

JAN 15 2014

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;



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- 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 [H] 302D [H], 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[-] 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



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1 Revised Statutes, by this Act shall not be repealed when that
2 section is reenacted on June 30, 2015, pursuant to section 14 of
3 Act 73, Session Laws of Hawaii 2010."

4 SECTION 13. Act 205, Session Laws of Hawaii 2013, is
5 amended by amending the prefatory language in section 4 to read
6 as follows:

7 "SECTION 4. Section [~~711-1110,~~] 711-1100, Hawaii Revised
8 Statutes, is amended by adding a new definition to be
9 appropriately inserted and to read as follows:"

10 SECTION 14. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 15. This Act shall take effect upon its approval.

13

INTRODUCED BY:



By Request



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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.

