shall, as applicable:

4           (1) Suspend the license ~~[without further review or~~  
5           ~~hearing]~~ ;

6           (2) Deny the application or request for renewal of the  
7           license; or

8           (3) Deny the request for reinstatement of the license~~[~~  
9 ~~and unless]~~ .

10 Unless otherwise provided by law, the board shall renew,  
11 reinstate, or grant the license only upon receipt of an  
12 authorization from the administering entity."

13           SECTION 9. Section 459-16, Hawaii Revised Statutes, is  
14 repealed.

15           ~~["[§459-16] Adverse effects, temporary reporting~~  
16 ~~requirements. The board of examiners in optometry shall~~  
17 ~~promulgate rules and regulations as will require a licensed~~  
18 ~~optometrist to report findings of adverse effects experienced by~~  
19 ~~any of the optometrist's patients from the optometrist's use of~~  
20 ~~pharmaceutical agents during an examination. This requirement~~  
21 ~~shall expire on June 30, 1988."]~~



1 SECTION 10. Act 212, Session Laws of Hawaii 2008, as  
2 amended by Acts 11 and 96, Session Laws of Hawaii 2009, as  
3 amended by Act 184, Session Laws of Hawaii 2013, is amended by  
4 amending section 7 to read as follows:

5 "SECTION 7. This Act shall take effect upon its approval  
6 and shall be repealed on January 1, 2016[-]; provided that  
7 section 461-14, Hawaii Revised Statutes, shall be reenacted in  
8 the form in which it read on the day before the effective date  
9 of this Act."

10 SECTION 11. Section 321-15.62, Hawaii Revised Statutes, is  
11 amended by ratifying the reenactment by the revisor of  
12 subsection (b) to read as follows:

13 "(b) The director of health shall adopt rules regarding  
14 expanded adult residential care homes in accordance with chapter  
15 91 that shall implement a social model of health care designed  
16 to:

17 (1) Protect the health, safety, civil rights, and rights  
18 of choice of residents in a nursing facility or in  
19 home- or community-based care;

20 (2) Provide for the licensing of expanded adult  
21 residential care homes for persons who are certified  
22 by the department of human services, a physician,





1 advanced practice registered nurse, or registered  
2 nurse case manager as requiring skilled nursing  
3 facility level or intermediate care facility level of  
4 care who have no financial relationship with the home  
5 care operator or facility staff; provided that the  
6 rules shall allow group living in the following two  
7 categories of expanded adult residential care homes as  
8 licensed by the department of health:

9 (A) A type I home shall consist of five or fewer  
10 residents with no more than two nursing facility  
11 level residents; provided that more nursing  
12 facility level residents may be allowed at the  
13 discretion of the department; and provided  
14 further that up to six residents may be allowed  
15 at the discretion of the department to live in a  
16 type I home; provided that the primary caregiver  
17 or home operator is a certified nurse aide who  
18 has completed a state-approved training program  
19 and other training as required by the department;  
20 and

21 (B) A type II home shall consist of six or more  
22 residents, with no more than twenty per cent of



1           the home's licensed capacity as nursing facility  
2           level residents; provided that more nursing  
3           facility level residents may be allowed at the  
4           discretion of the department;  
5           provided further that the department shall exercise  
6           its discretion for a resident presently residing in a  
7           type I or type II home, to allow the resident to  
8           remain as an additional nursing facility level  
9           resident based upon the best interests of the  
10          resident. The best interests of the resident shall be  
11          determined by the department after consultation with  
12          the resident, the resident's family, primary  
13          physician, case manager, primary caregiver, and home  
14          operator;  
15          (3) Comply with applicable federal laws and regulations of  
16          title XVI of the Social Security Act, as amended; and  
17          (4) Provide penalties for the failure to comply with any  
18          rule."

19          SECTION 12. Act 175, Session Laws of Hawaii 2010, is  
20          amended by amending section 5 to read as follows:

21          "SECTION 5. This Act shall take effect on July 1, 2010[-];  
22          provided that the amendments made to section 201-12.8(a), Hawaii



# H.B. NO. 11050

**Report Title:**  
Revision Bill

**Description:**

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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

