OFFICE OF THE SPEAKER TWENTY-EIGHTH STATE LEGISLATURE

COMMITTEE REFERRALS

NO. 4 6TH LEGISLATIVE DAY-JANUARY 29, 2016

Committee Abbreviations:

AGR - Agriculture LAB - Labor & Public Employment CPC - Consumer Protection & Commerce LMG - Legislative Management EDB - Economic Development & Business OMH - Ocean, Marine Resources, & Hawaiian EDN - Education **Affairs** EEP - Energy & Environmental Protection PBS - Public Safety FIN - Finance TOU - Tourism HED - Higher Education TRN - Transportation VMI - Veterans, Military, & International Affairs, & HLT - Health HSG - Housing Culture and the Arts HUS - Human Services WAL - Water & Land JUD - Judiciary

Committee

<u>HB2270</u> RELATING TO INVASIVE SPECIES PROGRAM

AGR, FIN

REFERRAL

ADMINISTRATION.
Restructures the Hawai

Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, attached administratively to the Department of Agriculture, for the enhancement of the State's invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs. Establishes the Hawaii Invasive Species Authority Special Fund and appropriates moneys to that fund to implement the Authority and

relevant invasive species projects.

HB2271 RELATING TO AGRICULTURE.

AGR, FIN

Establishes a grant program within chapter 163D, Hawaii

Revised Statutes.

HB2272 RELATING TO THE BIOSECURITY PROGRAM. AGR, FIN Improves the effectiveness of Hawaii biosecurity program by establishing the program as a function of the whole department of agriculture. The improvement of Hawaii biosecurity goes beyond the confines of the plant quarantine branch and often also includes other groups both inside and outside of state government. RELATING TO HUNTING ON PRIVATE LANDS. HB2273 WAL, JUD Requires hunters to obtain written permission from landowners or occupiers or holders of private lands to hunt on private lands. Effective July 1, 2016. RELATING TO THE AGRICULTURAL LOAN REVOLVING HB2274 AGR, FIN FUND. Appropriates \$4,000,000 for the agricultural loan program to increase the State's food sustainability. HB2275 AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE AGR. FIN REVENUE BONDS TO ASSIST BIG ISLAND DAIRY, LLC. Authorizes the issuance of special purpose revenue bonds up to \$10,000,000 to assist Big Island Dairy LLC for the planning, design, and construction of new milking facilities. RELATING TO ENHANCED 911 SERVICES. PBS, CPC, FIN HB2276 Establishes a prepaid wireless E911 surcharge of 66 cents per retail transaction of prepaid wireless telecommunications service at the point of sale. Allows sellers to deduct and retain 3 per cent of the surcharge that is collected. Requires the amounts collected by the Enhanced 911 Board to be placed in the Enhanced 911 Fund. Effective on July 1, 2017. RELATING TO THE KING KAMEHAMEHA HB2277 OMH, VMI, FIN CELEBRATION COMMISSION. Amends the membership of the King Kamehameha Celebration Commission. Provides the chairperson of the commission with the authority to establish an advisory committee composed of past commission members to advise the chairperson on historical and archival background of the commission. Amends the support staff function. Amends the mission and purpose of the

commission.

Committee REFERRAL RELATING TO ENTERPRISE TECHNOLOGY SERVICES. CPC, FIN **HB2278** Consolidates the Office of Information Management and Technology and the Information and Communication Services Division of the Department of Accounting and General Services, including all related information technology functions, in the Office of Enterprise Technology Services under the direction of the Chief Information Officer. The amendments are intended to create greater efficiency in state government and clarify roles and responsibilities in new governance processes by consolidating the two programs that already fall under the oversight of the Chief Information Officer. HB2279 MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE JUD, FIN STATE, ITS OFFICERS, OR ITS EMPLOYEES. Makes appropriations for claims against the State, its officers, and its employees. RELATING TO THE PROTECTION OF CHARITABLE **HB2280** JUD, FIN ASSETS. Defines "property" as used in section 28-5.2, Hawaii Revised Statutes. RELATING TO SERVICE BY PUBLICATION IN JUD HB2281 PATERNITY CASES. Amends the Uniform Parentage Act to allow for service by publication when defendants cannot be located or personally served. HB2282 RELATING TO PARENTAL RIGHTS. HUS, JUD Provides that a parent's rights may be terminated if the court determines, by clear and convincing evidence, that the child was conceived during an act of rape or sexual assault creating a

presumption that termination of parental rights is in the best interest of the child.

CPC, JUD

Amends chapter 467B, Hawaii Revised Statutes, to require affirmative disclosures to donors by professional solicitors, to clarify the chapter's exemptions from registration, and to make other technical amendments to Hawaii's charitable solicitation law.

RELATING TO CHARITABLE SOLICITATION.

HB2284 RELATING TO GUARDIANSHIP.

JUD

Requires the courts to provide information relating to adult guardianships to the Hawaii criminal justice data center to disclose to the Federal Bureau of Investigation National Instant Criminal Background Check System database for gun control purposes.

HB2283

HB2285 RELATING TO THE LITIGATION TRUST FUND. JUD, FIN

Amends sections 28-16 and 661-22, Hawaii Revised Statutes, to enable the Attorney General to retain and deposit fifteen per cent of any recovery from any civil action or settlement of a civil claim initiated or prosecuted by the Attorney General to be used for staffing, expenses, equipment, and training.

RELATING TO PROFESSIONALLY LICENSED OR HB2286

LAB, JUD

CERTIFIED GOVERNMENT EMPLOYEES.

Adds a new section to chapter 662, Hawaii Revised Statutes, providing professionally licensed or certified government employees with the same privileges and immunities as other state employees.

RELATING TO CRIMINAL TRESPASS. HB2287

WAL, JUD

Adds the offense of criminal trespass onto state lands to part II of chapter 708, Hawaii Revised Statutes, and amends criminal trespass in the second degree to include and apply to agricultural property owned by the government that is not fenced, enclosed or otherwise secured in a manner designed to exclude intruders.

RELATING TO THE HI GROWTH INITIATIVE. **HB2288**

EDB, FIN

Allocates \$5,000,000 of the Corporation Income Tax collected each year for five year to the Hawaii Strategic Development Corporation Revolving Fund for the HI Growth Initiative, an investment program to develop an ecosystem to support highgrowth entrepreneurial companies in the State. Effective July 1,

2016.

HB2289 RELATING TO THE HAWAII COMMUNITY-BASED EDB, FIN

ECONOMIC DEVELOPMENT TECHNICAL AND

FINANCIAL ASSISTANCE PROGRAM.

Amends the definition of "community-based organization." Amends the qualifications for community-based economic development grants to include technical assistance to community-based organizations. Reduces the number of community-based economic development advisory council members from twelve to nine. Updates non-discrimination language. Appropriates funds to the Hawaii community-based economic development revolving fund.

RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT EDB, CPC, FIN HB2290

CORPORATION.

Changes the name of the High Technology Development Corporation to Hawaii Technology Development Corporation.

Effective 7/01/2016.

REFERRAL HB2291 RELATING TO RENEWABLE ENERGY. EEP, CPC Amends the "renewable portfolio standard" definition to more accurately reflect the amount of renewable energy generation in Hawaii by amending the renewable portfolio standard calculation to be based on electrical energy generation as opposed to electrical energy sales. HB2292 RELATING TO THE LAND USE COMMISSION. WAL, JUD Provides the Land Use Commission with the power to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, when there has been a finding by the Land Use Commission that a petitioner or its successors or assigns has not adhered to the conditions imposed by the commission. HB2293 RELATING TO THE HAWAII HOUSING FINANCE AND HSG, FIN DEVELOPMENT CORPORATION. Enables the Hawaii Housing Finance and Development Corporation to develop mixed-use developments in partnership with state and county departments and agencies. Effective 7/1/2016. HB2294 RELATING TO THE HAWAII HOUSING FINANCE AND HSG, FIN DEVELOPMENT CORPORATION. Authorizes the Hawaii Housing Finance and Development Corporation Board of Directors to set the salary of the Hawaii Housing Finance and Development Corporation Executive Director in an amount not to exceed the salary of the Director of Business, Economic Development, and Tourism. Effective 7/1/2016. HB2295 RELATING TO THE AEROSPACE ADVISORY **EDB** COMMITTEE. Reduces the number of members on the Aerospace Advisory Committee from fifteen to thirteen. Allows the members of the Aerospace Advisory Committee to elect their own committee chair from members appointed by the Governor to this body. Effective July 1, 2016. HB2296 RELATING TO THE PACIFIC INTERNATIONAL SPACE **EDB** CENTER FOR EXPLORATION SYSTEMS. Eliminates the ex-officio National Aeronautics and Space Administration representative from the Pacific International

Committee

Space Center for Exploration Systems Board. Effective July 1,

2016.

		Committee <u>REFERRAL</u>
<u>HB2297</u>	RELATING TO THE MOTION PICTURE, DIGITAL MEDIA, AND FILM PRODUCTION INCOME TAX CREDIT. Amends Act 88, Session Laws of Hawaii 2006, to repeal the sunset date for the amendments made to section 235-17, Hawaii Revised Statutes.	EDB, FIN
<u>HB2298</u>	RELATING TO FUNDING FOR CREATIVE MEDIA AND FILM DEVELOPMENT. Amends section 201-113, Hawaii Revised Statutes, to expand funding sources to support creative industries development within the Department of Business, Economic Development, and Tourism; and repeals sections 201-111, 201-112, and 201-114, Hawaii Revised Statutes.	EDB, FIN
<u>HB2299</u>	RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY. Provides Enterprise Zone incentives for qualified renewable energy technology business activity on real property owned by the Natural Energy Laboratory of Hawaii Authority.	EDB, FIN
<u>HB2300</u>	RELATING TO STATE PLANNING. Requires the Office of Planning to review and propose updates to the State Planning Act and submit a written report to the Legislature. Makes an appropriation.	EDB, FIN
<u>HB2301</u>	RELATING TO THE HAWAII GREEN INFRASTRUCTURE AUTHORITY. Amends the composition of the Hawaii Green Infrastructure Authority, expanding it from five to seven members.	EEP, CPC, FIN
<u>HB2302</u>	RELATING TO TRANSIT-ORIENTED DEVELOPMENT. Establishes the Hawaii Interagency Council for Transit-Oriented Development within the Department of Business, Economic Development, and Tourism to institutionalize intergovernmental and interagency coordination on transit-oriented development planning statewide. Appropriates funds.	TRN, WAL, FIN
<u>HB2303</u>	RELATING TO THE CONVEYANCE TAX. Repeals the statutory cap on the disposition of conveyance taxes dedicated for deposit into the Rental Housing Revolving Fund for the financing of affordable rental housing development.	HSG, WAL, FIN
<u>HB2304</u>	RELATING TO THE LOW-INCOME HOUSING TAX CREDIT. Increases funding for affordable rental housing development by making the State Low-Income Housing Tax Credit more valuable. Reduces State Tax Credit period from ten to five years.	HSG, FIN

HB2305 RELATING TO THE DWELLING UNIT REVOLVING FUND. HSG, FIN Authorizes the creation of Regional State Infrastructure Improvement Subaccounts within the Dwelling Unit Revolving Fund and the use of the Dwelling Unit Revolving Fund to provide loans and grants to finance regional state infrastructure improvements in areas of planned growth. MAKING APPROPRIATIONS FOR COLLECTIVE HB2306 LAB, FIN BARGAINING COST ITEMS. To provide fund authorizations and appropriations for collective bargaining cost items for Unit (8) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2015-2017. HB2307 MAKING APPROPRIATIONS FOR COLLECTIVE LAB, FIN BARGAINING COST ITEMS. To provide fund authorizations and appropriations for collective bargaining cost items for Unit (14) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2015-2017. HB2308 MAKING APPROPRIATIONS FOR COLLECTIVE LAB, FIN BARGAINING COST ITEMS. To provide fund authorizations and appropriations for collective bargaining cost items for Unit (11) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2015-2017. RELATING TO INVESTMENTS OF THE HAWAII HB2309 LAB, FIN EMPLOYER-UNION HEALTH BENEFITS TRUST FUND. Repeals certain restrictions on investments that can be made by the Hawaii Employer-Union Health Benefits Trust Fund and make housekeeping amendments. RELATING TO THE HAWAII EMPLOYER-UNION HEALTH LAB, FIN HB2310 BENEFITS TRUST FUND. Amends the definition of "dependent-beneficiary." RELATING TO REPORTING DEATHS TO STATE HB2311 LAB, HLT, CPC AGENCIES. Authorizes the Department of Health to continue to disclose, including through electronic means, lists of names of persons whose deaths have been recorded by DOH, to state agencies that

maintain official lists of persons and are prohibited by federal

law from sharing information for the lists.

		Committee REFERRAL
<u>HB2312</u>	RELATING TO PAYMENTS BY EMPLOYERS TO THE EMPLOYEES' RETIREMENT SYSTEM. Confirms that employer contributions to the Employees' Retirement System may be made in advance or on a monthly basis.	LAB, FIN
<u>HB2313</u>	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. Preserves the Employees' Retirement System's use and control of unclaimed member contributions and benefit payments.	LAB, FIN
<u>HB2314</u>	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. Authorizes forfeiture of certain Employees' Retirement System benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.	LAB, JUD, FIN
<u>HB2315</u>	RELATING TO DISPOSITION OF EXCESS REVENUES. To re-appropriate \$10,000,000 in general funds to the Emergency and Budget Reserve Fund for fiscal year 2015-2016.	FIN
<u>HB2316</u>	MAKING APPROPRIATIONS TO REPAY GENERAL FUND CASH ADVANCES. Makes general fund appropriations for fiscal year 2016-2017 to repay prior general fund cash advances of \$89,900,000 for the purchase of lands of the former Kapalama Military Reservation and of \$13,300,000 for the Hawaii Health Systems Corporation.	FIN
<u>HB2317</u>	MAKING AN APPROPRIATION TO THE EMERGENCY AND BUDGET RESERVE FUND. Makes a general fund appropriation of \$100,000,000 for fiscal year 2016-2017 to further capitalize the Emergency and Budget Reserve Fund.	FIN
<u>HB2318</u>	RELATING TO QUALIFIED DOMESTIC RELATIONS ORDERS. Authorizes and requires the Employees' Retirement System to make direct payment to a spouse or former spouse of a system member or retirant of all or a portion of the member's or retirant's retirement benefits pursuant to a "qualified domestic relations order."	LAB, FIN
<u>HB2319</u>	RELATING TO MONEY TRANSMITTERS. Clarifies chapter 489D, Hawaii Revised Statutes, requirements for money transmitter licensee change in control application, including requirement for criminal background check of persons who will assume control of the licensee. Updates reference to federal Regulation E.	CPC, FIN

HB2320 RELATING TO ESCROW DEPOSITORIES.

CPC, JUD

Clarifies chapter 449, Hawaii Revised Statutes, by adding definitions and change in control requirements. Identifies previously authorized fees for initial license issuance; adds a nominal fee for license reissuance upon licensee name change; moves fee for application for proposed change in control to fee section. Authorizes the commissioner to implement use of NMLS, and changes license renewal date from July 1 to December 31 to conform to NMLS. Adds criminal background check and disclosure requirements to licensure and change in control applications, and amends section 846-2.7, Hawaii Revised Statutes, accordingly.

HB2321 RELATING TO MORTGAGE INDUSTRY REGULATION.

CPC, FIN

Clarifies chapter 454F, Hawaii Revised Statutes, requirements for mortgage loan originators, and chapter 454M, requirements for mortgage servicers. Amends various definitions, including the definition of "residential mortgage loan". Moves mortgage servicer provisions that appear in chapter 454F, to chapter 454M, including a fee for a name or address change, that will apply to all mortgage servicers. Abolishes the mortgage loan servicer loan modification license under chapter 454F. Updates references to federal regulations.

HB2322 RELATING TO INSURANCE.

CPC

Requires the Insurance Commissioner to determine whether residential property insurance is unavailable due to a moratorium on insurance policies in a lava zone during a state of emergency due to lava flow.

HB2323 RELATING TO THE INSURANCE HOLDING COMPANY

CPC, FIN

SYSTEM.

Adopts revisions to the National Association of Insurance Commissioners' model law on the Insurance Holding Company System Regulatory Act.

HB2324 RELATING TO INSURANCE.

CPC, FIN

Adopts the National Association of Insurance Commissioners' ("NAIC") Risk Management and Own Risk and Solvency Assessment Act; applies chapter 431, Hawaii Revised Statutes, provisions to risk retention captive insurance companies; includes new corporate governance language from the NAIC Model Risk Retention Act.

HB2325 RELATING TO INSURANCE.

CPC, FIN

Makes various updates to title 24, Hawaii Revised Statutes, including: requiring property insurers to establish catastrophe reserve funds; requiring an insurer seeking to discontinue writing property coverage to file an affidavit; requiring the Insurance Commissioner's authorization for insurers providing residential property coverage; requiring insurers to file their premium tax statements electronically and to pay electronically; applying consumer protections to short-term health policies with preexisting conditions provisions; including physician assistantdelivered services under coverage for child health supervision for accident and health or sickness policies and for mutual benefit societies; requiring an entity to notify a claim filer under certain conditions; prohibiting a risk retention group from being a sponsor of and allowing it to be a participant in a sponsored captive insurance company; providing mental illness benefits coverage to licensed dietitians; requiring an entity's duty to respond to the Insurance Commissioner during an investigation or examination; providing visual or optometric services coverage for licensed physicians and optometrists and surgical or emergency services coverage for dentists under health plans of mutual benefit societies; providing coverage for pharmacistdelivered contraceptive services; and making other housekeeping and conforming amendments.

HB2326 RELATING TO MORTGAGE RESCUE FRAUD.

CPC, FIN

Harmonizes Hawaii's Mortgage Rescue Fraud Prevention Act with the Federal Trade Commission's Mortgage Assistance Relief Services Rule. Provides technical amendments.

HB2327 RELATING TO CONSUMER PROTECTION.

JUD

Clarifies scope of Office of Consumer Protection investigator

powers.

HB2328 RELATING TO TOWING.

TRN, CPC

Defines "vehicle owner", "scene", and "hooked up" for the purposes of towing unattended vehicles. Makes clarifying amendments. Specifies that violations of the section shall be per se violations of section 480-2, Hawaii Revised Statutes, and repeals prior fine provisions.

HB2329 RELATING TO CONSUMER PROTECTION.

CPC, JUD

Clarifies that the statute of limitations governing it does not apply to the State and its agencies with respect to chapter 480, Hawaii Revised Statutes. Repeals subsection (b) of section 480-24, Hawaii Revised Statutes. Technical amendments.

24, Hawan Kevised Statutes. Technical amendments.

		Committee REFERRAL
<u>HB2330</u>	RELATING TO THE PUBLIC UTILITIES COMMISSION. Amends the Public Utilities Commission Special Fund law to increase from \$1,000,000 to \$3,000,000 the balance that may be retained in the Public Utilities Commission Special Fund at the end of each fiscal year.	CPC, FIN
<u>HB2331</u>	RELATING TO BOARD MEMBER TERMS FOR THE BOARD OF NURSING AND THE BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY. Amends the board member terms in sections 457-3 and 468E-6(c), Hawaii Revised Statutes, from three years to four years to align the terms of members of the Board of Nursing and the Board of Speech Pathology and Audiology with the terms of members of the other twenty-three boards and commissions under the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs.	HLT, CPC
<u>HB2332</u>	RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE. Repeals the Joint Formulary Advisory Committee established under chapter 457, Hawaii Revised Statutes, and allows the Board of Nursing to determine the exclusionary formulary for qualified advanced practice registered nurses with prescriptive authority.	HLT, CPC
<u>HB2333</u>	RELATING TO NURSING. Allows the Board of Nursing to more fully participate in Nursys, a national database for nurse licensees by sharing license and disciplinary action information.	CPC, JUD
<u>HB2334</u>	RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS. Authorizes the issuance of a citation for specific violations of massage therapy laws by licensees. Sets forth a process for licensees to contest the citation and provides for the assessment of fines for each violation.	CPC, JUD, FIN
<u>HB2335</u>	RELATING TO PHYSICIAN DISCIPLINE. Authorizes the Hawaii Medical Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency. Establishes conditions for the disciplinary action. Prohibits the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state.	HLT, CPC

		REFERRAL
<u>HB2336</u>	RELATING TO THE REAL ESTATE EDUCATION FUND. Removes the ambiguity caused by the mandatory and discretionary language; allows the continuity of Real Estate Education Fund operations; brings the Real Estate Education Fund in line with other operational funds within the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs; allows the Real Estate Education Fund's budget scrutiny to occur through the rulemaking process.	CPC, FIN
<u>HB2337</u>	RELATING TO THE STATE LIBRARIAN'S SALARY. Increases the salary cap on the State Librarian position.	EDN, FIN
<u>HB2338</u>	RELATING TO EDUCATION. Repeals annual increment and step salary increases for Department of Education teachers and educational officers.	EDN, FIN
<u>HB2339</u>	RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED. Lowers the required blood quantum to one-thirty second Hawaiian for the lessee's relatives currently eligible to succeed to a lease with one-thirty second Hawaiian including a lessee's husband, wife, children, grandchildren, brothers or sisters.	OMH, JUD, FIN
<u>HB2340</u>	RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT. Amends the Child Protective Act to allow the Department of Human Services to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged victim child.	HUS, JUD
<u>HB2341</u>	RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM. Continues the Hospital Sustainability Program for one year. Appropriates funds out of the Hospital Sustainability Program Special Fund for fiscal year 2016-2017.	HLT/HUS, FIN
HB2342	RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM. Continues the Nursing Facility Sustainability Program for one year. Appropriates funds out of the Nursing Facility Sustainability Program Special Fund for fiscal year 2016-2017.	HLT/HUS, FIN

Committee

HB2343 RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS.

HUS/HLT, JUD

Brings state law into alignment with changes to federal law regarding the Child Care and Development Block Grant, Public Law 113-186. Requires the Department of Human Services to establish minimum health and safety requirements for child care providers, including applicants, household members, employees, and prospective employees of licensed and registered child care homes and facilities, as well as persons exempt pursuant to section 346-152, Hawaii Revised Statutes, to be eligible to provide care to a child whose family receives a child care subsidy from the Department.

RELATING TO ORDERS FOR IMMEDIATE PROTECTION. HB2344

HUS, JUD

Amends section 346-231, Hawaii Revised Statutes, to address inconsistencies in statutory requirements regarding orders for immediate protection; and allows the Department of Human Services discretion when to seek an order for immediate protection of vulnerable adults.

RELATING TO CERTIFIED NURSE AIDES. HB2345

HUS/HLT, JUD

Repeals section 346-47 and amends sections 457A-1.5, 457A-2, and 457A-3, Hawaii Revised Statutes, to delete references to the Department of Human Services as licensing or certifying health care settings; and deletes references to the Department of Human Services investigating and disciplining certified nurse aides employed in health care settings.

RELATING TO THE HAWAII PUBLIC HOUSING HB2346

HSG, LAB, FIN

AUTHORITY.

Expands the civil service exemption for employees hired under the tenant hire program by the Hawaii Public Housing Authority by removing the percentage limit on such hires.

HB2347 RELATING TO PUBLIC LANDS. WAL/OMH, JUD,

FIN

Exempts Hawaii Public Housing Authority lands from the definition of "public lands" in section 171-2, Hawaii Revised

Statutes.

HB2348 RELATING TO PERMANENT EXEMPT POSITIONS IN THE HUS, LAB, FIN

DEPARTMENT OF HUMAN SERVICES.

Restores the second deputy director position for the Department of Human Services, establishes the community/project development director, the policy director, and provides appropriations for that second deputy director position, a private secretary for that deputy director, the community/project development director, and the policy director. Converts six identified positions in the Med-QUEST division to permanent

civil service exempt status.

HUS, LAB, FIN

HB2349 RELATING TO YOUTH TRANSITIONING FROM FOSTER HUS, FIN

CARE.

Extends the application deadline for financial assistance for higher education available to foster or former foster youth, clarifies that financial assistance is for related higher education costs, and clarifies eligibility and program requirements of the Young Adult Voluntary Foster Care Program.

HB2350 RELATING TO FOSTER CHILDREN. HUS, JUD

> Updates the wording from "foster boarding home" to "resource family home" and "foster parents" to "resource caregivers"; establishes qualified immunity for resource caregivers and child caring institutions; adds the requirement that resource caregivers and child care institutions use the reasonable and prudent parent standard when authorizing children in foster care to participate in activities; and changes the age from sixteen to fourteen years of age for children in foster care to be involved in their foster care plans.

HB2351 RELATING TO SERVICES PERFORMED BY CIVIL LAB, FIN

SERVICE EMPLOYEES.

Authorizes establishment of civil service positions and appropriates associated general and non-general funds to enable Executive Branch departments to provide services to the public with civil service employees rather than through contracting.

RELATING TO CHARTER SCHOOLS. LAB, EDN, FIN HB2352

> Requires charter schools to administer and pay charter schools workers' compensation claims, and secure necessary funding to support payment for charter schools workers' compensation liabilities under one of the several options allowed by the Hawaii workers' compensation law, including self-insurance. Effective July 1, 2016.

HB2353 RELATING TO EXEMPTIONS FROM CIVIL SERVICE.

> Restores the second deputy director position for the Department of Human Services. Designates identified positions in the Director's Office of the Department of Human Services as permanently exempt. Converts identified positions in the Department of Health, the Department of Human Services, the Department of Public Safety, the Department of Labor and Industrial Relations, and the Department of Business, Economic Development and Tourism to permanent exempt status.

HB2354 RELATING TO AMENDING IDENTITY OF REGISTRANT'S HLT, JUD PARENT ON A BIRTH CERTIFICATE. Clarifies that amendments to birth records that change parenthood shall not be conducted through the Uniform Information Practices Act procedures to correct personal records, but must be pursuant to a court order of appropriate jurisdiction or other legal establishment of parenthood. RELATING TO RELATING TO OPIOID OVERDOSE. HB2355 HLT, CPC/JUD, Creates immunity for individuals who prescribe, possess, or FIN administer an opioid antagonist such as naloxone hydrochloride during an opioid-related drug overdose. Authorizes emergency personnel/first responders to administer naloxone hydrochloride. Requires Medicaid coverage for naloxone hydrochloride. Exempts pharmacists and pharmacies from licensure and permitting requirements, except for drug storage requirements, for storing and distributing opioid antagonists. Allows pharmacists to dispense naloxone hydrochloride without a prescription. RELATING TO BIRTH DEFECTS. HB2356 HLT, JUD Clarifies the use of the birth defects data to include health care providers. RELATING TO AGE OF CONSENT FOR ADOLESCENT HB2357 HLT, JUD, FIN MENTAL HEALTH SERVICES. To reduce barriers in accessing mental health care for adolescents by lowering the age of consent to receive treatment from 18 years old to 12 years old. RELATING TO DEVELOPMENTAL DISABILITIES. HB2358 HUS, EDN, FIN Amends the definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports, has a high probability of meeting criteria for developmental disabilities later in life. RELATING TO FORENSIC MENTAL HEALTH HB2359 HLT, JUD, FIN PROCEDURES. Ensures the timely administration of mental health examinations; supports the process of expedient administration of justice; and clarifies the procedure for reevaluation of fitness to proceed after a finding of unfitness and attempts at restoration. HB2360 RELATING TO THE HAWAII HEALTHCARE WORKFORCE HLT, FIN ADVISORY BOARD. Specifies that the nursing member of the Hawaii Healthcare Workforce Advisory Board is the Executive Director of the Hawaii State Center for Nursing.

LAB, FIN

LAB, JUD

HB2361 MAKING AN APPROPRIATION FOR THE PREMIUM

SUPPLEMENTATION TRUST FUND.

Makes an appropriation to replenish funds in the Premium Supplementation Trust Fund to cover the costs of health care

expenses for eligible employees and for premium supplementation for employers that are entitled to premium

supplementation under the Prepaid Health Care Law.

HB2362

RELATING TO THE HAWAII WORKFORCE

DEVELOPMENT COUNCIL.

Conforms the State Workforce Development Council Law to new federal requirements in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128, which supersedes the Workforce Investment Act of 1998 (WIA).

HB2363 RELATING TO LABOR. LAB, CPC, FIN

Excludes employers from providing Temporary Disability Insurance (TDI) coverage for themselves if they perform services for, their own corporation, limited liability company (LLC), limited liability partnership (LLP), partnership, or sole proprietorship. Allows the Director to receive electronic reports of injuries and other workers' compensation required reports. Increases the penalties for not having TDI coverage, for failure to make correct or timely benefit payments, for terminating such benefits, for failure to file medical reports, for employer's failure to provide copies of requested medical reports, for not having Workers' Compensation coverage, and for the deduction of premium payment from employee wages.

HB2364 RELATING TO WORKERS' COMPENSATION. LAB, CPC, FIN

Amend the repeal date for the provision in 386-78(a), Hawaii Revised Statutes, that provides that compromises for workers' compensation claims reached as a result of a third-party liability claim or action do not require the approval of the Director of Labor and Industrial Relations. Repealed June 30, 2017.

HB2365 RELATING TO HEALTH INSURANCE. HLT/LAB, CPC,

FIN

Establishes the Hawaii State Health Insurance Programs, and a State Health Insurance Exchange for the purpose of the State effectuating the Patient Protection and Affordable Care Act and the Prepaid Health Care Act; Repeals the Hawaii Health Connector Law; provides appropriations to the Department of Labor and Industrial Relations and the Department of Human

Services.

RELATING TO THE HAWAII CIVIL RIGHTS HB2366 LAB, JUD, FIN COMMISSION. Authorizes the Hawaii Civil Rights Commission Executive Director to dismiss a discrimination complaint and issue a notice of right to sue after a determination of a reasonable cause of discrimination is made and conciliation fails. Amends the Executive Director's authority with respect to fair housing to comply with the federal Fair Housing Act. RELATING TO THE PREVENTION OF UNFAIR LABOR HB2367 LAB, CPC PRACTICES. Allows the Hawaii Labor Relations Board the option of serving complaints and notices of hearings via first class mail and also allow service by electronic means. HB2368 RELATING TO RECORDKEEPING. LAB, CPC, FIN Requires employers to keep a record of the physical addresses of the employer and the North American Industry Classification System code applicable to the employer; deletes anachronistic provision pertaining to insurance plan information. Takes effect on July 1, 2016. MAKING EMERGENCY APPROPRIATIONS FOR THE HB2369 LAB, HUS, FIN STATE TO COMPLY WITH THE AFFORDABLE CARE ACT. Makes an emergency appropriation for fiscal year 2015-2016 for the Department of Labor and Industrial Relations and the Department of Human Services to cover short-term costs required to comply with the Affordable Care Act. RELATING TO THE AFFORDABLE CARE ACT SECTION HB2370 LAB, HLT, FIN 1332 WAIVER. Authorizes the Governor to submit and implement a waiver from certain provisions of the Patient Protection and Affordable Care Act of 2010. RELATING TO STATE BOATING FACILITIES. HB2371 WAL, OMH, FIN Clarifies that the Board of Land and Natural Resources may lease all fast lands and submerged lands within any existing state boating facility without prior authorization of the Legislature by concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes. HB2372 RELATING TO COMMERCIAL ACTIVITY FOR OCEAN EDB, OMH, FIN RECREATION AND COASTAL AREAS. Amends the definition of "commercial activity" within section 200-4(a), Hawaii Revised Statutes.

		<u>REFERRAL</u>
<u>HB2373</u>	RELATING TO LIVEABOARD FEES. Increases the current rate of the liveaboard fee for state small boat harbors and clarifies that the liveaboard fee may be increased or decreased by rule adopted by the Department of Land and Natural Resources pursuant to chapter 91, Hawaii Revised Statutes.	WAL, FIN
<u>HB2374</u>	RELATING TO TRANSFERABILITY OF MOORING PERMITS. Allows a holder of a mooring permit within state small boat harbors to transfer the mooring permit to the new vessel owner under certain terms and conditions.	WAL, JUD
<u>HB2375</u>	RELATING TO AQUATIC MITIGATION BANKS. Authorizes the Department of Land and Natural Resources to establish and operate aquatic mitigation banks to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation.	OMH, FIN
<u>HB2376</u>	RELATING TO PREDATORS. Increases protection to human health and wildlife by prohibiting individuals from releasing, feeding, watering, or otherwise caring for unrestrained predators on state lands and provides a fine for individuals that violate this prohibition and an exemption for hunters who deploy, feed, or water unrestrained dogs in the course of hunting.	EEP/WAL, JUD
<u>HB2377</u>	RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997. Removes the sunset date on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and protecting the State's threatened and endangered species.	EEP, JUD
<u>HB2378</u>	RELATING TO FOREST RESERVES VIOLATIONS. Clarifies that any person violating any provision of part II of chapter 183, Hawaii Revised Statutes, or any rule adopted pursuant thereto shall be guilty of a petty misdemeanor, except for any violation of section 183-17, Hawaii Revised Statutes, that shall be a misdemeanor and repeals section 183-4, Hawaii Revised Statutes.	WAL, JUD
<u>HB2379</u>	RELATING TO COMMERCIAL USE OF STATE OCEAN WATERS. Authorizes the Department of Land and Natural Resources to limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so.	OMH, JUD

Committee

HB2380 RELATING TO AFTER-SCHOOL PROGRAMS. HUS, EDN, FIN

Establishes the R.E.A.C.H. (Resources for Enrichment, Athletics, Culture, and Health) program in the Office of Youth Services to provide a standardized framework and a funding mechanism for after-school programs in public middle schools. Requires the Office of Youth Services to report to the Legislature.

HB2381 RELATING TO TIME SHARE COMMISSIONERS OF CPC, JUD, FIN

DEEDS.

Clarifies the Lieutenant Governor's rulemaking authority; authorizes the Lieutenant Governor to assess and collect fees and administrative fines; clarifies that the Lieutenant Governor is responsible for the commissioners of deeds program; increases the surety bond requirement from \$1,000 to \$10,000; and makes appropriations. Effective July 1, 2016.

HB2382 RELATING TO THE PACIFIC-ASIA INSTITUTE FOR EDB, FIN

RESILIENCE AND SUSTAINABILITY.

Amends Act 229, Session Laws of Hawaii 2014, to make the Department of Business, Economic Development, and Tourism the State's liaison to the Pacific-Asia Institute for Resilience and

Sustainability.

HB2383 RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM

JUD

Amends chapter 353E, Hawaii Revised Statutes (HRS), to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "sex offender management team." Exempts the statewide integrated sex offender treatment program from the requirements of chapter 92,

HRS.

HB2384 RELATING TO PAROLE. PBS, JUD

Specifies that funds for discharged persons be subject to legislative appropriation. Clarifies circumstances under which the Hawaii Paroling Authority may grant early discharges. Provides discretion to the paroling authority with respect to initial pardon consideration as it relates to paroled prisoners.

PBS, JUD

HB2385

RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES.

Allows for a declaration to be filed with the petition as an alternative to an affidavit; expands the court's ability to continue the hearing on the petition for good cause; gives the court more flexibility in deciding when a guardian ad litem is necessary; changes the time requirement for filing for a court order for medical treatment from a period of within two days of an examination of the person to within five days; redefines the persons who must be notified of the petition; clarifies the effective expiration date of the order for persons who return to custody after release; and provides the ability for the department to seek an extension of an order to treat if necessary.

HB2386

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

HLT, JUD

Updates chapter 329, Hawaii Revised Statutes, to make it consistent with amendments in federal controlled substances law as required under section 329-11; amends section 329-1 to clarify existing definitions to be consistent with Federal controlled substance law; deletes definitions no longer utilized under federal law; adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system; clarify that individuals storing, conducting research, reverse distribution and analytical analysis with controlled substances must register with the Department and follow appropriate controlled substance statutes and rules; amend 329-23 to take advantage of technology in the posting of updates to Hawaii's drug schedules on the department's website; amend section 329-38 to be consistent with Federal limitations on the prescribing of Schedule II narcotic controlled substances; mandate that the collections of fines under section 329-49 be deposited into the State controlled substance registration revolving fund under section 329-59 to support the program; delete the requirement for a pseudoephedrine permit for transporting over 3 grams of pseudoephedrine as required under sections 329-73 and 329-74; amends chapter 329, part VIII ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM, Hawaii Revised Statutes, by adding language to mandate the requirement that all practitioners and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration; authorize the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to state, county, or federal regulatory agencies to the database when conducting joint regulatory investigations.

		<u>REFERRAL</u>
<u>HB2387</u>	RELATING TO PUBLIC SAFETY. Includes misdemeanor offenses under chapter 134 (Firearms, Ammunition and Dangerous Weapons), Hawaii Revised Statutes, to the offenses that disqualify parolees from the provisions of Act 139, Session Laws of Hawaii 2012.	PBS, JUD
<u>HB2388</u>	RELATING TO CORRECTIONAL FACILITIES. Creates an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and funding therefore and makes clarifying amendments.	PBS, EEP/WAL, FIN
<u>HB2389</u>	RELATING TO THE FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND. Allows the use of the Federal Reimbursement Maximization Special Fund for corrections workforce recruitment and retention.	PBS, FIN
<u>HB2390</u>	RELATING TO EMPLOYMENT PRACTICES. Adds the Department of Public Safety to the exceptions for the use of lie detector tests and psychological tests.	LAB/PBS, JUD
<u>HB2391</u>	RELATING TO THE RELEASE OF CERTAIN MISDEMEANANTS. Defines the circumstance for the Director of Public Safety to release pre-trial and sentenced misdemeanants at community correctional centers.	PBS, JUD
<u>HB2392</u>	RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE. Conforms Hawaii income and estate and generation-skipping transfer tax laws to the Internal Revenue Code of 1986, as amended as of December 31, 2015, and makes technical, nonsubstantive amendments.	FIN
<u>HB2393</u>	RELATING TO THE TAX REVIEW COMMISSION. Provides a measure for extending the reporting date of the 2015-2017 tax review commission and appropriates \$250,000 for fiscal year 2016-2017 for the commission.	FIN
HB2394	RELATING TO TAX ADMINISTRATION. Imposes interest on unpaid penalties and fines; requires filing with tax appeal court a notice of transfer upon transfer of appeal to tax appeal court; amends rate of interest on amounts paid out of litigated claims fund; and requires full payment of assessed taxes, penalties, and interest for the first appeal where the assessment exceeds \$50,000.	FIN

Committee

		<u>REFERRAL</u>
<u>HB2395</u>	RELATING TO THE DISCLOSURE OF TAX RETURN INFORMATION. Amends section 231-18, Hawaii Revised Statutes, to allow disclosure of tax return information to the Department of the Attorney General, federal, state, or local officials, and other persons in specified situations; and amends section 235-116, Hawaii Revised Statutes, to clarify that all information filed under chapter 235, Hawaii Revised Statutes, with any state agency is confidential.	JUD, FIN
<u>HB2396</u>	RELATING TO TAX ADJUSTMENTS. Specifies that taxpayers who file an amended return under section 235-101, Hawaii Revised Statutes, may not claim a refund unless such refund is claimed within the time limits established by section 235-111, Hawaii Revised Statutes.	FIN
<u>HB2397</u>	RELATING TO ADMINISTRATIVE TAX APPEALS AND DISPUTE RESOLUTION PROGRAM. Amends section 231-7.5, Hawaii Revised Statutes, to clarify the types of cases that can be appealed, clarify certain procedures, and make other technical, nonsubstantive changes.	JUD, FIN
<u>HB2398</u>	RELATING TO GENERAL EXCISE TAX LICENSES. Requires that any license issued under section 237-9, Hawaii Revised Statutes, be renewed annually; permits the department to charge a fee for annual renewals; and permits the department to require annual renewals be applied for online.	FIN
<u>HB2399</u>	RELATING TO GENERAL EXCISE TAX REPORTING FOR SPECIAL EVENTS. Requires operators of special events to file reports giving information about the vendors participating in special events. Grants Department of Taxation authority to issue citations for failure to file report.	EDB, FIN
<u>HB2400</u>	RELATING TO CIGARETTE SHIPPING LABELS. Amends the legal notice required on cigarette shipping containers to reference the age of twenty-one rather than the age of eighteen.	TRN, FIN
HB2401	RELATING TO DRIVER LICENSING. Establishes a standard maintenance fee to be collected from all driver's license applicants to support computer and software maintenance and updates for the driver licensing program.	TRN, FIN

Committee

REFERRAL HB2402 RELATING TO MOTOR VEHICLE INSPECTIONS. TRN, FIN Expands authority of the Director of Transportation over required motor vehicle and motor carrier vehicle inspections in the State. Upgrade the methods and procedures of state motor vehicle inspections because the current system is inefficient in that legislation needs to be passed every time an inspection fee is amended. Also, reduce the amount of insurance information required on an inspection certificate. RELATING TO THE MEDICAL ADVISORY BOARD. HB2403 TRN, FIN Amends the composition of the medical advisory board. HB2404 MAKING AN APPROPRIATION FOR A FEDERAL TRN, FIN INSPECTION STATION AT KONA INTERNATIONAL AIRPORT. Appropriates funds for a federal inspection station at Kona International Airport at Keahole. HB2405 RELATING TO DRIVER LICENSING. TRN, FIN Ensures driver license procedures are compliant with the Real ID Act. RELATING TO HIGHWAY SAFETY. HB2406 TRN, CPC, FIN Amends the law relating to the storage of opened container that contains intoxicating liquor or the consumption at the scenic lookout. Clarifies where intoxicating liquor may be kept in a motor vehicle. Further clarifies who and where an opened container may be possessed in a recreational vehicle, house coach, or house trailer. RELATING TO LAND DISPOSITIONS. HB2407 TRN, WAL, FIN Clarifies the statute that authorizes the Department of Transportation to negotiate disposition of lands under its control for specific purposes. RELATING TO LAND DISPOSITIONS. HB2408 TRN, WAL, FIN Authorizes the Department of Transportation to issue revocable permits without approval of the Board of Land and Natural Resources. RELATING TO TRANSPORTATION. HB2409 TRN, FIN Increases the State Fuel Tax to generate additional revenues for the State Highway Fund by amending section 243-4, Hawaii Revised Statutes. Allows for increase in the state motor vehicle registration fee and deposits the money into the State Highway Fund by amending section 249-31, Hawaii Revised Statutes. Increases the state motor vehicle weight tax and deposits the money into the State Highway Fund by amending section 249-

Committee

Hawaii Revised Statutes.

HB2410 RELATING TO THE UNIVERSITY OF HAWAII HED, FIN ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM. Repeals the sunset provisions, with respect to the University of Hawaii, from sections 40-1, 40-2, 40-4, 40-6, 40-58, and 40-81, Hawaii Revised Statutes. RELATING TO TECHNOLOGY TRANSFER AT THE HB2411 HED, JUD, FIN UNIVERSITY OF HAWAII. Clarifies that certain sections of the State Ethics Code shall not apply to technology transfer activities. Requires such activities to comply with the regulatory framework and research compliance program approved by the Board of Regents. Requires written status report to the Legislature every two years. HB2412 RELATING TO UNIVERSITY OF HAWAII RULEMAKING. HED, FIN Exempt certain adoption of regulations by the University of Hawaii from chapter 91, Hawaii Revised Statutes; require certain adoption of regulations by the University of Hawaii be subject to chapter 92, Hawaii Revised Statutes. RELATING TO THE UNIVERSITY OF HAWAII. HB2413 HED, FIN Authorizes the University of Hawaii to issue \$100,000,000 in revenue bonds for the purpose of financing the construction and maintenance of qualifying capital improvement projects. HB2414 RELATING TO THE UNIVERSITY OF HAWAII HED, FIN RESEARCH. Provides express legal authority to enable the University of Hawaii to create, promote, and participate in new economic enterprises that use university research and provide workforce opportunities for affiliated university personnel. HB2720 MAKING APPROPRIATIONS TO PROVIDE FOR THE FIN EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION. Appropriates funds to provide for the expenses of the Legislature, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and State Ethics Commission.

Committee REFERRAL

Committee	
RE-REFERRA	I

HED, JUD, FIN

<u>HB1531</u> RELATING TO PUBLIC SERVICE LEGAL LOAN

REPAYMENT ASSISTANCE.

Establishes a loan repayment program for attorneys who practice

in an area of law related to public service. Makes an

appropriation.

HB1767 RELATING TO FIREWORKS.

CPC, JUD, FIN

Expands exceptions to the general prohibitions on fireworks.

Imposes requirements upon shippers of fireworks.

HB1787 RELATING TO EDUCATION.

HUS/EDN, LMG,

Creates and appropriates funds for the Erin's Law task force to FIN

guide the establishment of a program to educate public school students on sexual abuse prevention through use of age

appropriate curricula; provide relevant training to school teachers and staff; and inform parents about important child sexual abuse

topics.

HB1857 RELATING TO RESPIRATORY THERAPISTS.

HLT/CPC, FIN

Makes permanent the regulation of respiratory therapists under

chapter 466D, Hawaii Revised Statutes.

HB1861 RELATING TO DENTAL HYGIENISTS.

HLT/CPC, FIN

Creates the board of dental hygienist examiners to oversee dental hygienists separate and apart from the board of dental examiners

who oversee dentists.

<u>HB1987</u> RELATING TO YOUTH GANGS.

HUS/EDN, JUD,

FIN

Appropriates funds for a coordinated gang response system to include the police departments, the office of youth services, the department of education, and the department of the attorney general. Appropriates funds to the University of Hawaii to conduct an evaluation of the youth gang response system created

by this Act.